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PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

SATURDAY, *May 26, 1928*

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; and

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The message further announced that the House had passed without amendment the following bills and joint resolutions of the Senate:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 764. An act for the relief of J. F. Nichols;

S. 1217. An act for the relief of Albert Wood;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1637. An act for the relief of Martha Henson;

S. 1646. An act for the relief of James M. E. Brown;

S. 1691. An act for the relief of William A. Light;

S. 1852. An act to correct the naval record of John Lewis Burns;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

S. 2473. An act for the relief of Will J. Allen;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*

S. 2519. An act for the relief of Robert W. Miller;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;

S. 2697. An act for the relief of Hattie M. McMahon;

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 2764. An act for the relief of Nelle McConnell;

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;

S. 2966. An act for the relief of Oliver C. Sell;

S. 3201. An act for the relief of Paul D. Carlisle;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia;

S. 4376. An act for the relief of Harry M. King;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 1448. An act for the relief of Omer D. Lewis;

S. 2319. An act for the relief of John W. Stockett;

S. 1541. An act for the relief of George A. Robertson;

S. 19. An act for the relief of Frank Topping and others;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 374. An act for the relief of Lulu Chaplin; and

S. 1122. An act for the relief of S. Davidson & Sons.

The message further announced that the House had passed the following bills of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys of the Creek Nation, and for other purposes;

S. 1434. An act for the relief of Mattie Holcomb;

S. 2372. An act to amend section 201, subdivision (1), of the World War veterans' act, 1924, as amended; and

S. 1769. An act for the relief of the legal representative of the estate of Haller Nutt, deceased.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1390. An act for the relief of Maj. Lester L. Lampert;

H. R. 1539. An act for the relief of Edward J. Costello;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2427. An act for the relief of Morris Dietrich;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 2817. An act for the relief of Michael J. Bauman;

H. R. 3168. An act for the relief of Douglas B. Espy;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3278. An act for the relief of Richard A. Chavis;

H. R. 3443. An act for the relief of Alfred O. Huestis;

H. R. 3462. An act for the relief of Paul Jelna;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 3937. An act for the relief of the heirs of Thomas G. Wright;

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 4387. An act for the relief of Ida E. Godfrey;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 4781. An act for the relief of the legal representatives of Cobb, Blasdell & Co.;

H. R. 4811. An act to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as a first lieutenant in the United States Army;

H. R. 5019. An act for the relief of T. G. Roberts;

H. R. 5222. An act for the relief of Robinson Newbold;

H. R. 5223. An act for the relief of Michael Marley;

H. R. 5773. An act to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes;

H. R. 5948. An act for the relief of George Joseph Boydell;

H. R. 6112. An act for the relief of Armstrong Hunter;

H. R. 6127. An act for the relief of Basil N. Henry;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 6549. An act for the relief of Lewis W. Crain;

H. R. 7079. An act for the relief of John Golombiewski;

H. R. 7236. An act for the relief of James M. Long;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 7324. An act for the relief of Orla W. Robinson;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 8341. An act to provide for appointing Clarence Ulery, a warrant officer, United States Army;

H. R. 8464. An act for the relief of Raymond Nelson Hickman;

H. R. 8597. An act for the relief of Ernest L. Silvers;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8751. An act for the relief of Robert W. Miller;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 8986. An act for the relief of John W. Bates;

H. R. 9071. An act for the relief of Ed Burleson;

H. R. 9210. An act for the relief of Lieut. George H. Hauge, United States Army;

H. R. 9300. An act for the relief of Joseph N. Marin;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 9412. An act for the relief of Frank D. Peck;

H. R. 9453. An act for the relief of Tracy Lee Phillips;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 9516. An act for the relief of Capt. W. B. Finney;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 9719. An act for the relief of George A. Day;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9751. An act for the relief of Robert Y. Garrison;

H. R. 9827. An act for the relief of George Pettit;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 9995. An act for the relief of Lucius K. Osterhout;

H. R. 10034. An act for the relief of Capt. Alexander C. Doyle;

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10194. An act for the relief of Maria Hensley Clay;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 10913. An act to compensate Talbird and Jenkins for balance due on contracts with Navy Department, dated March 20 and October 9, 1919;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11216. An act for the relief of James Scott;

H. R. 11239. An act for the relief of H. W. Dickson and Mary L. Dickson;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11607. An act for the relief of Capt. Roger H. Young;

H. R. 11754. An act for the relief of Edward Knight;

H. R. 11859. An act for the relief of B. C. Miller;

H. R. 12012. An act for the relief of Albert I. Riley;

H. R. 12021. An act for the relief of Samuel S. Michaelson;

H. R. 12117. An act for the relief of Samuel F. Tait;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12641. An act for the relief of George A. Cole;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12764. An act for the relief of Commander Chester G. Mayo;

H. R. 12793. An act for the relief of Alonzo Durward Allen;

H. R. 12869. An act to permit the United States to be made a party defendant in a certain case;

H. R. 12834. An act for the relief of James W. Smith;

H. R. 12844. An act to amend the naval record of John M. Reber;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 12966. An act for the relief of Jeannette S. Jewell;

H. R. 13097. An act for the relief of Thomas W. Moore;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 13302. An act granting a pension to the survivors of the Jeanette relief expedition;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union;

H. R. 14057. An act for the relief of Edmund F. Hubbard;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 129. Joint resolution for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; and

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and en-

listed personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 13446. An act to amend the national defense act;

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations; and

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Locher	Sheppard
Barkley	Edwards	McKellar	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Metcalf	Smoot
Blease	Gillett	Moses	Steck
Borah	Glass	Neely	Steiwer
Bratton	Greene	Norris	Stephens
Brookhart	Hale	Nye	Swanson
Broussard	Harris	Oddie	Thomas
Bruce	Harrison	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Caraway	Hayden	Pine	Vandenberg
Copeland	Heflin	Pittman	Wagner
Couzens	Howell	Reed, Mo.	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Walsh, Mont.
Cutting	Kendrick	Robinson, Ark.	Warren
Dale	Keyes	Robinson, Ind.	Waterman
Deneen	King	Sackett	Watson
Dill	La Follette	Schall	Wheeler

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITION

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called Walsh resolution, being the joint resolution (S. J. Res. 122) to permit admission within the quota of relatives of declarants who have been admitted to the United States prior to July 1, 1924, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. NYE (for Mr. SCHALL), from the Committee on Indian Affairs, to which was referred the bill (S. 4488) declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians, reported it without amendment and submitted a report (No. 1295) thereon.

Mr. DILL, from the Committee on Patents, to which was referred the joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918, reported it without amendment.

Mr. METCALF, from the Committee on Patents, submitted the views of the minority to accompany Senate Joint Resolution 35, just above reported from the same committee, which were ordered to be printed as Report No. 1300.

He also, from the same committee, to which was referred the bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War, reported it without amendment and submitted a report (No. 1296) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9049) to amend section 227 of the Judicial Code (Rept. No. 1298); and

A bill (H. R. 9051) to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes" (Rept. No. 1299).

Mr. STECK, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3170) for the relief of Franklin B. Morse (Rept. No. 1301);

A bill (H. R. 1533) for the relief of Theodore Herbert (Rept. No. 1302); and

A bill (H. R. 3723) for the relief of John M. Andrews (Rept. No. 1303).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 4337) for the relief of Booth & Co. (Inc.), a Delaware corporation, reported it without amendment and submitted a report (No. 1304) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4470) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn., reported it without amendment and submitted a report (No. 1305) thereon.

Mr. LOCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 12938) for the relief of the State of Ohio, reported it without amendment and submitted a report (No. 1306) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7378) for the relief of Wade Allen and Ed Johnson (Rept. No. 1318);

A bill (H. R. 8529) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey under bareboat charter from a Danzig corporation (Rept. No. 1307);

A bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y. (Rept. No. 1308);

A bill (H. R. 9320) for the relief of the Home Insurance Co., of New York, N. Y. (Rept. No. 1309);

A bill (H. R. 9710) for the relief of the State of South Carolina (Rept. No. 1310); and

A bill (H. R. 12280) for the relief of Lula Lewis (Rept. No. 1319).

Mr. HOWELL also, from the Committee on Claims, to which was referred the bill (H. R. 5944) for the relief of Walter D. Lovell, reported it with an amendment and submitted a report (No. 1311) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 3844) for the relief of Myra Madry, reported it without amendment and submitted a report (No. 1312) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 2441) for the relief of Frank Murray, reported it with an amendment and submitted a report (No. 1314) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4570) to authorize alterations and repairs to certain naval vessels (Rept. No. 1315);

A bill (S. 4571) to authorize an increase in the limit of cost of one fleet submarine (Rept. No. 1316); and

A bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes (Rept. No. 1317).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day—May 26, 1928—that committee presented to the President of the United States the following enrolled bills:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes;

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes, on the Fort Peck Indian Reservation, Mont.;

S. 3620. An act granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926;

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across the Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; and

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.

PROPOSED AMENDMENT OF JUDICIAL CODE

Mr. NORRIS. Mr. President, I was directed by the Committee on the Judiciary at its meeting this morning to make a request of the Senate, which I will submit as soon as I have made an explanatory introduction.

Near the beginning of the present session there was introduced by the Senator from Minnesota [Mr. SHIPSTEAD] a bill to amend the Judicial Code, which is generally known throughout the country as the injunction bill. A subcommittee was appointed, consisting of the Senator from Wisconsin [Mr. BLAINE], the Senator from Montana [Mr. WALSH], and myself, to consider the bill. The subcommittee had very extensive hearings, gave it a great deal of consideration, and devoted a great deal of time to it, and finally unanimously reported to the full committee a substitute bill. It was intended to try to get that bill reported from the full committee, but in the last week or two it has been an impossibility, on account of the pressure of work on all Senators which everybody understands, to give it the consideration which a bill of such importance deserves.

At the meeting of the Judiciary Committee this morning I was asked to have the bill, in the form in which the subcommittee reported it to the full committee and the form in which it is now pending before the full committee, printed in the RECORD in order that we might give as much publicity to it as possible, and inform the Senate and the country to the greatest possible extent as to just what is pending before the Committee on the Judiciary.

I therefore ask, as a part of my remarks, to have inserted in the RECORD at this point a copy of the bill which contains the substitute prepared and recommended by the subcommittee.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Mr. President, as I understand, this is not intended in any sense as a report of the committee?

Mr. NORRIS. Oh, no.

Mr. BRUCE. I understand it is not the intention of the Senator to press the matter at this time?

Mr. NORRIS. Oh, no; not at all. The committee themselves have not yet acted on the report of the subcommittee. We realize that it is a bill of great importance, and we do not want to have anything occur which might lead anyone to believe that the subcommittee or the committee itself were reporting a bill of such importance without full consideration. We want to give it as much publicity as possible. We are not reporting the bill at this time.

Mr. ROBINSON of Arkansas. It is merely a request to have the bill printed in the RECORD?

Mr. NORRIS. That is all. We want to give it as much publicity as possible.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill referred to is as follows:

A bill (S. 1482) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes

Be it enacted, etc., That no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or injunction in a case involving or growing out of a labor dispute, except—

(a) When the procedure followed and the order issued by the court shall conform to the definitions of, and the limitations upon, the jurisdiction and authority of the court contained in this act; and

(b) When the issuance of such a restraining order or injunction shall not be contrary to the public policy declared in this act.

SEC. 2. In the interpretation of this act and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are herein defined and limited, the public policy of the United States is hereby declared as follows:

Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the United States are hereby enacted.

SEC. 3. No undertaking or promise, such as is described in this section, or any other undertaking or promise contrary to the public policy declared in section 2 of this act, shall be enforceable or shall afford any basis for the granting of legal or equitable relief by any court of the United States, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby—

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement understakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

SEC. 4. No court of the United States shall have jurisdiction to issue any restraining order or injunction in cases involving or growing out of any labor dispute to prohibit any person or persons participating and interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating and interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating and interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

SEC. 5. No court of the United States shall have jurisdiction to issue a restraining order or injunction upon the ground that any of the persons participating and interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

SEC. 6. No officer or member of any association or organization, and no association or organization participating and interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

SEC. 7. No court of the United States shall have jurisdiction to issue an injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and except after finding of fact by the court, to the effect—

(a) That unlawful acts have been committed and will be continued unless restrained;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief sought greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to those public officers charged with the duty to protect complainant's property: *Provided, however,* That if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days, and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file a bond sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

SEC. 7a. No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or arbitration.

SEC. 7b. No restraining order or temporary injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such order or injunction.

SEC. 7c. Whenever any court of the United States shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the circuit court of appeals for its review. Upon the filing of such record in the circuit court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceeding precedence over all other matters except older matters of the same character.

SEC. 8. In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court of the United States (as herein defined), the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed: *Provided,* That this requirement shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

SEC. 9. When used in this act, and for the purposes of this act—

(a) A case shall be held to involve or to grow out of a labor dispute if the case involves persons who are engaged in the same industry, trade, craft, or occupation; or who are employees of the same employer; or who are members of the same organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employers or associations of employees; (2) between one or more employers or associations of employers and one or more employers or associations of employers; or (3) between one or more employers or associations of employers and one or more employees or associations of employees.

(b) A person or association shall be held to be a person participating and interested in a labor dispute if relief is sought against him or it and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or is a member, officer, or agent of any association of employers or employees engaged in such industry, trade, craft, or occupation.

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms and conditions of employment, or concerning employment relations, or any other controversy arising out of the respective interests of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(d) The term "court of the United States" means any court of the United States whose jurisdiction has been or many be conferred or defined or limited by act of Congress.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Amend the title so as to read: "A bill to define and limit the jurisdiction of the courts of the United States, and for other purposes."

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. WARREN. Mr. President, I present a conference on the second deficiency appropriation bill and ask for its adoption.

The VICE PRESIDENT. The clerk will read the report.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 30, 36, 51, 52, 62, 68, 69, 72, 85, 86, 88, 93, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 26, 28, 29, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 66, 67, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 87, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 116, 117, 119, 120, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$12,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following as a new paragraph:

"The sum of $60,000 of the foregoing sums under Employees' Compensation Commission, applicable to the enforcement of the act entitled 'An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes,' approved May 17, 1928, shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"GENERAL ACCOUNTING OFFICE

"To enable the General Accounting Office to report to Congress the amount of the funds of the several Indian tribes, the investment thereof, the rate of interest thereon, and such additional information pertinent to the funds of such tribes as may be essential, including the employment in the District of Columbia and elsewhere of the necessary personal services without regard to civil service laws and regulations, fiscal years 1928 and 1929, $20,000."

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"AIRCRAFT IN COMMERCE

"Aircraft in commerce: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $72,500, to remain available until June 30, 1929, of which amount not to exceed $35,000 may be expended for personal services in the District of Columbia.

"Air navigation facilities: For an additional amount covering the same objects and purposes as specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1928, $1,000,000, to remain available until June 30, 1929, of which amount not to exceed $15,360 may be expended for personal services in the District of Columbia."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and/or"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INCREASE OF THE NAVY

"Construction and machinery: Toward the preparation of plans and estimates of cost of hulls and outfits of vessels and machinery of vessels authorized in the 'Act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, fiscal year 1929, $200,000, to remain available until expended."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000,000"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 5 and 6 of the matter inserted by said amendment strike out "(H. R. 11134, Seventieth Congress)"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lines 4 and 5 of the matter inserted by said amendment strike out the words "fiscal year 1928" and insert in lieu thereof "fiscal years 1928 and 1929"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: After the sum "$193,500" insert the following: "to be subject to the terms and conditions as set forth in such act"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. HALE. Mr. President, on page 62 of the bill as it passed the Senate there was inserted an amendment under "Pay, miscellaneous: Not to exceed $20,000 of the amount appropriated for pay, miscellaneous, in the naval appropriation act for the fiscal year 1929, shall be available for expenses, including payment for the services of experts in connection with the research and investigation of safety devices and appliances for submarines."

I understand from the conference report that this amendment has been left out. I understand further that it was left out not to stop the appointment of the commission of experts but because the House thought that the matter was taken care of under an appropriation which was made in the naval appropriation bill for the coming year. Am I correct, may I ask the Senator in charge of the bill?

Mr. CURTIS. Mr. President, that was the understanding of the conferees and the assurance which was given. The provision of the law was read to us in that connection.

Mr. HALE. And there is sufficient law already existing for the appointment of such a commission and an appropriation already in force under which it can be taken care of?

Mr. CURTIS. That is the understanding.

Mr. HALE. I want it distinctly understood that there is no intention on the part of Congress to prevent the appointment of this commission of experts, which is of great importance to the safety of the Navy.

Mr. WARREN. Oh, no. The Senate conferees were compelled to take the views of the House conferees because they were able to show to our satisfaction that the appointment of the commission will not be interfered with.

Mr. HALE. Then the matter is satisfactorily taken care of?

Mr. WARREN. Yes.

Mr. BINGHAM. Mr. President, I desire to say a few words on the conference report. The chairman of the committee [Mr. WARREN] will remember that I was greatly interested in two items in the bill which the House conferees have not been willing to agree to.

The first one is in regard to aviation. The growth of aviation in the last few months, since the flight of Colonel Lindbergh, has been phenomenal. Those most interested in aviation, even those most optimistic, have been amazed at the rapidity of the growth of commercial aviation. Whereas a couple of years ago there were very few planes being built for commercial aviation, not more than two or three hundred in a year, in this present year the estimate runs between 4,000 and 5,000. One of the large companies building cheap planes for commercial aviation will soon be producing at least one plane an hour.

Statistics published by the Department of Commerce show that the great number of accidents in aviation which have taken place within the last year in commercial aviation have been due to uninspected planes and unexamined pilots. Where the pilots have been passed by the Department of Commerce and have received their Federal license, and where the planes have been passed upon by the Department of Commerce or by some well-equipped State aviation commissioner, such as those in Massachusetts and Connecticut, accidents have been at a minimum.

The Department of Commerce, not realizing the tremendous growth that was going to take place, did not come before the Budget Bureau in time to present successfully its claims for the regular appropriation for the Department of Commerce for the money needed for inspection purposes. The Assistant Secretary of Commerce for Aeronautics came before the committee and at our request showed the committee the necessity for his department having 16 more planes in order that the inspectors might fly readily from field to field and from factory to factory and not delay the production of commercial planes and not delay the licensing of pilots.

The number of schools that teach flying has increased enormously in the last few months. There are now more than 200 such schools. The number of factories is constantly increasing. We are not asking for more inspectors, but a request was made for more planes for the department in order that less time might be lost and in order that the planes might be passed upon more rapidly.

The committee finally recommended an appropriation of about $125,000 additional, in order to purchase 11 more planes for the Department of Commerce, not all that were considered needed but what the committee thought might profitably be used, and also to provide additional clerical force here in Washington, where the business of that department has so increased during the last few months that the clerks have been working at night, and the progress of commercial aviation has been seriously hampered, due to the lack of clerical force and the lack of appropriations. The Senate approved of this appropriation, but the House committee refused to allow a single dollar of the $125,000 additional that the Senate put in.

Mr. REED of Missouri. Mr. President, what does the Department of Commerce need with airplanes?

Mr. BINGHAM. The planes are used, I will say to the Senator, for flying from one field to another, and from one factory to another, in the examination of pilots and the inspection of planes. For instance, in the district in the West where the

most planes are being manufactured, in the vicinity of Kansas, and particularly in Wichita—and planes are also being manufactured in Denver—there is only one inspector provided for that district. By flying back and forth between Wichita and Denver and the other places in that section where pilots are being trained and planes are being built time is saved, and, instead of production being held back, production would be increased if a plane were provided for that inspector. The same thing holds true as to other districts.

Mr. REED of Missouri. How many additional planes does the department want?

Mr. BINGHAM. The department asked for 16 additional planes, but the Senate committee thought that 11 were all that were necessary.

Mr. REED of Missouri. Was there any provision that they could not be used in the coming campaign?

Mr. BINGHAM. The Senator from Connecticut thought the Senator from Missouri was going to ask other than a personal question.

Mr. President, it is very difficult to understand the action of the House conferees in the matter of holding back the progress of commercial aviation.

It is also difficult to understand the action of the House in refusing to permit $31,000 to be appropriated to bring back consular and diplomatic agents of the United States in distant lands—Japan, China, India, and Australia—who are due for their furloughs under the Rogers Act. They have a right to be brought home every three years. Every other department of the Government that maintains agents abroad, except the State Department, brings its agents home every three years. Every business house that maintains agents in distant lands brings them and their families home every three years. The missionary societies succeed in raising enough money to bring the missionaries home on furlough; but this Government is too poor to keep its word under the law which it passed in the Rogers Act to bring back our faithful representatives in China, India, and Australia at the end of their three-year term for furlough. There are 11 officers in China due for furlough this year who can not be brought home because the House of Representatives was unwilling to provide for their expenses and those of other agents of the Government in the Consular and Diplomatic Service in Japan, India, and Australia.

Mr. WARREN. Mr. President, I hope the Senator from Connecticut will not be too severe on the Government. There has been a refusal to agree to this item several times. It may be the Government's fault; but I try to be a good enough sport to accept the situation, and when I find it impossible to get the House to concur in the action of the Senate, I try again. I beg the Senator to do as we must all do—get what we can and not make too wry a face because of what we can not get.

Mr. BINGHAM. Mr. President, I was not in the slightest degree casting any aspersions on the Senate members of the conference committee, but merely desiring to make my protest in order that the country may know that while the Senate was willing to see that the Government of the United States should keep its word to its agents in foreign countries, the House of Representatives was unwilling to provide the trip home for those agents and their families which they had a right to expect under the Rogers Act.

Mr. BINGHAM subsequently said: Mr. President, a few moments ago I made some remarks about the fact that the House of Representatives was unwilling to appropriate certain moneys needed for the development of commercial aviation and to appropriate certain moneys needed for bringing our foreign representatives home from distant posts.

In fairness to the House of Representatives, I would like to add that the reason given by the conferees of the House, I have since learned, was that the Budget failed to recommend these two items. So the Budget must share with the House of Representatives the blame for being unwilling to keep faith with our foreign officers who go abroad with the idea that they are going to be brought home with their families every three years, and the Budget must share with the House of Representatives an unwillingness to provide the money necessary for the proper development of commercial aviation, the need for which was set forth in the hearings by the Assistant Secretary of Commerce for Aeronautics.

Mr. WARREN. The Senator is right as to that.

Mr. BRATTON obtained the floor.

Mr. DILL. Mr. President, will the Senator yield to me for a moment?

Mr. BRATTON. I yield.

Mr. WARREN. Mr. President, under the rules the conference report must be either accepted or rejected, but I do not wish to prevent any Senator from speaking who desires to speak on the conference report.

Mr. DILL. I merely desire to submit a report and introduce a bill.

Mr. WARREN. I say I have no disposition to prevent any Senator speaking upon the conference report, but I should like to ask that other business await its disposal.

Mr. BRATTON. Mr. President, there is one provision in the conference report concerning which I desire to express myself briefly. I refer to the amendment appearing on page 44 of the bill relating to the appropriation of money for the purchase of lands for the Navajo Indians.

The Navajo Indian Reservation lies partly in Arizona and partly in New Mexico. It is thought by the Bureau of Indian Affairs that the Indians need additional land upon which to sustain themselves. With that conclusion I have no controversy. This bill appropriates $200,000 for that purpose. I made no opposition to that in the committee nor when the bill was considered by the Senate; but an unusual thing has occurred in connection with that amendment.

The House inserted an authorization of $1,200,000 for the purpose of purchasing lands and water rights for the use and benefit of these Indians. Mr. President, the remarkability of inserting an authorization of that amount in a deficiency bill must inspire wonderment in the mind of every Member of this body. I realize the futility of endeavoring to correct the situation at this late day. This is a deficiency appropriation bill presented on the eve of adjournment; it is an important measure; but I wonder at the purpose of inserting an authorization exceeding a million dollars in this procedural manner, especially so in view of the fact that the Committee on Indian Affairs is charged with the duty under a resolution adopted during the session of investigating the entire subject of Indian conditions throughout the country. The committee expects to travel through the States where Indians reside and to give personal attention to their several conditions and then to make a comprehensive report at the next session of Congress. It is untimely, it is unusual, it is out of the ordinary under the circumstances to insert a proposition of this kind in a deficiency bill and make it futile to offer opposition.

I desire to say at this time, Mr. President, that I do not concur in the action of the House and I regret that the conferees on the part of the Senate felt impelled to yield. The Senate committee at my request struck out the authorization; the Senate itself approved the action of the committee; but in conference it was necessary to yield to the House.

I content myself with voicing my disapproval here and to say that, before that appropriation shall be made, I hope the Committee on Indian Affairs will give serious consideration to the actual condition of the Navajo Indians, and I myself expect to have more to say regarding the matter. The authorization presented in this unusual manner shall not go into effect until I do have the opportunity to be heard in the regular way.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JOHNSON. Mr. President, I wish first to express my concurrence in what has been said by the Senator from New Mexico [Mr. BRATTON].

Next, Mr. President, I ask the attention of the Members of the Senate for just a moment or two to another matter. Within the hour now, or during this day, there will be presented to the Senate a concurrent resolution providing for the adjournment of the Congress on Tuesday next. Unfortunately, under previous rulings which have been made, such concurrent resolutions, as I understand it, have been held not to be debatable, and while I think the decision in that regard is wholly illogical and is not justified by the law or the precedents, probably the Presiding Officer will feel constrained to follow what has been done in the past. I know nothing of that; but while the opportunity presents itself to me, I want to register my protest, first, as a Member of this body; secondly, as one who believes that there yet rests in the Senate of the United States sufficient power and sufficient courage to legislate on subjects that are legitimately before this body, and that yet there is sufficient patriotism and sufficient desire to do our duty, not to adjourn while important measures are pending.

It is my intention, sir, to offer an amendment to the concurrent resolution that shall be presented, providing, first, an extension of just one week, seven days, in order that we may complete our business. If that amendment shall not be carried, then I intend to offer an amendment to the concurrent resolution granting us only until Saturday night next, a week from to-day, in which to complete our business.

Now, sir, that you may understand that I do not speak from the standpoint of one measure alone—although that would authorize me in speaking and would justify this body in remaining in session until that measure is voted upon—may I call to the attention of the Chair and the Senate the fact that

not only is that measure, the Boulder Dam project, pending before this body as the unfinished business, upon which we are entitled to a vote—either a vote up or a vote down, I do not care which, but upon which we are entitled to a vote—but there are pending other measures of very great importance to this Nation upon which this body should act.

There is pending before this body—and it is immaterial whether you believe in one side or the other concerning that measure—the great naval bill. The sponsors for that bill insist that it is an absolute essential to the national defense that that bill shall be acted upon. It is entitled to action by this body.

There is pending before this body, sir, the measure of the Senator from Missouri [Mr. HAWES], which he says, and I believe, is of very grave importance to the people of his territory, and to all of the States that are adjacent to the Mississippi River, and to the particular part of the country that is embraced within that bill.

There is pending here, sir, a measure upon which the Senator from Virginia [Mr. GLASS] has endeavored to have a vote, that relates entirely to a local matter, but upon which undoubtedly he is entitled to action by the Senate of the United States.

There are pending here certain measures that are in charge of the Senator from Pennsylvania [Mr. REED] upon which, from his standpoint, great, important issues portend, and upon which he is entitled to action before this body.

There are other measures, too. Upon what theory, sir, with the measures that are thus pending before this body, shall we say that we will adjourn on Tuesday next? Is it, as is asserted, for the national conventions? Not a bit of it, because, if it is desired to attend the national convention, a week more will enable that attendance just as well. Certainly four days more, to the end of the week, will enable any man to attend the national conventions as he may desire, and to engage in such political activities as his conscience may dictate.

Upon what theory, then, sir, do we adjourn on Tuesday next without this important legislation that is pending at least having a hearing before the Senate? I will not believe and I can not believe that the adjournment is proposed to be taken at this hour solely that we may not have the chance to vote upon these measures. That would be a reflection upon the Senate in which I could not indulge; and it would be a reflection, indeed, that would make every man in this body hang his head.

Why, then, are we to adjourn on Tuesday next? Why is it essential that unfinished business should be left here—business in which the people of this Nation are so vitally interested; business, sir, upon which the fate of peoples may depend? Why adjourn on Tuesday next?

If we are unable, sir, to give the time that is necessary to the business of this Nation in this body, let us quit altogether and confess it; but if, sir, there is business before this body that demands attention—and no man denies it—if, sir, there are measures before the Senate that are entitled to be acted upon, let us stay here until we act upon them; and at least, when this resolution for adjournment is presented during the day, let us refuse to concur in it until we shall have acted upon the people's business and have done our duty as representatives of our constituencies.

Mr. HALE. Mr. President, I have listened with interest to the statement made by the Senator from California [Mr. JOHNSON], and I thoroughly agree with him that we should not adjourn until business of importance that is before the Senate has been attended to.

One of the most important, if not the most important, bills *now* before the Senate is the naval construction bill, a bill of tremendous importance to the national defense.

When the Geneva conference met last summer at the instigation of the President of the United States, an attempt was made to reach a limitation of armament on ships other than those that were taken care of in the Washington conference. It was not found possible to reach an agreement. The British took the ground that they must have a navy that could take care of their national needs, and that called for a navy with very many more cruisers than we have in our Navy.

Shortly after Congress met last fall the Navy Department, with the approval of the President of the United States, submitted a program for modern ship construction which cared for the needs of our Navy. The House took this program and cut it down to the very modest program which is included in this naval construction bill. The House passed the bill by a very large vote. There was practically no opposition. The matter came over to the Senate. The Senate Committee on Naval Affairs has reported favorably on the bill and it is now before us.

Mr. President, navies do not stand still. Either you must keep them up in efficiency and in modern construction to the other navies of the world or they fall behind. That, Mr. President, is what has happened to our Navy. Since the Washington conference there has been very little modern construction in this country, while the other nations that were parties to the Washington conference have gone ahead with very large programs. In the particular class of ships which is taken care of in this bill, the cruisers, we are in the condition of a college eight-oared crew where one of the oars is manned by a small boy instead of by a trained college athlete.

I believe that if we fail to pass this bill at the present session it is going to be taken by the rest of the world as an indication that this country no longer intends to maintain the ratio of the Washington conference as applied to the Navy as a whole. I believe, further, that our influence in the 1931 conference on limitation of naval armament, which under the terms of the Washington conference is to be held, will be greatly diminished. It is of the greatest importance that this bill be passed at this session of Congress. We have no right to adjourn while matters of the importance of this bill are pending, and I am thoroughly in sympathy with the statement made by the Senator from California.

Now, Mr. President, I wish to make a request. I present two editorials to which I want the Senate to listen. They are not long. One is from the New York Herald Tribune and the other is from the New York Times. I also present a news statement from the Herald Tribune. I ask the clerk to read them, and I will say that at a later period in the day I shall move to take up the naval construction bill and to displace the bill of the Senator from California, not because I do not think his bill is an important bill but because the bill I am speaking about is of such vital importance to the national defense of this country.

Mr. WARREN. Mr. President, a question of order.

Mr. HALE. I should like to have the editorials read by the clerk of the Senate. If that is not in order, I will read them myself.

Mr. WARREN. I am not objecting to that; but I am asking whether we have disposed of my motion to agree to the conference report?

The VICE PRESIDENT. The motion has not been disposed of as yet. The question is upon agreeing to the conference report.

Mr. WARREN. I ask that that be first approved.

Mr. HALE. I have no objection to the Senator going through with his conference report if these editorials will be read immediately on its conclusion.

The VICE PRESIDENT. Without objection, the editorials will be read after the action on the conference report.

Mr. ODDIE. Mr. President——

The VICE PRESIDENT. The Senator from Nevada.

Mr. ODDIE. Mr. President, I want to raise my voice in protest against adjourning until the business that has been mentioned by the Senator from California [Mr. JOHNSON] and the Senator from Maine [Mr. HALE] has been disposed of.

There is another item of business which is hanging over our heads to-day and which is of the utmost importance to every State in this Union. That is the success or failure of the good roads bill, the Federal aid highway bill.

Mr. HALE. Mr. President, I yielded simply for action on the conference report. I do not think the Senator ought to go on before the editorials are read.

Mr. ODDIE. Mr. President, I can finish what I have to say in two minutes.

Mr. JOHNSON. The Senator from Maine can not prevent the Senator from Nevada from making his statement or argument.

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. HEFLIN. If the Senator will permit me a moment, the Senator from Nevada has a right to speak in his own time. The Senator from Maine can not yield the floor under such conditions and tie the hands of every other Senator, however.

The VICE PRESIDENT. The Chair has recognized the Senator from Nevada.

Mr. ODDIE. Mr. President, the danger that is threatening us is a pocket veto of the Federal aid road bill. The legislation has passed both Houses. It has been before the President for several days. I just inquired of the White House and found that the President had not signed the bill. He has until the 2d of June to veto that bill. If we adjourn on the 29th, as is proposed, we may lose that legislation, and the cause of good roads in this country will be put back many years.

Mr. President, our Government owes an obligation to the States to continue this Federal-aid road appropriation. The Budget sent a message to the Department of Agriculture which was forwarded to the Committee on Post Offices and Post Roads of the Senate a short time ago in which it said:

In reply, I have to advise that if the existing Federal tax on automobiles is repealed, the proposed legislation—

That is, the Federal aid bill—

would be in conflict with the financial program of the President.

The President, in other words, through the Budget, threatened to veto the good-roads legislation if Congress repealed the excise tax on automobiles. Congress has repealed the excise tax on automobiles, and we are faced by this threatened veto.

Mr. President, in the name of the good-roads associations, the motorists of the country, and the citizens of the United States, as well as in the name of the Senate, I ask that this concurrent resolution providing that we adjourn on the 29th be not passed, and that the Senate be continued in session until it can act on a possible veto of the good roads bill, and other necessary legislation. The President may be induced to sign the bill quicker by this matter being brought before the people of the country as I am now doing. I hope he will; but, in any event, in the name of the good-roads legislation and good-roads movement of this country, I ask and I hope the Senate will refuse to adjourn until that measure is satisfactorily disposed of, and until these other great measures that are before us are disposed of.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SHIPSTEAD. Mr. President, I want to call the attention of the Senate to another matter that is pending before the Senate now that is of vital importance to the people of the Mississippi Valley from New Orleans to the Canadian border, and that is the question of breaking the high freight structure in the Mississippi Valley caused by the passage of the transportation act. There is a bill now on the calendar of the Senate, which has passed the House of Representatives, which has the recommendation of the Committee on Commerce, providing for an appropriation of $10,000,000 for the purpose of purchasing or building extra equipment for the Inland Waterways Corporation.

I think, in addition to what the Senator from California and the Senator from Nevada have said, Congress should not adjourn until it has passed this measure; that will to some extent give some relief to the people of the Mississippi Valley who are now suffering from these high freight rates. The bill provides, among other things, for the compulsory action by the Interstate Commerce Commission to give joint rates between the railroads and the Mississippi Valley transportation system. In view of the fact that Congress has so far passed no relief for the agricultural situation, it is a measure that to some extent will give some relief, and Congress should not adjourn until this bill shall have been passed.

The report was agreed to.

The VICE PRESIDENT. In accordance with the unanimous consent, the clerk will read the editorials submitted by the Senator from Maine [Mr. HALE].

The Chief Clerk read as follows:

[From the New York Herald Tribune, May 25, 1928]

LET ADJOURNMENT WAIT

There is still talk in Congress of adjourning not later than May 29. The idea is to get away well in advance of the meeting of the Republican National Convention on June 12. There could be no harm in that were Congress to finish its necessary work before ending the long session. But it would show deplorable weakness and neglect of duty if Congress were to run away from a threatened filibuster and leave the naval authorization bill stranded on the Senate calendar.

No bill at this session is of more urgent importance or of more vital national interest. Congress has failed for years to keep our Navy up to Washington treaty standards. It has allowed deferred replacements to accumulate. It has looked on while Great Britain and Japan have distanced us in cruiser strength. It has clung to the naïve idea that negotiations for a limitation of auxiliary tonnage could be depended upon to reestablish American parity.

That illusion was rudely dispelled last summer at Geneva. The British Government refused to extend the capital ship tonnage restriction to auxiliaries. It even rejected the theory of equalization in cruisers, destroyers, and submarines which it had indorsed at Washington in 1921–22. It said politely but firmly that if the United States wanted to build cruisers it could build them independently to meet its own needs—something which Congress had optimistically omitted to do. Our Government had fondled a barren promise and was left holding an empty bag.

There could be but one natural reaction to such an awakening. The House of Representatives passed by a vote of nearly 5 to 1 a bill authorizing the building of 15 cruisers and 1 airplane carrier. This construction ought to be started as soon as possible and be rushed to completion, for many other replacements—of battleships, destroyers, and submarines, as well as of cruisers—are near at hand. The House bill has been reported to the Senate, but has not been acted upon. A small group of pacifists and insurgents, preferring American naval inferiority to American naval parity, is said to be ready to filibuster against it, counting for success on the overanxiety of many Senators and Representatives to wind up the present session.

Passage of the naval authorization bill comes ahead of any and all considerations of political convenience. A filibuster can be curbed now. It would be more difficult to curb it at the short session. Moreover, postponement of action until next winter would mean only a year's delay in building and the needless clogging of our already retarded equalization program. The obstructionists are playing the game of Great Britain and Japan. But the majority in the Senate does not want to play that game and can not afford to play it. Shall a handful of pacifists be allowed to rub salt into the wounds of the Geneva conference? That is the question which Congress faces, and which it ought to face with patriotic indignation and some sense of the priority of national duty over the incidental claims of the national party gatherings.

[From the New York Times, May 18, 1928]

ADJOURNING FOR THE CONVENTIONS

Congress has ironed out, or conferences will, the snarls in most matters which it is interested in, chiefly political. Tax reduction has yet to be accomplished. How much water remains to run over Boulder Dam remains uncertain. The great ordinary appropriation bills have been passed. Congress has for some time been suffering from the quadrennial homesickness of a "presidential year." Then politics is felt to be the only business worthy of a body of statesmen. They want to get home. They must view their fences, see how things look, and take such hand as they can in the business and pleasure of nominating candidates for President. Such conditions have been evident in Washington for some time. Congressmen "want to get out of here" as soon as possible.

This is a natural feeling. Ordinarily the country fully sympathizes with it, being usually more eager for adjournment than Congress can ever be. There have been Congresses that were able to resist the quadrennial fever and continue to do business. The Senate in this Congress has left undone, and apparently proposes to leave undone, one momentous piece of public business. The naval construction bill, providing for the building of 15 cruisers in three years and one aircraft carrier, passed by the House, is to be burked by the Senate. There is so much other business, such "pressing" business, the Senate leaders say, that the mere little vital matter of building up the Navy has no chance of passing. The jaws of filibusters would wag everlastingly against it. The Navy is a luxury. Adjournment is a necessary. Its date must not be postponed. The cruisers and the aircraft carrier must be postponed instead.

This is in noble spirit. It is worthy of "the best traditions of the Senate." Has the administration no friends in the Senate with courage enough to make an effort to pass the bill? To put the question on a broader basis, has the United States, which has never lost pride in the Navy, hereditary among Americans—has the United States no friends in the Senate?

[From the New York Herald Tribune May 25, 1928]

KELLOGG SEES DANGER IF BIG NAVY BILL FAILS—DENIES A REPORT, ATTRIBUTED TO PACIFISTS, STATE DEPARTMENT OPPOSES ITS PASSAGE—HOLDS MEASURE ADEQUATE—PROVIDES FOR NATION'S NEEDS, HE SAYS, CALLING FOR ACTION

(Special to the Herald Tribune)

WASHINGTON, May 24.—Secretary of State Kellogg declared to-day his conviction that the Navy bill for additional cruisers, which has been virtually killed by a pacifist filibuster in the Senate, ought to be passed.

Aligning himself with President Coolidge, he declared the bill passed by the House is a good one and denied reports attributed to professional pacifists that the State Department preferred having the bill held up at this time. The House bill pending in the Senate, Secretary Kellogg said, fulfilled one of the proposals maintained by the United States at the Geneva Conference and provided for a total tonnage of about 300,000.

The fact that the Navy bill is virtually dead is regarded by officials here as foreshadowing serious diplomatic difficulties. Apart from the obvious danger of not having a Navy commensurate with the value of life and property in the United States, it was pointed out that if this bill did not go through the United States might have no more influence in future international conferences.

It was recalled by officials that prior to the Geneva conference statesmen in foreign countries were reported as holding the United States was

not in earnest when it demanded the right to have a Navy on a parity with that of Great Britain. These statesmen, so the report ran, believed from their knowledge of the present composition of the United States Senate that, while America might "talk big," she would never suit action to words.

It was an open secret among officials here, it was recalled, that the best opinion among foreign naval authorities then was that it would be perfectly safe to allow the United States to build as much as she pleased because it was regarded as almost certain that the determination of Congress at the last session to have a parity Navy was only a passing whim.

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MUSCLE SHOALS

Mr. NORRIS. Mr. President, in connection with the so-called Muscle Shoals resolution which Congress has passed, and which is now in the hands of the President, I issued a statement this morning for publication, which, on account of the parliamentary situation, I did not deem wise to make during the debate, because I did not want to take up any time when the matter was pending with a statement as to just what the legislation was. I ask unanimous consent to include as a part of my remarks the statement I have issued for publication.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT AS TO MUSCLE SHOALS BILL

By Senator NORRIS

The bill which Congress has just passed and which is now in the hands of the President, generally known as the Muscle Shoals bill, is the fairest and most comprehensive legislation of its kind ever enacted by Congress. It will do no injury to any legitimate business. It will not injure any State. Instead of being an injury to any State, it will be a direct benefit to the entire South, particularly to Tennessee and Alabama, and an indirect benefit to the entire Nation. It deals primarily with four very important propositions—fertilizer, water power, navigation, and flood control. Two of these—fertilizer and water power—are things in which the people of the entire country, and, indeed, of the civilized world, have an immediate, direct, and material interest.

FERTILIZER

In fertilizer operations it provides for the broadest and most extensive experiment that has ever been undertaken in the civilized world. The farmers who produce the food for the world and the consumers who eat it are equally interested in cheapening this vital element, necessary alike for those who produce and those who consume. Every student of the subject knows that there are vast possibilities yet unknown in the cheapening of fertilizer, and that to bring about this desired and necessary result comprehensive, scientific, and expensive experiments must be made in order to bring about possible and necessary improvement.

Private individuals and corporations engaged in the business can not afford to go to the vast expense of this experimentation, because they have no assurance at the beginning that in any given experiment success will follow the efforts necessary to make it. Moreover, if a private individual or a private corporation should be successful in any material way, such person would naturally patent the process, and the people generally, both the producers and the consumers, would therefore not get the full benefit of the improvement.

This bill provides for such experimentation by the Government, and whatever improvement is made and whatever cheapening process is discovered it will at once become the property of all the people, and there will be no opportunity for a monopoly of the benefit that such improvement might give. Moreover, when the bill is in full operation these experiments will be brought about without any direct appropriation of public funds, but they will be made by the profits that will come to the governmental corporation from the sale of power.

POWER

By the construction of Cove Creek Dam, provided for in the bill, the value of Dam No. 2 at Muscle Shoals, now owned by the Government, will be doubled in value. It will likewise more than double in value every dam between Cove Creek Dam and the mouth of the Tennessee River. In Tennessee alone there will be millions of increased value added to the dams that are now in existence and that can be hereafter constructed. It will not be Government property alone that will be increased in value, but equal benefit will come to private persons and corporations owning or hereafter constructing dams for the purpose of distributing electric power.

The surplus power of the Government not used in fertilizer operations will under this bill be distributed to municipalities, counties, States, and organizations of farmers and other cooperative organizations not organized for profit but for the purpose of supplying cheap electric power to citizens and members of such farmer or cooperative organizations. Properly administered it will give to these beneficiaries electric power that will be comparable to the cheap electricity supplied by Ontario, Canada, to her citizens. Any surplus power not sold to such public organizations named will be sold to private corporations distributing electric power under a contract by which they will not be allowed to charge exorbitant rates to the consumer.

NAVIGATION IN CONNECTION WITH FLOOD CONTROL AND POWER

The construction of Cove Creek Dam will go further toward making the Tennessee River navigable than any other improvement ever undertaken. By the construction of one more dam in the Tennessee River the river will be made navigable throughout practically its entire length and will thus give to the very central portion of the great South the cheapest navigation in the world.

The Cove Creek Dam will be located at the mouth of a reservoir which is the largest natural reservoir east of the Mississippi River. It will hold back 3,500,000 acre-feet of flood water and thus materially help in the great national undertaking of controlling the flood waters of the Mississippi River. It will increase the flow of the Tennessee River during low water and decrease its flow during high water.

This dam is primarily a navigation and flood-control proposition, and the power developed at Cove Creek Dam is only an incident to the improvement. This power will be great at some seasons of the year, but it will greatly diminish during other portions. If it were built by a private party for power alone, it would be of no benefit whatever in navigation and flood control.

It is therefore a governmental function, and it would be an economic sin to permit it to be constructed and operated by private parties for profit. In order to make it valuable for navigation and flood control, the reservoir will be emptied during low water and filled during high water, and the only time that it will produce power is when the water is let out; thus the power produced at Cove Creek Dam will be secondary. If it were owned and operated by private parties as an instrumentality for producing power, this reservoir would never be emptied, because by keeping it full the power generated would be mainly primary power, and the value, therefore, as a power proposition depends upon keeping the reservoir filled at all times.

If it is operated by the Government, however, the water will be let out when the Tennessee River is low in order to increase navigation and to prepare the reservoir for holding flood waters when the water is high. By letting it out we increase the power at Dam No. 2, so that while the power at Cove Creek Dam is secondary, it will dovetail into the power possibilities at Dam No. 2, and the power that the Government loses by only a partial operation for power purposes at Cove Creek Dam will be made up by the increased power coming at such times to Dam No. 2, so that, as a matter of fact, the Government, by operating Cove Creek Dam in connection with Dam No. 2, will be able to use the secondary power at Cove Creek at a time when the power at Dam No. 2 is at its minimum and while it is necessary to supplement Dam No. 2 with some auxiliary power. They will thus work together for the benefit of both while they are making the Tennessee River navigable and performing a very important and necessary assistance to the flood control of the Mississippi Valley.

FINAL ADJOURNMENT

Mr. CURTIS obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. For just a moment if I do not lose the floor.

Mr. NORRIS. I understand the Senator from Kansas is about to report the concurrent resolution providing for the adjournment of Congress next Tuesday. I will have no opportunity to debate it, under the rules and precedents, after it shall have been offered, and I have asked the Senator from Kansas to permit me to say just a few words before he presents it.

I want to protest, in my weak way, against Congress adjourning until it has disposed of some of the more important legislation pending before it. I do not see any reason why Congress should adjourn at the time proposed in this resolution, which is next Tuesday. If it is done to permit Senators and Representatives to attend the national conventions, it could just as well be postponed at least a week. The weather in Washington is better than it has been for years at this time of the year. There is not anything I know of that will have a tendency to take Members away from Washington at the present time, or to interfere with the best kind of legislative work that can be done. It seems to me that until we do dispose of some of the important matters of legislation, we ought to stay here in Washington and continue our work, and I believe that Congress will make a serious mistake if it decides now to adjourn Congress on next Tuesday with so much work, several things of importance to the entire country, undisposed of.

Mr. CURTIS. Mr. President, I report back from the Appropriations Committee the House Concurrent Resolution 41, and ask for its immediate consideration.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. I do not yield for that purpose.

Mr. HEFLIN. I make the point of order that there is no quorum here, and I suggest the absence of a quorum.

Mr. CURTIS. I did not yield for that purpose.

Mr. HEFLIN. If the Congress is to be adjourned, and Senators are to be deprived of an opportunity to protest in the name of the American people——

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The Senator can make the point of no quorum after the resolution is read. The Chair would also state that this is the report of a committee, and under objection would have to go over one day, which would give an opportunity for remarks upon the question during the day.

Mr. LA FOLLETTE. I object, and ask that the resolution go over.

Mr. CURTIS. Let the concurrent resolution be read.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read House Concurrent Resolution 41, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

Mr. LA FOLLETTE. I object to the immediate consideration of the resolution.

The VICE PRESIDENT. The resolution will go over one day.

Mr. REED of Missouri. Mr. President, the only suggestion I want to make is this, and I make it in the kindliest way in the world: I think the Chair was in error in holding that the resolution had to be read before the question of the absence of a quorum should be tested. I think the object of the point of no quorum is instantly to halt all business, on the theory that if there is no quorum present nothing whatever can be done. I do not complain; no harm is done, because the Vice President immediately recognized the demand; but I do think as a matter of precedent that the Chair was wrong on it. I do that in the kindliest way in the world.

Mr. CURTIS. Mr. President, I was on my feet and did not yield. I could not be taken off my feet for the purpose of making the point of no quorum.

Mr. REED of Missouri. I think the Senator could be taken off his feet by the point of no quorum at any time. That is my view.

Mr. JOHNSON submitted two amendments intended to be proposed by him to the concurrent resolution (H. Con. Res. 41) providing for the closing of the first session of the Seventieth Congress by adjourning both the House and Senate on the 29th day of May, 1928, at 5 o'clock p. m., which were ordered to lie on the table and to be printed, as follows:

On page 1, line 5, amend by striking out the words "29th day of May" and inserting in lieu thereof "2d day of June"; and

On page 1, line 5, amend by striking out the words "29th day of May" and inserting in lieu thereof "5th day of June."

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES. Mr. President, from the Select Joint Committee on the Harriman Geographic Code System, appointed under Public Resolution 70, Sixty-ninth Congress, I present a report and an accompanying bill. One member of the joint select committee, the Representative from Pennsylvania [Mr. TEMPLE] is absent from Washington at the minute, but he approves of the report. The Senator from Connecticut [Mr. BINGHAM] reserves the right, and will probably exercise it presently, to file a minority report. I ask that the bill and the report be referred to the Committee on Printing.

The bill (S. 4584) to provide for the purchase of the Harriman Geographic Code System was read twice by its title and, with the accompanying document (S. Doc. No. 159), referred to the Committee on Printing.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 4578) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 4579) to amend section 5 of the act of March 2, 1895, relating to official bonds; to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 4580) granting an increase of pension to Roberta M. Bukey; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4581) authorizing the Secretary of War to convey the Fort Lawton Military Reservation to the city of Seattle, State of Washington; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 4582) for the relief of Charles E. Anderson; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4583) for the relief of Pasquale Iannacone; to the Committee on Claims.

By Mr. KING:

A bill (S. 4585) to amend the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States and for the ultimate return of all property held by the Alien Property Custodian"; to the Committee on Finance.

By Mr. HAWES:

A bill (S. 4586) to prohibit the acceptance by any person of certain contributions for the purpose of influencing Congress as to legislation; to the Committee on the Judiciary.

By Mr. METCALF:

A bill (S. 4587) granting an increase of pension to Elizabeth White (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 4588) for the relief of Gustave Hoffman; to the Committee on Claims.

CHOCTAWHATCHEE RIVER, FLA. AND ALA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President approved and signed the following acts:

On May 24, 1928:

S. 3693. An act authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; and

S. 4448. An act to amend section 4 of the act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes," approved May 10, 1928.

On May 25, 1928:

S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.; and

S. 3867. An act to provide for the extension of the time of certain mining leases of the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations, and to permit an extension of time to the purchasers of the coal and asphalt deposits within the segregated mineral lands of the said nations to complete payments of the purchase price, and for other purposes.

On May 26, 1928:

S. 3864. An act to create a new division of the District Court of the United States for the Northern District of Texas.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes; to the Committee on Education and Labor.

H. R. 13302. An act granting a pension to the survivors of the *Jeanette* relief expedition; to the Committee on Pensions.

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Relations.

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.; and

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved Au-

gust 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Lands and Surveys.

H. R. 11859. An act for the relief of B. C. Miller; and

H. R. 12809. An act to permit the United States to be made a party defendant in a certain case; to the Committee on the Judiciary.

H. R. 3539. An act for the relief of Frank Murray;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354; and

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78; to the Committee on Indian Affairs.

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 4264. An act for the relief of Philip V. Sullivan;

H. R. 5019. An act for the relief of T. G. Roberts;

H. R. 5948. An act for the relief of George Joseph Boydell;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 9597. An act for the relief of Fred Elias Horton;

H. R. 10274. An act for the relief of Commander Francis James Cleary, United States Navy; and

H. R. 12844. An act to amend the naval record of John M. Reber; to the Committee on Naval Affairs.

H. R. 1390. An act for the relief of Maj. Lester L. Lampert;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2427. An act for the relief of Morris Dietrich;

H. R. 2817. An act for the relief of Michael J. Bauman;

H. R. 3168. An act for the relief of Douglas B. Espy;

H. R. 3537. An act for the relief of William F. Goode;

H. R. 3722. An act for the relief of Robert C. Osborne;

H. R. 3937. An act for the relief of the heirs of Thomas G. Wright;

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Byron;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 4387. An act for the relief of Ida E. Godfrey;

H. R. 4626. An act for the relief of Maj. Arthur A. Padmore;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 4781. An act for the relief of the legal representatives of Cobb, Blasdell & Co.;

H. R. 5222. An act for the relief of Robinson Newbold;

H. R. 7079. An act for the relief of John Golombiewski;

H. R. 7236. An act for the relief of James M. Long;

H. R. 7244. An act for the relief of Mary Martin Harrison;

H. R. 7330. An act for the relief of E. M. Gillett and J. H. Swenarton;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 7552. An act for the relief of Bertina Sand;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 9210. An act for the relief of Lieut. George H. Hauge, United States Army;

H. R. 9396. An act to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 9516. An act for the relief of Capt. W. B. Finney;

H. R. 9546. An act for the relief of T. D. Randall & Co.;

H. R. 9659. An act for the relief of F. R. Barthold;

H. R. 9737. An act for the relief of Herman C. Davis;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10034. An act for the relief of Capt. Alexander C. Doyle;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10194. An act for the relief of Maria Hensley Clay;

H. R. 10508. An act for the relief of T. P. Byram;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 10913. An act to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 11064. An act for the relief of F. Stanley Millichamp;

H. R. 11153. An act for the relief of Harry C. Tasker;

H. R. 11239. An act for the relief of H. W. Dickson and Mary L. Dickson;

H. R. 11260. An act for the relief of Frans Jan Wouters, of Antwerp, Belgium;

H. R. 11385. An act for the relief of Dr. Andrew J. Baker;

H. R. 11508. An act for the relief of Kirby Hoon;

H. R. 11607. An act for the relief of Capt. Roger H. Young;

H. R. 12021. An act for the relief of Samuel S. Michaelson;

H. R. 12117. An act for the relief of Samuel F. Tait;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12638. An act for the relief of David A. Wright;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12764. An act for the relief of Commander Chester G. Mayo;

H. R. 12793. An act for the relief of Alonzo Durward Allen; and

H. R. 12966. An act for the relief of Jeannette S. Jewell; to the Committee on Claims.

H. R. 1539. An act for the relief of Edward J. Costello;

H. R. 3278. An act for the relief of Richard A. Chavis;

H. R. 3443. An act for the relief of Alfred O. Huestis;

H. R. 3462. An act for the relief of Paul Jelna;

H. R. 4215. An act for the relief of Frank L. Merrifield;

H. R. 4244. An act for the relief of Joseph Lee;

H. R. 4811. An act to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as a first lieutenant in the United States Army;

H. R. 5223. An act for the relief of Michael Marley;

H. R. 6112. An act for the relief of Armstrong Hunter;

H. R. 6127. An act for the relief of Basil N. Henry;

H. R. 6549. An act for the relief of Lewis W. Crain;

H. R. 7324. An act for the relief of Orla W. Robinson;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 8464. An act for the relief of Raymond Nelson Hickman;

H. R. 8597. An act for the relief of Ernest L. Silvers;

H. R. 8598. An act for the relief of James J. Dower;

H. R. 8751. An act for the relief of Robert W. Miller;

H. R. 8986. An act for the relief of John W. Bates;

H. R. 9071. An act for the relief of Ed Burleson;

H. R. 9300. An act for the relief of Joseph N. Marin;

H. R. 9412. An act for the relief of Frank D. Peck;

H. R. 9453. An act for the relief of Tracy Lee Phillips;

H. R. 9719. An act for the relief of George A. Day;

H. R. 9751. An act for the relief of Robert Y. Garrison;

H. R. 9827. An act for the relief of George Pettit;

H. R. 9995. An act for the relief of Lucius K. Osterhout;

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams;

H. R. 11216. An act for the relief of James Scott;

H. R. 11754. An act for the relief of Edward Knight;

H. R. 12012. An act for the relief of Albert I. Riley;

H. R. 12538. An act for the benefit of Morris Fox Cherry;

H. R. 12641. An act for the relief of George A. Cole;

H. R. 12834. An act for the relief of James W. Smith;

H. R. 12867. An act granting an honorable discharge to Pierce Dale Jackson;

H. R. 13097. An act for the relief of Thomas W. Moore;

H. R. 13260. An act for the relief of Josiah Harden;

H. R. 14057. An act for the relief of Edmund F. Hubbard;

H. J. Res. 129. Joint resolution for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

FIRST READING OF A HOUSE BILL

The bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was read the first time by its title.

INVESTIGATION OF SUGAR PURCHASES

Mr. BLEASE. Mr. President, I submit a resolution which has to do with the sugar question and ask that it may be read.

The resolution (S. Res. 255) was read, as follows:

Whereas it is charged that during the period of the World War the United States Government, through its Food Administrator, bought up, owned, and controlled the entire supply of Cuban sugar, all of which is alleged to have been purchased at about 5½ cents per pound; and

Whereas it is further charged that this supply was retained in Cuba for months while the American people were paying 28 cents a pound for sugar; and

Whereas it is further charged that a great number of vessels carried American products to Cuba but returned to this country in ballast and were not permitted to bring back to the United States sugar awaiting shipment during this time; and

Whereas it is further charged that large quantities of this sugar were shipped to Spain from time to time to the disadvantage of the people of the United States; and

Whereas similar charges then were and still are made with reference to the supply of Porto Rican sugar, and that it was dealt with in substantially the same manner as was the supply of Cuban sugar; and

Whereas these charges have continued to have wide circulation among the American people until there is a well-nigh universal demand to know the truth about the situation: Now therefore be it

Resolved, That the committee heretofore appointed to investigate the expenditures of candidates for the Presidency in the present campaign be empowered and instructed to investigate this entire sugar situation as set forth in the above preamble, and any other facts and circumstances relating to it, and report the same to the Senate, or, if the Senate be in recess when the report is prepared, to the President of the Senate and made public.

And the committee is further empowered to send for such witnesses and papers as may be required to enable them to complete the investigation of this subject, to swear witnesses, and to do all and singular those other things that may be necessary to complete such investigation.

Mr. CURTIS. Mr. President, I understand the resolution submitted by the Senator from South Carolina goes over under the rule?

Mr. BLEASE. The resolution may go over under the rule until Monday.

The VICE PRESIDENT. The resolution will go over under the rule.

POSTAL RATES—CONFERENCE REPORT

Mr. MOSES. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on the postal rates bill.

The VICE PRESIDENT. Is there objection? The Chair hears none and lays before the Senate the conference report, which will be read.

The Chief Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, and 7 with amendments as follows:

Page 3, line 12, strike out "1¾" and insert "1½."

Page 3, line 13, strike out "2½" and insert "2."

Page 3, line 14, strike out "4" and insert "3."

Page 3, line 15, strike out "4¾" and insert "4."

Page 3, line 16, strike out "5½" and insert "5."

Page 3, line 17, strike out "7" and insert "6."

Page 3, line 21, strike out "7¾" and insert "7."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8 with amendments, so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows:

"'(4) *Provided*, That in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.'"

And the Senate agree to the same.

That the Senate recede from its amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, and 23.

That the House recede from its disagreement to the amendment of the Senate numbered 24 with amendments, so as to make the amendment read as follows:

"SEC. 9. The Postmaster General is authorized to appoint a director of parcels post."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25.

GEO. H. MOSES,
L. C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. ROBINSON of Arkansas. Mr. President, I desire to request the Senator from New Hampshire [Mr. MOSES] to analyze the conference report and explain particularly what action was taken and what results obtained with respect to the important Senate amendments.

Mr. MOSES. Mr. President, I wish to invite the attention of the Senator from Arkansas to a statement made in connection with the report, which will be found in yesterday's proceedings on page 9862 of the CONGRESSIONAL RECORD. At the bottom of the second column on that page will be found a recapitulation of everything which we accomplished by the conference report.

While the Senator is reading it, I want to say that while the report represents a complete agreement so far as signatures are concerned on the part of the conferees, the Senator from Tennessee [Mr. MCKELLAR] and I signed the report with much reluctance, because there were some other items which we desired to have inserted in the bill.

Mr. PHIPPS. Mr. President, will not the Senator be good enough to include the Senator from Colorado with the other two Senators?

Mr. MOSES. I beg the Senator's pardon. My attention was directed particularly to the Senator from Tennessee, who was fixing me with a baleful glance. [Laughter.]

There were other items on which we yielded with great reluctance, but we finally yielded because we did not think it possible under the circumstances to get anything better. We do not think the report goes as far as it should on certain matters, but we did the very best we could under the circumstances. We found ourselves in a situation where the people who were deeply affected by the changes in the rates expressed an acquiescence in the position taken by the conferees on the part of the House, and in consequence the Senate conferees signed the report, only doing so after a record vote had been taken in the conference and much discussion had been had.

Mr. MCKELLAR. Mr. President, I desire to say to the Senate with reference to the conference report that it was the best report we could possibly get under the circumstances. The House conferees over and over again objected very strenuously to the three principal Senate amendments, namely, the one restoring the 1920 rates on second-class matter; second, the one reducing the rate on circulars or third-class matter from 1½ cents to 1 cent; and, third, the taking off of the surcharge on parcel-post packages of 2 cents on each parcel.

We held many conferences. The House conferees absolutely refused to recede at all on any one of those three principal items. However, the Senator from New Hampshire [Mr. MOSES] proposed an amendment providing for the 1920 rates in the first four zones and a modification of the 1920 rates in the other four zones. The House conferees steadfastly and on every occasion and at every meeting refused to accept this compromise. Yesterday, for the first time, the House conferees relented, and that amendment was agreed to. The House Members very reluctantly, even then, agreed to it, but finally did so, and that is the result of the conference. I am very, very happy at the result.

Mr. EDGE. Mr. President, may I ask the Senator a question in this connection?

Mr. MCKELLAR. Certainly.

Mr. EDGE. Does that refer to the second-class rate?

Mr. MCKELLAR. It has reference to the second-class rates, commonly known as the newspaper rates. In my judgment the report should be adopted in every respect for these reasons: In the first place, I believe that the restoration of the 1920 rate in substance will produce a much larger actual revenue to the Government than is now produced by the present high rates. The proof was overwhelmingly that way at all the hearings.

Therefore I hope the conference report will be agreed to. I believe it will meet the entire approval of the Senate.

The principal result of the conference is entirely limited to second-class matter rates. I think it will be pleasing to the Senate generally that the Senate amendment on restoring the 1920 rates on second-class matter will be found in the bill.

Now, as to third-class matter, the House would not agree, and it was a matter of either accepting what we could get or having no agreement at this time. I think the rates on third-class matter are entirely too high. I believe the present high rates on third-class matter result in a large loss of revenue to the Government. It will be remembered that over 800,000,000 pieces of mail went out of the post-office system because of that high rate on third-class matter. There is some reduction of the rate in the House bill. The pound rate very largely reduces the prevailing high third-class rates, and I reluctantly agreed to accept at this time this measure of reduction.

I do not think the rates are as low as they should be. I think the 1-cent rate on third-class matter ought to be reestablished, and I propose to introduce a bill to that effect at the next session of Congress.

Mr. GEORGE. Mr. President, may I ask the Senator what was done about the service charge?

Mr. McKELLAR. I am just coming to that, if the Senator pleases.

The Senate will recall that there is now an arbitrary service charge of 2 cents on every parcel, regardless of where it is going. The Senate amendment struck out that service charge. The Senate had voted on it time and again and is in favor of striking out that charge. We tried our best in conference to retain the amendment. We labored earnestly and actively with the conferees for weeks to get the amendment agreed to. We finally offered to agree to cut it in two and make it 1 cent instead of 2 cents all along the line, but the House conferees refused and that provision was finally agreed upon, which provides a 1-cent rate in the fourth, fifth, sixth, seventh, eighth, and ninth zones, and a 2-cent rate in the first three zones. It was either accept the House provision or get no legislation at this time.

Mr. SMITH. To what zones does the 2-cent rate apply?

Mr. McKELLAR. Two cents in the first three zones, and in the remaining zones it is 1 cent.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator if the provision for a reduction of postal rates on remailing of magazines has been retained?

Mr. McKELLAR. That provision which the Senate adopted was retained.

Mr. WALSH of Massachusetts. How much is the reduction?

Mr. McKELLAR. I can not say at just this moment, but it was reduced to the old rate that existed prior to 1925, which I think is entirely satisfactory to everybody.

Mr. WALSH of Massachusetts. The present rates are most excessive.

Mr. McKELLAR. They are really prohibitive and have largely taken that class of mail matter out of the mails.

Mr. GEORGE. I should like to be made clear on this point. The 1920 rate is restored on second-class matter in the first four zones, I understand.

Mr. McKELLAR. Yes; and a very substantial modification of the 1920 rates is provided for the remaining zones. In other words, I will say to the Senator, who has been most active in this particular matter, as many other Senators have, that it is entirely satisfactory. I think it is probably a better rate than the 1920 rate if we had secured it literally. I think it is a very excellent rate and will bring a great deal more income to the Post Office Department than the present high rate.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. From the beginning I have striven to get this bill amended. I find in my mail this morning a number of letters showing continued dissatisfaction with the measure. For instance, here is one from the Hamilton Garment Co. and another from the Guild Co., of New York City, complaining very bitterly about the bill. The latter says, "We understand the report of the conferees denied any reduction of third-class rates." May I ask the Senator from Tennessee if that is correct?

Mr. McKELLAR. Oh, no. That is not at all the fact. There is a 12-cent pound rate provided that should be entirely satisfactory.

Mr. COPELAND. One of the letters states:

> In view of the fact that the Senate had already voted for 1 cent for 2 ounces, we can not understand why they had to go so far as to report no reduction at all, when all they had to do is to meet the 12 cents per pound rate as already passed by the House.

The Senator thinks this is not a just criticism?

Mr. McKELLAR. Will the Senator from New Hampshire, who was specially interested in that matter, give the Senator an answer?

Mr. MOSES. Mr. President, I do not think the criticism is justified, for this reason: In the first place, the rate which the Senate put on by its vote, as compared with the pound rate, constituted an inconsistency, inasmuch as it made the piece rate cheaper than the bulk rate.

I think the direct mail users who have been represented here—that is, the Association of Direct Mail Users—will agree that the bulk pound rate is much more effective for them than the individual rate, because it can be of very great advantage in depositing mail.

Mr. COPELAND. This correspondent says:

> Let us have the 12-cent rate if that is the best we can get.

Because, he says:

> Do you not believe the mail-order business of the country is entitled to some relief?

Mr. MOSES. Mr. President, if the Senator from New York will study the statement which is printed in the RECORD accompanying the conference report, he will discover that the users of third-class mail have been given a total reduction in their postage bill of $10,500,000, which I should think was a very considerable relief.

Mr. COPELAND. I thank the Senator for his comment. I fear, however, it will not satisfy my constituents.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The question is on agreeing to the conference report.

Mr. McKELLAR. Mr. President, just one moment. I wish to say that, as is well known to the Senate, for many years I have earnestly sought to have restored the 1920 rates on second-class mail matter.

Mr. MOSES. I will bear testimony to that statement.

Mr. McKELLAR. I wish to say that I do not believe we would ever have been able to have obtained a favorable report at this session of Congress if it had not been for the splendid manner in which my two colleagues on the conference committee, the Senator from New Hampshire [Mr. MOSES] and the Senator from Colorado [Mr. PHIPPS], have acted in reference to the subject. It has been the greatest pleasure to me to have had their cooperation; they have rendered splendid service, and are entitled to the greatest credit for what they have done.

Mr. MOSES. Mr. President, may we have the question put?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LEVI E. FOLK

Mr. BLEASE. Mr. President, the senior Senator from New York [Mr. COPELAND] introduced a bill in the Senate some time ago to provide for the placing of the names of certain individuals in the War Department and to authorize the Board of Regents of the Smithsonian Institution to make certain recommendations. I have here an article published in the American Magazine of April, 1927, which is headed "Greater love hath no man than this," written by Dr. Wilmer Krusen. In that article is found this paragraph:

> So a little house was built and called "House No. 1." It was only 14 by 20 feet. The two doors were so arranged, one back of the other, that no mosquitoes possibly could get in. A stove was placed in the building to keep the temperature steadily above 90, and tubs of water were put inside that the atmosphere would be as soggy as that of a well. Then into this house were taken the cots and mattresses and bedding of men who had died of yellow fever. And into that foul trap, worse than any Dark Age dungeon, walked of their own free will three men—Dr. R. P. Cook, Pvt. Levi E. Folk, and Pvt. Warren G. Jernegan. They ate there, lived there, slept in those beds for 20 days and 20 nights.

The Levi E. Folk mentioned in that article and also mentioned in the bill of the Senator from New York was born and reared in the town of Newberry, in the State of South Carolina. His father was county treasurer of that county for several years. His people live there to-day. He himself was for a long time a resident of that town, and went from there with the Newberry company under Capt. William S. Langford to the Spanish-American War. Mr. President, I request that the article by Doctor Krusen may be printed in the CONGRESSIONAL RECORD as part of my remarks as a tribute to my schoolmate and friend, Levi E. Folk.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"GREATER LOVE HATH NO MAN THAN THIS"

By Dr. Wilmer Krusen

Go back 26 years, for the story of that hot tropical night in Quemados, though it has been told a thousand times, is worth the telling again.

Four men, medical officers of the American Army, were gathered about a table. It was a grim business they were on. Their browned faces were grave and set.

The Spaniards had been routed and cleared from the land. Gen. Leonard Wood and his troops were in possession of Cuba. But though the banners which hailed this victory of American arms still flaunted gayly in the streets of New York and Chicago and San Francisco, the hush of death was over Cuba and over that little group in the hot room at Quemados.

This death was an invisible yellow assassin. Passing over the squalor and filth of the native slums and leaving them almost unscathed, it had descended upon the American quarters. Indeed, it had invaded the very seat of American control and had taken a third of the Governor General's staff. Every hospital bed was filled by an American lad whose face and chest had turned to the yellow of gold, and who writhed in delirium. Yellow fever—that unsolved mystery of four centuries—had Cuba in its grip!

For a month these four medical men—Walter Reed, James Carroll, Jesse W. Lazear, and Aristides Agramonte—had been at it day and night, seeking a chink in the armor of the yellow curse.

Reed was the directing genius. He had spent 14 years at the bedsides of the sick on the western plains and mountains. He had doctored in New York's slums. He had studied disease at first hand and under some of the best masters that America could boast. Then came Carroll, ex-backwoodsman, who had enlisted as a private in the Army and who while still a soldier had studied medicine, to gain his diploma at the age of 37. He was 46, a man with a wife and five children, and with no means other than his pay.

Third was Jesse Lazear—carefully schooled, brilliant, a graduate of famous universities, and a student of the great Pasteur in Paris. He was 34, and a wife and two babies awaited him back in the States. Agramonte, who was the fourth member of this yellow-fever commission, was a Cuban surgeon of distinction. He alone of the four previously had suffered yellow fever and was therefore immune to it. Yellow jack rarely struck at the same man twice.

Thus far failure had stalked the commission in its efforts to determine the cause of the disease. Meanwhile, Habana had been scoured and cleaned; its houses had been disinfected, its streets washed down, and its alleys fumigated. Seemingly the more cleanly the city became the more virulent became the scourge.

One chance only was left—a chance which the whole medical world held in ridicule. In Habana there was a Cuban physician, Dr. Carlos Finlay. For 20 years Doctor Finlay had been insisting that a certain kind of mosquito was responsible for yellow fever. Finlay had made tireless experiments to prove his theory, but every one of his experiments had failed.

But Reed, in his study, has discovered a fact that Finlay had overlooked. Following a case of yellow fever it was invariably two weeks or longer before new cases appeared. This indicated that the mosquito—if it was the carrier—had to go days after biting a yellow-fever patient before it became dangerous to other human beings. Reed believed that Finlay in his experiments had not given the mosquitoes time.

So in Quemados, that hot night, those four medical men discussed mosquitoes. The task confronting them was to prove, as Finlay contended, that yellow fever was carried by mosquitoes only, and that, among all the 800 varieties of mosquitoes the Stegomyia mosquito alone was a carrier of the disease. And this task, as fate would have it, was augmented by a hideous circumstance: Animals do not "take" yellow fever. So far as was known, the one living creature who suffered yellow fever was man.

Reed was pale as he outlined his theory of Finlay's failure. It was Carroll, the father of five children, who spoke out.

"That means," he queried bluntly, "that to prove this mosquito theory somebody—a man—has to offer himself for experiment?"

Reed nodded. Lazear nodded, a gleam in his eyes. If healthy, nonimmune men would let themselves be bitten by Stegomyia mosquitoes which two weeks or more before had bitten yellow-fever sufferers, the Finlay-Reed theory would be proved or disproved by the result. To make the experiment without flaw at least a dozen men would have to be bitten.

"You can count on me for one," said Carroll.

"And on me," said Lazear.

Agramonte was immune and, therefore, useless. Reed was under orders to return immediately to Washington.

The meeting broke up. In a day or two Reed left, and Carroll and Lazear began their experiments, of which all medical history contains no more heroic record.

Lazear had studied mosquitoes in Italy. He obtained eggs of the stegomyia and hatched them. He nurtured them under glass with sugar and water to feed upon, and then into the yellow-fever wards he went, to let the winged devils suck the blood of fever patients. Then back into their glass cages went the insects to await the grim test.

But Lazear, only 34, was impatient. Those mosquitoes, he argued, must be deadly by now. Not waiting the two or three weeks Reed had stipulated, he obtained seven volunteers among the soldiers. Together with the seven, nameless in the records, he let the mosquitoes suck the blood of his arms. The days passed. Strangely enough, nothing developed. The doctor and his seven men remained in health. After all, was Reed mistaken?

"You tried too soon," Carroll argued. "Now, it's my turn."

He waited until almost three weeks had gone by. By this time, if Reed was right, the yellow-fever blood in the imprisoned insects had ripened to deadly virulence. Carroll then had Lazear select the most dangerous-looking mosquito in his whole collection. This huge insect brave Carroll let alight on his wrist, on the under part where the skin was thin and the veins near the surface, and he watched without a tremor as it drank its fill of his blood.

"If there is anything in this mosquito theory," he wrote back to Reed that night, "I should get a good dose of yellow fever."

In three days the fever was upon him. Lazear and Agramonte stood by. "Friends," said Carroll, and smiled, "this is the proudest moment of my life. I may prove something for humanity."

To make certain that it wasn't malaria he had, Doctor Carroll himself went to the laboratory, took a sample of his own blood, and examined it under the miscroscope. No malaria was there. Next morning, Lazear carried him to the yellow-fever ward and there, near to death, Carroll lay for days. Once Lazear thought his heart had stopped; but Carroll's fine constitution rallied. Eventually, he recovered, but a serious heart trouble followed as a direct result of the fever. He died of this seven years later.

Following Carroll, Pvt. William Dean, of Grand Rapids, Mich., let himself be bitten by four mosquitoes, including the one that had downed Carroll. Soon he, too, was tossing in delirium. But Lazear, as he fought for the lives of his charges, wasn't sure as yet. There was a possibility, he reasoned, that Carroll and Dean might have exposed themselves to infection in other ways. As he pondered over this a mosquito of the deadly species alighted on his wrist. He was about to brush off the insect when deliberately he restrained his hand. All about him were yellow-fever patients. This mosquito was living among them. Lazear let the insect drink its fill.

Four days later, toward evening, he had his first chill. A languor came over him, but he fought it back. All that night and on to dawn he sat at his desk that he might give to the world a written record of his investigations. Steadily he noted his symptoms. The task done at last he staggered weakly with the manuscript to Carroll, placed the paper in his hands, and took to his bed. He died at the end of the sixth day.

In all the chronicles of war, since the first war, in all the pages of literature, I believe there is no more inspiring example of sacrifice and courage than this tale of Lazear and Carroll, and of Dean, Kissenger, Moran, Cook, and those others who led the way to man's victory over yellow fever.

Science must be exact. The heroism of Lazear, Carroll, and of Dean, the soldier, was not enough. There was still a possibility of error. The earth was not yet dry over the grave of Lazear before Pvt. John R. Kissenger and Civilian Clerk John J. Moran offered themselves to Reed for experiment.

"But surely you can't realize the danger," Reed protested. "In some epidemics, 85 men out of a hundred have died of this fever; in others, 50 out of 100; seldom less than 20 out of 100 die!"

"We know," answered Kissenger and Moran. "We are ready."

Reed spoke of a reward for their services. General Wood already had authorized it.

"Forget that, sir," said the two. "We offer ourselves for science and humanity. Our one condition is that we will get no reward for what we do."

Reed, a major, rose to his feet, stood at attention. His hand went to the peak of his cap. "Gentlemen," he said humbly, to this private and to this civilian clerk, "I am honored to salute you!"

Others came forward. Others went down on their backs in the fever wards, volunteers who knew the frightful price. The mosquito was almost convicted; but still a terrible test or two remained. For a century men had believed the disease contagious. The clothing of the sick, the linens and blankets of their beds—these things, the doctors believed, spread yellow fever from the sick to the well.

So a little house was built and called "House No. 1." It was only 14 by 20 feet. The two doors were so arranged, one back of the other, that no mosquitoes possibly could get in. A stove was placed in the building to keep the temperature steadily above 90, and tubs of water were put inside, that the atmosphere would be as soggy as that of a well. Then into this house were taken the cots and mattresses and bedding of men who had died of yellow fever. And into that foul trap,

worse than any Dark Age dungeon, walked of their own free will three men—Dr. R. P. Cook, Pvt. Levi E. Folk, and Pvt. Warren G. Jernegan. They ate there, lived there, slept in those beds for 20 days and 20 nights.

Not one of the three developed yellow fever. More tests were made in the house; but to the astonishment of every man who professed to know medicine no fever patients came from it. "But how do you know," the skeptics demanded of Reed, "that these men, Folk, Jernegan, and the others, are not immune to yellow fever?"

Silence.

Reed had asked the maximum. He could ask no more. But Folk and Jernegan—what soldiers of America for whom monuments have been built have done more? They stepped forward, eyes front, heels together. "We are willing to be inoculated," they said, "Let's make the test beyond question."

Yellow-fever blood was injected directly into Jernegan's arm, and mosquitoes deadly with the disease were permitted to bite Folk. Shortly came the dread signs, the yellowing of the face, the hiccoughs, the nausea. Reed went down on his knees and thanked God when they recovered.

The theory proved? You would think so. But "Not yet!" cried the skeptics. They still argued that sanitation was the thing, not mosquitoes, that cleanliness would stamp out yellow fever. So near by House No. 1 was built House No. 2. It had two rooms. Each of the rooms was as clean as Spotless Town. The sheets and coverlets of the beds were like snow. Pure air and sunlight poured in through the wide windows.

"Try me again," begged John J. Moran, who miraculously had escaped yellow fever in his first test.

So into one room of house No. 2, carefully screened against the entrance of a single mosquito, were shut two American boys. Into the other room was shut Moran, and in there with him were released a dozen mosquitoes from the hospital wards of the sick. This time, though the boys in the screened room remained in perfect health, Moran, in the adjoining room, did not escape. The spotless walls, the sunshine, the clean air did not save him. However, again Reed and his men worked wonders, and Moran's life was saved. The skeptics, hearing, said no more. The way was open to wipe yellow fever from Cuba, and from the whole of the two American continents! The building of the Panama Canal in what was a hotbed of fever was made possible!

For the yellow-fever-bearing mosquito, it was found, had a peculiar trait; it would breed only in clean, fresh water in and about the homes of men. It was a domestic insect, and not of the wilds and swamps. Proper screening could keep it from homes, and proper coverings over all water vessels, rain barrels, and wells could keep it from laying its eggs there. As soon as its breeding places are rendered inaccessible and homes screened against it, this mosquito vanishes from a city. To-day there is no yellow fever to speak of in the Americas!

Now go West with me. When the first white settlers went into Idaho and Montana friendly Indians gave them a mysterious warning. "That valley bad place for man," they said. "Better stay out. You die there."

The settlers looked out over the valley indicated. They saw rich land, abundant water, remarkable advantages of climate. "Those infernal Indian are trying to trick us," they shrugged, and with their cattle and implements and children they moved in to establish homesteads. Then shortly, from out of nowhere, came disaster.

Strong men went down on their backs with a fever which was as strange to them as the cause of it. Ugly spots appeared on their bodies, and in some instances 7 out of 10 thus stricken died. The physicians of the new country were helpless before this fever, and the word spread that certain valleys were accursed.

Settlers already located in them abandoned their homes and fled. Newcomers passed them by, despite their fertility and charm. As years passed, the fever cropped out in all the Rocky Mountain States. It spread north into Canada and even into Alaska, while medical men puzzled and sweated to find its cause. One mystery of the disease was that it occurred only in the spring of the year.

About this time, a young doctor, Howard T. Ricketts, was rising to fame in Chicago, where he was associate professor of pathology in the city university. He was brilliant, indefatigable, and seemed fired with an uncontrollable passion to allay in some measure the sufferings of mankind. Long hours, after his classes, he put in at the laboratory, engaged in research, driving himself mercilessly, often until dawn. At length his health broke. He was ordered to go into the outdoors and rest.

By some irony, Ricketts picked for his enforced vacation a spot in Montana. It was in the spring of 1908 that he reached there, and the mysterious fever of the mountain lands, known as Rocky Mountain spotted fever, was taking its annual toll. Forgetting all orders, Ricketts began to make inquiries, to visit sick beds, to consult medical men who had studied this disease. What was his own health, when the health of others was at stake, when those at his very hand were suffering and dying?

"I've got to find the cause for this," said Ricketts. "We can't check the disease until we find its cause."

So he began to pry about in out-of-way places, always asking questions, digging out details others had deemed too small to bother with. "Maybe an insect spreads the disease," he hazarded, and started searching for this insect. The fever victims were farmers, cattlemen, lumbermen. This fact suggested to Ricketts that beasts might harbor the dangerous insect. Finally, after endless experiments and failures, he set his suspicion on a wood tick. Numerous fever patients recalled having been bitten by this tick.

Whereupon, Ricketts began to study and collect ticks. And he found that by means of ticks he was able to transfer the fever from one guinea pig to another. He bred ticks in the laboratory, and found that the infection they carried was hereditary, that only the adult females could convey the fever to man. Scouring the foothills with tireless energy, exposing himself a thousand times, while his own health waned, he captured and studied the wild animals of the country, and thus discovered that the gopher, the chipmunk, and the ground squirrel were the tick's most ready carrying agents.

Dangerous business this, that Ricketts was engaged in. One bite from a tick would certainly have been fatal to him in his weakened and worn-out condition. But for two years he pushed on in this work.

Ricketts solved the spotted-fever mystery and showed how the West could be freed of it, by ridding the foothills of the small-animal hosts of the tick, and by keeping livestock free of the pest. Between 1907 and 1911 he published 15 authoritative papers on the disease. But he wasn't satisfied that he had done enough, which is a trait of these pioneers, such as Ricketts. They don't retire upon a single conquest. Search their biographies; you will find that even in death they don't retire!

Dr. W. W. Keen, the famous Philadelphia surgeon, tells of a letter he received once from a doctor—not a noted doctor, I believe, but a plain old family physician whose life had been given to administering to the commoner ills.

"I am afflicted with a disease," he wrote, "which I know is mortal. My usefulness in this world is about at its end. But if it will be of any service to humanity, I want to offer myself for experiment. I am willing to submit to any operation, however painful, without any anesthetic, if science will be helped by it."

I have already told you of how Jesse Lazear, fighting off the chills and deadly languor of yellow fever, held himself all night to his desk that a written record of his work and of his symptoms might be left behind. Medicine is replete with such examples. They should be an inspiration to every one of us, regardless of what may be our work.

So Ricketts wanted to do more. The University of Pennsylvania had just called him to fill the chair of pathology, but he couldn't go to Philadelphia yet. Typhus fever was rampant in Mexico. It was sweeping through the jails and labor camps, through the congested districts of cities, claiming hundreds, threatening thousands. The cause of it, how it was transmitted, how to stop its ravages, nobody knew. It was another mystery.

Ricketts packed up, said good-by to the comfort and security of his home, and went to Mexico City, center of the disease. I don't believe he ever did take that vacation the doctors recommended.

Into the jails he went, into the fever-stricken camps, into the contagious wards of the hospitals. Again he was on the trail of an insect, an insect that thrived on uncleanliness, the body louse.

In April, while Mexico waxed hot, he and an associate, Wilder, announced a vital discovery for medical science. They had been able to transmit typhus fever by the bite of the body louse from man to monkey and from monkey to monkey. This was only a beginning, of course, but Ricketts was on the way to something. He was a seer who had peeped behind the veil of the mystery—and he was only 39 years old; years of labor were still ahead of him.

But one morning before that month was out this doughty searcher after truth failed to rise from his bed. His thin face was flushed and his pulse raced. The chills of fever racked his body, worn out and weak from days and nights of unbroken, unselfish work for others; the lice to which he had traced the disease had gotten to him in spite of his precautions. He died less than a month after announcement of his discovery, a martyr to the cause of man's well-being if ever there was one.

During the latter quarter of the past century there were mighty discoveries made on both sides of the Atlantic in electricity.

It was quite natural, therefore, for the scientists to search electricity for possible weapons against disease. And at Wurzburg, a Prussian professor of physics, Wilhelm Konrad Röntgen, accidentally discovered the X ray. At first Röntgen had no idea what those rays were or what they would do. They were unknown quantities, and in algebra the unknown is represented by the letter x. So Röntgen named his discovery the X rays, and a new door was opened to science, and a marvelous new instrument given to our hospitals.

The X-ray machine soon became a part of the equipment in every hospital of consequence, and medical men worked daily with its rays, of which little or nothing exact was known beyond the good they did.

The machine was a boon to mankind, and yet it held a terrible menace to every doctor who used it—a menace which only grim experience, and pain, and death itself could disclose.

Almost every big city and big hospital can lay claim to one or more of these heroes of the X ray. The story of Mihran Krikor Kassabian, an immigrant, is perhaps the most picturesque, but in the main it is only typical of what dozens of other medical men went through, here and abroad.

Kassabian was born in Cappadocia, Asia Minor. As a boy he experienced earthquake, was exposed to epidemics of cholera, and was surrounded by the horrors of massacre. His early education was received in the American Missionary Institute, and that turned his eyes toward the new land of the west. He went to London—as far as his savings would take him—resolved to be a missionary himself. He had that fire which burns in some men, to help, to give, to sacrifice, that his fellow men might live more happily. In London he studied theology and medicine; he also became interested in photography. From photography to the X ray was but a step for a medical student.

A year in London, working his own way, gave him means to complete his journey to America. He became a student at the Medico-Chirurgical College, in Philadelphia, and for the next four years waged that battle of every poor immigrant student, in which ambition pits itself against discouragement and want. He was never idle, and dared not be. His only money was what he earned, after classes, between classes, nights, and during vacations. In 1898, even as McKinley declared war, he received his degree in medicine.

A war on, danger about, there was no holding Kassabian in civilian pursuits. Besides, he felt he owed something to this land of his adoption, America. So he enlisted in the Medical Corps of the Regular Army, was assigned to a hospital, and helped fight that enemy which took a bigger toll than Spanish bullets—disease. In 1903, a civilian again, he was appointed director of the X-ray laboratory of the Philadelphia Hospital. It was not the wealthy that he attended here; his patients were from the congested districts, the narrow back streets, and the stuffy tenements.

Now, there is a mysterious thing about the X rays of which I have already hinted. The rays, used upon a sick or injured man for the purpose of diagnosis or treatment, are harmless to him. The patient is exposed to them only for a brief time, but the X-ray specialist, exposed to those same rays in case after case, day after day, for months on end, plays with almost certain death unless he has a means of protection.

But Kassabian and those others knew nothing of this. They did their work with bare hands. And one day Kassabian detected a small ulcer on the back of one of his hands. Other ulcers soon appeared, until both of his hands and wrists were covered with them, ugly spots from which came the most excruciating pain. The usual treatments did no good whatsoever; instead this malady of the skin grew worse. Then Kassabian knew. The wonderful rays by which he was able to save the lives of others were literally eating him away.

I won't torture you with what Kassabian went through, with what those others of that early band went through. It would be cruel. The only remedy, and that a passing one, was the surgeon's knife, applied again and again. Not a day passed that Kassabian, this missionary self-made, did not endure untold agony. But what was agony before a vision, before that inner fire to do? Quit work? No, not Kassabian!

While his life was being eaten away he rose to eminence. He studied, he wrote, he went back to that machine to let it do its worst on him. Famous medical societies heard of his work and honored him by offices. He became X-ray expert to the Tuberculosis Congress, represented the American Medical Association at international meetings abroad, and back in Philadelphia kept up his work in that laboratory, a doomed man, but one still with his boots on. Death, with which he had raced for a half dozen years, overtook him in 1910, when he was not yet 40 years of age.

Lead, the metal which the X rays can not penetrate, protects the Röntgenologist of to-day. He isn't asked to endure what Kassabian and more than a score of others went through. These were the trail blazers.

But as long as germs and microbes are studied by men in laboratories, as long as surgeons operate, as long as disease remains an ordeal of mankind, there will be dangers just as deadly for men of medicine to face, sometimes to win, sometimes to lose. The hero does not always rise to fame. He may be just "the doctor around the corner."

Dr. John H. Hartwell was one of these, of that legion to which belongs your doctor. He was first a teacher of physical culture, and was in his thirties before he won his medical degree. A kindly man, an able physician, a dynamo of energy and enthusiasm for his work, he rapidly built up an enormous practice in one of the northern residential districts of Philadelphia. His patients worshiped him, and Hartwell never said "No!" when a patient called. In his late forties, he was at his height, unsparing of himself, going night and day, regardless of season or weather. Many a night he had to do with only an hour or two of rest. It was a grilling work. Of wonderful physique, nevertheless it told on him. He was not the first of that army of family physicians to forget self and burn the candle at both ends.

One afternoon Hartwell was called hurriedly to the bedside of a little girl, the daughter of one of his old patients. The child was writhing in pain. His experience told him there was only a single chance to save her, and that a slender one. An abdominal operation was that hope. The child was rushed to a hospital, and Doctor Hartwell made ready his instruments. Skillfully he made his incision that would relieve the sufferer of the deadly poison pus that was taking her life. Perhaps, in the vital emergency of that moment, he was not as careful of his own safety as he might have been. Perhaps an all night and day of work without sleep had dulled his usually keen perception. Anyway, in the middle of the operation, the surgeon pricked his thumb with the knife. The cut laid open the protecting cover of his rubber glove.

Every surgeon faces this danger. Any man who operates on a case of infection exposes himself to deadly peril. And Hartwell, feeling the sting of that tiny cut, seeing the rent in his glove, knew full well that he was as near to death as a man who has swallowed poison. Unless he stopped the operation and gave attention to himself at once he knew the certain consequence—loss of his hand, loss of his arm, maybe loss of life.

But in that split second of realization, Hartwell realized also the danger to the child. He couldn't stop, and leave to that little girl one chance in ten thousand. The operation which he had started had to be done! A split second, I said, for he hesitated no longer than that. With steady, sure hands he finished the task. And on a cot in that same hospital only a day or two later he bade his wife good-bye and smilingly faced the beyond which claimed him.

Dr. Chalmers Da Costa, professor of surgery at Jefferson Hospital, Philadelphia, and one of the greatest authorities on surgery to-day, though he is so crippled by rheumatism that he no longer is able to operate, once said to me:

"In my career of 40 years I have known only one physician who shrank from his duty. He declined to dress a pus case after the surgeon had operated upon it. It is true that there were no rubber gloves in those days, but the surgeon had operated without gloves. Yet the assistant would not touch the case. One instance! And one instance only in 40 years!"

"What of the country doctor?" you ask.

I haven't forgotten him. Whenever the country doctor is mentioned, I think of stanch old Doctor Jones. Maybe his name wasn't Jones. It might have been Miller or Brown or Smith. But what does the name matter, for the world did not even know him when he lived?

Old "Doc" Jones was a village doctor in Ohio. With his old mare and rusty buggy he scoured the whole countryside about, through spring mud that slushed up to his axles, through snow, through rain, and scorching days of mid July. Sometimes he collected a dollar for a visit. Just as often the dollar went down in the old doctor's book. He never claimed to be much of a business man, and his landlord swore that "Doc" Jones was a full year behind in his rent.

Many a broken bone old "Doc" Jones set while a gaping farm hand held the kerosene lamp for him to see by. Many a blizzard he braved with that tired, sleepy mare to bring a new baby to town. Many a shabby account book he filled with many an entry of unpaid fees, only to toss the book eventually into a cluttered drawer to let the dust of years seal it forever. And after 47 hard years of practice he died—at his desk, his hoard head cradled in his arms while he snatched a mite of sleep in his dingy little office on the second floor.

The whole village, and folks from the hills and valleys for 20 miles about, turned out for the funeral. A few of those who knew raised a little fund among them to pay for the cemetery plot and the plain oak coffin. The fund wasn't sufficient to buy a monument.

But after the others had all gone, and the humble grave had been filled, one mourner lingered there alone. He was the new young doctor who recently had come to the village. He stood, head bared and bowed, before that unmarked burial spot.

Presently he left to return with a weather-beaten, faded bit of oblong board on which a message in dim gold letters was still distinguishable. It was the sign which for almost a half-century had directed the ailing and sick to the office on the second floor. And that, as a monument, he placed reverently on the mound of fresh earth:

"Doctor Jones Upstairs."

What finer epitaph could any man want? Who could write a nobler elegy?

NATIONALIZATION OF MARRIAGE AND DIVORCE

Mr. OVERMAN. Mr. President, I have in my hand two articles by a prominent lawyer, Mr. Iredell Meares, in regard to opposition to the proposed constitutional amendment now pending before the Judiciary Committee proposing a constitutional amendment in regard to the nationalization of marriage and divorce. The articles were published in the Woman Patriot.

I ask unanimous consent that they may be printed in the RECORD, together with an article taken from the New York Times and a letter from Mr. Meares to the Washington Post.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From The Woman Patriot, Washington, D. C., January 1, 1928]

PROPOSED NATIONAL MARRIAGE AND DIVORCE AMENDMENT AND LAW

Senate joint resolution 40, House joint resolution 162, and Senate bill No. 1707

By Iredell Meares, Washington Counsel, Sentinels of the Republic

There has been introduced by Senator ARTHUR CAPPER, Republican, Kansas, at this session of Congress a resolution (S. J. Res. 40) proposing an amendment to the Constitution of the United States, "relative to marriage and divorce laws," to be submitted to the States for ratification which declares that:

"The Congress shall have power to make laws, which shall be uniform throughout the United States, on marriage and divorce, the legitimation of children, and the care and custody of children affected by annulment of marriage or by divorce."

Congressman CLARENCE J. MCLEOD, Republican, Michigan, has also introduced in the House a resolution (H. J. Res. 35) proposing an amendment, which declares:

"The Congress shall have power to establish uniform laws on the subjects of marriage and divorce from the bonds of matrimony throughout the United States."

The difference in the wording of the two resolutions is significant. The author of the House resolution had in mind the conferring upon Congress of power to legislate upon marriage and divorce and followed the usual, simple, concrete form ordinarily used by legislators; but the Capper Senate resolution significantly departs from this simple form, and while stalking in the guise of an amendment to confer power upon Congress to make uniform laws on the subject of marriage and divorce, would reincarnate, through veiled design, the discredited, obnoxious, and overwhelmingly rejected child labor amendment.

It would give Congress power to make laws on four distinct subjects:

1. On marriage and divorce.
2. The legitimation of children.
3. The custody and care of children affected by annulment of marriage.
4. The custody and care of children affected by divorce.

It is axiomatic that the power conferred includes all necessary power to carry into effect the direct power granted. So Congress could make laws, exercising full power over illegitimates, under the age of 21, whether affected by marriage or divorce or not, requiring their registration, their submission to control of Federal professional welfarers, direction of their training and control of their labor, and the equitable powers of State and Federal courts, now exercised in their discretion, would become subject to the particular law Congress might pass.

CAPPER BILL

Evidently in anticipation of such an amendment being adopted, Senator Capper has introduced a bill (S. 1707) "To provide for uniform regulations for marriage and divorce."

DOMESTIC RELATIONS

The regulation of the domestic relations of their citizens is at present peculiarly within the exclusive sovereignty of the States. Conditions suggesting the necessity or desirability of legislation upon the subject vary in different States. Thus Maine without a Negro, Mongolian, Malay, or Indian population, does not find it necessary to prohibit marriages between white persons and other races; but the Southern States, because of their large population of negroes, and certain Western States, because of the presence of people of the Mongolian, Malay, and Indian races, do find it necessary to prohibit miscegenation. Experience teaches them that the intermarriage of races is detrimental to both and injurious to society.

PROPONENTS' ARGUMENT

The advocates of this amendment argue that a uniform marriage and divorce law is desirable. Why? It could in no wise promote better marriages. It would not relieve the discordance of unwise or unhappy matrimonial alliances. The evil of divorce would not be reduced by it. About all the control of the subject by Congress could accomplish would be to relieve those who want divorces, but can not procure them in their own States for lack of legal grounds, of the necessity of removing their residence to some jurisdiction where they could allege legal grounds, not deemed sufficient in their home State, upon which to procure divorce.

The ratification and adoption of such an amendment would be another step in the tendency so prevalent to invade by Federal power the reserved rights of the States. It would be an interference with local self-government. The proposition is not to prohibit divorces for any cause in the United States, as is now prohibited in South Carolina by the constitution of that State. If the bill introduced by Senator CAPPER interprets the view of the advocates of the Federal power, and it becomes the law, the door of opportunity will be opened wider for unwise marriages and easier divorces.

STATE LAWS AS TO MARRIAGES

All the States, including Alaska, Hawaii, and Porto Rico, have statutory laws governing marriage and divorce. They all provide for license, designate by whom the marriage may be solemnized, require reports and registration to be made on the official records. These State laws generally provide that the children of a voidable marriage are legitimate, if born before the marriage is annulled.

The ages of consent are generally fixed by the State laws at 18 for males and 16 for females, but one or two States fix the age at 18 for males and 14 to 17 for females; all, where parties are under the legal age of 21, require the consent of parents or guardians. When either party to a marriage is incapable of consenting for want of legal age, the marriage is voidable, only at the suit of the party under legal age, if not confirmed after attaining the consent age. Where marriages are obtained through duress or fraud they can be voided by the party laboring under the force of fraud imposed. Marriages are prohibited where either party has a husband or wife living at the time of marriage. In some States the violation of these prohibitions to marry are made felonies. Taken generally these laws do not vary in basic essentials.

MISCEGENATION

In Alabama, Arkansas, Arizona, Colorado, Delaware, Indiana, Kentucky, Maryland, Louisiana, Oklahoma, Oregon, Texas, Virginia, and West Virginia, marriages are prohibited between a white person and negro or mulatto. In Arizona and California, between persons of Caucasian blood and their descendants, with Africans, Indians, and Mongolians or their descendants, and are declared void. In Florida, between a white person and negro, having one-third or more negro blood, and are declared void and issue illegitimate. In Mississippi, between a white person or a mulatto who has one-eighth of negro blood or with a Mongolian or a person who has one-eighth or more Mongolian blood, are void. In Missouri, between a white person and a negro or Mongolian. In Nevada and South Dakota, between a white person and a person of any other race. In North Carolina, between a white person and a negro or Indian or a white person and negro or Indian of descent to the third generation included. In North Dakota, between a white person and one of one-eighth of negro blood or more. In South Carolina, between a white person and negro and Indian, half-breed included. In Tennessee, between a white person and negro or persons descended from negroes to the third generation. In Wyoming, they are prohibited between white persons and negroes, mulattoes, Mongolians, or Malays. In Indiana, between white persons and persons of one-eighth or more negro blood. In Nebraska, between white persons and persons possessing one-eighth or more of negro, Japanese, or Chinese blood. In Oklahoma, between persons of white descent and not of such descent. In Oregon, between white persons and persons of one-fourth or more of negro or Mongolian blood (Chinese, Japanese, etc.).

In other words, 26 States have laws prohibiting intermarriages between white persons and persons of African, Mongolian, Malayan, or Indian descent; but the proposed bill of Senator CAPPER contains no such inhibitions.

STATE LAWS AS TO DIVORCE

An examination of the statutes of the several States, including Alaska, Porto Rico, and Hawaii, does not show any great lack of uniformity as to the main causes for which divorce is granted. Summarizing them it appears that absolute divorce will be granted for—

Adultery: In all the States except South Carolina which, by its constitution, prohibits divorce for any cause. The District of Columbia grants it only for this cause. New York only for this cause except by recent statute it added the cause of five years desertion.

Willful desertion: Granted in 44 States; time of desertion varying from 1 to 7 years in the different States.

Conviction for felony: Granted in 44 States.

Cruelty and inhuman treatment: Granted in 44 States.

Impotence at time of marriage: Granted in 36 States.

Habitual intemperance: Granted in 40 States.

Habitual use of narcotic drugs: Granted in 6 States.

Husband or wife living at time of marriage: Made specific grounds for divorce in 9 States. Such a marriage would be void with or without special legislation.

Incurable insanity: Granted in 9 States.

Pregnancy of wife by another man: Granted in 14 States.

Lewd and unchaste wife time of marriage: Granted in 4 States.

Willful neglect: Granted in 13 States.

Failure to support wife: Granted in 5 States and in 1 State when due to idleness, profligacy, or dissipation.

Gross neglect of duty: Granted in 3 States.

Duress or fraud in obtaining marriage: Granted in 9 States.

Continuous separation: Granted in 5 States, length of time varying from 3 to 7 years.

Mental incapacity at time of marriage: Granted in 3 States.

Absence without being heard from: Granted in 4 States; time 3 to 7 years.

Husband absents himself three years without providing for wife's support: Granted in 2 States.

SUPPLEMENTAL CAUSES

In the statutes of one State or another, but not in two States or more, the following causes for divorce are given: Bigamy; incest; crime against nature; vagrancy of husband; subjecting daughter to prostitution; contracting leprosy; contracting loathsome disease; communicating venereal disease; habitual violent temper; marriage on false rumor of death of husband or wife; public defamation by either wife or husband of the other; relations between parties such as law prohibited; husband's malicious attempt on life of spouse; parties within degree prohibited by law; consanguinity within prohibited degrees; divorce obtained in any State or county; attempt by wife or husband on life of other by means of malice; refusal for two years of wife to remove with husband to State of his residence; treatment endangering health or reason; joining religious sect or society professing marriage to be unlawful; joining religious sect or society whose creed required denunciation of marriage; procurement of divorce without the State while marrying obligation remains binding on other party within the State; any ground rendering in this State marriage void; complaining party married under age of consent at time of marriage and not confirmed after reaching age of consent; where wife goes to reside in another State and remains absent from husband 10 years without his consent; where wife of alien resides in State, living separately, and husband leaves United States for some foreign country not intending to return and without suitable provisions for wife's support.

CAUSES OF DIVORCE IN SENATOR CAPPER'S BILL

All the causes of divorce, as now allowed by the States, will be repealed by Senator CAPPER'S bill, if passed and the law held to be constitutional, for it provides—section—that "divorces may be decreed, upon application of the injured party, for the following causes and no other." It then names:

1. Adultery—which is now a cause in all the States.

2. Cruel and inhuman treatment—which is now a cause in 44 States.

3. Abandonment or failure to provide support for a period of one year—which is now a cause in 44 States, but not for so short period, except in one State.

4. Incurable insanity—which is now a cause in nine States. This bill does not say whether insanity existing at or subsequent to marriage.

5. Conviction of an infamous crime—which is now a cause in 44 States.

Thus, it will be seen that of the five causes of divorce stated in the bill, one of them, adultery, is the law in all the States, three of them, cruel and inhuman treatment, abandonment, and conviction of infamous crime, are the law in 44 States, and one, incurable insanity, is the law in 9 States; but impotence, a cause in 36 States; habitual intemperance, a cause in 40 States, and miscegenation, a cause in 26 States, are omitted. And since this bill, also, provides that no license shall be issued to persons under age or related, or "insane, imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or venereal disease," it leaves open the right of marriage between the races.

NO FEDERAL MACHINERY

The bill provides no Federal machinery for the enforcement of the act and confers no power upon the Federal courts to grant divorces, but does undertake to require of State officials the carrying out of its provisions and declares, "the enforcement of this act shall be in the courts of the several States, in conformity to the laws thereof not in conflict with the provisions of this act."

Congress can not impose upon State officials and States courts the obligation to enforce any act it may pass, even if having constitutional power to legislate upon the subject, because the States are sovereign within their sphere and one sovereign can not prescribe or regulate the official duties of the officers or agents of another sovereign.

PRESCRIBE DUTIES OF STATE OFFICIALS

This bill not only directs the manner in which the marriage-license clerks or State officials shall issue licenses, prescribing the form, but subjects them to a fine of $100 to $500 or imprisonment in the county jail—why not in the governor's mansion?—for Congress has as much control over one as the other—for not more than one year, or both, if knowingly they shall issue any license contrary to the provisions of the act. The form of application and license are prescribed in the act. The States shall provide them. The marriage-license clerk "shall provide a suitable book to be called the marriage-license docket." At whose cost? The Government's, the State's, or the clerk's? The act does not state. "The license shall be directed to any person authorized by the law of the State to solemnize marriage between the parties," and "may authorize the marriage ceremony to be performed in any county of any State, but such county and State shall be specified in the license." So a clerk in San Diego, Calif., could authorize a marriage to be performed by some State agent in Bangor, Me. Thus Congress undertakes to direct a State agent in one State to direct a State agent in another State to perform an act neither have the legal power to direct. Then the marriage-license clerk of the State is required, on February 1 of each year, to make full report to the State board of health of his State under a penalty of $100. Like absurdities appear throughout this bill that might well enable it to take the prize for being the best of congressional curiosities.

POWERS OF CONGRESS

If Congress were vested with the power to so pass acts and impose their enforcement on State officials and State courts at State expense, the last vestige of the reserved rights of the States would be abrogated, for if the power rests in Congress, it could pass acts regulating any other subject matter of purely domestic and local concern, as, for instance, the regulation of domestic corporations, of eleemosynary and educational institutions, or property rights, or other matters entirely within the sphere of the States.

Even if the Constitution gave Congress the power to regulate marriage and divorce, it would not have the power to require of State agents or officials, appointed and paid by the State, to carry out its provisions, and it could only give the State courts concurrent power to enforce it, but not impose the duty upon them to do so.

If Congress is given power to regulate marriage and divorce, the moment it legislates the act passed by it would supersede all the laws of the State upon the subject, since an act of Congress made in pursuance of a constitutional grant of power overrides State acts upon the same subject.

Section 4 provides that no license shall be issued to one under the prescribed age (18 for males, 16 for females) or who is "insane, or an imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or a venereal disease," or related within the degrees of kin specified.

The fact that it enumerates the impediments to the issuance of marriage and declares that "the issuance of a license shall not be deemed to remove or dispense with any legal disability, impediment, or prohibition rendering the marriage between the parties illegal" excludes all other impediments not enumerated. It is a well-established canon of construction that things enumerated in an act exclude those not enumerated.

So if this bill should be passed and become effective upon the adoption of the proposed amendment, if adopted, the laws of the 26 States which prohibit marriages between persons of the Caucasian or white race with Africans, Mongolians, Malayans, or Indians would be repealed; as well also all the prohibitions of State laws, which have been mentioned, except those included in the inhibitions enumerated in this bill.

It is true that the bill (sec. 38) declares that "the enforcement of this act shall be in the courts of the several States and in conformity to the laws thereof, not inconsistent with the provisions of this act," and if the bill as proposed retains all State laws in force not inconsistent with its provisions, then instead of obtaining the much-talked of uniformity it will only accentuate the divergence of the laws now prevailing.

ADDENDUM

Since the above monograph was prepared Congressman ERNEST W. GIBSON, Republican, of Vermont, has introduced in the House H. J. Res. 162, similar in all respects to the Capper amendment, except it has the additional provision "that the power to legislate concerning the relation"—that is, as to marriage—"between persons of different races is hereby reserved to and may be exercised by the several States."

CRUDITIES AND CURIOSITIES OF CAPPER BILL

Marriage may be validly contracted only after license obtained as in manner prescribed (sec. 2). No person can marry in any State until license is issued in county of State where woman resides (sec. 3). Application must be made by one or the other of the parties two weeks before issuance of license (sec. 5). In case of emergency, or extraordinary circumstances, the judge having probate jurisdiction may authorize issue before the expiration of two weeks (sec. 5). But no definition is given of what constitutes the "emergency" or "extraordinary circumstances," leaving as many varying constructions to be placed upon them as there are probate judges throughout the country!

Suppose a woman in Louisiana is called to the bedside of her affianced, taken suddenly ill or meeting with serious accident, who resides in Buffalo, N. Y., and in view of impending death or protracted illness both are desirous of being joined in marriage—an "extraordinary circumstance." But back to Louisiana she must go to the county where she resides, apply for license, petition to probate judge, go through the routine outlined to obtain license, and then back to Buffalo; whereas at present, between parties competent to contract, they could obtain license and be married without unreasonable obstructions in New York. Why throw greater impediments to marriage by these Federal regulations upon present adjustable and local State laws? Only to appease the never-satisfied raven of bureaucracy!—the creation of greater Federal power and high-salaried officials to enforce it.

PRIVATE REVELATIONS

After application and before it can be issued the contracting parties must in person appear and make oath that they are not under age, "or insane, or an imbecile, pauper, epileptic, feeble-minded, or afflicted with tuberculosis or a venereal disease" (sec. 4), stating date of contemplated marriage, and their "names, relationship, if any, physical and mental condition, age, nationality, residence and occupation," names of parents, guardians, or curators, "prior marriage or marriages of the parties, or either of them, and manner of the dissolution thereof" (sec. 6).

Such statement under oath may be made, separately or together, before "the court, magistrate, or justice of the peace of the county wherein either party resides and must be forwarded and received by the license clerk 10 days before license is issued" (sec. 6). If the pregnancy of the female under the age of 18 years or the birth of a child to her is shown, the probate judge, upon application of the parties, after hearings upon proper cause shown, may make an order allowing the marriage of such minor (sec. 7).

What public purpose is served to require of the hundreds of thousands of young persons throughout the country marrying every year to make under oath and officially record these humiliating self-revelations? Even of their denial that they exist!

Why should the young woman, whose shame her mate would protect by marriage, be obliged to confess and prove it, and have that confession and proof made a matter of official record, before being allowed to marry? We are not dealing with dogs, pigs, goats, sheep, or cattle, even though monkeys, or their descendants, would have it so.

STRIFE AND LITIGATION ENGENDERED

It is provided that immediately upon receipt the clerk shall enter upon the public record and "post in his office a notice of the names and residences of the parties applying therefor." Any person, whether kin or not to parties, believing "the statements of the application are false or insufficient, or that the applicants, or either of them, are incompetent to marry" may file in court under oath a petition for a rule "upon the parties making such application to show cause why the license should not be refused" (sec. 8). The court, if satisfied the objections are prima facie valid, must issue the rule; license is stayed, hearings had, and the court can sustain or overrule the objections. No appeal lies. The State probate judges do not have any power now to issue such rules. No procedure of its kind now exists. So, when under this act some "petty probate officer" says no, the once opening door of romance is banged in the face of Cupid and he remains shut out in the cold.

What an expanding field is here opened to irate, spiteful, revengeful, or mischief-making persons and to the self-appointed human stock-breeding specialists to exploit by objections their mad resentments and their neurotic theories as to the regulation—or prevention—of marriages? What an opportunity for blackmail!

Imagination staggers at the possibilities of bitter feuds, strife, and litigation which will arise, and of the confusion of varying decisions, constructions, and interpretations of the law, which several thousand petty "probate judges having jurisdiction" will make in as many thousand different ways as there are judges. There will be no court of appeal to reconcile the conflicts by definite and authoritative decisions to become precedents. None is provided for in this act.

INCITEMENT TO FRAUD

Section 28 is an incitement to fraud. If a person marry, having a former wife or husband living, and the parties to this subsequent marriage live together, but the one believing himself or herself to have been divorced from former husband or wife, or that he or she were dead; then after by death of or divorce from the former husband or wife, such subsequent marriage will be deemed valid and issue legitimate, provided the parties continue to live together as husband and wife, after the impediment is removed, and provided they shall have been married according to the provisions of this act.

Under present law, common or statutory, in every jurisdiction, the marriage of parties either of whom had a former wife or husband living at the time, is void; unless by judicial ascertainment the absence of such former wife or husband, without being heard from for seven or more years had been established, and upon presumption, he or she had been declared legally dead. Every lawyer of experience knows how easily persons may persuade themselves to believe what their impulses urge, so under this act, their marriage, under the circumstances, can be self-excused and the risk taken in expectation that, if absent husband or wife turns up, their marriage will remain valid by simply obtaining divorce from such former wife or husband, or will become so upon his or her death. The provision is an inducement to fraud by persons wanting to marry without waiting for divorce from or death of living wife or husband.

CONCLUSION

Other crudities and curiosities of this bill of bills might be suggested. Certainly, it might be designated as "an act to hamper marriage and make easy divorce."

The introduction of such a bill, if intended to be seriously urged and its passage asked, is a reflection upon the intelligence of the Members of Congress; upon the courts to presume, if passed and approved, they would sustain it; and upon the people to suppose they would submit to it.

IREDELL MEARES.

[From the Woman Patriot, Washington, D. C., February 15, 1928]

SHALL MARRIAGE AND DIVORCE BE NATIONALIZED?—FURTHER OBJECTIONS TO THE PROPOSED AMENDMENT AND LAW

By Iredell Meares, Washington Counsel, Sentinels of the Republic

Heretofore in the Woman Patriot the proposed amendment to the Constitution conferring power upon Congress to legislate upon the status of marriage and divorce, and the Capper bill, introduced in the Senate, to regulate both, were discussed. It is worth while to examine and analyze the argument frequently advanced by proponents of both measures.

It is argued as justifying an amendment to the Federal Constitution conferring power upon Congress to legislate in regard to marriage and divorce that as the condition now exists parties may be divorced in one State but not in another, since the decree of a State court is effective only within the State where rendered; therefore, it is contended, we need a uniform divorce law so that the decree of a court of any State granting divorce would operate and be effective in like manner in all the States.

FAITH AND CREDIT CLAUSE

The Constitution of the United States provides by Article IV, section 1, known as the faith and credit clause, that—

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof."

The Congress by act of May 26, 1790 (R. S. 905), has provided the mode of authenticating the acts, records, and judicial proceedings of the States, and this act declares:

"And the said acts, records, and judicial proceedings, when authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from whence the said records are or shall be taken."

The Supreme Court of the United States, in construing this article of the Constitution and the provisions of the quoted statute, declared that: "This does not prevent an inquiry into the jurisdiction of the court in which judgment is rendered to pronounce judgment; nor into the right of the State to exercise authority over the parties or the subject matter; nor whether the judgment is founded in and impeachable for a manifest fraud. The Constitution did not mean to confer any new power on the States, but simply to regulate the effect of their acknowledged jurisdiction over persons and things within their territory. It did not make the judgments of the States domestic judgments to all intents and purposes, but only gave a general validity, faith, and credit to them as evidence." (Cole *v.* Cunningham, 133 U. S. 107.) "But," says the same court, "when duly pleaded and proved in a court of that State they have the effect of being not merely prima facie evidence, but conclusive proof of the rights thereby adjudicated, and a refusal to give them the force and effect in this respect which they held in the State in which they were rendered denies to the party a right secured to him by the Constitution and laws of the United States." (Huntington *v.* Attrill, 146 U. S. 657.) In the case of Atherton *v.* Atherton (181 U. S. 155) the facts were that the husband, who resided in Kentucky, obtained a divorce from his wife, who had removed to New York, upon service of summons and complaint by mail. The Supreme Court of New York and the court of appeals of that State decided that the decree in Kentucky was inoperative and void as against the wife and gave her judgment in a suit brought by her in New York for divorce from bed and board, with custody of child and support. The Supreme Court of the United States reversed these opinions and said: "We are of opinion that the undisputed facts show that such efforts were required by the statutes of Kentucky and were actually made to give the wife actual notice of the suit in Kentucky as to make the decree of the court there, granting a divorce upon the grounds that she had abandoned her husband, as binding on her as if she had been served with notice in Kentucky or had voluntarily appeared in the suit. * * * The result is that the courts of New York have not given to the Kentucky decree of divorce the faith and credit which it had by law in Kentucky and that, therefore, the judgment must be reversed."

On the other hand, the Supreme Court of the United States has declared that a judgment of divorce obtained by a husband in a State to which he had gone in disregard of his duty, upon service of process by publication on the wife who had remained in the State of the domicile of matrimony and did not appear in the court, is not entitled to full faith and credit outside the State in which the divorce was granted. (Haddock *v.* Haddock, 201 U. S. 562; Thomson *v.* Thomson,

226 U. S. 551.) Again, the Supreme Court of the United States in the case of Andrews *v.* Andrews (188 U. S. 28) held that the full faith and credit clause was not violated by the refusal of the Massachusetts courts, acting under a State public statute, to give effect to a decree of divorce rendered by a court of another State in a suit instituted by one who temporarily left the State of Massachusetts, where he was domiciled, for the purpose of obtaining a divorce for a cause which occurred in that State while the parties resided there, but which was not a ground for divorce in that State. It will be interesting to note the reasoning of the court, which was stated as follows: "It can not be doubted that if a State may not forbid the enforcement within its borders of a decree of divorce procured by its own citizens, who, while retaining their domicile in the prohibiting State, have gone to another State to procure a divorce in fraud of the laws of the domicile, that the existence of all efficacious power on the subject of divorce will be at an end. This must follow if it be conceded that one who is domiciled in a State may, whenever he chooses, go into another State, and, without acquiring a bona fide domicile therein, obtain a divorce, and then compel the State of domicile to give full effect to the divorce thus fraudulently procured." It was also held in this case that the Supreme Court of the United States under the faith and credit clause of the Federal Constitution has jurisdiction to review the decision of a State supreme court refusing to give effect to the proceedings of another State and that the Supreme Court must judge for itself of the true nature and effect of the order relied on. So it has held in a series of other cases.

It is true that the Supreme Court of the United States in the case of Haddock *v.* Haddock (201 U. S. 562) held that "the mere domicile within the State of one party to the marriage does not give the courts of that State jurisdiction to render a judgment enforceable in all other States by virtue of the full faith and credit clause of the Federal Constitution against a nonresident who did not appear and was only constructively served with notice of the pendency of the action." The term "constructive notice," of course, refers to service of the summons and complaint by publication. Thus, if the plaintiff is domiciled in the State wherein suit is brought, but the defendant is domiciled in another State and is served with notice of the suit only by publication, the court, for want of proper jurisdiction of the defendant who does not voluntarily appear, can not render a decree which would be compulsory upon other States to enforce it in their jurisdiction. The court in this case said:

"The contention that if the power of the State to decree a dissolution of the marriage which would be compulsory upon the other States be limited to cases where both parties are subject to the jurisdiction, the right to obtain a divorce could be so hampered and restricted as to be in effect impossible of exercise, is but to insist that in order to favor the dissolution of marriage and to cause its permanency to depend on the mere caprices or wrong of the parties, there should not be applied to the right to obtain a divorce those fundamental principles which safeguard the exercise of the simplest rights. On the other hand, the denial of the power to enforce in another State a decree of divorce against a person who was not subject to the jurisdiction of the court in which the decree was rendered obviates all the contradictions and inconveniences which are above indicated. It leaves uncurtailed the legitimate power of all the States over a subject peculiarly within their authority, and thus not only enables them to maintain their public policy, but also to protect the individual rights of their citizens. It does not deprive a State of the power to render a decree of divorce susceptible of being enforced within its borders as to the person within the jurisdiction, and does not debar other States from giving such effect to a judgment of that character as they elect to do under mere principles of State comity. It causes the full faith and credit clause of the Constitution to operate upon decrees of divorce in the respective States just as that clause operates upon all other rights—that is, it compels all the States to recognize and enforce a judgment of divorce rendered in other States where both parties were subject to the jurisdiction of the State in which the decree was rendered, and it enables the States rendering such decree to take into view, for the purpose of the exercise of their authority, the existence of a matrimonial domicile from which the presence of a party not physically present within the borders of a State may be constructively found to exist."

As illustrative of the existence of a matrimonial domicile, the court refers to the case of Atherton *v.* Atherton, which we have quoted above. In that case the wife and husband resided in Kentucky. It was their matrimonial domicile. The wife wrongfully left her husband and took up a residence in New York. In a divorce suit in Kentucky she was served by publication under the Kentucky statute. The Supreme Court of the United States held that Kentucky, being her matrimonial domicile, the service was sufficient to give the Kentucky court jurisdiction to render a decree enforceable in other States under the faith and credit clause of the Federal Constitution, notwithstanding she was not personally served with notice of the suit and did not personally appear and defend.

It follows, then, that under the Constitution and decisions of the Supreme Court of the United States, if a decree is regularly obtained in one State it operates in all the States. If not regularly obtained, it may be disregarded in other States. And the refusal by one State to give full faith and credit to the judgment of another State raises a Federal constitutional question which, upon writ of error, would be heard and determined by the Supreme Court of the United States.

POWER TO CONGRESS FUTILE

If Congress were given power to legislate upon divorce by the adoption of an amendment to the Federal Constitution, the passage of an act by it prescribing the causes of divorce would relieve parties, who can not now secure divorce in their home State, from having to seek other States where the laws are suitable to their purposes; provided, of course, the act of Congress were to prescribe causes upon which they could maintain suit.

If the act of Congress, effective upon ratification of the amendment, were restricted to causes on the ground of which persons could not maintain action of divorce in the States, nothing would prevent them from resorting to France or Mexico or other foreign countries. In France only a short domicile is required, secrecy observed, and divorce is not difficult. In Mexico neither residence nor domicile is required and divorces may be had by consent; nor need the American citizen personally go to Mexico, but it may all be effected in short order by attorneys representing the parties—a mail-order divorce.

Even were Congress empowered and passed a divorce law, approved by the President, the courts of one State would not be obliged to give full faith and credit to a decree of another State without investigation if in a proper proceeding it were attacked for want of jurisdiction of the court rendering it or for fraud in obtaining it. Cases would as frequently then arise as now where courts would refuse full faith and credit to such judgments of other States. Then, as now, the litigation would have to be carried to the Supreme Court of the United States for final adjudication in each case.

If a decree were obtained in a foreign court in a suit wherein either of the parties were citizens of the United States, our courts, State or Federal, are not obliged to recognize it as dissolving the bonds of matrimony. One might be divorced in France or Mexico and not divorced here under the laws of the several States. Generally speaking, the comity between nations prevailing under international law would obligate the courts of one nation to recognize and give effect to the judgments of another nation, when properly pleaded, authenticated, and proven; but the rule is not unqualified. The general doctrine of the American courts in relation to foreign judgments is that they are prima facie evidence, but they are impeachable. The jurisdiction of the foreign court rendering the judgment, and its power over the parties and things in controversy may be inquired into, and the judgment impeached for fraud. (Hilton *v.* Guyot, 159 U. S. 113.)

In the case of Haddock *v.* Haddock, the Supreme Court of the United States cites with approval the language of an opinion of the Privy Council of England, wherein the principal is stated as follows:

"When the jurisdiction of the court is exercised according to the rules of international law, as in the case where the parties have their domicile within their forum, its decree dissolving their marriage ought to be respected by the tribunals of every civilized country. * * * On the other hand a decree of divorce a vinculo" (that is, absolute) "pronounced by a court whose jurisdiction is solely derived from some rule of municipal law peculiar to its forum, can not, when it trenches upon the interest of any other country to whose tribunal the spouses were amenable, claim extraterritorial authority."

Either party to the marriage, if divorce were obtained in a foreign country, could bring suit in the State court of his or her domicile, notwithstanding the amendment, if adopted, or any law by Congress passed in pursuance of the constitutional power conferred, to declare such foreign divorce void for fraud or in contravention of the municipal law of this country. The courts would have jurisdiction then as now to entertain the suit and pronounce judgment, and a uniform marriage and divorce law would not obviate the conflict between State judgments or judgments between State and foreign nations. If it were given such effect, the conflict between the decrees of foreign countries and possible decisions of State courts refusing to recognize them would remain when either party to the marriage sought to set aside a foreign judgment dissolving it. Thus the proponents of these measures would play the trick of the terrapin which slips off the log into the water to keep from getting wet by a shower of rain.

MARRIAGE STATUS

Lawyers speak of marriage as a civil contract. Churchmen view it as a religious sacrament. The eugenic-birth control artists view it as a physical process through which to breed babies, like pigs, to specified standards.

It is in a limited sense only a contract. The parties must be competent to marry under the regulations ordained by the States. Prenuptial agreements relative to property are recognized in law as contracts. On marriage the relation is not one of contract but of domestic status. Unlike the ordinary contract, it can not be modified, restricted, enlarged, or dissolved by mutual consent. Only the legislature of the State acting directly or by the courts which it creates can dissolve the marriage. The Supreme Court of the United States has held that marriage does not fall within the class of contracts the

obligation of which can not be impaired by the States. The marriage status involves responsibilities, alike to each other, offspring, and society. The State regulates this status. The Federal Government has no control over it. The Supreme Court of the United States has so held. "It is an institution in the maintenance of which in its purity the public is deeply interested, for it is the foundation of the family and of society, without which there would be neither civilization nor progress." (Maynard v. Hill, 125 U. S. 190.)

It is unfortunate that the spiritual ideal of marriage as a religious sacrament is not more firmly and universally instilled in the minds and hearts of the people. In the degree that we abandon this ideal the evil of divorce will remain. Loyalty in faith, if not in love, each to the other, is the basis of its maintenance, even as loyalty is the rock upon which in final analysis human character rests.

No legislation will correct the evil of divorce. It is the result of a decadence in popular esteem of the sanctity of marriage. Legislation may suppress its effect. It can not remove its cause. To invest Congress with the power to "make laws, which shall be uniform throughout the United States, on marriage and divorce," as proposed, will not suppress the evil, but will divest the several States of their inherent power to regulate the marriage status. Not only would Congress then have the power to legislate as to the competency of persons to marry, and in what manner marriage should be consummated, but, after consummation, to legislate as to the marriage status during its continuance.

This status is all embracing. It stops not at the ceremony. It is not limited to the personal relations of husband and wife. It involves children, their custody, rights, and welfare. It extends to marital property rights, courtesy, dower, separate estates, power to alienate, inheritance and devolution of estates, and many rights and interests arising out of the marriage status. Congress might not exercise the full extent of the power which the proposed amendment carries, but it could do so at its will if such an amendment were submitted to and ratified by the several States.

And the sovereign power of the several States over the domestic status of their citizens, now exercised in each State in accordance with local customs, traditions, and conditions, would be revolutionized, surrendered to, and centralized in the Federal Government to make more convenient and assured the obtaining of divorces by the comparative few of our population of 120,000,000 people, who are unfortunate in their matrimonial alliances. Even as we send forth to war the youth of our country, who suffer hardships, wounds, and death in order to defend and maintain our institutions, so may society require of the men and women who are dissatisfied or unfortunate in their marital relations that they find redress in the State of their own domicile, or, if unable to obtain it, endure the pangs of outrageous fortune for the sake of preservation, sanctity, and permanency of the institution of marriage.

NOTE.—Since the above was written the author finds in the New York Times the report of a novel suit to determine whether an agreement for alimony arising from a French divorce is valid in New York State. The suit was brought by Mrs. Ruth O'Neill against Alex. J. Hammerslough, her former husband, to collect the balance due under an agreement signed just before the decree was made on June 13, 1922. Each of the parties has since remarried.

"The answer," in the case, says the Times, "brings into question the validity of an agreement arising from the action of New York residents in going to Paris and submitting to the jurisdiction of the French courts to be divorced under circumstances asserted to be against public policy under the New York decisions." Thus, we find illustration of the argument that people wanting a divorce may repair to foreign countries, obtain divorce, but the validity of it may be tested here in the State courts. And if anything were wanting by way of further illustration, it will be found in an article, also quoted from the Times, appearing in this issue of the Woman Patriot.

[From the New York Times]

MEXICO PROVIDES TOURS OF DIVORCE—TRAVEL, SIGHTSEEING, HOTEL ACCOMMODATIONS, AND A DECREE ARE INCLUDED IN ARRANGEMENTS FOR VISITORS TO THE REPUBLIC

As a foreign Mecca for Americans seeking divorces the neighboring Republic of Mexico is coming forward as a rival of Paris. An officer of the Mexican Government, who is in a position to know, estimates that eight Americans are now arriving in Mexico every day for the purpose of seeking divorces, which means that Americans are being divorced under the laws of the southern Republic at the rate of 2,920 a year. This estimate would apply for the month of December, 1927, but, according to the Mexican authority, the number is constantly growing.

The last word in this modern phenomenon is the organized tour of divorce. Appropriating the wisdom and profiting by the experience of large travel agencies, managers of Mexican divorce tours undertake to arrange for their patrons not only the legal details of the severance of marital ties, but the engagement of all transportation and hotel accommodations—with pleasure excursions during the few days the client is waiting for the legal formalities to be concluded.

Laws of such Mexican States as Campeche, Morelos, and Sonora, are the result of amendments deliberately passed to attract the dollars of the Americanos. During what might be called the era of the divorce colony in Mexico—an epoch marked by the supremacy in this field of the State of Yucatan—the influx of gringos led to an improvement in Mexican beds, bathtubs, breakfasts, and bull fights. However, the most far-seeing entrepreneurs of divorce soon realized that, for all the pulling powers of such improvements, a slackening of legal requirements, and particularly a reduction of the term of residence required, went even further in attracting foreign business. This realization ushered in the sudden decline of the divorce colony and the rapid rise of the divorce tour. To-day the Mexican States leading in the production of decrees for foreigners are Campeche, Morelos, and Sonora.

SONORA BIDS FOR FAVOR

Entering the field of competition somewhat later than most of her sister states, Sonora has profited by their errors. Considerable effort has been made by Sonora to strengthen the validity of her divorces by accomplishing personal service of summons on defendants. Sonora law provides that the American defendant who has remained behind in the United States must be notified of the Mexican proceedings by an agent of the court, and 39 days are allowed within which to answer the suit.

When these amendments perfecting the Sonora law had been made, a Mexican came to the United States and began organizing "tours of divorce" across the border. He guides small groups of men and women interested in Mexican travel for the reason of divorce.

These voyagers gather from time to time at a headquarters, conveniently located near the Grand Central Station. Instructions are given and tickets and other reservations issued to Hermosillo, capital of Sonora. At Nogales, Ariz., they see fellow Americans leaving the train to walk across the street and get divorces in Nogales, Mexico. But no such crude procedure is followed in the tours, as is evidenced by the experience of a Boston woman.

"The morning after my arrival in Hermosillo," she said, "I awoke in a Swiss villa to hear the songs of southern birds. After an American breakfast I wandered about sniffing the fragrant flowers until my Mexican attorney came in a car to drive me to the judge's chambers. My attorney was Señor B., a friend of the governor of the State. He drove me to a building of Spanish type, with a flower-filled patio, looking like anything but the dismal sort of courthouse I had expected. The judge was in ordinary business clothes, a reserved, dignified man.

"Señor B. introduced me briefly and presented my petition for divorce. This was shorter than American papers of the kind, I should imagine, and simply stated the facts about my marriage, including the statements that I had been married for more than one year and that my husband and I had lived apart for more than six months (these terms are the minimum requirements under Sonoran law). There was no oral examination and no outsiders were present. I simply executed my complaint before a notary, then the judge bowed me out, and for three days I enjoyed the sights and fiestas of lovely Hermosillo.

"The only formality which remained for me was to execute a power of attorney, authorizing Señor B. to represent me to the conclusion of the case. I then returned to New York. Two weeks after I had executed my complaint the judge called my attorney into conference with the attorney appointed to represent my husband to see if a reconciliation could not be made. The law requires that this attempt at reconciliation be made within 15 days of the filing of the complaint. The lawyers told the court that no reconciliation was possible. In another two weeks I received a decree. Had my husband not seen fit to be represented in the case by an attorney I should have had to wait the full 39 days after the filing of the complaint, which is the time granted defendants to answer."

Such tours as this, including all expenses of litigation and travel, cost from $2,500 up. A more modest tour, with the plaintiff staying at a hotel instead of a "chateau," costs about $1,500.

HOW TO CUT THE COST

Of course, there are many ways of cutting expenses. In the case of most tourists from the Eastern United States advantage is taken of the nine months' round trip, with a stop-over in Arizona, offered by the railroads from eastern cities to California. The one item which can not be reduced is the State's charges. These amount to about $600 gold in Sonora, including a direct tax of $300 on divorces to Americans.

By sending his wedding certificate and grounds for petition ahead and by leaving power of attorney with a Mexican lawyer to conclude his case, the American need spend only three or four days in Sonora.

Probably more Americans are now seeking freedom in Morelos than in any other Mexican State. The experience of two who went there a few weeks ago is typical of that of hundreds of their countrymen. Mr. Y and Miss X proposed to get married as soon as Mr. Y had obtained a divorce. Miss X had a Mexican friend who introduced them to her cousin, a Mexican attorney in New York. This lawyer arranged all the details, even to the purchase of their tickets.

"We left New York on Thursday evening," relates Mr. Y, "and reached Mexico City on Monday. The Mexican trains afforded splendid

accommodations. We needed no Spanish. The menu was in English and the porter spoke good American.

"Mexico City is better lighted than New York. Its parks are as beautiful as those of Paris. We were in Mexico just over a month, nearly all of that time in Mexico City. We had to make four trips to Cuernavaca, capital of Morelos, which is a thrilling three hours' motor trip over good roads, including an almost perpendicular climb through some mountains.

"I got my decree on time, and without any trouble or publicity. The judge who granted it was a judge of the first instance, a State judge of civil cases from whom appeal goes only to the highest State court. My petition merely stated the facts briefly—that I was asking for a divorce on the grounds of incompatibility. There was no cross-examination or long rigmarole. As soon as I had the papers in my hand Miss X and I stepped across the street and were married by a judge of the civil registry."

Mr. Y's legal expenses, over and above his attorney's fee of $400, were $264.40. A charge of $25.50 for "domicile cost" is particularly revealing, for this represents the "investment" in Morelos business or the "donation" to Morelos charity which, as specified in the law, enabled Mr. Y to establish his "residence" in that State.

The easy laws now in force in the States of Vera Cruz, Jalisco, Chihuahua, and Coahuila stand virtually as they were written in 1915 or 1916. All these States permit divorce by "mutual consent."

Campeche requires a copy of the certificate of the marriage that is about to be dissolved, and this must be vouched for as authentic by the Mexican consul in the home district of the American. The court officer who unties the knot is a judge of the civil registry, corresponding to our registrar of vital statistics. In mutual-consent cases the decree may be delivered in a week or 10 days. In other cases "the papers" may not be turned out for from 10 to 45 days, but the plaintiff need not subject himself to the poor hotels of Campeche city all this time. Sometimes the defendant is served by a publication of summons in Campeche. To meet American criticism there is a growing tendency to indulge in the extra formality of mailing a copy of the summons to the defendant's last known address, but no plaintiff is denied a divorce if he pays all his fees. Five hundred American dollars is the standardized charge in Campeche, including all legal expenses.

In the spring of 1926 Campeche passed an amendment to her divorce law, leaving the determination of residence to the governor of the State, who, if he chooses, may grant a divorce to an American 24 hours after he or she arrives in the crumbling old seaport which was once the haunt of buccaneers.

[From Washington Post, Sunday, March 4, 1928]

DIVORCE DECREES ENFORCEABLE

To the EDITOR OF THE POST:

SIR: In your editorial, issue of the 2d, on "Marriage and divorce," this sentence occurs:

"Mrs. Edward F. White, of Indianapolis, vice president of the General Federation of Women's Clubs, struck a keynote for the proponents of the measure with the words: 'The well being of society as it concerns the relation of the sexes, the legitimacy of offspring, and the disposition of property alike require that one State or nation shall recognize the validity of marriages performed in other States or nations according to the law of the latter.'"

The Constitution of the United States (Art. IV, sec. 1) requires "that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State," and, says the Supreme Court of the United States (133 U. S. 107), "when duly pleaded and proved in a court of that State, they have the effect of being not merely prima facie evidence but conclusive proof of the rights thereby adjudicated, and a refusal to give them the force and effect in this respect which they held in the State in which they were rendered denies to the party a right secured to him by the Constitution and laws of the United States."

Mrs. White, in support of her proposition before the Senate Judiciary Committee, cited a case from the Seventy-sixth North Carolina Reports, wherein the Supreme Court held that a marriage between a white person and negro, which had been consummated in South Carolina, where at that time it was legal, was not valid in North Carolina, where it was prohibited; but the couple were citizens of North Carolina, went to South Carolina, married, and immediately returned to the State. The ground of the decision was that, as citizens of North Carolina, they could not so evade its laws. The court sustained an indictment and their conviction for living in adultery. On the other hand, at the same term of the court, in a case reported in the same volume, the court set aside a conviction for the same offense of a white person and negro, who were domiciled and married in South Carolina, but afterwards removed to North Carolina. Their marriage was legal in South Carolina at the time. There had been no intent to evade the laws of North Carolina. They were not citizens of that State when married. The distinction between the cases is obvious.

The Supreme Court of the United States has declared that a judgment of divorce obtained by a husband in a State to which he had gone in disregard of his duty, upon service of process by publication on the wife, who had remained in the State of the domicile of matrimony and did not appear in the court, is not entitled to full faith and credit outside the State in which the divorce was granted (201 U. S. 562; 226 U. S. 551; 188 U. S. 28).

It would be interesting to note the reasoning of the court which, as stated in one of the cases, is as follows: "It can not be doubted that if a State may not forbid the enforcement within its borders of a decree of divorce procured by its own citizens, who, while retaining their domicile in the prohibiting State, have gone to another State to procure a divorce in fraud of the laws of the domicile, that the existence of all efficacious power on the subject of divorce will be at an end. This must follow, if it be conceded that one who is domiciled in a State may, whenever he chooses, go into another State, and, without acquiring a bona fide domicile therein, obtain a divorce, and then compel the State of domicile to give full effect to the divorce thus fraudulently procured." "This ruling," says the court, "leaves uncurtailed the legitimate power of all the States over a subject peculiarly within their authority, and thus not only enables them to maintain their public policy, but also to protect the individual rights of their citizens. It does not deprive a State of the power to render a decree of divorce susceptible of being enforced within its borders as to the person within the jurisdiction, and does not debar other States from giving such effect to a judgment of that character as they elect to do under mere principles of State comity. It causes the full faith and credit clause of the Constitution to operate upon decrees of divorce in the respective States just as that cause operates upon all other rights; that is, it compels all the States to recognize and enforce a judgment of divorce rendered in other States where both parties were subject to the jurisdiction of the State in which the decree was rendered."

It follows, then, that under the Constitution and decisions of the Supreme Court of the United States, if a decree is regularly obtained in one State it operates in all the States. If not regularly obtained, it may be disregarded in other States.

Mrs. White's "keynote" sounds no new principle of law, unless it is desired to open wide the door of opportunity for divorce decrees fraudulently obtained to become effective in all the States.

IREDELL MEARES.

THE BANKERS IN BOLIVIA

Mr. BROOKHART. Mr. President, I ask leave to insert in the RECORD an article entitled "The Bankers in Bolivia," by Mrs. Margaret Alexander Marsh.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BANKERS IN BOLIVIA

"The Bankers in Bolivia," a study of American foreign investment, by Mrs. Margaret Alexander Marsh, published by the Vanguard Press, gives the detailed story of the methods of American financial interests in extending financial hegemony over South American countries which should be studied by the American people. The book has been summarized by the Peoples' Lobby. Tin is the most important product of Bolivia, since a third of the national revenue and more than half of the total customs in 1925 were derived therefrom. The tin deposits are the second largest in the world, represent great natural wealth, and invite development. Tin is, moreover, of great importance to the United States, both because we consume more tin than any other country and because it is one of the raw materials essential to war which we lack and over which, according to Mr. Hoover, a foreign power exercises some measure of monopoly control.

The population of Bolivia is between two and a half and three million. There is practically no immigration. About 85 per cent of the population is illiterate and some 50 per cent desperately poor, living either in a state of peonage or eking out a miserable existence on the plateau of highland Bolivia.

Mining tin in Bolivia is a rather costly process. The total costs on the 6,837 tons of tin sold by the Patino Mines and Enterprises Consolidated, in 1925, amounted to $833.70 a ton, or 37 cents a pound. But tin sold in that year at an average of nearly $1,300 a ton, so that the company reported earnings of $5.08 per share and dividends of $3.15, or over 15 per cent. The British control of tin amounts almost to a monopoly since the Federated Malay States produce almost one-third of the world's output, while Bolivia's output was approximately one-fourth.

Among the tin companies either owned outright by North Americans or in which American capital is interested are the Fabulosa Mines, Consolidated; the Bolivia Tin Corporation; the International Mining Co., organized for W. R. Grace & Co. during the war; the Andes Tin Corporation; and the Berenguela Tin Mines (Ltd.).

While Bolivia has also deposits of gold and silver, as well as copper, the two metals, tin and lead, are infinitely more important. Bolivia's large export trade is almost entirely in minerals, "two-thirds of which were produced by foreign enterprise, with the result that the favorable trade balance individually referred to in Bolivian bond circulars and by brokers dealing in Bolivian securities has very little meaning in terms of national prosperity."

Bolivia also has oil fields. "In providing for the exploitation of her oil, Bolivia, like many of the countries of South America, has taken warning from Mexico's experience in attempting an eleventh-hour protection of her national interests, and on June 16, 1921, passed an oil law limiting to 100,000 hectares the amount of petroleum lands any one company or individual could exploit, restricting oil concessions to 55 years, and providing for a minimum royalty to the Government of 11 per cent of the oil produced. As far back as 1916, after more than 3,000,000 hectares had been conceded outright, the Bolivian oil deposits were nationalized and the further granting of oil lands in perpetuity prohibited. This cautious, though belated, policy of locking the stable was abandoned in 1920, when not only was the tax on oil lands reduced, but 66-year concessions to some 2,000,000 hectares were awarded in less than 10 days. The 1920 oil legislation did, however, raise the State's royalty from 10 to 12½ and even 15 per cent, and provided that 25 per cent of the net profits derived from exploiting the oil deposits on public lands should be paid into the local treasury of the department in which they were located. The law of 1921, which regulates the oil industry in Bolivia to-day, compromised on the State's share in the output, putting the minimum royalty at 11 per cent. Recognizing the industry as a public utility, the law permits concessionaires to utilize such public lands as they may need and to expropriate private lands, with compensation. It exempts them from customs duties during the life of their concessions, but levies a maximum land tax of 50 centavos per hectare after exploitation has begun, with a supertax of 30 per cent on private holdings of over 100,000 hectares. The concessionaires may build and operate railways and establish telephone and telegraph communications. On the other hand, they must comply with the law's specific requirements regarding development of their concessions and the percentage of Bolivian labor to be employed, and must accept the Calvo clause requiring foreign concessionaires to waive the right of appeal to their home governments and to submit disputes with regard to their interests to the Supreme Court of Bolivia.

"Under penalty of cancellation the holders of concessions are forbidden to alienate, transfer, or hypothecate their rights to foreign governments or their representatives or to admit them as partners or associates, and for the transfer of an oil concession to any foreign company or individual special permission from the Government is required.

"The 1921 law was not retroactive. Hence, its restriction of the size of oil holdings did not apply to the large concessions which had been granted in 1920 and earlier, nor did it affect the titles in perpetuity that had been secured under former laws. Two types of oil concessions are found, therefore, in Bolivia: The large private holdings in fee and the leased properties which are developed in partnership with the State (en Sociedad con el Estado). In the Standard Oil Co.'s extensive holdings in Bolivia both types are represented. These comprise in all over 7,000,000 acres, one-third leased under a partnership concession, the balance owned in fee through the purchase of old Bolivian and Chilean titles.

"The largest single oil concession granted by the Gutierrez Guerra government in 1920 was one of a million hectares to the Richmond Levering Co., of New York, which was transferred to the Standard Oil Co. of New Jersey on July 25, 1922, for about $2,500,000. Modified to fit the new oil law, which in turn may have altered previous legislation in order to adapt the Government's royalty to the Standard Oil's idea of a profitable basis for exploitation, the concession runs for 55 years, the land and all development on it to revert to the State without indemnity at the end of that time; at least 11 per cent of the oil produced is to be turned over to the State; and rights to the exploitation of the subsoil only are granted. Over a period of two years the company was privileged to explore an area of 4,000,000 hectares in the Departments of Santa Cruz, Chuquisaca, and Tarija; at the end of that time it had to choose its million and start drilling in accordance with the petroleum law. The contract grants the usual privileges regarding use of public lands, expropriation of private lands, installation of all necessary equipment, construction and operation of railways, roads, canals, and telegraph, telephone, and wireless communication, exemption from customs duties, and limited taxation up to the time production should begin. Exclusive right to produce, refine, and sell oil in the concession area is assured.

"On the other hand, not only does the concession prohibit recourse to any foreign government in the case of disputes over company's rights, but includes two additional clauses designed to safeguard the independence of the country and to prevent foreign oil interests from encroaching on Bolivia's sovereignty. One of these forbids the concessionaires from alienating or hypothecating the concession to any foreign government; the other makes the company promise not to interfere in the internal politics of Bolivia nor 'to place the capital, income, employees, or laborers of the company at the electoral or political service of either party' in Bolivia. In this last might be traced signs of an uneasiness on the part of the Saavedra government lest certain Liberal leaders, who had been influential in securing the original Levering concession, might look for their reward in terms of political support now, the Liberal government of Gutierrez Guerra having been overthrown in the revolution of July, 1920. In fact, with the Levering concession the Standard Oil acquired an obligation to an ex-minister of finance under the Liberal régime which cost the company a troublesome lawsuit, and as a feature of the settlement a possible competitor in the very heart of its own concession, a thorn in the side of the company whose policy it is to brook no rivals. The amusing spectacle of a Bolivian-American enterprise growing up some day, like an enclave, in the midst of the Standard Oil Co.'s territory is not without its irony."

"The oil industry," says Mrs. Marsh, "in Bolivia must be foreign enterprise, and foreigners will in the last analysis develop the resources of poor and backward countries only on their own terms."

RAILWAYS

Approximately $80,000,000 has been spent already on the building of Bolivia's railways. Most of this capital came from abroad, either in the form of railway loans to the Bolivian Government or as investment in private railway enterprises initiated and carried out by foreigners. The British interests control the Bolivian railway situation at the present time, but the initiative for building the main system and some of the capital used in its construction were American.

COPYING AMERICA'S FRENZIED RAILWAY FINANCING IN BOLIVIA

In 1905 an extensive survey of Bolivia and a scheme for a thousand-mile railway system was made by the banking firm of James Speyer & Co., of New York. The next year the Government signed a contract with Speyer & Co., which has been severely criticized. The cost to Bolivia has been about $22,000,000, including her obligatory investment in the second-mortgage bonds of the company and her guaranteed interest on the first-mortgage bonds. The Government has no chance, except through expropriation, of ever owning the railroads, as the concession is perpetual. The threatened bankruptcy of the Bolivia Railway Co., moreover, has weakened the country's credit reputation abroad. The Government was unable to get other bids on the construction of the road, because it had pledged itself not to begin other railway negotiations until a decision had been reached with the Speyer syndicate that organized the survey. Although the Speyer plan was accepted by the Government in May, 1906, only 416 out of the 1,000 miles of railroad planned have been constructed, and the plan of connecting the railways of Bolivia with the rivers of Brazil has not materialized.

The Speyer contract provided for the transfer of the concession to a company which it should organize, with power to issue about $18,000,000 in first-mortgage income bonds, to be taken by the Bolivian Government at par, the former to mature January 1, 1927, and the latter in 1932.

"In addition this new company was empowered to issue as much stock as it liked. Thus the bankers transferred all their rights and obligations to a corporation of limited liability, and after seeing that the bonds were distributed and after promoting the enterprise to the extent of bringing the Bolivia Railway Co. into existence withdrew from all responsibility. W. R. Grace & Co., of New York, the well-known Latin American exporting and importing house, as purchasing agents of the Speyer syndicate, saw to it that in the early stages at least American materials were used in the construction of the roads.

"In accordance with the contract the Bolivia Railway Co. was organized in Connecticut in 1907, with an authorized capital of $10,000,000, of which the National City Bank and Speyer & Co. received shares to the amount of $9,996,500 in payment for the concession. Actually only $3,500 of the share capital was paid up, the balance of the money for the enterprise being derived from the purchasers of the first-mortgage bonds, chiefly Europeans, and from the Bolivian Government, which by the contract was obliged to take the company's second-mortgage bonds. The Bolivia Railway Co. was to have the right to construct, own, and operate the new system of railways, to import construction materials and railway equipment free of customs duties for 30 years, to be exempt from all taxes or imposts of any sort during the same period, and to acquire up to 1,000 square leagues (1 league equals 1,785 hectares) of public lands in any part of Bolivia at the minimum legal price of 10 centavos per hectare if suited to agriculture and cattle breeding, or 1 boliviano if the land contained rubber trees. The building of the roads was begun by the South American Construction Co. on a basis of cost plus 10 per cent, but so wastefully, it is alleged, that it was turned over to the Antofagasta & Bolivia Railway Co., a British concern, which completed the mileage now comprising the Bolivia Railway, and in 1908 leased the system for 99 years. The total cost of the Bolivia Railway Co.'s lines was £6,673,232, or, at par, $32,475,284. The difference between this total and the issue of first-mortgage guaranteed bonds and second-mortgage bonds, a little over five and a half million dollars, was met by an additional issue of 6 per cent first-mortgage bonds without Government guaranty. At present the Antofagasta & Bolivia Railway owns a majority of the first-mortgage bonds and the greater part of the stock of the Bolivia Railway Co., although about $1,000,000 worth of the bonds are in the hands of American citizens.

"So far as Bolivia was concerned, the leasing of the new system to the Antofagasta changed the character of the enterprise altogether. The frank expectation that the Bolivia Railway Co. would compete with the British company by connecting with the Peruvian Railway to the north and with the Argentine system at La Quiaca was doomed

by this merger. From this time dates the monopoly which the Antofagasta & Bolivia Railway Co. exercises over Bolivia's railways, a control so complete that it reduces materially the effectiveness of Arica as an outlet for Bolivia.

"By means of excessive freight rates on goods exported by way of Arica, which must travel from Oruro to Viacha over a line operated by the Antofagasta & Bolivia Railway, the big mineral output of the Oruro district is deflected to the longer route via Antofagasta. Through this manipulation of the traffic handled by the Bolivia Railway Co. the earnings of the company have been so reduced that the Bolivian Government for the entire 20 years since the bonds were issued has had to cover the biggest part of the 5 per cent interest which it guaranteed on the first-mortgage bonds, while, needless to say, Bolivia has received nothing on the second-mortgage income bonds she holds. The former fell due January 1, 1927, and since the interest only and not the principal was guaranteed, the company has had to admit its inability to pay them. If the threatened foreclosure should be carried out, Bolivia stands to lose not only the full amount she invested in second-mortgage bonds, $12,150,000, which she has hoped to recover in 1932, but also the guaranteed interest payments for which, according to the Speyer contract, she was to be reimbursed in 30 years. Furthermore, with new railroad irons constantly in the fire, Bolivia can hardly afford to stand discredited in the New York and London money markets as a possible field for railway investment by the noise of such a failure. A reissue of bonds at the face value of the old ones, expropriation of the lines, with compensation, as a public utility and government ownership in the future, and a revaluation of the railroads with a new bond issue based on the new valuation are among the various forms of liquidation which have been suggested. In June, 1927, the Bolivian Government issued a decree expropriating the lines, but whether this is more than a gesture remains to be seen. The Minister of Public Works has declared since that the Government does not intend to act 'coercively.' To date no steps have been taken to execute the decree, and the railroad is operating under the same management as heretofore. As this goes to press a commission representing the bondholders, lessee, and stockholders is in La Paz to negotiate with the Bolivian Government for the reorganization of the financial affairs of the Bolivia Railway Co. How much the holders of the first-mortgage bonds, which have been selling recently at 50 or thereabouts, can collect on them is a question. The Antofagasta & Bolivia Railway Co. is, of course, the majority bondholder, and can rely on the large profits it derives from its railway monopoly in Bolivia to offset this loss. It seems fairly certain that Bolivia will need to write off the capital sunk in second-mortgage bonds as loss, except for the fact of the railways themselves, which are an unquestionable asset to the nation. She will, moreover, be relieved of the large monthly interest payments which have been a constant drain on the public treasury. Such is the inglorious end of the Speyer contract, a transaction which cost the National City Bank and Speyer & Co. practically nothing, netted them several millions of dollars on the sale of their share of the Bolivia Railway Co.'s stock, and won for this latter British company the key to the control of Bolivia's entire railway system.

"The most recent and most notorious part played by North Americans in Bolivian railway building is that of the Ulen Contracting Corporation of New York in connection with the Atocha-Villazon Railway. The southernmost stretch of the Bolivia Railway Co.'s lines, running from Uyuni, where the Antofagasta trains turn west to the Pacific, to the little Indian village of Atocha, left a gap of 128 miles in the longitudinal system that was to connect Buenos Aires by rail with La Paz, southern Peru, and the Pacific. This line follows the old mule track from the Argentine into Bolivia, one of the most famous of the early South American roads, and much used in the colonial days when the trading monoply granted to Panama caused much of the goods destined for Argentina to travel this long overland route. As early as 1912 a loan was negotiated in France for £1,000,000, at 5 per cent, to finance a portion of this missing link, and with the proceeds construction was begun by a French company. First, disagreement with the contractors; and then, in 1920, the Saavedra revolution caused suspension of the work. In the spring of 1921 a new contract was signed for the construction, for the account of the Bolivian Government, of a line to bridge the gap. The new contractors were the Ulen Contracting Corporation, a subsidiary of Stone & Webster, in turn affiliated with the American International Corporation and the National City Bank. The road was to be finished in approximately five years. The estimated cost was $10,000,000. American track equipment and motive power was to be installed. Construction was to be financed by a $7,000,000 bond issue, with the understanding that the Bolivian Government would furnish later any additional sums up to $10,000,000 that might be needed. These 20-year 8 per cent Government bonds, redeemable at any time at par, were to be taken by the contractors at 87½ and disposed of by them at whatever price they could get for them. In addition, the contract provided for a flat fee of $1,000,000 to the construction company when the road was completed. The negotiation of the refunding loan of 1922 led to the conversion of these bonds into bonds of the new issue. Before the road was completed bonds to the amount of $10,000,000 were issued; for $8,000,000 worth of them the Bolivian Government received 87½, according to its original contract with the Ulen Co., which had been modified on June 9, 1922, to make the conversion possible; for the balance, 91½. In the New York market they brought a price of 101.

"On this transaction the Ulen Contracting Co. reaped $1,270,000, though doubtless bearing its share of the bankers' fairly heavy expenses in advertising the bonds, to which must be added its 10 per cent fee of $1,000,000—a total of over two and a quarter million dollars for building 128 miles of railroad. Nor was the job really finished when the line was turned over to traffic in time for Bolivia's centenary in the summer of 1925. A fine piece of grading was done, and under difficult conditions, for the road drops from the Andean Plateau at Atocha to the level of the Argentine pampa, never so abrupt a descent as farther north in the Yungas country, but steep enough to put engineering skill and ingenuity to a fair test. But, apart from this, there is much cause for criticism of the job. Carelessness in laying the track and in protecting the road against the heavy seasonal rains of that region and inadequate and inferior equipment and rolling stock make it necessary for Bolivia to spend a part of its latest loan, another million dollars at least, in putting the Atocha-Villazon Railway into efficient running condition. Yet this railway has already cost the country $10,000,000, or $78,125 per mile. Some justification for the poor workmanship may lie in the rush to finish the road in time for the centennial celebration, which meant completion almost a year before the date originally contracted for, but the Bolivian Government, which provided the Ulen Contracting Co. financial compensation for this change in the contract, should not have been doubly penalized for hastening the work.

BOLIVIA'S BLANK CHECK TO THE BANKERS

"In 1908 Bolivia had the distinction of being a country without a foreign debt; by February, 1927, her external obligations had amounted to well over $40,000,000, all of which, except for a small loan of £600,000 obtained in London in 1925, was borrowed in the United States

"Apart from short-term loans and revolving credits, which have been repaid, Bolivia has successfully turned to New York four times within the last 10 years for capital. Little is known about the latest loan, that of $14,000,000 made early in 1927 by Dillon, Read & Co., of New York, beyond the fact that the price paid for the bonds was 90½ and that they were sold to the public at 98½. These are 31-year bonds, and carry 7 per cent interest.

"The first bit of North American long-term financing of Bolivia, except for the Morgan loan of 1908, which will be considered later, was the Yungas Railway loan of $2,400,000 at 6 per cent made in 1917 by Chandler & Co., at that time fiscal agents of Bolivia in the United States, and the Equitable Trust Co. of New York. Taken by the bankers at 90, the bonds were sold to the public at 96. These were specifically secured by a first mortgage on the electric railway to be built with the proceeds of the loan from La Paz to Coripata in the Yungas, a first lien on the Government-owned branch of the Arica-La Paz Railway to the copper-mining town of Corocoro, and a first charge on the general revenues of the Department of La Paz as well as on certain revenues of the department specially pledged to the service of the bonds. The loan contract provided for the purchase in the United States of materials used in building the railway and of rolling stock and equipment. As in all railway investment, it was hoped that the initial drag of interest and amortization charges would be counteracted later by sufficient earnings to make the road self-supporting, but the forced suspension of building, leaving the portion of the road that is constructed practically useless, as has been described in the chapter on railways, has left this loan a dead weight on the Bolivian Government. The bonds, when handled at all in the New York market, now sell for around 82. A balance of $1,788,500 was outstanding on June 30, 1926.

"Bolivia's second piece of financing in the United States was in 1920, just prior to the political revolution of that year, when the Government issued $2,253,000 in 6 per cent bonds, the so-called sanitation bonds of 1920, to mature in 1934, which the Ulen Contracting Corporation took in payment for the construction of the sewer systems of La Paz and Cochabamba. The contract called for the use of American materials in construction. These bonds were secured by a first lien on 15 different customs duties and internal revenues, largely departmental. The rate paid the Bolivian Government was 90 per cent. The prices at which the bonds were offered to the public, ranging from 82.24 to 97.74, provided a yield of from 8.25 to 8.50 per cent. There is now no active market for them. As sanitation is a form of public works that provides no revenue, the full weight of serving and retiring these bonds falls on the Bolivian Government. The amount outstanding on June 30, 1926, was $1,401,000, the 4 per cent amortization rate having accounted for the balance. Both the Yungas Railway and the sanitation loans were served by local revenues and constituted only contingent liabilities on the national treasury.

"In the history of Bolivian public finance these were, however, comparatively insignificant operations. The loan which overshadows all previous public borrowings and, owing to certain peculiar stipulations of the contract, even the political and administrative life of the coun-

try, was the $33,000,000 authorized bond issue negotiated in 1922 with the Stifel-Nicolaus Investment Co., of St. Louis; the Equitable Trust Co. and Spencer, Trask & Co., of New York. Apart from the two foreign loans just described, the Bolivian Government had on three previous occasions resorted to credit operations abroad; in 1908, when £500,000 was secured from J. P. Morgan & Co. at 6 per cent interest for the purpose of stabilizing Bolivian exchange, which had been upset by the financial crisis of 1907 in the United States, and to assist in establishing the currency on a gold basis; again, in 1910, when £1,500,000 was obtained in Paris at 5 per cent to establish the Banco de la Nacion; and lastly in 1913, when the Credit Mobiler loaned the Bolivian Government £1,000,000, also at 5' per cent, to build the Atocha-La Quiaca Railway. These loans were taken by the bankers at 90, 87, and 90 per cent, respectively. The bonds of the Morgan loan were not publicly offered; instead, at the time of the first French loan, £425,000 were purchased by the Bolivian Government and paid into the Banco de la Nacion to cover a part of the Government's subscription to the stock of the bank. A large share of the second French loan, nearly 13,000,000 francs, was never drawn by the Bolivian Government, but remained on deposit with the Credit Mobiler at 3 per cent interest, owing to the decline in the value of the franc, which would have made a transfer of funds at the time very costly to Bolivia. Positive advantage of the franc's depreciation was taken in 1920, when, by means of an internal short-term 8 per cent loan of Bs. 11,600,000 from the three principal banks of the country, the 1920 revolution having caused the breaking off of negotiations with Imbrie & Co. for a 6 per cent loan for this purpose, the entire French loans, which had not specified payment in gold, were liquidated. This transaction, which netted the Bolivian Government some 10,000,000 bolivianos, would have resulted in a clear saving to Bolivia if the money advanced by the Bolivian banks had not been repaid the following year in 8 per cent foreign gold bonds, whereas the French bonds carried only 5 per cent interest. Thus the French loans were consolidated in the now famous "Nicolaus" loan of 1922. By the terms of this loan the outstanding Morgan bonds, carrying only 6 per cent interest, were called in and paid, since their security conflicted with some of the liens pledged to the 1922 bonds. An authorized 8 per cent bond issue of $10,000,000, to be delivered to the Ulen Contracting Corporation, for the completion of the Atocha-Villazon Railway, of which $5,000,000 had already been issued, was for the same reason included in the new refunding loan. Thus Bolivia's entire foreign debt, except for the Yungas Railway and the sanitation bonds, was consolidated in the new American loan, which refunded a share of the internal debt as well.

"In 1920 there was a crisis in Bolivian politics. The Liberals after 10 years in power were ousted by the Republicans led by Bautista Saavedra, who later became president. Foreign loan negotiations were cut short.

"The Saavedra government soon needed money, and so badly that toward the end of 1921 it agreed to a six months' loan of $1,000,000, at 6 per cent, from the St. Louis firm of Stifel-Nicolaus, which contained, as alternative to an exorbitant commission of $90,000, an option on the blanket loan which the government was considering, and a preferential option for three years on any external loan the government might make within that period. The National City Bank, through the American International Corporation, had already outlined a plan for an 8 per cent refunding dollar loan of $25,000,000, three-fifths to be issued at once, which, owing to favorable exchange rates, it was estimated could reduce the $17,000,000 of government indebtedness, mostly internal, to $12,000,000, and might as a consequence restore Bolivian exchange to par, thus eliminating the 40 per cent or more premium Bolivia was paying in buying dollars to meet her foreign obligations. In the apparent competition with the National City Bank which ensued, the Stifel-Nicolaus Investment Co. won out, and by virtue of the prior option embodied in the emergency loan contracted in December, 1921, which prevented Bolivia from seeking the best terms in the open market, the much-criticized refunding loan of 1922 was concluded in the spring of that year. As the most spectacular single act of the new administration the loan became the butt of the opposition's attack on the Saavedra government. As a result, more is publicly known of the loan negotiations and terms than is usually the case with government financing, and to anyone interested in the expansion of our foreign government credits and in the relations of North American bankers with a weak and undeveloped South American State, the facts are of singular interest.

"'The Republic of Bolivia external 25-year secured refunding 8 per cent sinking fund gold bonds,' more easily described as Bolivian 8's of 1947, and in Bolivia known as the 'Nicholaus loan,' were issued to the amount of $29,000,000 with an additional $4,000,000 authorized, making a total authorized issue of $33,000,000, a sum far in excess of the amount originally contemplated by the Bolivian Government. Associated with the original banking house, Stifel-Nicholaus, in the issue, were the Equitable Trust Co. of New York, which acts as trustee, and Spencer Trask & Co. The bonds carry very specific and inclusive security, covering in 1922 considerably more than half, in 1925, owing to the tax reforms instituted in 1923, which enormously increased the tax on mining profits, almost two-thirds of the national income. So remarkable is the extent of the security pledged that the provisions of the contract with reference to security are worth quoting in full:

"'ARTICLE IV. SECTION 2

"'* * * The Republic hereby affects and encumbers with a first lien or pledge and charge in favor of the trustee the following shares of stock, funds, revenues, and taxes as security for the full payment of the principal, premium, and interest of the bonds, and of all other expenses and amounts required for or incident to this contract or to the service of the loan, to wit:

"'(a) All of the shares, not less than 114,000, of the Banco de la Nacion Boliviana belonging to the Republic, and which the Republic represents are sufficient at present to control said bank. * * * In case the capital stock of the Banco de la Nacion Boliviana should be increased at any time during the life of this loan, the Republic shall acquire such proportion of the additional shares as may be necessary to maintain the said control; the shares so acquired shall immediately thereafter be pledged as security for this loan. * * *

"'(b) All revenues representing dividends payable upon said shares during the life of this loan.

"'(c) The tax upon mining claims or concessions.

"'(d) The revenues received by the Republic from the alcohol monopoly.

"'(e) Ninety per cent of the revenues received by the Republic from the tobacco monopoly.

"'(f) The tax on corporations other than mining and banking.

"'(g) The tax upon the net income of banks.

"'(h) The tax on interest on mortgage cedulas.

"'(i) The tax on the net profits of mining companies.

"'(j) All import duties.

"'(k) Surcharge on import duties.

"'(l) All export duties. * * *

"'SEC. 4. As further security hereunder, the Republic hereby constitutes first mortgages and liens upon all the properties and earnings of the railroads constructed and to be constructed from Yillazon to Atocha and from Potosi to Sucre, including their franchises, concessions, equipment, and other appurtenances, and upon the net income of said railroads after deducting the expenses of operation. * * *

"'In case the said railroads, or either of them, should be sold as a result of the foreclosure of the mortgage or the enforcement of said lien, the purchaser at such sale and his heirs, personal representatives, successors, and assigns shall have * * * the right to operate the said railroad for a period of 99 years from the date of such purchase * * *.'

"Thus not only were the entire customs receipts, the source of 45 per cent of the total revenue of Bolivia, pledged along with certain collateral and indirect taxes, but some direct taxes as well, such as those on the net profits of mining companies, on corporations, and on the net income of banks. This was in itself a departure from the customary practice regarding security for foreign indebtedness. Moreover, to insure the actual collection of these taxes, and so that a steady income to cover the service of the debt might be counted on, it was stipulated in the contract that a permanent fiscal commission of three, two members of which should be nominated by the bankers, should have charge of the collection of taxes in the Republic during the quarter century life of the loan. The law authorizing the commission gave it power to supervise the collection of taxes both of a national and departmental character, and to revise the nation's accounts. The supreme decree of June 13, 1923, fixed more specifically the tax-collecting powers of the commission and named the president of the commission inspector general of banks and monopolies. It was provided that one of the two commissioners recommended by the bankers should serve as chairman or president of the commission and as a director of the Banco de la Nacion Boliviana. The other North American member of the commission has been made director general of customs, although this was not required by the contract."

When the Bolivian Government tried to secure a modification of the contract for the refunding loan it was informed that as the contract was a trust contract no changes were possible without the consent of the eight thousand and odd holders of the bonds, a thing next to impossible to secure.

THE POLITICAL SITUATION

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an article by the Senator from North Dakota [Mr. NYE] appearing in the June number of Plain Talk and entitled "If this be treason."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF THIS BE TREASON—

By Senator GERALD P. NYE, of North Dakota

[That a terrific battle is soon to be waged for the control of Congress is obvious. Not since before the Civil War have party lines been so forgotten, especially in the Senate. More exciting things are to happen

in the future, Senator NYE predicts in this aggressive article. It sounds a note of warning which will be recalled in the impending presidential fight—and for years thereafter.]

Motherlands traditionally resent advice from their colonies; therein lies the reason why the latter cease to be colonies. Usually the process by which this separation is brought about is painful to both parties, but particularly disadvantageous to the motherland. There is, however, a possibility, still more horrible from the viewpoint of the mother country, and that is the possibility of the colony, instead of separating and going its own way, reversing that ancient order of things and taking over the management of the motherland.

This possibility should have the thoughtful and even prayerful consideration of those gentlemen who have so long dictated the governmental policy of the United States, and who seem to have adopted as their working motto the slogan of a former royal family of France. If it be true that a Bourbon learns nothing and forgets nothing, and if some of our present-day best minds view that as a characteristic worthy of emulation, it might be well for them to consider what happened to the Bourbons.

Ever since the first pioneer fought his way through the lonely trails across the Alleghenies and began the development of that part of the continent west of the Atlantic seaboard, there has been growing up a theory and practice that the resources of the United States were created by the Almighty for the benefit and profit of those who live in the great cities of the East. This concept is not at all dissimilar to that which animated George III and the ruling class of Great Britain at the time of the American Revolution. At that time the idea of the British ruling class was that an Englishman by crossing the Atlantic westward dedicated himself to the vocation of laboring for the profit of the Englishman who chose to stay at home. The modern adaptation of that theory is that an American who goes West dedicates his labors and energies to the profit of the American who remains in the East.

This theory, like other theories of colonial policy from which it is descended, has worked out to the advantage of the motherland in the beginning. But, and here again there is the parallel with the other colonial theories, it will not continue to work that way. It will not continue to work because the "colonists" are beginning to awaken to the realization that they have it in their power to change the order of things. From the realization of such power it is only a short step to its exercise and even that short step can be appreciably abbreviated by insolence and blind opposition.

It is but the literal truth that there are in the United States to-day many millions of citizens who are thoroughly disgusted with the functioning of the Federal Government. They are humiliated by the spectacle presented in a situation which enables a few favored individuals and industries to dictate Federal legislation and Federal bureaucratic administration in return for financing the campaigns of both of the major political parties. This justified indignation is crystallizing into a demand that something be done about the situation and it is hoped that in this article it may be shown that something can be done about it.

Geographic conditions and international complications made a political separation the most feasible and desirable solution of the problem at the time of the Revolution. A similar solution to-day is neither feasible nor desirable; indeed, it is unthinkable. But there remains the other alternative. The latter may not be desirable either, but it is feasible. At least, it is a possibility to-day and a probability to-morrow if the current trend of governmental policy is allowed to continue unchecked.

Only a cursory knowledge of present-day conditions is required for a realization that the entire economic structure, the entire financial system, indeed, the whole philosophy of government as manifested in its practical applications, is designed for the benefit of that group of States which lie east of the Mississippi and north of the Ohio and Potomac Rivers. This is the section which is enjoying—if any one is—the current condition of "prosperity" which has been so loudly proclaimed in high official quarters in recent months. In this section are located the great manufacturing industries which wax fat on the protective tariff; the great banks which drain their tribute from the entire Nation; the headquarters of the larger railroads; in a word, those who are prosperous because our current laws are what they are.

And it happens that the dominant States within this group are the seaboard States which have become accustomed to the idea that everything to the west of them is in the nature of a colonial possession to be exploited and developed for the benefit of those who have had the fortune to be located in this little group of States. Anything which interferes with the execution of this amiable theory is "Bolshevism," "Radicalism," "Socialism," or something equally obnoxious to the reactionary minds.

There are 16 States in this northeastern group, just one-third of the 48 Commonwealths which make up the Union. Why the interests of two-thirds should be subordinated to the interests of one-third is a question for which no answer is proffered here. It is much easier to explain why this condition came about and to show why the very reasons which made it possible now make possible its termination.

To begin with, 9 of the States in this group were members of the original 13 States of the Union. Two others, Vermont (1791) and Maine (1820) came in very soon after the establishment of the Federal Government. In the Congress of the 13 original States the Senators and Representatives from Massachusetts, Connecticut, Rhode Island, New Hampshire, New York, New Jersey, Delaware, Pennsylvania, and Maryland were in a position to have things their own way. They had 18 Senators, as compared with 8 for the other 4 States; and they had 42 Members of the original House of Representatives, as compared with an aggregate of 23 for Virginia, the Carolinas, and Georgia. When Vermont was admitted to the Union in 1791 the power of the northeastern group was increased.

Being in a position to have its own way, this group very early in our history became accustomed to doing so. Such is human nature. It is true that for a few years after the formation of the Union these States did not always act in harmony.

Having a surplus of power they used up some of it fighting among themselves, and that enabled Virginia to elect the early Presidents and eventually made possible the Jeffersonian triumph over the Federalists. But as the economic interests of this group became more and more identical there was a coalition of action in national affairs which has persisted down to the present day and which has persisted regardless of the different party labels which various States within the group wear from time to time. Thus, States like New York, Massachusetts, Rhode Island, Delaware, and Maryland frequently elect Democratic Senators and Representatives, but on fundamental economic issues it will usually be found that the Democrats from these States vote with the Republicans from Pennsylvania, New Hampshire, Connecticut, and Maine. Those who do not, usually have short official lives.

So it came about that under the dominance of this group of original States, augmented later by Ohio, Indiana, Illinois, and Michigan—all States in which there is great industrial development—there were laid the foundations of most of the present economic policies of the Nation. These States created and developed the protective tariff, they dominated the Congresses in which the legislation was framed that has permitted the financial destinies of the country to be dictated from New York—at first directly and in later years via a relay station in Washington. And that the States which dictated these policies have profited by them is so obvious that it would be needlessly boresome to quote statistics of income and capital to prove the point.

In justice, however, it must be said that if this group has managed the national show it has also paid the bill. For this there is no less an authority than the late Henry Cabot Lodge, who dwelt very close to the holy of holies of conservatism and who said on the floor of the United States Senate in 1923:

"I am putting it moderately when I say that nine-tenths of the money expended on behalf of the Democratic Party, as well as the Republican Party, is raised in the city of New York."

At the time Senator Lodge spoke the full import of the situation which he discussed had not become apparent. The long investigation of the Teapot Dome scandal was in its infancy, the Continental Trading Co.—the "fence" of the Teapot Dome gang—had not been heard of. Senator Lodge had before him only the mathematics of the case; he did not know and it is doubtful if anyone aside from the conspirators themselves ever will know the full measure of corruption then seething beneath the surface of national politics. Deaths and an epidemic of amnesia among the survivors have made the unraveling of this skein of national shame most difficult.

But the position of this group, which has managed and paid for the running of the Federal Government for so long, is by no means so impregnable to-day as it was in the earlier years of the Nation's history. We have seen that the States of this group which were represented in the First Congress held two-thirds of the seats in the Senate and nearly two-thirds of the seats in the House of Representatives. What is the situation in the Seventieth Congress, now in session?

The 16 States east of the Mississippi and north of the Ohio and the Potomac have 30 Senators. They will have 32 when Pennsylvania and Illinois have properly fumigated their election machinery. It may be necessary to call the marines home from their "fair-election-guarantee" mission in Nicaragua and station them in these two States to accomplish this fumigation, but eventually the fumigation will take place. In other words, the representation of this stronghold of conservatism in the Senate has changed from two-thirds in the First Congress to one-third in the Seventieth Congress. So far as the Senate is concerned these States combined do not now have sufficient votes to prevent the adoption of a constitutional amendment, whereas in the First Congress they could force a resolution for that purpose through the upper House.

And what of the House of Representatives? In the First Congress 2 votes added to the representation of the 9 original States mentioned and subtracted from the representation of the other 4 States would have given the 9 a majority of two-thirds. In the present Congress these 9 States, reinforced by their 7 allies, have 216 Representatives, or just 3 less than the representation of the other 32 States combined. The northeastern group in the House still has ample strength to block

a constitutional amendment there, but far less than enough to pass one through the House.

It must be remembered that the present strength of the Northeastern conservative group in the Senate will not become greater, the equal representation of States in the Senate being one of the things which may not be changed even by a constitutional amendment and the prospect of the admission of new States being exceedingly remote. But the trend of population is westward and, representation in the House being apportioned on the basis of population, it may be assumed that the Northeastern States are going to lose some of the strength which they still retain in the House.

The erstwhile dominant group, as has been pointed out, still has a veto power on constitutional amendments, although it should not be forgotten that the income-tax amendment was written into the Constitution not so long since. But most of the present economic structure, designed for the emolument and benefit of the industrial and financial centers, is not built up on constitutional amendments at all. It is based upon statutes, and statutes, which created it, can be repealed.

With conditions as they have been outlined, it would seem to be the part of wisdom for the industrial States of the East to seek to cooperate with the rest of the country. Indeed, it would seem to be the part of self-preservation.

There are many ways in which this cooperation might be made manifest. The rest of the country, and particularly the West, is vitally interested in a number of things. These problems include those of farm relief, discriminations in freight rates operating against the agricultural States, inland-waterway transportation, permanent improvements which might be expected to grow out of a flood-control program, control of the Federal reserve system to make another agricultural deflation program impossible and the upbuilding of the Federal farm land banks.

Underlying nearly all of these problems is the great problem of agriculture, which simmers down to the fact that the farmer must sell in an open, unprotected market and must buy in a closed and protected market. So far, the conservatives, with their legislative minorities reinforced by the veto power of the Executive, have been able to nullify the farmer's effort to protect his selling market.

But suppose the rest of the country should turn its energies from attempts to raise the farmer to a level with industry and seek, instead, to pull industry down to the level of agriculture. To speak more plainly, suppose the farmer should decide that it was hopeless to try to protect his own selling market and should then decide that the next best thing for him would be to remove the protection now given those who sell to him. Like all programs of destruction, it is not a pretty thought. But it would be a very logical step in desperation. There is expressed the thought that possibly the farmer himself would suffer thereby, but what of the industrialist and the financier?

Indications are not wanting that the ultraconservative elements sense danger from afar and are making desperate efforts to retain and consolidate the forces which still remain under their control. The attempted purchase of a seat in the United States Senate from Illinois is a case in point. The temporary success of the power lobby in defeating the proposal for a senatorial investigation of the political and other activities of public utilities is another example.

Perhaps the most striking, as illustrating a state of mind, was the vociferous opposition evoked during the consideration of the McMaster resolution suggesting a reduction in the tariff rates. This latter resolution was nothing more than an expression of opinion, a proper opinion to be sure, but of no legal effect whatever. Yet the batteries of conservatism belched forth fire and brimstone for nearly a week in an unsuccessful attempt to prevent the Senate from adopting the resolution. The opposition to this resolution served just one purpose—it put the tariff on the first page of every important newspaper in the country for a week, something which the friends of the resolution could not have done by months of oratory.

But power always becomes more ruthless—and more senseless—when it is waning. That is why tottering dynasties resort to their worst tyrannies just before they collapse; it is why regilious persecutions have always been most cruel when dominant churches realized that they were losing their hold. It was also the reason why England resorted to a series of legislative and political imbecilities just prior to the American Revolution. Is it unreasonable to ask now for the reason for the ocean of propaganda which prevails and which would convert all people to the belief that this was a most prosperous age, when prosperity is not to be found anywhere except in those quarters whose interests are daily recorded in the stock-market pages of the daily press?

The question is: What shall be done about it all? There recurs the ancient admonition of those in power, "If you don't like the way we are running things get out." New England gave social respectability to that idea when the codfish barons and the admirals of the rum and slave trade aristocracy objected to Mr. Madison's war because it interfered with business. The South took the idea more seriously in 1861 and with disastrous results.

But the idea of secession has no appeal to those who are dissatisfied with the workings of the Federal Government to-day. In the first place, it is repugnant to them; and, in the second place, there is no reason why they should choose to rule half of a country when they have it in their power to rule the whole. They have no quarrel with the American constitutional theory of government; they want to protect that theory from perversions to selfish ends. They do not want to destroy the ship of state; they want to recondition it by removing the barnacles that have attached themselves to it and are prospering thereon.

It is quite apparent that most of the abuses in governmental administration have one common ancestor; they are all the spawn of the current system of financing political campaigns—particularly national campaigns. So long as a candidate must depend upon contributions from a few wealthy men and a few great corporations for the funds with which to conduct his campaign, just that long will the abuses and corruption persist. It is time the American people realized that campaign contributions are given for value received.

The illustration of this principle offered in the case of the Teapot Dome scandal is so recent and so well known that it does not need elaboration here. Suffice it to say that the situation was found to be so revolting that a prominent Republican Senator felt called upon to raise $160,000 to get his party out of hock from Mr. Harry F. Sinclair. And the most nauseating part of the whole business, so far as this particular case is concerned, is that Mr. Sinclair's financing of the Republican deficit in 1923 was known by eminent leaders of the party who apparently saw no impropriety in it until the facts became public.

But it must not be inferred that this kind of political morality is confined to the Republican Party alone. The unterrified hosts of Democracy meeting in national convention in Baltimore in 1912 adopted a resolution in effect reading Thomas Fortune Ryan out of the party. And in 1928 this same Democracy, after the seven lean years since their party stepped from power, announced gleefully that Mr. Ryan had contributed $50,000 to the Democratic campaign fund. Just what sort of a political exorcism was conducted over Mr. Ryan between 1912 and 1928 is not clear.

One has only to study the vote of the United States Senate on the Mellon tax bill of a few years ago to realize that both the two major parties are most respectful of the source from which all campaign-fund blessings flow. This was the bill by which 20 of the heaviest contributors to the Republican campaign fund of the previous year obtained tax reductions totalling $11,650,571. And in a Senate almost equally divided between Democrats and Republicans there were just 8 votes cast against the bill.

If this favored group of States in the northeast persists, through the use of exorbitant campaign-fund contributions to dominate the affairs of the Nation, there is just one recourse open to the rest of the country. That is to take from this section the economic advantages which enable it to buy and hire parties and to buy elections. And how can this be done? The most obvious point of attack is the tariff. Suppose the sacred schedules of that institution were framed by men from the agricultural States instead of by the direct representatives of the industries affected. What would happen to the industries and what would happen to their excess profits now available for campaign contributions, if the farmers wrote those schedules with the sole view to equalizing his selling market with his buying market?

Then there is the matter of railroad rates. The East benefits immensely by the application of cheap transcontinental rates, designed to meet water competition. But suppose the interior should grow tired of that situation, should conclude that it is getting no benefits from permitting the railroads to make through rates to compete with the ocean freight carriers.

But consider the possibilities of tax revision. There are many who believe that the national debt inherited from the World War should be liquidated as speedily as possible. The only way that could be done is by increased taxes, and since taxes will produce no money unless they are levied upon those who have money, no gift of clairvoyance is required to foresee where that ax would fall.

The conservatives of the industrial Northeast have been able to prolong their rule of absolutism unduly, for one reason, because of the existence of the solid South. That heritage of hate has been responsible for keeping a great agricultural section from uniting in political action with its natural allies in the West and Northwest. Probably this situation will remain unchanged for some years. But it will not always be so. Even if the South does not change its traditional party label, it can still vote with its natural friends on questions of legislation. In fact, it is beginning to do so already in legislative matters.

For this embryonic coalition the reactionary elements in both parties deserve thanks which, probably, they will not appreciate. Every practical politician knows that—except through direct purchase or the employment of "watchers" as in Pennsylvania—it is impossible to deliver large blocks of votes for any given project. But the politicians also know that it is comparatively easy to deliver large masses of voters in opposition to some particular proposal which has aroused their ire. The Northeast is now doing for the West and South by the latter process what far-seeing leaders in the West and South have been hitherto unsuccessful in doing.

Unless we abandon faith in democratic government we must assume that the people will straighten out the situation in their own effective fashion. The house cleaning may come sooner than expected. If by some miracle either of the great parties should come through its approaching convention with clean hands and offer to the public a man untainted with the corruption of the past, that party may be given a chance to clean house in its own way after November. If neither party seizes this opportunity to put the other to shame, then it is quite possible that the American people could be interested in the possibility of a new alignment in politics which would mean something deeper than a party label. The great mass of the American electorate would look with a kindly eye upon such a development.

AMERICAN INVESTMENTS IN CHINA

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD an article from the China Weekly Review of March 10, 1928, entitled "Senator WHEELER's inquiry into United States investments."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR WHEELER'S INQUIRY INTO UNITED STATES INVESTMENTS

The American consulate general at Shanghai is now engaged in an investigation of American financial investments in the Shanghai consular district. Blank forms have been sent out to American companies and private citizens asking them to list holdings of real estate, buildings, equipment, bonds, and other local securities. The letter which Mr. E. S. Cunningham, American consul general, sent out with the blank forms asking for information regarding American investments, said: "In view of the importance of the Government being in possession of adequate information, thus facilitating effective action at critical times, the prompt assistance of all concerned is earnestly solicited." This census of American financial holdings in the Shanghai consular district, and elsewhere in China, is being compiled as a result of a resolution which was introduced in the Senate some time ago by Senator BURTON K. WHEELER, of Montana, calling upon the Senate Foreign Relations Committee to "inquire into the nature and extent of concessions abroad held by American citizens or companies in which they are interested." Senator WHEELER was in China last spring when there was much talk about American intervention for the purpose of protecting "American lives and property" in China. Doubtless as a result of his trip he has decided that the American people at home are entitled to know just what lives and whose property it is protecting—and why. The Nation, in commenting on Senator WHEELER's resolution, says: "If our citizens are going to understand and correctly settle the numerous questions now growing out of our interests abroad, we must have adequate information as to what such interests are. We must no longer be satisfied with vague talk about protecting American lives and property. We must insist that the Department of State tell us precisely what lives and whose property it is protecting—and why." Everyone recognizes that a change has taken place in American diplomacy from the standpoint of protecting American interests abroad. In 1823, John Quincy Adams, Secretary of State, wrote that an American making a contract in a foreign country "has no claim whatever to call upon the Government of his nativity to espouse his claim, this Government having no right to compel that with which he voluntarily contracted to the performance of that contract." In 1856, Secretary of State Marcy wrote: "The Government of the United States is not bound to interfere to secure the fulfillment of contracts between their citizens and foreign governments, it being presumed that before entering into such contracts the disposition and ability of the foreign power to perform its obligations was examined, and the risk of failure taken into consideration." Then later on, in 1885, Secretary of State Bayard wrote that the American Government would do nothing more than draw the attention of a foreign sovereign to a contractual claim and this would be done only when the claim was "one susceptible of strong and clear proof." Owing to the vast development of American investments abroad since the World War there has naturally been a change in the attitude of the American Government in respect to the protection of American interests abroad, until there is a feeling in certain American circles now that the United States should send its marines every time some American wholesale grocer fails to obtain payment for a case of canned asparagus sold to some native dealer in Szechuen Province of China. There is a certain type of American engaged in foreign trade who apparently has forgotten that the marines are ordinary human geings such as the rest of us and looks upon them as a sort of mechanical debt-collecting agency to be used every time he gets into difficulty with his foreign contracts. In view of this situation, it is gratifying to know that Senator WHEELER has introduced his resolution and the Senate has given approval in order that the American people at home may be informed regarding just what American lives and property in China and other countries should be protected—and why!

LULU CHAPLIN

The PRESIDING OFFICER (Mr. CUTTING in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 374) for the relief of Lulu Chaplin, which was, on page 1, line 6, to strike out "$7,500" and insert "$5,000."

Mr. BLEASE. I move that the Senate concur in the House amendment.

The motion was agreed to.

FRANK TOPPING AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 19) for the relief of Frank Topping and others, which was, on page 1, line 16, after the numerals "1922," to insert a colon and "*Provided*, That the amounts herein authorized shall constitute full settlement of said claims against the Government."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

NEAR EAST RELIEF (INC.)

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1287) for the relief of the Near East Relief (Inc.), which was, on page 1, line 8, after the word "war," to insert a colon and "*Provided*, That the Near East Relief (Inc.) shall first cancel all claims of whatever kind and description the said Near East Relief (Inc.) now holds against the United States Government."

Mr. CAPPER. I move that the Senate concur in the House amendment.

The motion was agreed to.

S. DAVIDSON & SONS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1122) for the relief of S. Davidson & Sons, which was, on page 1, line 5, to strike out "$341.41" and insert "$300."

Mr. CARAWAY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISPOSITION OF CERTAIN FUNDS OF THE CREEK NATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3868) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorney for the Creek Nation, and for other purposes, which were, on page 1, line 3, to strike out "appropriated" and insert "expended"; and to amend the title so as to read: "An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to the attorneys for the Creek Nation, and for other purposes."

Mr. PINE. I move to concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. REED of Pennsylvania. Mr. President, will the Senator from Alabama yield to me to submit a report of a veterans' relief bill from the Finance Committee? I do not think it will lead to more than five minutes' discussion.

Mr. HEFLIN. Is that the bill in which my colleague is interested?

Mr. REED of Pennsylvania. No; except that we are all interested in it. It is not the promotion bill.

Mr. HEFLIN. If it shall not lead to discussion, I yield to the Senator.

Mr. REED of Pennsylvania. Out of order, from the Committee on Finance, I report back, with amendments, the bill (H. R. 13039) to amend the World War veterans' act, 1924, and I submit a report (No. 1297) thereon. I ask unanimous consent for the immediate consideration of the bill. I can explain very briefly what the bill provides.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. BRATTON. The Senator is familiar with the bill which I introduced some weeks ago and presented later as an amendment to the bill of the Senator from California [Mr. SHORTRIDGE]. The Senator from Pennsylvania objected to it at that time. Is he still of the same frame of mind, and will he object to that bill if I offer it as an amendment to the measure which he has just reported?

Mr. REED of Pennsylvania. Will the Senator refresh our recollection by telling us what that bill provides?

Mr. BRATTON. It has to do with the so-called $50 per month provision compensating ex-service men with arrested cases of tuberculosis.

Mr. REED of Pennsylvania. The committee was almost unanimously against that bill and I hope the Senator will not offer it as an amendment to this bill.

Mr. BRATTON. Of course, if the Senator would object to it, all that could be accomplished would be to defeat this measure and not pass my bill.

Mr. REED of Pennsylvania. I am afraid that is true.

Mr. BRATTON. If the Senator is still opposed to the bill and would oppose it as an amendment to this bill, I shall refrain from offering it.

Mr. REED of Pennsylvania. I shall feel it my duty to object to it.

Mr. BRATTON. Very well.

Mr. REED of Pennsylvania. Mr. President, the purposes of the bill which I have just reported are, first, to establish a uniform statute of limitations in the case of suits on veterans' insurance. At present the matter is governed by State statutes, and the limitation ranges anywhere from 3 to 20 years. This bill establishes a uniform limitation of six years.

The next section provides that the bureau shall pay for the expense incident to the appointment of guardians and conservators of the estates of insane veterans. At present it often happens that the veterans themselves are absolutely penniless, and the appointment of the necessary guardians to receive their compensation is delayed on that account until some charitable person supplies the money.

Next, the bill provides that the bureau may pay for medical examinations on reinstatement of insurance. It sometimes happens that a dispute arises between the bureau and the veteran as to whether he is or is not in good health, and the veteran protests the examination of the bureau's physicians. This provision will enable them to pick out a distinguished physician to whom the case may be referred as a sort of arbitrator, and will go far toward doing away with some of the ill feeling that results from the action of the bureau's doctors.

Another section includes the burial bill which has already been passed by the Senate. We put it in this bill as an additional section so that it may all be included in the one bill. That provides for a more dignified and more humane arrangement at the funerals of deceased veterans.

Then another section is added providing that fathers and mothers of veterans who become dependent after the veteran's death but were not dependent at the instant of his death may receive compensation from the time the dependency actually arises, and, conversely, provides that if they cease to be dependent at any time, then compensation to them shall cease. At the present time they get compensation only if they are dependent at the instant of death and once they get it, even though they may fall ino a large inheritance, the Government has to go on paying the compensation.

Then there are some technical corrections which I will not delay the Senate to explain.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments. The first amendment was, on page 5, after line 7, to insert:

SEC. 6. That a new section be added to Title I of the World War veterans' act, 1924, as amended (title 38, U. S. C.), to be known as section 36 and to read as follows:

"SEC. 36. Authority is hereby granted for the payment of expenses of medical examinations, and inspections when necessary, in connection with the reinstatement of insurance or the determination of the fact of permanent and total disability for insurance purposes, and the date of beginning or termination thereof. The expense of such examinations and inspections, and travel incident thereto, shall be borne by the United States and shall be paid from the appropriation for administrative expenses of the United States Veterans' Bureau.

The amendment was agreed to.

The next amendment was, on page 5, line 12, after the word "Sec.," to strike out "6" and insert "7"; in the same line, before the word "subdivisions," to insert "paragraph (f) and"; and in the same line, after the word "and," to strike out "(3)" and insert "(2)," so as to read:

SEC. 7. That section 201, paragraph (f), and subdivisions (1) and (2) of the World War veterans' act, 1924, as amended (sec. 472, title 38, U. S. C.), be hereby amended to read as follows.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

(f) If there is a dependent mother (or dependent father), $20, or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother or both arises before or after the death of the person: *Provided*, That the status of dependency shall be determined as of the first day of each year, and the director is authorized to require a submission of such proof of dependency as he, in his discretion, may deem necessary: *Provided further*, That upon refusal or neglect of the claimant or claimants to supply such proof of dependency in a reasonable time, the payment of compensation shall be suspended or discontinued.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "authorized," to insert a colon and the following:

And provided further, That no deduction shall be made from the sum allowed because of any contribution toward the burial which shall be made by any State, county, or municipality, but the aggregate of the sum allowed plus such contribution or contributions shall not exceed the actual cost of the burial.

The amendment was agreed to.

The next amendment was, on page 7, following the amendment just agreed to, to insert:

(2) The payment of compensation to a widow shall continue until her death or remarriage.

The amendment was agreed to.

The next amendment was, to strike out lines 11 to 25, inclusive, on page 7, and lines 1 to 22, inclusive, on page 8.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

SEC. 8. That section 202, subdivision (1), paragraph (e), of the World War veterans' act, 1924, as amended (sec. 475, title 38, U. S. C.), be hereby amended to read as follows:

"(e) If he has a mother or father, either or both dependent on him for support, then, in addition to the above amounts, $10 for each parent so dependent: *Provided*, That the status of dependency shall be determined as of the first day of each year, and the director is authorized to require the submission of such proof of dependency as he, in his discretion, deems necessary: *Provided further*, That upon refusal or neglect of the claimant to supply such proof of dependency in a reasonable time, the payment of such additional compensation as herein provided shall be suspended or discontinued.

The amendment was agreed to.

The next amendment was, on page 8, line 23, to change the section number from 8 to 9.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to strike out:

SEC. 9. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is hereby repealed.

SEC. 10. That section 209 of the World War veterans' act, as amended (sec. 498, title 38, U. S. C.), is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 9, line 15, to change the section number from 11 to 10.

The amendment was agreed to.

The next amendment was, on page 9, line 23, to change the section number from 12 to 11.

The amendment was agreed to.

The next amendment was, on page 12, line 1, to change the section number from 13 to 12.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the word "rate," to insert "or, upon proof of good health satisfactory to the director, to a lower premium rate."

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "election," to insert a colon and "*Provided*, That no reconversion shall be made to the five year level premium form of policy."

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "section," to insert "as amended."

The amendment was agreed to.

The next amendment was, on page 16, line 3, to change the section number from 14 to 13.

The amendment was agreed to.

The next amendment was, on page 16, line 19, after the word "time," to insert a colon and "*Provided further*, That no person who has surrendered his United States Government life (converted) insurance for its cash surrender value shall be entitled to apply for insurance under this section to the extent of the amount of insurance so surrendered."

The amendment was agreed to.

The next amendment was, on page 16, line 20, to change the section number from 15 to 14.

The amendment was agreed to.

The next amendment was, to strike out lines 24 and 25, both inclusive, on page 16; lines 1 to 23, inclusive, on page 17; and lines 1 and 2, inclusive, on page 18, and in lieu thereof to insert:

SEC. 311. The director is hereby authorized and directed to include in the United States Government life (converted) insurance policy, provision whereby an insured who is totally disabled for a period of 12 consecutive months, shall be paid disability benefits under the contract as though he or she were permanently and totally disabled. Such payments shall be effective as of the date of beginning of total disability and shall be made monthly in accordance with the terms of the contract during the continuance of such total disability. Payments under this section shall be made independent of any other benefit provided in the contract and during the period of such payments all premiums on such insurance shall be waived. Regulations shall provide for reexaminations of beneficiaries under this section, and in the event it is found that an insured is no longer totally disabled, payment of benefits shall cease and the provisions of the United States Government life (converted) insurance policy with reference to permanent total disability shall apply: *Provided*, That the benefits of this section shall not prejudice the right of any insured who is otherwise permanently and totally disabled: *Provided further*, That the benefits of this section shall only be granted upon application made by the insured at the time of the original application for United States Government life insurance, or after such application at any time during the life of the contract, upon proof of good health satisfactory to the director. The director shall determine the amount of the monthly premium necessary to cover the benefits of this section and such monthly premium must be paid by the insured under the same terms and conditions as the regular monthly premium on his insurance contract.

The amendment was agreed to.

The next amendment was, on page 18, to add a new section to read as follows:

SEC. 15. That section 305 of the World War veterans' act, as amended, be, and it hereby is, amended by adding thereto a new proviso to read, as follows:

"*Provided further*, That compensation which is uncollectible by reason of the provisions of section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, as amended, shall be considered as uncollected compensation for the purposes of this section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. REED of Pennsylvania. I now move that the Senate request a conference with the House of Representatives on the bill and amendments and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and Mr. REED of Pennsylvania, Mr. SMOOT, and Mr. GEORGE were appointed conferees on the part of the Senate.

FARM RELIEF

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from William Hirth, publisher and editor of the Missouri Farmer, dated May 22, 1928.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter is as follows:

THE MISSOURI FARMER,
Columbia, Mo., May 22, 1928.

Senator BURTON K. WHEELER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: As chairman of the Corn Belt committee, which represents more than a million organized farmers, I have wanted for some time to express to you and to Senators MCKELLAR, PITTMAN, and DILL my deep appreciation of the splendid service you gentlemen have rendered to agriculture in your earnest support of the McNary-Haugen bill. You have not been mere conscripts in the farmer's cause; you have supported genuine farm relief as a matter of common justice and not as a matter of political expediency, and I cordially commend each of you to the farmers of your respective States, and this regardless of whether they are Democrats or Republicans. And if recently I have extended similar commendation to certain Republican Members of the Senate who have been equally stalwart in their support of the McNary-Haugen bill, it is because I have long since come to the conclusion that the issue of a square deal to agriculture is infinitely bigger than any political party, and I trust the time is close at hand when farmers throughout the Nation will realize this fact and when they will govern themselves accordingly.

As I write this letter the fate of the McNary-Haugen bill at the hands of the President is still unknown, and yet I feel certain that another veto is impending, and that it will be accompanied by a plea to Congress to pass some kind of a legislative gesture that is more intended to bring relief to the Republican Party than to our distressed farmers. And in case I am correct in this forecast, then I trust that Congress will overwhelmingly refuse to lend itself to such demagoguery, for this is the only term that will fittingly describe such an effort. A far more courageous and commendable course for Mr. Coolidge would be frankly to say that he made a mistake when he accepted the nomination four years ago on a platform which contained a solemn pledge to enact effective surplus-control legislation—this would at least convince the farmers of the country that he has the courage of his convictions, and that he is not willing to add to their misery by making them the victims of political buncombe.

In this connection, if Mr. Coolidge makes this eleventh hour effort to whitewash the great farm issue, I hope that the Republican Members of the House and Senate who have helped us to pass the McNary-Haugen bill through two sessions of Congress will not hesitate to stand by their guns—that they will not only refuse to become parties to the passage of a makeshift bill but that they will join with the Democrats in an effort to pass the McNary-Haugen bill over the President's head.

In the meantime, and regardless of what the few remaining days of the present session of Congress may bring forth, I want to repeat that the farm question has become bigger than any political party, and that it will demand an accounting both at Kansas City and at Houston. The time when insincerity and sidestepping will suffice is past, and, speaking for the more than 1,000,000 organized farmers who are massed behind the Corn Belt committee, I prophesy that the old party lines will look as if a cyclone had struck them when the smoke of battle lifts from the November election. It is high time for the politicians in both parties to realize that the 30,000,000 people of the farm are fighting to save their homes, and that in such a struggle the crack of the party whip will be wholly and ridiculously futile.

And this is why I so cordially commend you and Senators MCKELLAR, PITTMAN, and DILL to the farmers of your States. Apparently we are about to enter a new political era in which our farmers will be driven to form an offensive and defensive alliance against the industrial States of the East, and this necessarily means that without the slightest regard to the old party lines farmers must reward their friends and smite their enemies. And it is with profound regret that I have come to this conclusion, for I realize only too well the class and sectional bitterness which will inevitably follow in the wake of the above alignment.

But what else is there left for our farmers to do? At this hour our manufacturers are enjoying the highest protective duties ever enacted by Congress, our bankers are massed behind the great Federal reserve act, our railroads behind the Esch-Cummins Act, while organized labor enjoys the protection of the Adamson law and a rigid immigration act—and thus with all these mighty forces which fix the farmers' costs of production enjoying these special privileges at the hands of the Government, the position of our farmers has become intolerable—and if specific evidence on this score is needed it can be found in the fact that since the close of the World War our farm debt has risen from four and a half billion dollars to more than $12,000,000,000, while the shrinkage in all farm values amounts to the almost inconceivable sum of more than $20,000,000,000.

Therefore, if in the face of these tragic conditions the industrial East continues to refuse to equalize the farmers' burdens, I repeat that we will have no choice except to form an offensive and defensive alliance which will ruthlessly trample party lines underfoot—and if in the days to come the industrial East shall bewail such a condition of affairs, the blood will be upon its own hands, for God knows our farmers have been patient and long-suffering. They are fighting to save their homes—and homes are the most precious and priceless possession of mankind.

Sincerely yours,

WILLIAM HIRTH,
Chairman of the Corn Belt Committee.

MATTIE HOLCOMB

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1434) for the relief of Mattie Halcomb, which were, on page 1, line 3, to strike out the word "Halcomb" where it appears the first time and insert "Holcomb"; on page 1, line 3, to strike out the word "Halcomb" where it appears the second time and insert "Holcomb, alias Henry Grady Halcomb"; on page 1, line 6, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 7, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 9, to strike out the word "actually"; on page 1, line 10, to strike out the word "Halcomb" and insert "Holcomb"; on page 1, line 12, to strike out the word "Halcomb" and insert "Holcomb"; and to amend the title so as to read "An act for the relief of Mattie Holcomb."

Mr. HARRIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF WORLD WAR VETERANS' ACT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2372) to amend section 201, subdivision (1) of the World War veterans' act, 1924, as amended.

Mr. REED of Pennsylvania. The principal amendment agreed to by the House is exactly the same in its language as the House bill which we have just passed and sent to conference. Therefore, I ask that this message may be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, that reference will be made.

ESTATE OF HALLER NUTT, DECEASED

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1769) for the relief of the legal representatives of the estate of Haller Nutt, deceased.

Mr. STEPHENS. I move that the Senate disagree to the amendments of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. NYE, Mr. MCMASTER, and Mr. STEPHENS conferees on the part of the Senate.

AMENDMENT OF CODE OF LAWS

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Montana?

Mr. HEFLIN. I do. I understand that it will take only a moment.

Mr. WALSH of Montana. I ask unanimous consent to submit a favorable report from the Committee on the Judiciary. This, Mr. President, is a report recommending the passage of the House bill to amend and supplement the Code of the Laws of the United States of America, and embraces, as a supplement to the Code of Laws, the acts of the Sixty-ninth Congress. The compilation is made by the same people who made the compilation known as the Code of Laws, and it is recommended by the Committee on the Judiciary.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama yield to permit me to ask a question of the Senator from Montana?

Mr. HEFLIN. I yield.

Mr. LA FOLLETTE. I should like to ask the Senator from Montana whether or not any change is made so far as the original provisions with regard to the code being merely evidentiary are concerned?

Mr. WALSH of Montana. No; and it is expressly provided that this supplement is merely prima facie evidence of what the law is.

Mr. LA FOLLETTE. I have no objection.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Utah? The Senator from Alabama has the floor.

Mr. HEFLIN. I yield.

Mr. KING. I wanted to ask the Senator from Montana whether in the examination of the code it was found that there were many errors in what might be denominated substantive law, rather than mere clerical ones?

Mr. WALSH of Montana. So far as I have had occasion to resort to it, I have found no errors.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I do.

Mr. NORRIS. I think I ought to say, in answer to the inquiry made by the Senator from Utah, that there were a good many errors, found. This bill corrects quite a number. I have forgotten the number, but I was surprised to find the number myself. I think something over a thousand mistakes were found.

Mr. KING. Is this bill intended to correct those errors in substantive law?

Mr. NORRIS. This will correct them. That is my understanding.

Mr. WALSH of Montana. No; that can hardly be the case, because this is merely a supplement.

Mr. NORRIS. I understand that it is just a supplement. It brings the code down to date, but I think it corrects those errors also.

Mr. WALSH of Montana. That may be.

Mr. SMOOT. May I ask the Senator if there is any amendment to the House bill?

Mr. WALSH of Montana. No.

Mr. SMOOT. It is just exactly as the House passed it, with no change?

Mr. WALSH of Montana. Exactly.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPILATION OF INTERNAL REVENUE LAWS

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I do.

Mr. FLETCHER. If the Senator will consent, I should like very much to have passed a resolution to direct the legislative counsel to prepare a compilation of the internal revenue laws. I think it will take only a minute.

Mr. HEFLIN. I have no objection to that.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

Mr. FLETCHER. I ask for its present consideration.

The Chief Clerk read the resolution (S. Res. 254), as follows:

Resolved, That the Legislative Counsel is hereby directed to prepare a compilation of the following internal revenue laws: (1) Income tax act, 1928, (2) estate tax and miscellaneous tax provisions of the revenue act of 1926, as amended, and (3) income-tax provisions of such act, as amended. There shall be included in the compilation the administrative provisions applicable to such internal revenue laws as found in the revenue acts of 1926 and 1928, together with necessary explanatory notes, parallel reference tables, index, and appropriate devices to distinguish the parts. Upon completion the manuscript shall be transmitted to the Secretary of the Senate, and when received is authorized to be printed as a Senate document. In addition to the usual number of copies, there shall be printed extra copies up to the limitation of cost provided by existing law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was considered and agreed to.

GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, I trust that I may be permitted to proceed now. I like to accommodate Senators, but we are going to be in session for some time yet, and there is no use in hurrying, because there are a good many of us here who are not going to vote to adjourn until the public business has been attended to.

I regret that an effort is being made by some leaders to adjourn this session of Congress speedily. I trust the temporary leadership of this side has not agreed to it. I know of a good many important measures that ought to be attended to before this Senate adjourns.

I want to suggest in the outset that the rules of this body must be changed with reference to a resolution to finally adjourn Congress. I think the rules provide, and properly, that a motion to adjourn Congress from day to day shall not be debatable; but when there are pending matters of importance, and a motion is made to abandon the work, to close the doors of Congress, adjourn and go home, and leave the public business unattended to, the rules ought to provide for a certain amount of debate; and I am ready to join other Senators in a move to bring about that change in the rules.

But for the opposition that we have given this morning to the consideration of this concurrent resolution, sprung upon the Senate without notice as to when it would be presented, and the suggestion of immediate consideration—but for the position taken by the Senator from California [Mr. JOHNSON], the Senator from Nevada [Mr. ODDIE], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Wisconsin [Mr. LA FOLLETTE], and myself, the concurrent resolution probably would have been agreed to by now, or at least would have been voted on to-day. It can not now come up for consideration until Monday. We have this day in which to say something about it and discuss other matters of importance, and I trust that Senators who are really interested in the public business and the public good will be ready to vote against this concurrent reso-

lution when it comes up, unless some arrangement can be made by which we can finish the work that should be finished.

Senators, we are here to attend to the business of the people. The political conventions do not meet for some time yet. You will have ample time to get to them. Why should we hurry and adjourn a long session of the Congress in May? What good reason can be given for that course? Is it to stop debate in this body? Is it to prevent material from going into the RECORD that ought to go into it? I think that is one of the motives. Is it to shut off the debate that has been going on here against certain candidates for President? I think that is a part of the motive.

The people ought to have an opportunity to have this RECORD open to them, so that facts can be printed in the RECORD and reach out into the interior of the country, because a great many of these facts never get there through the newspapers. They ought to be placed somewhere so the people can see them. The turning over of this great Nation to one man for four years, Mr. President, is a serious matter and one of great consequence to the American people, not only for the present, but the rulership for four years of one of the candidates seeking to be the chief magistrate of this Nation may affect the destiny of free America. It may change her course for the future, and foist upon the people something that they will be sorry indeed ever came upon them.

I am going to bring to your attention briefly this morning some of the tactics of the Roman government employed in the United States.

I brought to the attention of the Senate and the country the other day an article written by a Jesuit priest, Charles J. Mullaley, in which he tells Catholics how to control the press—how to prevent the publication in the press of things that Catholics do not want published. Let me sum up, by quoting his language, just what his plan is, and how he is telling them it can be done.

He recites that they hushed up a daily paper here in Washington that demanded an investigation of a Catholic Good Shepherd home, where a girl sought to escape and was killed. When a newspaper asked that the matter be inquired into, when the newspaper wanted to know what it was in that institution that made a young girl seek to flee from it at the risk of losing her life, the Catholics attacked that paper, so this priest tells us, right here in Washington in 1913; and they went to the news stand and notified the newsman that the Catholics would not buy any more of the papers.

They went to the management of the paper and told them they were going to quit buying this paper. They did not stop there. They had the priests in their pulpits appeal to their congregations not to buy that paper. But they did not stop there. They went to the merchants, Protestants, Jews, and Catholics and told them that if they advertised in that paper, whose sole sin was asking for an inquiry into the death of a Catholic girl who leaped out of the Good Shepherd's home to her death, they would boycott them. That is in this paper, written in a Catholic periodical, and written by a Jesuit priest, one of the chief muckamucks of Roman Catholicism in the United States. He belongs to the class that tries to manipulate your minds and tries to make you think along Catholic lines. That Jesuit bunch think they can control your mind and in that way control you absolutely. Now, I come to the conclusion of the article:

> History often repeats itself. Since some secular magazines and newspapers now believe, as this Washington editor believed in 1913, that it pays to insult the Catholic Church and to foster religious controversy, why can not Catholics in every city let the history of this counterattack repeat itself for them? They can follow the example of the Catholics in Washington in 1913.

Senators, I am bringing this to your attention because it presents a deep-laid plan and purpose of the Roman Catholic government to control or destroy a free press in the United States. I want you to reflect, when you are thinking about it, whether it will help matters to put one of them at the head of the Government when he is raised up and fed on just such doctrine as this Roman Catholic suggestion:

> Some one may object that it is difficult to conduct a truth society; they fancy that such an organization is not easily established and that meetings are held only with difficulty. The Washington Truth Society may be taken as a model, for it is exceedingly simple. In the beginning, the mistake was made of trying to have a large membership group, with regular meetings. The 1912 and 1913 meetings were dispensed with. The Washington Truth Society consisted of one active priest in charge, two zealous laymen, and a Catholic lawyer or two, ready to give legal advice free of charge.
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Continuing, the priest's article said:

> The lessons learned in Washington in 1913 may briefly be summed up as follows:
>
> 1. Do not attack a magazine or newspaper through its editorial departments, but act through its business office.
>
> 2. When a magazine or newspaper is attacking your religion write to the business manager and inform him that you will not buy the offending periodical again, and mean it.
>
> 3. Call the attention of your friends to the insult and request them to call the attention of their friends. They, too, should write and pledge themselves not to buy any offending paper, and mean it.

Think of that, Senators, not only calling on their own flock but reaching out and appealing to friends to write to a Protestant paper or a Jewish paper and tell them that if they do not cease to print things which Catholics do not want printed that they, because Catholics want them to, will quit taking their paper.

> 4. Call the attention of the merchants with whom you deal to the insults and tell them that as long as they advertise in any offending paper you will not buy their goods, and mean it.

My God! What are we coming to in great and beloved free America? Roman Catholic groups in the United States are laying down a schedule and a program by which the Roman Catholics are to be governed in a fight to suppress the free press, in a fight to destroy the free press of the United States, going to the store of a merchant who is dependent upon his business to support his wife and children, in a free country, where he is supposed to be free to have the religion that he chooses, to think what he wants to think, to be at liberty to do as he wants to do regarding religious affairs. He is called upon by this un-American, this Roman, periodical, and told that if he does not cease advertising his goods to everybody who he would like to have buy his goods the Catholics will quit dealing with him. That is another club used to beat down and destroy the free press, and destroy the newspaper man's property who dares to publish the truth.

> 5. Call the attention of your [Roman Catholic] pastor to the insult, and suggest that he have his people pledge themselves never to buy any magazine or newspaper that insults the faith, and never to deal with merchants who advertise in such periodicals—and mean it.

Mr. President, is this still free America? I would condemn such action in any group of people, whether they are Protestants, Jews, or Catholics. I denounce this shameful conduct as un-American, and yet they are boasting about it and using it for intimidating purposes; they have mailed this thing to Members of Congress, and sent me at least a dozen and a half or perhaps two dozen copies, to see that I got it, and some of them were sent to me by Catholics in Buffalo, N. Y., as I said the other day.

> 6. Tell your news dealer that as long as you see the magazine or newspaper on his stand, an open insult to you, you will not buy from him, and mean it.

Senators, think of that un-American newsman, with his papers and periodicals of various kinds to sell to the public, trying to have the papers that the people would want to buy, is called upon by the organized forces of the Roman Catholic government in the United States and told that if he sells papers that they do not wish him to sell Roman Catholics will not buy any of his papers and will try to keep others from doing so. Would you think such a thing as that would or could happen in the United States? It did happen right here at the Capital of the Nation to the shame of every one of them who indulged in it, but they are boasting about it, and recommending it as a plan to be followed by Roman Catholics all over the United States.

As I have said before, the time to treat a cancer is in its incipient stage. The time to take preventive measures against a disease is before it gets hold of you. I am calling on my country to wake up and use preventive measures now and keep Governor Smith out of the White House. Senators, if the Roman Catholics will do these bold and dangerous things now, with only 19,000,000 Catholics out of 125,000,000 Americans, what will they do under Roman Catholic rule in the United States when they can throw the doors of immigration open and smuggle others in on the side and flood this country in four years' time with 20,000,000 more Roman Catholics? Some Senators seem to be asleep on this question, but they are not by themselves; a great many Americans are asleep. But they will get awake after a while, and I am trying to awaken them to things that are alarming and dangerous to our free institutions.

> 7. Call the attention of your local Catholic paper to the insult, but suggest to the editors not to give free publicity by naming the offender—

That would arouse the Protestants, you see, and cause them to get interested and to want to know the truth.

rather to sound the slogan, "We will never buy a paper or magazine that insults our faith. We mean it!"

That is part of the program recommended to the Roman Catholics of the country.

This plan is based on the simple fact that nobody, Catholics included, has to buy a magazine or newspaper if he does not want to.

Listen to this astounding and miserable appeal:

If Catholics follow the example of the Catholics in Washington in 1913 we shall soon decisively answer the question which the editors of some secular periodicals are now asking themselves, Does it pay to insult Catholics?

Oh, Mr. President, I burn with indignation at the suggestion of such a villainous program as the one laid out in that article. What has become of the spirit that was in our forefathers when they were willing to die for religious freedom? Where is that element of patriotism and heroism that lived in them when they demanded with their life's blood a free press in the United States?

Where is the love of civil liberty that inspired them to do and die in the Revolution for free institutions? They are assaulted in this article—every one of them. The Roman Catholics would prevent the American merchant from exercising his right as an American citizen to advertise in the paper that reaches the public, which he hopes to induce to come in and buy his goods. They declare it to be their plan and purpose to prevent a news stand from selling a newspaper that other people in the community want. They use coercive and intimidating tactics on him to do not what is fair and right but what the Catholics want him to do. They call on every Catholic preacher in the pulpit to say to his Catholic flock, when nobody else is there, to go out and wage war against a newspaper that has dared to ask why a certain girl, a Catholic girl, lost her life in an institution right here in Washington City. Senators, if that Washington newspaper had not manifested some interest in that sad happening here at the capital it would have been a strange paper indeed. If a girl can lose her life seeking to get away from an institution, right here in our midst, and the people are not concerned about it, we are no more than the beasts of the field. It was quite natural and a noble thing in this newspaper man to inquire about the girl's death.

As I said the other day, why did not the Good Shepherds' Home say, "Sure; you are at liberty to come in and investigate. We regret the death of this girl. There is nothing wrong about it so far as we are concerned. Come here and investigate for yourselves. Come out and take testimony." Instead of that, they closed the door, and turned like an enraged lion on the editor who dared to ask to have inquiry made into the death of a Washington girl. That thing happened right here in Washington in 1913, and now, when Governor Smith, a Roman Catholic, is running for President, in 1928, they put out the story of their successful effort to intimidate a Protestant newspaper in Washington, as part of their campaign literature in favor of Governor Smith.

It gives us a foretaste of what we may expect if Governor Smith should be nominated by the Democratic Party, and elected President—which God forbid.

ROMAN CATHOLICS IN CANADA

Now, Mr. President, I want to show something of the activities in Canada. They are not confined to the United States. Premier Herriot, of France, said not long ago they are forming political parties in every country on the globe, and they are. He said, "The Pope has just congratulated the Catholics for forming a Catholic party in France," and he said further, "We refuse to take orders from the Vatican." Here is what is going on in Canada. They have about 40 per cent of the population of Canada. This is from a periodical published recently in Canada called "The Chalice." Listen to this, Senators:

Let us examine for ourselves the kind of "religious freedom" the [Catholic] church is working to reestablish in Mexico and to make paramount in the United States and in Canada. In this task we will not quote from any "enemy of holy church" but from the published pronouncements of Pope Pius IX. The source of our information is from a booklet published in Washington, D. C., entitled "Roman Catholicism and the Presidency," published by the Fellowship Forum in 1927.

Syllabus of Pius IX:

"The state has not the right to leave every man free to profess and embrace whatever religion he shall deem true.

"It has not the right to enact that the ecclesiastical power shall require the permission of the civil power in order to exercise its authority.

"It has not the right of establishing a national church separate from the Pope.

"It has not the right to entire direction of public schools.

"It has not the right to assist subjects who wish to abandon monasteries or convents."

There is the question. I do not know who may have suggested a plan of escape to this poor girl who went down to her death imprisoned in that Catholic institution here in Washington. Somebody may have suggested it. But here it is forbidden that anybody shall give any suggestion or assistance to get anyone out once she has been placed there.

I continue reading:

In the same syllabus the rights and powers of the church are affirmed as follows:

"She has the right to require the State not to leave every man free to profess his own religion.

"She has the right to exercise her power without the permission or consent of the States.

"She has the right to prevent the foundation of any national church not subject to the authority of the Roman Pontiff.

"She has the right to deprive the civil authority of the entire government of public schools.

"She has the right to require that the Catholic religion shall be the only religion of the State, to the exclusion of all others.

"She has the right to prevent the State from granting the public exercise of their own worship to persons immigrating into it.

"She has the right of requiring the State not to permit free expression of opinion."

That is the kind of religious "freedom" Bishop Fallon accuses the Government of Mexico of having destroyed; it is the kind of "freedom" he and thousands of his persuasion are working day and night to make supreme in Canada.

Here, Senators, is the gist of the whole proposition and the milk in the coconut:

Disarming Protestantism. In the hurricane of hysterical denial that will follow the publication of this article it will be well for every Protestant in Canada to ask for and demand that Catholics explain certain facts; they can not be denied, therefore do not accept abuse and denial in place of explanation.

I know something about that. That is all they have to say in opposition to what I say—abuse, denial, and slander.

It will be necessary for them to explain satisfactorily each and all of the undermentioned portions of this dastardly plot for world dominion before they can deny the existence of that plot as a whole.

1. Why do Catholics persistently deny to Protestant citizens of Canada the right to freedom in the matter of religious belief and plot incessantly for the political power to enforce their views?

2. Why do Catholics oppose by every means in their power nonsectarian public schools?

3. Why do Catholics support and perpetuate an organized movement to dismiss Protestant employees and replace them by Catholics wherever possible?

We have that right here in the Government of the United States. We have that right here in Washington. I know of an instance in the Consular Service where the man who does the promoting has promoted Catholics time and again and held down more competent men who were Protestants.

4. Why has the pursuance of this policy in Vancouver, British Columbia, by the recently appointed Roman Catholic manager of one of the largest and oldest commercial enterprises in Canada, been carried to such lengths as to call forth a public protest against this unjustifiable discrimination against Protestants?

5. Why have Catholics managed to secure such conditions in the immigration policies of Canada as favor an increasing deluge of Roman Catholic emigrants from Belgium and other European countries, together with a plentiful besprinkling of priests with every shipload?

6. Why have Catholic interests in Britain succeeded in placing Lord Lovat, head of one of the oldest Catholic families in Britain, in a position to influence British emigration to Canada?

7. Why are Roman Catholics securing a steadily increasing number of key positions in administrative and civic bodies, and what connection have these maneuvers with the measures taken for insuring an increasing proportion of Roman Catholic immigrants?

8. Why are Roman Catholics conducting and subsidizing secret propaganda among the land and naval forces of this country at Esquimalt?

9. Why are Catholics securing most of the commanding positions, and a majority in the ranks, of a certain famous police patrol?

10. Why are Catholic interests plotting to disband the Provincial Police of Saskatchewan and to replace them by the R. C. M. P., and is not this part of a deliberate plot to disarm the unsuspecting and Protestant western Provinces?

11. Why do Catholics in Canada pursue these sinister policies so as to synchronize with the great struggle for supremacy which will culminate in the United States this very year?

12. What reasons can Catholics give for the treasonable and lying accusations of the caluminator Fallon other than those I have advanced? What other reasons will explain its apparently unnecessary vehemence, and the powerful political backing it immediately received? What other reason explains the treasonable Catholic attempt to rupture our friendly relations with Mexico?

Mr. President, that is the note that comes sounding over to us from Canada. That is the section that is contributing money to the Al Smith campaign fund. I called the attention of the Senate the other day to a letter I had received from a citizen up there saying that the Catholics of Canada were contributing to Smith's presidential campaign fund. I gave the name of one, Frank O'Connor, of Toronto, who had contributed $1,000.

So, this movement to make Al Smith President is not confined to the United States; it is a world-wide Catholic movement. They expect to rule the world some day. General Nobile, a Roman Catholic, who was christened by the Pope in his College of Cardinals and sent out on a special mission to the North Pole, to drop the Pope's Roman cross on the top of the world, sent a wireless back to the Pope of Rome that he had fulfilled his sacred mission and had gone up and dropped the Roman Catholic cross on top of the world. Well, maybe he has.

Senators, let me ask you a question. Suppose the Protestants or the Jews had started out on a proposition to plant their emblem on top of the world? What would have happened? We would never have heard such a row in the annals of our country as that which would have been made by the Roman Catholics. They would have said, "What right has any denomination to go up on such a mission as that, to drop down their landmark or particular church emblem, and to say in the future that they were the first ever to plant evidence that they expected to claim ownership some day?"

We often find politicians who are afraid of Roman Catholics politically. Are we going to be afraid of them to the extent that we will put them in charge of the great household of America? Are we going to slink away and refrain from telling the truth because it might hurt us personally, politically, or some other way?

Mr. President, there are times in the lives of men in places of responsibility when they must stand up and fight, and particularly when they are chosen to hold a "line" to prevent the enemy from coming through, like Leonidas at Thermopylæ or Horatius at the bridge. If he who is chosen and trusted to hold the line yields and surrenders, all is lost. Somebody must, I repeat, stand up here and "hold the line."

In keeping with this intimidative spirit that the Roman government employs, I have received and called to your attention a number of times threatening letters. Here is one from Long Island, New York City, received yesterday from a fellow who calls himself "An ex-cowboy." I do not know what he did out on the plains, but evidently he was of such a character that the cowboys would not permit him to remain out there with them on the plains. Then he went to a place where he would feel perfectly at home—to Tammany in New York City. And there he starts his criminal work and writes me a letter in which he says that in two weeks' time he is going to murder me; that he is a sure shot; that he never misses a shot and never broke his word. He is saying that he intends to murder me. Here is his letter. I would read it, but some of the language is too indecent.

I do not know, Mr. President, what may come to me, but if I have to die before my allotted time I could die in no better cause than trying to preserve religious freedom and civic liberty, freedom of political action, a free press, free speech, and the right of peaceful assembly—free government in America. I have been chosen as one of the Nation's guardians to protect and preserve them, and by the help of God I intend to do all in my power to preserve them. If we do not do as they suggest, they commence thinking of some force to use, of some way to punish us. If an editor has a daughter growing up and coming into beautiful womanhood, at about the age of the girl who lost her life here in Washington in the incident to which I have referred, his heart is touched about the tragic death of somebody's girl about the age of his girl and he wants the truth given to the public about how the girl was snatched out of life instead of being permitted to live out her time. But the editor who asks for the truth and only the truth about the matter is pounced upon by this Roman group, hounded like a thief, his business injured, and they boast in their article that they cut his subscription 40 per cent in three weeks, and that finally his business manager came crawling on his knees and told the Roman Catholics at the Capital that hereafter he would never publish anything that they, the Catholics, did not want him to publish.

Free speech murdered at the altar place of the tyranny, oppression, intolerance, and bigotry of the Roman Catholic government in the United States, and still we will hear some people who call themselves Democrats saying, "It is all right, go ahead and support Governor Smith." I am going to repeat what I said before. The Senator of this body who goes to the Houston convention and who at any time during that convention so far forgets himself, his home State, and free institutions in America as to tie himself to this Roman Catholic government and program and votes for Governor Smith will never be reelected to a seat in this Chamber. The people will not send him back; and he ought not to be sent back.

The issues of national life and death are involved in this campaign; the life of this American Nation is at stake. I have given Senators a sample of what the Roman Catholics do, not only what they do on impulse but 15 years after they have assaulted American institutions, how they pick it up and put it in their periodicals and hold it up to their people as a program that they should follow in order to push forward Roman Catholic government in the United States and to kill off the agencies of American institutions.

Free press! I told the Senate the other day what happened to Heywood Broun, a brilliant newspaper man. He has been punished by the New York World; he lost his job at the instance of the Roman Catholics because he raised the question in New York City that under Catholic rule in city and State there was not an editor in New York City who would dare criticize or tell the truth about the Roman Catholics. He lost his job, and out he goes. That is another evidence of their intimidative and coercive, destructive power—again the free press is muzzled, choked to death. Here is a man of the press up in New York who knows of this evil as nobody else around him does; he cries out against it in New York; he says they have not an editor there who will assail Smith; and the New York World, when the Catholics demanded it, put him out of its employment for telling the truth. I told Senators about the young man White on the Herald-Tribune, a Republican paper in New York. He wrote a letter to the Senator from North Dakota [Mr. NYE] and gave him some facts about Governor Smith and Sinclair; he told the truth. Al Smith did appoint Sinclair; he put him on the Racing Commission of New York State, where there is corruption and graft galore. Sinclair was put on the racing commission, where he could obtain all kinds of graft, and while he was stealing from the Government of the United States he was also, no doubt, robbing the race-horse men in New York.

When Mr. White gave the Senator from North Dakota his name, the Roman Catholic brigade of New York City marched upon the Herald-Tribune. They said, "We demand his head on a charger"; and the newspaper that had employed this boy for 17 years, he being one of the most faithful that ever worked for the newspaper, sent his head upon a charger, displayed it to the Romanists who sought his head, and they marched away happy. That was one more milepost on the road of destruction for the free press of the United States.

I have shown Senators the Roman program to destroy a free press throughout the United States. They are asking you to close your eyes and shut your ears and to march humbly in the procession of Alfred E. Smith, the annointed of the Pope, for President of the United States. I pointed out to Senators that without authority, in violation of law, they printed the Roman Catholic cross upon our paper money. I have a specimen in my pocket that I exhibited to Senators the other day. They printed the Roman Catholic rosary under it. What right had they to do that? They had no right to do it, and they had no right to drop the Roman cross on the North Pole.

What else? We found they were flying the Roman flag above the American flag on our battleships. Who protested against my resolution to take it down and to permit it again to fly above the Stars and Stripes? Who is fighting the passage of my resolution that no flag shall fly above our flag. Nobody but the Roman Catholics and the weak-kneed, feeble-minded Protestants that they control.

I have received letters from the head of the Flag Code Commission of America, Gridley Adams, an upstanding fine American. He has written me a letter indorsing my resolution. He says 113 patriotic societies all over the country have indorsed my position. They do not want any flag to fly above the American flag. He sent me a picture of the flag as they want it flown with Old Glory first and uppermost and the pennant below it.

Now, when the Catholics conduct their worship on the ship they pull our flag down about 2 feet; it has got to be lowered to the majesty and power of the Roman Catholic cross that then flies above it. They have become so bold that recently the Washington Post printed a picture of it on the battleship *Cincinnati*, and said beneath the picture, "It is the only flag that floats above Old Glory." Well, it is coming down from above Old Glory. All of this is done in anticipation of Alfred E. Smith, the annointed, being President of the United States.

They do not stop there. They put their Roman Catholic colors in the President's room here in the Capitol. The long green curtains that fitted in with the other colors so tastefully and beautifully have been taken out and the cloth top of the President's desk, the green blending with the other colors admirably, has been removed and they have put in the cardinal's colors, and those flaming red colors are very inharmonious with the other things in the President's room here at the Capitol.

I am unable on inquiry to find out who suggested that the colors be changed, but I think I know the Jesuit in the city who suggested it; he used to be connected with a Democratic administration. I understand that he had a hand in it, and I am going to offer a resolution to take out the cardinal's colors and restore the American colors.

Strange, Mr. President, that all these Roman Catholic doings are coming upon us right on the eve of a presidential election. The cardinal's colors are put in the President's room at the Capitol and flaunted in the face of Congress. Roman Catholics are boasting that Al Smith will be nominated. He will not be. He will be whipped to a frazzle in North Carolina to-day. How did the Catholic colors come to be placed in the President's room? Who put this Roman cross on the American one dollar bill? We do not know. Who worked that rosary beneath the Roman cross that everybody can see—the string of pearls? We do not know, but it is there. Who ordered the Roman flag put above the Stars and Stripes? We do not know, they say. It has been the custom, it is said, for a long time; but I will tell you who issued the order. It was Truman Newberry, I think.

The Roman Catholics obtained it through him. The custom has not been in vogue for a hundred years; it is a recent thing; not over 25 years, if that; and I think it is more recent than that. I will let you know soon. I am getting statements about it that are conflicting, but the last one I got was that Newberry issued the order in 1908. But the Roman Catholic leaders never boasted of it before and they never got bold enough to make pictures of it and send them over the country until Al Smith became their candidate for President. Now, however, they are making pictures of it, and they are putting beneath it the words, "The only flag that flies above the Stars and Stripes."

Mr. President, have they a secret allegiance to the government of Rome that is above their allegiance to this Government? In view of the things that I have brought to your attention, I fear that they have. Then, Governor Smith, I want to ask you this question: In Rhode Island quite a number of Catholics—American citizens—had turned over money they had contributed to the Catholic bishops and Catholic priests for a certain purpose. The money was not used for that purpose, and these American citizens said, "Give us an accounting. What did you do with the money that you induced us to contribute?" They refused to account for it; they told these American citizens it was none of their business. These American citizens went off and got a lawyer; they took the case into an American court. Being American citizens they had a right to do that; that was the place to go; but what did the Roman bishop and priests do, Governor Smith?

They took the names of these American citizens to Rome, and although they were not there, the Roman government tried them in a Catholic Church court, in a College of Cardinals, with the Pope, and condemned these American citizens, repudiated them, and excommunicated them. In that last sentence they declared that they were going to send their souls to hell. For what? For demanding of another American citizen to know what he did with money that he had gotten from them under false pretenses. The case is still pending in Rhode Island, Governor Smith. The American processes of justice have not yet been permitted to finish trying the case of these American citizens have not yet heard the decision of their own country's court for it has not yet been rendered, but the Roman Church court went ahead and acted over in Rome. And what else did they do in that decree? There was a man of the Catholic faith who ran a newspaper in Rhode Island, who editorially commended the other Catholics for the course they were pursuing. The Pope entered a decree that that man's property should be condemned and that he should not run his American newspaper another day here in the United States. All this right here in the United States of America. My God, how shocking and shameful this incident!

The Pope of Rome, by a decree in another government, destroys the property of an American citizen living and doing business here in the State of Rhode Island. He confiscates the property of an American citizen by a decision that he renders in Rome, a foreign potentate, the head of the Roman Catholic government of the world, reaching into free America and destroying this man's property right here under the flag in the United States. Governor Smith, do you approve that? If you do not approve it, why have you not condemned it? Tell the Senate and the country what you think of that outrageous assault upon and that insult to the Government of the United States.

Senators, if an invading army from Italy had come to Rhode Island and seized this man and these other citizens and treated them as the Pope and the cardinals of Rome did, we would have unfurled the American flag and gone to war with them. If they had come and seized this man's property in Rhode Island and confiscated it here in the United States, we would have gone to war with Italy in order to maintain the rights of American citizens and the sovereignty of our Government; but here we sit, some of us in apparent indifference, with this kind of thing going on, with all these incidents, telling us in advance what we may look for on a much larger scale under a Roman Catholic administration. Governor Smith, how do you stand on these questions? Tell us, will you not?

That is not all, Mr. President. They are striking at the liberty of the citizen, the freedom of the press, religious freedom, and so forth; but Governor Smith himself is guilty of violating the first amendment to the Constitution of the United States.

I was booked to speak in White Plains, N. Y., in the State armory last June. I had spoken in the State armories in Illinois and Iowa; but when I was on my way to White Plains, N. Y., I was told by one of the citizens of that city that the superintendent of the State armory had told them that he had already granted permission for me to speak and for the people to have the hall, but that he had just gotten word that he would lose his job if he permitted Senator HEFLIN to discuss the Mexico war program of the Knights of Columbus, and tell about his efforts in the Senate to keep our country out of war with Mexico on behalf of the Catholic Church. They withdrew the use of the armory in Governor Smith's jurisdiction—he the governor of that State, and this man his appointee. He was threatened with the loss of his job if he permitted me, a United States Senator, to tell the people of that locality in New York State the truth about the Roman Catholic program for war with Mexico.

What else, Governor Smith?

Last year, about this time, Protestants, some of whom were Masons and members of the Ku-Klux Klan, applied in New York City for a permit to march in a parade to the graves of our Nation's dead. They obtained that permit. They marched unmasked. They were peaceable. The grand jury said they were. They had bothered nobody. But what happened to them, Governor Smith, in your city, the chief city of the State of which you are governor? Your Roman Catholic policemen on horseback charged upon these marching men and women. They beat them over the head with clubs, and drove them out, and denied them the right to walk with other American citizens to the graves of their loved ones, and to drop a flower on the last resting place of the Nation's dead. Your policemen, Governor Smith, clubbed those good men and women in your city, where your chief political leader, Mayor Walker, presides; and what came of it? The grand jury investigated the occurrence. It refused to indict the Klansmen. It exonerated them of wrongdoing. It suggested that something ought to be done to those who attacked them and violated the law.

What did you do, Governor? Those men and women who were clubbed and beaten unmercifully by clubs in the hands of Roman Catholic policemen came to you, Governor Smith, under the right of petition, and asked you to make an investigation yourself of the grievance they had, of the outrage done, of the insult offered these American citizens. What did you do, Governor Smith? You declined to have an investigation. You said it was none of your business; but you stopped long enough to tell them how you hated the Ku-Klux Klan. And what did the New York World say about your conduct? They said they had tried to make the public believe that you were a broad, liberal-minded man, and they had hoped that you would take some action, instead of having the impression go out that you would withhold justice from any group of people in your midst. That is the substance of their statement. That is an indict-

ment against you by the New York World, which is now supporting you.

So you are against the right of peaceful assembly and free speech, as shown in your conduct at White Plains, N. Y. You are opposed to the right of peaceful assembly and the marching of American patriots on Memorial Day whose sole purpose is to honor the dead who died in the service of their country. You permitted these people to be insulted and assaulted. When they came to you, the highest officer in the State, because they could not get justice in the city where your right-hand henchman ruled, Mayor Walker, you slapped them in the face and turned them away. They have gone back home, sad and despondent, in this land of the free and home of the brave.

What else did you do, Governor Smith?

When you were a delegate to the constitutional convention of your State you offered an amendment to a provision of the Constitution which says that the taxpayers' money never can be appropriated to any sectarian school. What did you do at the instance of Cardinal Hayes and Priest Duffy? You introduced an amendment to the Constitution repealing that section of the Constitution which would permit you, in New York City and State, to appropriate public funds to the support of Roman Catholic parochial schools. I challenge any Senator or any newspaper man or you, Governer Smith, to deny these astounding facts!

During your legislative career, a bill was introduced by another man by the name of Smith—I think his initials were E. A. and yours are A. E., but you are in the same boat; both of you are Catholics—he introduced a bill in the legislature of New York to repeal another provision of law. Listen to this:

We have provisions in the various States—in fact, it is the law in nearly every country on the earth—that nobody can impersonate the lowly Nazarene, the Christ of God, in a play. This man introduced a bill in the legislature of New York to repeal that statute so that in New York City a Roman Catholic priest could impersonate Jesus Christ in a play in order to raise money for a Catholic Church in the city of New York; and the Protestants defeated that measure.

The Bible says, "By their fruits ye shall know them." I reiterate, Governor Smith, that the New York World places you as an ardent advocate of "social equality." In the Senate of the United States, on this, the 26th day of May, as a Senator from a sovereign State of the American Union, I ask you, Governor Smith, are you in favor of social equality? You have declined to answer that so far. Are you in favor of it? It has been shown that Roman Catholic whites and negroes are now worshiping together in the same Catholic Church. You are a Roman Catholic, Governor Smith, do you indorse that? If you do, you are for social equality; you are attacking the great principle of white supremacy. You are doing that which is dangerous to both races. It will not work.

Governor Smith, are you in favor of that practice? Do you believe in it? Answer me. You have declined to do it heretofore. You have many days between now and the convention at Houston.

I call upon you, in the name of the white men and women of America, to answer that question; and in the name of the good negroes who want this problem solved, and solved to the best interest of both races, I ask you if you indorse this effort to get the negro votes and in order to swell the number of Roman Catholics in the United States?

Governor Smith, what did you do when the antilynching bill, just a little while ago, was up in Congress? That was a bill leveled at the South in the main. There is where the great race question is. It was a bill that sought to appeal to the negro vote in the North; a bill that put a premium on the crime of rape; that encouraged attacks and assaults on white women. It contained a provision that if a negro who attacked a white woman was killed, the white people of the county had to pay to his family $10,000, which was the insurance policy that was being provided in the event he succeeded in committing that crime. Governor Smith, when that bill was up in the House, when the Southern Democats were begging for aid, they asked your Tammany Democrats to help them. What did they do? They turned their backs on them. They did not give them a single vote. Do you indorse that, Governor Smith? That is the record of the Tammany Democrats of New York; and you and Olvany, Cardinal Hayes, and Priest Duffy control Tammany Hall absolutely. You could have had them vote with the Southern Democrats, but you refused to do it.

Governor Smith, why would you not permit those Tammany Democrats to come and help the southern Democrats throw the arm of protection around the white women in the rural districts of the South, away from the police protection of the cities? Why did you not show some interest in our women and in the homes of our people in the South? Why did you withhold aid from us, Governor Smith?

All this, Governor Smith, brands you as a champion, an advocate of social equality and race amalgamation.

Governor Smith, I ask you again, Are you in favor of race amalgamation?

Governor Smith, what is your plan for the solution of the race question? Tell me, if you have a plan. I should like to know just what Governor Smith's plan is.

Now, Mr. President, I am going to bring to your attention a matter that will open your eyes. I have told you about the picture of the flag. Here it is.

Now, as to the parochial schools: I have shown you that Governor Smith offered an amendment to the constitution of the State of New York to repeal the provision which says that money can not be appropriated out of the tax funds to sectarian schools. Governor Smith offered an amendment to change that so that money could be appropriated out of the public funds to parochial schools, Roman Catholic schools, in New York.

I told you the other day what the truth was about that. We believe in separation of church and state. They believe in the union of church and state; and in spite of the fundamental fact that we do believe in the separation of church and state, which is a cardinal principle of the American people, yet they teach union of church and state in their parochial schools all over the country now. Listen:

May the state separate itself from the church?

Roman Catholic answer:

No; because it may not withdraw from the supreme rule of Christ.

Who is going to determine what the rule of Christ is—a Roman Catholic priest, or the various other denominations, who have as much right to have their view as he has? They do not dispute his right to claim anything, but they dispute his right to enforce his claim, and to disturb them in the legitimate performance of their duty.

What name is given to the doctrine that the state has neither the right nor the duty to be united to the church, to protect it?

That doctrine is called "liberalism." It is founded principally on the fact that modern society is founded on liberty of conscience and of worship, liberty of speech, and of press.

Why is liberalism to be condemned?

Because it denies all subordination of the state to the church.

They are teaching that now in the parochial schools of the United States; and then, when a Senator gets up here and talks about the dangers of Roman Catholicism, they say he is intolerant, that he is a bigot. I challenge them to answer my arguments. Let them bring Governor Smith out; and if he has intelligence enough to stand up before the Nation that he is seeking to rule, let him answer these charges, made in the open Senate, and proof submitted out of Roman Catholic evidence. I demand that he answer them.

Let us see how they operate. Doctor McDaniel, of Richmond, the president of the great Southern Baptist Convention in 1926, has told us that 61 per cent of the employees of the State Department, the department which has to do with all of our foreign relations, with our diplomatic work with all countries, including the Catholic countries, that while there are 19,000,000 Catholics in the country out of 125,000,000 population, 61 per cent of the employees in control of America's foreign business right here at the Capital of the United States are Roman Catholics. Doctor McDaniel said Mussolini and the Pope had made up—and they have.

I am going to repeat to you, they had it framed up to kill King Victor Emmanuel the day that bomb went off in Milan, and then it came out in great headlines that an attempt had been made to kill Mussolini and the King. They intended to kill the King, and Mussolini was going to declare himself King, and then they would have had a mess sure enough. But listen to what an Italian Presbyterian preacher now in the United States, Doctor Fama, of New York City, said:

When Mussolini came into power, laws were passed providing that the crucifix be hung in every school, that the Roman Catholic faith be taught to every pupil; that priests be paid by the State.

Then talk about Protestants' bigotry! Alfred Smith was walking in their footsteps when he provided by a constitutional amendment that the general public be taxed to support parochial schools in New York City. Ah, Mr. President, they can not escape from these astounding facts, these irrefutable facts, which I am laying before the Senate and the country.

Now I come to one of Governor Smith's chief supporters in New York, a man by the name of Belford, a priest. He is the man who suggested that they hire thugs to murder me when I was leading the debate against their program of war with

Mexico, and he is one of the strong supporters of "Alfred the annointed." He was taking Senator WALSH to task for running when Alfred ran. "Two Catholics," he said; "how ridiculous." He jumped on WALSH for being a candidate. He said:

Mr. Gilbert, the Washington correspondent of the Evening Post has this to say: "I do not know how Governor Smith feels toward Senator WALSH, but I do know that not even TOM HEFLIN would fare worse at the hands of Governor Smith's followers as a candidate this year than would Senator WALSH.

Well, you know how well they thought about WALSH, because they do love me; they have great admiration for me. [Laughter.] They would rather see me quartered than anything else, because, Mr. President and Senators, I am laying facts before this body that will be discussed when I am dead. There will come a time when somebody will stand here and say, "The Senator from Alabama was giving you the facts, warning you against the danger that is now upon you."

Then, at least, those who get on the firing line in the battle will know the facts, have something to go by, facts that stand undisputed in this RECORD, and can not be refuted anywhere.

About five or six weeks ago they sent a committee down here to challenge me to have a joint debate with a Roman Catholic in New York City. I guess they thought that such a suggestion would have terrors for me. They arranged the hall and everything was ready. Ex-Senator O'Gorman or Judge Talley, of the Supreme Court, was to speak with me, but they kept postponing it, and said they were not ready yet, they could not get a definite answer from either one of them. I said, "I want to know immediately." They came back and said that Senator O'Gorman had declined, and Judge Talley had declined, and said, "Who else?" I said, "Anybody." They said, "How about Doctor Ryan, the professor of the Catholic University?" He is the one who wrote the book The State and Church. I said, "I would rather have him than any of them. I would like to debate with him." So they saw Doctor Ryan, the priest, the high priest in the university of Catholicism in America, and he declined. They backed out completely. They shut it all up. You never saw a line about it in the press. But if I had declined you would have seen it across the headlines, "HEFLIN refuses to go outside the Senate and meet a Catholic in public debate." But when I put it up to them, one by one, three of them declined; three strikes and out. [Laughter.] They shut up like a clam, and you never heard of it until I told you about it to-day, something that happened six weeks or two months ago.

This priest takes a dig at the Senate, this man who is Alfred Smith's high muckamuck in New York. He says that there are a lot of convicts in New York State with greater ability than a number of Senators here, and he flings off on the Senate in terrific fashion:

There was a time when membership in the Senate of the United States carried with it the greatest honor. But in our day the word Senator is far from honorable. While most of those who hold that high office are men of ability and character, there are enough of dunces and actual or potential crooks to make the name suspicious if not ridiculous. In fact, it would be possible to select from the convicts in Sing Sing at least a dozen men less unfit to represent the people and make their laws than an equal number of the nuisances who sit in the Chamber of the United States Senate.

That is this man who is attacking the American system. He wants a Roman Senate. He is opposed to having an American for President, and he is supporting a Roman for President of the United States. He assailed Senator WALSH for daring to offer when "Alfred the anointed" was running, and because I have criticized Smith, and have laid before the country facts that he can never surmount, that are helping to prevent Smith's nomination at Houston, he sought to have me murdered physically; he is now insulting me again, and insulting the American Senate, and assailing one of his own flock, Senator WALSH, because he dared to do as he had a right to do—run for President of the United States.

Now, Senators, here is the most damning document against their attack on the public-school system that ever came to your notice. It is from Dubuque, Iowa, where they quartered the public-school system. Here is the little book that tells the tale, and this is in the introduction:

So many conflicting reports and rumors have been circulated about the public-school situation in Dubuque that it seems advisable to publish the facts. * * *

The Roman Catholic Church is, however, not merely a religious institution, but a political institution as well. It is highly organized and very efficient as a political power. The public school and Roman Catholic political ambitions are irreconcilable. They can not both endure.

Who is saying that? People who see their system assaulted and almost destroyed right here in an American city.

The Roman Catholic Church must either maneuver until it gains control of the public school and then proceed to destroy it, or give up its ambitions for political power. It is, therefore, not a matter of accident that where the Catholic Church secures control of public affairs the public school is the first institution to suffer at her hands. To the public school Roman Catholic domination in public affairs actually spells destruction.

The real issue of the public-school election held in Dubuque in March, 1925, was clear-cut. It was the question, Shall the patrons of the public schools continue to have a voice in the management of the schools, or shall they be controlled by those who openly oppose the public schools and who freely and publicly condemn them? * * *

It was hoped that the Roman Catholics would nominate some one for the place vacated by the Roman Catholic member and make it possible for the whole community to support a nonpartisan ticket, but the Roman Catholics replied by nominating men of their own kind for all of the vacancies on the board. A third Protestant candidate was then nominated and the battle was on.

I want Senators and the country to get this:

The Protestant candidates conducted an open campaign. They addressed open meetings. They published their platform in both of the daily papers. The platform promise:

(1) The administration of the schools for the best interests of the pupils attending them; (2) a sane, sound business administration which would eliminate all unnecessary expense for taxpayers; (3) no discrimination—a square deal for all, regardless of sex, creed, or political affiliation.

The meetings of the Roman Catholics were all held in properties belonging to or under the immediate supervision of their church. So far as could be discovered, their candidates addressed no open meeting.

Listen to that, Senators. That is in line with the attack upon the press here in Washington—secretive, vindictive, coercive movements and purposes, and here they are conducting a campaign amongst the people of Dubuque.

The meetings of the Roman Catholics were all held in properties belonging to or under the immediate supervision of their church. So far as could be discovered, their candidates addressed no open meetings.

Think of that, in this free country, where in a community there is at stake the very bulwark of the Nation, the little red schoolhouse on the hill, the place that offers equal opportunity to every boy and girl, rich or poor. Here they fight for its existence in Dubuque, the people who believe in the public-school system fighting to preserve it, and here is a movement on the part of those who seek to destroy it, speaking behind closed doors, in Catholic halls, no Protestant or Jew allowed to enter, nobody but Catholics speaking to Catholics, to attack the public-school system of America.

I continue reading:

They published no platform in either of the local daily papers, but affidavits sworn to by men who managed to get into some of their meetings disclosed their intent and purpose to be wholly sectarian, to express it mildly. Priests urged their people to vote the straight Catholic ticket.

Senators, these disclosures come just preceding a presidential campaign. Is it not enough to arouse our people? The Bible said, "My people perish for lack of knowledge." I think that if the American people knew these things generally it would arouse them, and as an American I am trying to arouse them. I want these facts to go into the RECORD. I am going to do everything I can to show why Governor Smith ought not to be foisted upon the Democracy. I see death for my party if he is the nominee. I see a new party organized within 30 days if he is the nominee. Something has got to be done to rescue the great Democratic Party from the claws and jaws of Tammany. The decent Democrats of the United States do not want to submit to such a leadership, surrounded by graft and slander and corruption and Roman preferment above American supremacy under the flag. They are not going to do it.

Priests urged their people to vote the straight Catholic ticket.

There you are!

The whole ecclesiastical machine down to the last humble Sister of Charity was organized and put to work on this election and the Roman Catholics won the election, securing all three places.

Approximately 21,000 votes were cast in this election. When consideration is given to the facts, first, that only 40,000 people call Dubuque their home, and, second, that this vote was approximately 4,000 more—

Here is where they padded and stole the election—

this vote was approximately 4,000 more than was ever cast at a presidential election, it caused many people to feel that there was a force active in this campaign which was stronger than any mere desire to elect good candidates.

Over 1,700 absent or sick ballots were cast. In view of the fact that it requires two calls by a notary public upon a sick person to complete his or her ballot and that there were only five days in which to do this work, it seems almost incredible that all of these ballots were in strict conformity with the law. The minority, or Protestant, members of the board sought an investigation of these absent or sick ballots, but their request was denied by the Catholic majority members of the board.

O Mr. President, can you not get a glimpse into the future, when elections will be held with the Catholics fighting on one side for Roman control and Americans on the other side for American control, where the Americans charge they steal an election and the Catholics will not permit them to contest? There it is. There you are. They are striking at the very foundations of liberty and free institutions in America.

There were so many rumors in circulation about illegal voting and registration that the minority (Protestant) members of the board asked to have an investigation made of the poll books and registration certificates. The majority faction (Roman Catholics) refused to allow an investigation.

Many people living in Dubuque have their own opinions as to why the Roman Catholics refused all requests for investigations of this election. It is our business to submit the facts; you may draw your own conclusions.

It is a fact that one alien Roman Catholic priest did vote. He has since applied for citizenship papers. Another Catholic priest voted illegally by means of a sick voter's ballot. One of the judges of the district court, a Roman Catholic, brought in two absent voter's ballots, in spite of the fact that the law specifically states that they must be delivered in person by the voter or through the mail.

The Roman Catholic government on one side battling with the American Government on the other!

These two cases are a matter of record on the minutes of the board of education as an affidavit was prepared and sworn to by one of the Protestant members who saw these illegal acts committed. The board of education has never taken any action in the matter. The secretary, a Roman Catholic, who allowed these things to happen and who admitted his offense, was soon afterwards reelected and is still the secretary of the board.

Why didn't the Protestants start prosecution? Both of the judges of the district court, before whom such cases would come for trial, are Roman Catholics. One of them was guilty of one of the irregularities; the other one had been active in the election campaign, being one of the main speakers at Catholic meetings.

Mr. President and Senators, what do you think of that? Here is a place where this bunch had grown in population and power until they got charge of the courts, they have charge of the public-school system, and they carried out their plan to manipulate it and count out the Protestant voters and steal the election, and yet we are asked why they do not go into court? They tell the questioners that these judges were active in the election, both of them Roman Catholics, and what is the use?

One of them was guilty of one of the irregularities. The other one had been active in the election campaign, being one of the main speakers at Catholic meetings.

O Mr. President, there is enough in this thing to astound the Nation if the truth could reach them.

The preelection boast of one of the priests to the effect that they were going to run the public schools of Dubuque began to take on the significance of prophesy.

I read further:

The superintendent is divested of all authority. He is no longer the executive officer of the board, as the law expressly provides that he shall be. He may no longer recommend teachers for election. The committee on education does this, and all its members are Roman Catholics.

Now, listen to this:

Why this sudden shift in the administration? Had the superintendent shown any signs of incompetency? Were the patrons of the schools dissatisfied with him or with his way of administering school affairs? Had he failed to cooperate with the committees of the board? No; none of these things. Not even a member of the Roman Catholic majority on the board ever made any such charge. The reader will have to draw on his imagination for any adequate excuse for this arbitrary act unless he can find, as others have done, the real reason and the acts of the inexperienced lay members of the committee who attempted to do the work which experience has demonstrated can be done properly only by those who have had special training for it.

The reaction of the friends of the public schools toward the above actions of the board of education, or rather the majority thereof, for the minority Protestant members objected strenuously, was very decided. Eleven parent-teachers' associations, the ministerial association, the students of the junior high schools, the students of the senior high schools, the public-school league, all passed resolutions condemning the board's interference with the school system and asked that the motion changing the rules be rescinded. In one mass meeting over 2,000 people passed resolutions demanding fairness. Leading citizens pleaded with the board for justice. All these protests made no impression whatever on the board. Resolutions representing 95 per cent of the people whose children are in the public schools were presented in writing to the board on May 11, 1925. These and all other resolutions on the subject were utterly ignored by being "Received and filed," destined never again to see the light of day. At a later date the board elected a new superintendent. Shortly after his election this man resigned. He had looked into the rules which the board had just recently adopted and said, "No self-respecting superintendent would work under such conditions."

Senators, if this is not an astounding piece of information coming to the country about what they will do when they have a chance, I do not know what it could be called. Bishop Cannon was right. Doctor McDonald was right. Jefferson, Grant, Garfield, Lincoln, and Tom Watson were right. All they need is an opportunity and the power, and they will strip the American community of its rights and liberties.

I read further:

In the meantime the superintendent was approached by so-called neutral parties who offered to have him reinstated and paid $2,500 in cash in case he would not force the issue and would agree to hand in his resignation on or before a certain date.

They were caught! They were involved, about to be exposed, and they were trying to buy off this man that they had outraged and turned out.

These parties assured the superintendent that they were working with the approval of the Roman Catholic majority of the board. The superintendent refused to sell out. He was then approached by a comparative stranger, who also offered reinstatement with a secret agreement as to the date of resignation, which was to be paid for with a job in another city in a different line of work at a salary of $5,000 a year.

The Protestant who would stand up and fight, not only kicked out and outraged and discharged, but they are seeking to bribe him and get him away somewhere where he would be removed from the community, and therefore his opposition and his intelligence and his courage would be gotten rid of. He was to be given a $5,000 job in another city.

The superintendent informed this gentleman that he was not for sale, and employed attorneys who started action at the courthouse. The case was called and the superintendent reported ready for trial, but the majority faction of the board informed the presiding officer that they had not had a chance to prepare their case and asked for a postponement, which was granted.

Why, certainly. He knew the judge who would make speeches to Catholic audiences along in support of a rotten, thieving program like that, would not grant anybody the right to go on with his trial when the other crowd insisted upon postponement.

Before the case was called the second time, the board rescinded its action and reinstated the superintendent. Why this sudden change of front? There is only one answer and we can give it without being charged with offering personal opinion. The Catholic majority knew that their charge against the superintendent was not true and that if they appeared in court they would be required to answer the counter charges filed by the superintendent. This would mean full publicity for many acts of the ecclesiastical-political machine which they preferred to have anywhere but on a court record.

O Mr. President, they did not want to go into that point. That is why they assailed everyone who opposed them in the open. They love darkness rather than light, because their deeds are evil.

Now listen to the closing statement:

QUESTIONS AND ANSWERS

Q. To what extent are the Catholics represented on the school board?—A. The president of the board is a Roman Catholic, the vice president of the board is a Roman Catholic, the secretary of the board is a Roman Catholic, the assistant secretary of the board is a Roman

Catholic, the treasurer elect of the board is a Roman Catholic, five of the seven directors are Roman Catholics.

Q. Do the Roman Catholic directors—

Listen to this pertinent question—

Q. Do the Roman Catholic directors send their children to the public schools?—A. They do not—all of their children attending school attend the Roman Catholic parochial schools.

Think of that! Mr. President, a Roman Catholic has no more business being the head of a public-school system than a Protestant has being the head of a parochial-school system. Here are the members of a Catholic school board sending their children to the school of another government—the Roman government—and they are coming over into America and taking charge of and directing the schools of the American Government and saying what shall be done with Protestant children and Jewish children who attend the public schools of our country.

Q. Is it true that some of the Dubuque schools are almost parochial schools?—A. The principal and all of the teachers in one school are Catholics; 14 of the 15 teachers in another school are Catholics.

These are public schools in America.

No Dubuque school has all Protestant teachers; no Dubuque school has 14 out of 15 teachers Protestant.

Q. Is it true that the superintendent of schools showed a preference for Protestants in the selection and retention of teachers?—A. The Catholics charged him with sectarianism and attempted to discharge him on that ground, but when he offered to meet the charges and show the facts from their own records they refused to meet him in court and rescinded their action before the trial was called. They paid the court cost out of the public-school fund.

Q. Is it true that the patrons of the public schools in Dubuque object to any Catholic serving on the board?—A. No. The patrons of the public schools feel that the Roman Catholics should be represented on the board. They demand, however, that the majority of the board shall consist of members who are vitally interested in conducting them efficiently.

Q. Is it true that the Roman Catholics have recognized the moral right of friends of the public schools to a majority of the board?—A. Yes. Leading Roman Catholic business men have repeatedly made such a statement, but on election day they will vote unanimously for a Catholic ticket. One Roman Catholic board member has said "that no Catholic should be on the board unless he is either a public-school graduate or has children in the public schools."

Q. How long will this condition of dissatisfaction continue in Dubuque?—A. Until the Roman Catholics realize that they dare not raise a hand to harm the bulwark of democracy—the public-school system of America.

* * * * * * *

The Roman roller was in action and it does not stop for such trivial things as the best interests of the children or the wishes of their parents! This seemingly incredible selection is not the result of sheer stupidity; it is a part of the program to lower the efficiency of the public schools to the same level as the Catholic parochial schools, so the priests and nuns will not have to continually threaten excommunication and purgatory to prevent ambitious Catholic boys and girls from transferring to the public-school system.

O Mr. President, it is enough to make the blood of every real American boil. Here is a "Word of warning" on the last page:

Some of our readers residing in other communities will probably say, "They may be able to do such things in Dubuque, but they could not do them in my home town. Every member of our board of education is a Protestant." Our advice to such people is not to be too sure of your happy state. Unfortunately, there are some Protestants who lack courage at critical times and who try to hide their cowardice under the cloak of "tolerance." Then, too, there are others who hide behind "business reasons" when put to the acid test. Finally, there are a few who are actually blind and deaf on this subject and, consequently, never read about it or listen to any experience or evidence bearing on it. As a result, the Roman Catholics, by one means or another, actually control many offices and boards which they can not secure openly by election or appointment. Since our trouble began in Dubuque we have secured positive evidence of their control of three other school boards in Iowa, and in neither case have they a single member on the board. They are extremely well organized and very efficient as politicians. Do not take any chances.

Mr. President, with a few words more, I am through for this time. I have shown here from time to time the evils that are before us, the dangers that threaten the institutions in America wherever this group has gotten control. They are displaying animosity in various States toward their Protestant and Jewish neighbors. They are manifesting a desire to control, to rule or ruin. New York City furnishes a fine example. The Catholics control it absolutely and completely. What is the result of their rule? Graft, scandal, and corruption. I have a paper on my desk that charges that they graft half of the contracts of the city of New York; that half of the contracts for clearing snow from the streets of New York is graft that Tammany steals, and as to all other contracts and work it is a 50-50 proposition. And here we have Tammany, with all the crime and villainy that attaches to it, putting forth a candidate for President of the United States, a man who himself as a delegate to the constitutional convention of New York sought to share the public-school fund of that State with the parochial schools, who sought to change the organic law of his own State so as to provide that Catholic schools should share in the funds raised from the taxpayers of the State.

Mr. President, I have told the Senate once before about Doctor Scharf, a Roman Catholic and Knight of Columbus, who approached former Senator Bard, of California, in the nighttime in this city with a letter from Bishop Montgomery, a Roman Catholic, with a cold-blooded proposition to barter the Roman Catholic vote in 20 congressional districts to the Republican leaders if they would appropriate $200,000 a year for two years to the Catholic schools of the United States—$400,000. Doctor Scharf in his conversation with Senator Bard—and Bard was a grand old man, a strong, able American—laid out to him the program. He showed him that in those 20 districts the Roman Catholic vote going to the Republican ticket would elect the Republican candidate and thereby give the Catholics control of Congress. They were willing to stab the Democratic Party in the back with a dirk; they were willing to betray the party in the nighttime and deliver over to the Republicans 20 congressional districts in order to get $400,000 for the Catholic schools of the country. Senator Bard turned it down and that infamous deal was defeated; but there was the plan, there was the effort made to get into the Treasury of the United States to get money for the parochial-school system. What would Governor Smith do, with his idea of appropriating money out of the State treasury of New York to the Catholic schools of New York, if he were President of the United States? If he could, he would engineer a measure through that would open up the funds of the Nation to the support of the parochial schools of the Nation.

I have shown, Mr. President, that the Vatican has taken a hand against us in our fight to preserve the eighteenth amendment. The Vatican has denounced our prohibition law just when a wet candidate of their group in the United States is running for President. Seeking to get the Democratic nomination for him, the Vatican comes out, backs his program, and asserts through the official organ of the Vatican that the eighteenth amendment and the Volstead Act have failed and ought to be wiped out.

Mr. President, that is not all. I have shown that they have gone far enough to say that they will interfere with the jurisdiction of our courts. They laugh at our processes of adjudication of disputes where Catholics are interested. When American citizens who are Catholic in faith go into an American court to have their cause adjudicated in a case where a Catholic bishop and a Catholic priest have taken over $3,000,000 of their money and refused to give an accounting of it, when they come in and ask that the court decide what their rights are in the matter and what has been done with their money, a Catholic Church court in Rome takes jurisdiction, hurries the case, tries it, condemns the litigants, consigns their souls to hell, and confiscates their property while the American court is still hearing the case. That is what we have going on; and all this I tie around the body of Gov. Alfred Smith as the leader and embodiment of all these isms that strike at the foundation of the American Government. They would change this Government; they would overthrow it in time and establish in its place the universal rule of the Roman Catholic Church. God help the Democratic Party and the American people to prevent such a calamity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes; and

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes.

The message also announced that the House had passed the bill (S. 2319) for the relief of John W. Stockett, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10487) to amend the World War adjusted compensation act, as amended.

The message also announced that the House adopted a concurrent resolution (H. Con. Res. 40) providing that in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Education of the House be empowered to have printed, with illustrations, 10,000 copies of the hearings held before the committee during the current session on the bill (H. R. 7) to create a department of education, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

S. 2519. An act for the relief of Robert W. Miller;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 4376. An act for the relief of Harry M. King;

S. J. Res. 46. Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1448) for the relief of Omer D. Lewis, which was, on page 1, line 5, to strike out "$2,573.25" and insert "$1,573.21."

Mr. BRATTON. I move that the Senate concur in the House amendment.

The motion was agreed to.

HISTORICAL MUSEUM, DEFIANCE, OHIO

Mr. FESS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting"; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read, "the sum of $50,000"; and the House agree to the same.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

The report was agreed to.

CALL OF THE ROLL

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Locher	Sheppard
Barkley	Edwards	McKellar	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Metcalf	Smoot
Blease	Gillett	Moses	Steck
Borah	Glass	Neely	Steiwer
Bratton	Greene	Norris	Stephens
Brookhart	Hale	Nye	Swanson
Broussard	Harris	Oddie	Tydings
Bruce	Harrison	Overman	Tyson
Capper	Hawes	Phipps	Vandenberg
Caraway	Hayden	Pine	Wagner
Copeland	Heflin	Pittman	Walsh, Mass.
Couzens	Howell	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ark.	Waterman
Dale	Keyes	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Schall	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

PROMOTIONS IN THE ARMY

Mr. REED of Pennsylvania and other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent——

Mr. GEORGE. I object, Mr. President. I want to state the reason why.

I have remained here for nearly two hours in the Senate Chamber, trying to obtain recognition; and until I can get recognition and submit a request to consider one or two matters, I am going to object.

Mr. REED of Pennsylvania. Very well, Mr. President. I move that the Senate proceed to the consideration of Order of Business 1138.

Mr. GEORGE. On that question I wish to be heard, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Several Senators called for the yeas and nays.

Mr. GEORGE. On that question I wish to be heard.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WATSON. May we ask what Order of Business 1138 is?

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 12814) to increase the efficiency of the Air Corps.

Mr. REED of Pennsylvania. It is the Army promotion bill.

Mr. GEORGE. Mr. President, I do not want to be discourteous; but I remained in the Senate Chamber when it was practically deserted. I merely wanted to get before the Senate two matters to which there can be no reasonable objection. I was called to the chair myself, and left the chair on two occasions, hoping to be able to get recognition, but was not able to get it, though I was in my seat, and though I rose, and though I addressed the Chair.

I want to be heard, and I am going to be heard at very great length unless the Senator from Pennsylvania will withhold his motion until I can present these matters.

Mr. HEFLIN. Mr. President, I understand that the Senator from Georgia has one or two bills to which there will be no objection; and I hope Senators will let him pass them.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from Indiana for a question.

Mr. WATSON. Does the Senator desire to ask for legislation or to make a statement, or what?

Mr. GEORGE. I desire to ask for legislation upon one bill, and to ask for the discharge of a committee on another bill; that is all.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. GEORGE. I yield to the Senator from California.

Mr. JOHNSON. Mr. President, as the party perhaps most interested in this situation, let me say that I think the Senator from Georgia is entitled to consideration. First, he has a bill to which, as I understand, there is no objection whatsoever—certainly I have none to it—that will require not an instant to pass, and he ought to be entitled, because others have been entitled to the privilege, to present it; and I am very glad to do what little I can to enable the Senator from Georgia thus to present his bill that has no objection, and will lead to no debate.

I wanted to make that statement in justice to the Senator from Georgia.

I want to be heard, Mr. President, in relation to the motion to displace the pending business. That ought not to be done at this time. It is unfair to a piece of legislation that is of very grave and of very great importance to attempt at this time to displace the pending measure with something that will lead to debate or to difficulties; and I object most strenously, and I hope the Senate will sustain me in that objection.

I have stood here, sir, endeavoring to accommodate every Senator in this body with matters of legislation concerning which there was no dispute, like that to which I think the Senator from Georgia refers. I am very glad to do that in the future as I have done it in the past; but it is unfair and it is unjust, not only to me but to the legislation I represent, to carry now a motion by which the pending bill will be displaced.

Mr. WATSON and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from Indiana.

Mr. WATSON. In order that everybody may be kept sweet in the Senate in these closing hours, I ask unanimous consent that the Senator from Georgia may be permitted to present the matters he has in mind.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. GEORGE. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I have no desire to displace the Boulder Dam bill. I have no desire to prevent the Senator from Georgia from getting action on the bill to which he refers; but when I rose and obtained recognition, and commenced to make a request for unanimous consent, the Senator stopped me without even allowing me to state my request. He forced me to make the motion to proceed to the consideration of the bill.

I do not want to interfere with the Senator getting consideration of the legislation to which he refers. I never heard of it. At the time I started to make my request, I did not know that the Senator from Georgia had any request to make. It seems to me that in courtesy to me the Senator might have allowed me to make my request before objecting. I should have been glad to defer to him.

Mr. GEORGE. Mr. President, I had remained in the Chamber when the Chamber was practically deserted, and I am not complaining of the Chair; but I had been on my feet, and the Senator from Idaho [Mr. BORAH] had been on his feet, and I stood on my feet and four times addressed the Chair when others were being recognized; and at last, thinking that the Senator from Idaho had been recognized, and I believe he thought so himself, there was a demand for a quorum by the Senator from Connecticut [Mr. BINGHAM]; and thereafter I sought to gain the ear of the Chair, and I could not.

Mr. REED of Pennsylvania. Mr. President, can we not settle it in this way——

Mr. GEORGE. I will not settle it, I want to say to the Senator, by asking unanimous consent. I will not ask anything further about it. I have the floor, and I will hold it until I get some action on the bill, favorable or unfavorable. I have not a particle of interest in it personally, but it is a measure that ought to pass. I do not think it would lead to a moment's debate.

Mr. REED of Pennsylvania. If the Senator will permit me, then, I should like to ask unanimous consent that we proceed first with the consideration of the two bills that he desires to have heard before the Senate.

Mr. GEORGE. If the Senator wants to ask it, very well. I will not ask it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania?

Mr. COUZENS. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Georgia has the floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. GEORGE. I do.

Mr. BORAH. Evidently there is some ill-feeling about nothing. I think the Senator from Georgia ought to be permitted to put his matter before the Senate. It can be disposed of in five minutes.

Mr. GEORGE. I was going to proceed to do that, Mr. President.

The first matter that I wish to bring to the attention of the Senate is Order of Business 1327, House bill 12311. It is a bill to provide for payment of compensation to William J. Tilson, who was appointed judge of the middle district of Georgia on July 10, 1926, and who, under several appointments—two or three—served until March 17, 1928. He was not confirmed in that office, but in another office. No salary, of course, was paid him during his service, and this bill is for the purpose of paying him his salary while in actual service in Georgia.

That is the matter I wish to bring to the attention of the Senate. The bill was passed by the House, and was referred to the Judiciary Committee of the Senate; and the Judiciary Committee of the Senate has recommended it.

Mr. HARRIS and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. GEORGE. I yield for a question.

Mr. JOHNSON. Mr. President, will the Senator yield to me to ask unanimous consent for the immediate consideration of that particular measure?

Mr. GEORGE. I yield; yes.

Mr. JOHNSON. I ask unanimous consent that we may proceed with the particular measure that has been adverted to by the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. Mr. President, I hope there will be no objection to passing this bill.

Senators will recall that I first opposed the nomination of Mr. Tilson for the position to which the President appointed him because he did not reside in the district in which there resided so many able lawyers. I think the President violated the spirit, if not the letter, of the Constitution, in reappointing him after the Senate declined to confirm him, but I hope there will be no objection to this appropriation to pay Judge Tilson for the time he actually served.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair lays before the Senate——

Mr. BLAINE. Mr. President, there are members of the Judiciary Committee who report against this bill, and it will take some time to consider it; and I therefore object.

The PRESIDING OFFICER. Objection is made. The Senator from Georgia has the floor.

Mr. GEORGE. Mr. President, of course, I did not know that there was any adverse report on the bill. There is none filed accompanying the bill. If there is an adverse report, and if it will take some time to consider the bill, I shall not insist upon a consideration of it, because I think the Senator from California is entitled to have his bill considered in preference to any other controverted matter before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I did not know that the motion of the Senator was pending.

Mr. HALE. Mr. President, what is the motion of the Senator from Pennsylvania?

The PRESIDING OFFICER. To take up House bill 12184.

Mr. HALE. Mr. President, as a substitute for that, I move that the Senate proceed to take up House bill 11526, the naval construction bill.

The PRESIDING OFFICER. The substitute motion is out of order.

Mr. REED of Missouri. Mr. President, I want to ask the Senator from Pennsylvania if the bill which he has proposed to take up will not probably involve considerable debate?

Mr. REED of Pennsylvania. No, Mr. President; I think it could be determined in an hour. I would be willing to agree to a limitation of debate to that effect. I had hoped we could get unanimous consent so as not to displace the Boulder Dam bill.

Mr. REED of Missouri. I have a bill here that I have been trying to have disposed of, which affects 32 States of the Union directly, and in a most important manner. I think that if there is debate, it will not exceed a very few minutes. It is necessary to have the bill acted upon at this session, or the entire river navigation problem will be seriously interfered with.

Mr. REED of Pennsylvania. Will the Senator permit a question?

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. The Senator is referring to the bill relating to the Mississippi-Warrior service?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. I share with the Senator a desire that that bill may be passed.

Mr. BRUCE. Mr. President——

Mr. REED of Missouri. I was going to suggest to the Senator from Pennsylvania, in view of the short debate which I think will occur, that we might dispose of the bill. I know there are two or three Senators who want to express their opinions in regard to the bill, and they are entitled to do so, but I think the debate will be a very short one.

Mr. BRATTON. May I ask the Senator what his bill is?

Mr. REED of Missouri. It is a bill for the inland-waterways proposition.

Mr. BRUCE. Mr. President, I desire to say that I for one am opposed to that bill. I am stoutly opposed to it, and I propose to assert my opposition just as effectively in every manner as I can.

The PRESIDING OFFICER. The question is on agreeing to the motion submitted by the Senator from Pennsylvania.

Mr. REED of Missouri. Mr. President, is the Senator willing to say to us that if the debate on his bill lasts more than an hour he will then withdraw it for the present?

Mr. REED of Pennsylvania. I will do better than that. I have in my pocket a cloture petition signed by more than a sufficient number of Senators. As soon as my motion prevails, if it does, I shall present the cloture petition, and then I shall be perfectly willing that the Senate shall spend from now until noon on Tuesday on other matters. All I am anxious to do is to get a vote.

Mr. BORAH and Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED of Missouri. I yield to the Senator from Idaho.

Mr. BORAH. The effect of the Senate agreeing to the motion of the Senator from Pennsylvania would be to displace the unfinished business now before the Senate. Of course, if that is displaced, in all probability it will not get back to its place during the present session. I do not think it is fair, under the circumstances, to ask for a displacement of the unfinished business. It has had its place here for some time, but the Senator from California has yielded from day to day and from hour to hour to accommodate Senators, and to displace it at this time amounts almost to bad faith in regard to it. While I have no objection to the bill of the Senator from Pennsylvania, so far as I know, and do not desire to prevent its passage, I trust we are not going to take it up instead of the unfinished business, displacing a measure of very great importance.

Mr. REED of Pennsylvania. Mr. President, I agree with every word the Senator has said. I should be satisfied, if I might have unanimous consent, to present my cloture petition now, and that would allow the Boulder Dam bill to stand undisturbed.

Mr. JOHNSON. The difficulty with that is that on the adoption of a cloture petition the unfinished business is displaced, and there is nothing which can prevent it from being displaced. Therefore, on this day, at least, before we determine the question of adjournment on Tuesday next, there ought not to be any attempt, even, to displace the unfinished business.

Mr. REED of Missouri. Mr. President, I have this suggestion to make: Perhaps if the Senator from Pennsylvania would ask unanimous consent to present his bill, with the understanding that he would not press it beyond 15 minutes, he could get such an agreement.

Mr. REED of Pennsylvania. I could not finish with it in 15 minutes; I could within half an hour.

Mr. REED of Missouri. That would not displace the Boulder Dam bill?

Mr. REED of Pennsylvania. It would not displace the Boulder Dam bill.

Mr. JOHNSON. I have just inquired of one of the Senators opposed to the bill. He is going to fight it to the utmost. He gave me the name of another who is opposed to the bill. I can not consent, therefore, to any such proposition, and he would not consent, either, so far as that is concerned. It is not fair to other bills here to ask that one shall be given a preferred status over the unfinished business, when other bills are here to be considered as well.

Mr. REED of Missouri. I was simply trying to see if there was not a way——

Mr. JOHNSON. I realize that.

Mr. REED of Missouri. By which the Senator from Pennsylvania could proceed. If the Senator insists on his motion, I do not know what we can do but vote on it.

Mr. REED of Pennsylvania. Mr. President, I do not want to insist on my motion if it is possible to get my bill voted on in any other way. The Senator from California has been more than kind to me in yielding for other business. I rose to my feet to make a unanimous-consent request to consider this bill, with an hour's debate at the outside. The Senator from Georgia objected without even waiting to hear what the request was. He forced me to make the motion I have made. It is vital to the morale of the Army that the bill shall be acted on. The committee was unanimous on the bill. It will pass by an almost unanimous vote, I think.

Mr. BLACK. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I yield.

Mr. BLACK. I sincerely hope that when the bill comes up it will be defeated, instead of being passed by an almost unanimous vote. I desire, myself, before the question is presented, to ask, if the bill comes up, that my bill come up with it, a bill which was reported by the committee a month or two before the Senator's bill. I have no objection to a unanimous-consent agreement, if it can be reached, whereby we shall discuss both bills at the same time.

Mr. REED of Pennsylvania. The Senator can always offer a substitute.

Mr. BLACK. I suggest that if a substitute is to be offered the Senator from Pennsylvania offer his bill as a substitute for mine, because his was brought out of the committee at least a month after mine had been placed on the calendar.

Mr. JOHNSON. Mr. President, if there is such a thing as regular order at present, I call for it.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. REED of Missouri. Mr. President, of course we are indulging in what we often do, trying to arrange these matters in an amicable way. I realize, as I think all other Members of the body do, that a great deal of time has been taken up in the discussion of matters entirely foreign to the bill which is before the Senate.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. Just let me finish a sentence. We are not even conducting a filibuster. I can see, if the Senator from California had his bill before the Senate and the opponents of that bill were required to occupy the time and thus to exhaust themselves, there would be something to be gained; but that is not the case. The bill is before the Senate, and I want the Senator from California to have a vote on it. But in the meantime we are listening to speeches on all sorts of subjects, and if there is anyone desiring to filibuster, he is getting a good long rest; and, of course, as we approach the end of the session the opponents of his bill will be fresh and vigorous, and ready to renew the attack.

I desire to present a statement to the Senate touching a bill in which I am greatly interested, and in which many other Senators are interested. If any way could be worked out by which the Senator from Pennsylvania could get a vote upon his measure, and get it promptly, without displacing the Boulder Dam bill, I would be willing to withhold my remarks.

Mr. REED of Pennsylvania. May I try once more to get a unanimous-consent agreement?

Mr. REED of Missouri. Yes.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 898, a bill introduced by the junior Senator from Alabama [Mr. BLACK], and that debate on it be limited to 15 minutes, and that no Senator shall speak more than once, and that at not later than 4 o'clock the bill and all amendments thereon shall be voted upon without further debate; that then the Senate shall consider Calendar 1138, which is the bill the committee has reported, with the same limitation on debate, and that a final vote thereon shall be taken at not later than

4.30 o'clock. That restricts my bill to half an hour, and the Senator's bill to an hour. Certainly that is fair.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. Mr. President, it is very kind, indeed, of the Senator from Pennsylvania, when he is looking out for himself, also to look out for his friends, but it so happens that it is to the second bill that I object. If the Senator chooses to detach the bill in which he is primarily interested from the bill in which the Senator from Missouri is interested, I have no objection to the unanimous consent.

Mr. REED of Pennsylvania. This has nothing to do with the bill of the Senator from Missouri.

Mr. BRUCE. I want to say now, while I am on my feet, that I have not the slightest disposition to filibuster against the bill in which my friend the Senator from Missouri is interested. I simply want to state my objections to it. I have no desire to keep it from being brought up.

Mr. LA FOLLETTE. Mr. President, has the Senator from Missouri the floor; and if so, will he yield?

Mr. REED of Missouri. I yield.

Mr. LA FOLLETTE. It seems to me very evident that we might just as well have a test on the question of Boulder Dam now as at any other time. For weeks this measure has been the unfinished business before the Senate, and the Senator from California has yielded time after time to the individual requests of Senators having in charge legislation such as the tax bill, which was considered of paramount importance. Now, we have reached the closing hours of this session, and if requests similar to the one made by the Senator from Pennsylvania should be granted, then the Senator from California finds himself in a position where he can not object to similar requests made by other Senators. We ought to test out the question and find whether or not there is a majority of Senators who are in favor of a final disposition of the Boulder Dam bill.

It appears to me that the Senator from Pennsylvania, who, as he has already said, has had very generous consideration from the Senator from California, should not ask at this time to take an hour and a half for the consideration of two bills which, compared with the Boulder Dam bill, are of minor importance. If the Senator from Pennsylvania makes his request and obtains consent, then other Senators who have bills of a like character will come into the Chamber and ask to be given an hour or a half hour on other propositions, and the Boulder Dam bill will be shunted hither and yon until the adjournment is finally taken.

Mr. President, of course, I have not the primary responsibility for the proposed Boulder Dam legislation, and if the Senator from California desires to accede to the request I shall not object, but as one Member of this body who has been in this Chamber faithfully in attendance on the sessions of the Senate, I say that it is a very unjust and a very unfair request to make of the Senator from California after his generous consideration of individual Senators and of the Senate's business.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED of Missouri. I yield.

Mr. JOHNSON. May I thank the Senator from Wisconsin for what he has said in this regard? I appreciate immensely the views he has expressed.

I yielded to the tax bill because the tax bill was of paramount importance on both sides of the Chamber, and when my bill was put upon the list by the steering committee I was asked if I would yield to the tax bill and to the appropriation bills. I have done that, and yielding to the tax bill left me, unfortunately, very little time, although it was asserted to me that but three days would be occupied with it, and two weeks were. I have endeavored to accommodate every individual who had a measure that would take but a moment or two during the period of the pendency of this legislation.

I decline to yield further. I object to the unanimous consent that is asked for by the Senator from Pennsylvania. Behind me sits the Senator from Maine [Mr. HALE], in charge of a bill which he thinks is of transcendent importance to this Nation. He has the right to ask of me for his bill that I yield him then an hour or two hours or three hours or four hours, as the case may be. With the Senator from Missouri [Mr. REED] rests a bill that is to him of prime importance, too. He has a similar right to make a like request of me.

I can not yield to any request of this sort, and I will not further yield to any such request, so we are at an end, so far as unanimous consent is concerned, for the consideration of measures that will occupy any time in debate at all.

Mr. OVERMAN. Will the Senator yield to me to request the printing of an editorial which commends the course of my colleague?

Mr. REED of Missouri. I yield for that purpose.

EDITORIAL COMMENDING SENATOR SIMMONS

Mr. OVERMAN. I ask unanimous consent to have printed in the RECORD a letter to my colleague [Mr. SIMMONS] from John S. Cohen, president and editor of the Atlanta (Ga.) Journal, inclosing an editorial from yesterday's evening issue of that journal. I will state that this letter and the accompanying editorial were sent from Atlanta to Washington by air mail.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE ATLANTA JOURNAL,
Atlanta, Ga., May 25, 1925.

Senator F. M. SIMMONS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Your speech in the Senate has profoundly stirred me. I am happy that the South has men who are still unafraid.

I take pleasure in sending you, by air mail, copy of editorial from to-day's Journal.

Sincerely yours,

JOHN S. COHEN.

[From the Atlanta Journal, Friday evening, May 25, 1925]

WILL NORTH CAROLINA DESERT HER SENATOR AND THE SOUTH?

When a Democrat who for nearly 30 years has been deservedly honored with a seat in the National Senate speaks out bravely on a question of great moment to his party and his country, all thinking people, especially those of his own State and region, will hear him with intense interest. Such a Democrat is Senator F. M. SIMMONS, of North Carolina, tried in service, wise in counsel, in battle unafraid; and such a speech he has just delivered on the presidential ambitions of Gov. Al Smith.

If any man is qualified thus to speak for public conscience and public intelligence, it is Senator SIMMONS of North Carolina, a true tribune of his people. Special interests may oppose him; hidden cliques and foreign agents whose selfish ends he scorns to serve may endeavor to undo him, even among his own people. But the rank and file of North Carolinians from the mountains to the tides will stand, we believe, steadfast and immovable for those rights, those duties, those principles, those vital traditions which their senior Senator so courageously champions. Because they are sprung from the same heroic past as are Georgians and their fellow countrymen of all the South and hold the same great political faiths, we are sure that Senator SIMMONS spoke their mind when he said: "They stand against the things that Al Smith is known to stand for."

And for just what does Governor Smith stand? If the question looks toward the realm of constructive statesmanship, no answer can be given. For in that realm he has declared no principles; indeed, he has given no intimation of his beliefs, if beliefs he has, on any of the great issues that challenge the statesmanship of America and of the world. The one thing made clear by his chief spokesmen is that he stands for a government of the wets, by the wets, and for the wets. And the one thing else of which the country is certain concerning him is that his political alliances ever have been and still are those at which the liberal thought of America looks askance. Well does Senator SIMMONS declare:

"His publicity organs now say that he must not be hamstrung with a Vice President who stands for prohibition, because it would interfere with his scheme for running a campaign on a wet issue; that he must not be hampered by the nomination of a southern Democrat as his associate. The southern Democrats are not anxious to be associates on that ticket. I know of no southern man of outstanding ability who would consent to run on that ticket. * * * I have had friends come to me and ask me to cease my opposition, or rather to refrain and be silent, because, they said, 'Smith is sure to be nominated; he is a certain winner; he is a great vote getter'—notwithstanding that, he has never carried more than four out of sixty-odd counties in New York State outside of New York City. I have answered that he would be the weakest candidate, in my judgment, we could nominate; that the Republican press would obliterate him if we nominated him; that the material exists and is in their hands and is ready to be exploded the minute he is declared the Democratic nominee. I am conscientiously of the opinion that his nomination would mean the ruin of the Democratic Party in my State, the disruption of the Democratic Party in many States of the South. In the Democratic Party throughout the country it would make a chaos from which we would not recover in 25 years. He is not supported by delegates from a single State that can be relied upon to cast Democratic electoral votes. Grateful as I am to the people of North Carolina, and shall be to the end of my life, for the honors they have showered upon me, I would rather give it all up and retire to the quiet of a little country

home than to retain it by sacrifice of my honest convictions upon public questions."

Our prediction is that if Senator SIMMONS should retire to the quiet of a country home his fellow Carolinians would beat a path to his doorway and draw him back into public service. He has done much for the Old North State, much for the South, much for America; but of all that he has done, nothing will be remembered with more gratitude and admiration than his valiant stand for the honor of his Commonwealth and the good of Democracy in this most perilous hour for the great party whose one sure stronghold is the South.

SPEECH COMMENDING SENATOR HEFLIN

Mr. BLACK. With the consent of the Senator from Missouri, I ask unanimous consent to have printed in the RECORD a speech by Dr. F. J. Thomas, president of the Illinois Civic League, delivered in Chicago, commending my colleague [Mr. HEFLIN].

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SENATOR HEFLIN, OF ALABAMA, SIGNALLY HONORED AT CLOSE OF HIS MASTERFUL ADDRESS ON THE MEXICAN SITUATION IN THE COLISEUM AT CHICAGO—DIAMOND SHRINE PIN PRESENTED TO ALABAMA SENATOR IN THE PRESENCE OF 10,000 PEOPLE

Dr. F. J. Thomas, president of the Illinois Civic League, made the presentation speech, which is as follows:

"Senator HEFLIN, the Civic League of the State of Illinois, desirous of expressing to you in some practical and lasting manner its great esteem for you and your brave and patriotic devotion to our Nation and its interests, has asked me to present to you this beautiful diamond-studded emblem of that great and noble order of which you are a member—the Mystic Shrine. We know you are a Shriner, not only by the jewel you wear but because of the jewel you are. We recognize in you one who has traveled from the South to the East in more ways than one. When Mexico shall enjoy the blessings of civil and religious liberty your name will appear bright on the pages of history as the one who came to her rescue in a critical hour and led in her deliverance from those who sought to drag her back into the bondage that had enslaved her for 400 years.

"As Lafayette, Von Steuben, and others helped us in our struggle for liberty, so you have reached out your hand to poor, oppressed Mexico and helped her at one of the most critical times in her history. I believe that you have done more than any other American to stay the hand of the despoiler and to keep our country out of war.

"Like all great men you are humble and dignified, but not a dignitary. You have shown yourself to be not only a man of sterling qualities but one whose fine and unfailing devotion to duty and one whose pure and exalted Americanism have endeared you to patriotic citizens everywhere. Like David of old, alone and unafraid, armed with a righteous cause, and determined to conquer in his battle with Goliath, the Philistine giant, you, single handed and alone, under tremendous difficulties, and against an insidious, powerful, and dangerous foe, hurled in the Senate of the United States in such a bold and effective way the mighty thunderbolts of truth that the patriotic Protestant men and women of the country hailed you as the Senate's leading champion of the principles of civil and religious liberty and as the ablest and most eloquent mouthpiece of real Protestantism in America.

"Those of us who have read the CONGRESSIONAL RECORD, the Fellowship Forum, the Protestant, the New Age, and some other papers know of the timely and effective service that you rendered in keeping us out of war with Mexico. We know that it required both moral and physical courage of the highest kind to stand up as you did in that critical hour in the Senate and expose the schemes of the people who were trying to get us in war with Mexico. And, Senator HEFLIN, you can never know to what extent you stirred and pleased Protestant Americans everywhere when in the Senate you said: 'This Government must not, it can not be called upon to go into foreign countries to fight the religious battles of any group of our people. The status of the Roman Catholic Church in Mexico is of no concern to the Government of the United States. The Army of the United States is not going to be used, if I can help it, to restore the Pope of Rome to power in Mexico.'

"Then all patriotic Americans said in their hearts, 'God bless Senator HEFLIN in the great work that he is doing and in the great fight that he is making in behalf of peace and real Americanism.' In every great crisis God has raised up a man to point the way and lead His people out of the difficulties and dangers that beset them.

"We believe that He has appointed and clothed you with the foresight, courage, and ability to come forth at this particular time to lead in preserving those fundamental principles of civil and religious liberty that we prize so highly in this American Government.

"It is in recognition and in grateful appreciation of your splendid and outstanding qualities as an American statesmen and your great service to your country at the last session of the Senate on the Mexican question that we ask you to accept and wear with our compliments and high esteem this splendid diamond Shrine pin.

"Here in this great pivotal city of our Nation we present to you this emblem of Masonry. May the diamond star be but the scintillating glory of your own marvelous achievements and typify the purity of your own illustrious life; and as the diamond shineth more boldly in the dark, so may your star shine forth as the rays of meridian glory in the midnights of political intrigue and corruption. The crescent of this emblem means that as the glory of the full moon is concealed in the crescent ready to be revealed in the fullness of time, may wise Providence preserve and guide you until your present crescent of service to our Nation shall become full orbed and its more luminous glory enable you in the fullest sense to point out and drive to cover in our national life those who love darkness rather than light because their deeds are evil. May the sword of this emblem be a prophetic symbol of greater authority wielded by you in behalf of a grateful nation. King Saul was content to run down his father's asses, but God gave him the kingdom. Your own success in exposing and running down political asses at the Capitol has now become a notable fact in our national history. Your reward is sure, though Providence may postpone for a time, for be reminded, 'The mills of the gods do grind.'

"We admire you because you are a Christian, American gentleman who has served notice to all concerned that the United States must ever be kept faithful to its trust and free from entangling alliances with foreign countries.

"Allow me to say for one so tall, so broad and big and strong as you, it is fitting, in view of your services, that we raise our monuments to you while you are yet with us in the flesh, for you will not need any other but your own great record of faithful service to your country to perpetuate your memory when you are dead. Therefore, in behalf of the Civic League of Illinois, of which I am president, I present to you, my dear Senator HEFLIN, of Alabama, master Mason, Shriner, orator, patriot, and statesman, this token of our great esteem. Wear it through the remainder of your useful and honorable life, and when you shall have crossed the desert sands of the plains bordering on the mecca of glory may a kind heavenly Father say to you, 'Well done, thou good and faithful servant, thou hast been faithful in a few things, I will make thee ruler over many.'"

INLAND WATERWAY DEVELOPMENT

Mr. REED of Missouri. Mr. President, I appreciate the situation. If I felt that what I am going to say now would militate against the passage of the Boulder Dam bill I would stand aside. If the opponents of the Boulder Dam bill showed any signs of yielding or becoming exhausted I would stand aside. But I think I might just as well discuss this measure, which is of vital importance to a large part of the country, as to have other questions discussed that have no more to do with the business of the Senate than the story of the fall of Sodom and Gomorrah.

I am going to invite those who are opposed to the bill to present their views as soon as I have concluded, and we can present them in this time as well as in any other time and maybe we can arrive at a time then, when debate will be over, that we can have a vote by unanimous consent.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED of Missouri. I yield.

Mr. COPELAND. My complaint is not because of not having an opportunity to present views on the bill. My complaint was that the committee was unwilling to permit those persons who were in opposition from my section of the world to come and present their views to a larger representation of the committee. I begged the committee that that be done in order that there could be a full understanding on the part of the committee, and also that those in opposition might feel that their views in opposition to the bill had been presented, and properly so.

Mr. REED of Missouri. That, then, is the only objection the Senator has to it?

Mr. COPELAND. So far as I am concerned personally I am in favor of the bill and always have been. But I am in opposition to immediate action in view of the attitude of constituents of mine of the port of New York, and my own feeling that they should have a chance to present their case.

Mr. REED of Missouri. The Senator has presented his protest and I take it that probably satisfies his opposition. I am glad the Senator personally is not against the bill and that the objection which he presents is all the objection he has to present.

Mr. COPELAND. I do not want to mislead the Senator into thinking that the mere formal statement I have made necessarily ends my protest against the passage of the bill under the circumstances. I do not want him to have any misapprehension of my position.

Mr. REED of Missouri. Mr. President and Members of the Senate, I very much desire to enlist your attention to a short statement touching the bill. The bill proposes to extend the

service on the Mississippi and Warrior Rivers and their tributaries.

If the bill is not passed at this session, that entire service will be seriously crippled. The conditions are, because of the disasters of the flood and the unusual demand, that unless money is appropriated at this time the service will probably be permanently crippled.

The bill was worked over for a long time by the House of Representatives and did not reach the Senate, I believe, until about the 13th of May. It was reported out on the 23d of May, and since that time every effort has been made to bring it before the Senate. In the briefest possible manner, let me state the background of the bill.

Prior to the Civil War a vast tonnage was carried upon the Mississippi River, upon the Missouri River, upon the Ohio River, and others of the great streams. At that time or shortly after that the railroad building of the country progressed to such an extent that railroad competition, sometimes fair and sometimes unfair, put the character of boats then plying upon the streams out of business. All or practically all of the traffic upon the water ceased. There then came an effort to improve the beds of the streams so that boats of reasonable size and capacity could operate. Congress entered upon that plan and has spent a great deal of money in connection therewith. Then came the question of an improved boat. Some progress was made, but not of a very great character.

Then came the late war, when there was inserted in one of the bills an appropriation to put boats upon the Mississippi and Warrior Rivers. At that time there were not sufficient railroad facilities to handle the business of the country. The boats were established, but not until after the war was over.

The conditions, in a word, were these: All business had disappeared from the rivers. Everybody had grown accustomed to using railroads, and railroads alone. The wharves had rotted away. There were no loading or unloading facilities. The establishment of this line was like the establishment of an entirely new business—it had to be built from the ground up. From the start there was not more than one-third as much money supplied as would have been supplied by any business concern having an abundance of credit and desiring to make the business a profitable and successful business. The beds of the streams had not yet been cleared out, and in some instances are not being cleared out, but provision has been made by congressional enactments and appropriations have been made to carry out those projects.

Notwithstanding all these difficulties the Mississippi Line has made money almost from the start, year before last nearly $500,000, last year approximately $500,000. This year the estimates were that it would make $700,000 of profit, but that was sadly interfered with by the terrible disaster of the flood, so that the earnings on the Mississippi Line were something near $200,000. I will give the figures accurately in a few moments.

At the same time an effort had been made to establish a service upon the Warrior River. There the chief difficulty was that the railroads refused to put in joint rates, with the result that there was a loss upon that river which approximately absorbed the profits upon the Mississippi River. For years the contention has been carried on before the Interstate Commerce Commission and at last we have reached a point where joint railroad and water rates are being established in all sections of the country between the foothills of the Alleghenies and the Rockies, and even penetrating both of those mountain districts. The losses upon the Warrior River have been reduced to a point where they are almost wiped out and the business is constantly increasing.

I can not better present these facts to the Senate than to read this short statement of facts—and I do beg Senators' attention, a thing I seldom do. It is the best showing which has ever been made in the history of the Government of any enterprise entered upon by the Government:

> The Mississippi-Warrior service carried between New Orleans and St. Louis, in 1927, 1,251,276 tons of freight. A survey by Norman F. Titus, chief of the transportation division of the Department of Commerce, shows that there was available for barge transportation on this route, whenever equipment sufficient to handle it could be had, 6,995,424 tons of freight.

In other words, all that they need now is money to buy additional boats. The business is there. The organization is there. The overhead has to be paid, and there is about four times as much freight waiting to be shipped upon these barge lines as they have capacity to carry.

> On the Warrior River service between New Orleans and Mobile and Mobile and Bridgeport there was transported in 1927, 396,000 tons. Mr. Titus's survey discloses that when sufficient equipment is available there is ready to move an annual tonnage of 1,442,652 tons.

Again it appears that there is a little more than one-fifth of the equipment which is necessary. These figures can be found on page 175 of Part I of the hearings before the House Interstate and Foreign Commerce Committee on H. R. 10710, March and April of this year. Let me say to my friend the Senator from New York [Mr. COPELAND] that the House hearings were very voluminous, and abundant opportunity was afforded there for everyone to appear who desired. The hearings appear in two printed volumes which I hold in my hand.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. Yes.

Mr. COPELAND. The trouble about it is, however, that the particular interests to which I have referred to-day were not heard. At least, those persons were not fully heard by the Senate committee.

Mr. REED of Missouri. But they had an opportunity to be heard before the House committee, did they not?

Mr. COPELAND. They did.

Mr. REED of Missouri. What were those interests?

Mr. COPELAND. Largely the sugar interests.

Mr. REED of Missouri. The sugar interests appeared before the Senate committee, and I hold in my hand the testimony which they gave.

Mr. COPELAND. Yes; one or two persons appeared.

Mr. REED of Missouri. Three or four of them.

Mr. SACKETT. Mr. President, I think that every sugar interest that wanted to be heard had the opportunity to be heard before the Senate committee.

Mr. COPELAND. If the Senator from Missouri will yield, I wish to ask the Senator from Kentucky, who has volunteered this information, does he think that all the members of the Commerce Committee were fully informed regarding the situation and heard all these complaints?

Mr. SACKETT. Every Senator who was present, I think, thoroughly understood the matter.

Mr. COPELAND. Yes; I think everybody who was present did, but as the Senator very well knows, I explained to the committee that I could not be there because I was in the Appropriations Committee that afternoon on an important bill; other Senators also were away. My plea was that there might be another meeting of the committee, when all or a large number of its members could be present, in order that these complaints might be listened to.

Mr. SACKETT. All of the sugar people who wanted to be heard were heard at that meeting. Nobody who offered to come here has been refused a hearing.

Mr. COPELAND. What was the use of the men appearing when there was nobody to listen to them?

Mr. SACKETT. There was a very good attendance of the committee.

Mr. REED of Missouri. That introduces a new question. It appears that the opportunity was given to be heard, but the objection is that there was not a full membership of the committee in attendance. If that objection is to obtain, then we shall never get through with hearings, because I have not sat on a committee since I have been in the Senate when for any considerable length of time the full membership was present; but the testimony is taken in shorthand and is preserved. The sugar interests were heard in this case, as I shall show a little later on.

Now, to delay action by the Senate upon a bill because when gentlemen came to be heard there was not a full meeting of the committee is something that I think would be unusual, to say the least.

Mr. COPELAND. The able Senator from Missouri knows as well as does anybody in this Chamber how extremely difficult it is at the end of a session to hold any satisfactory hearings. Early in the session we had hearings before the Commerce Committee which were well attended and where the upper-river people were heard extensively. But last week we had very little time to devote to a matter which is so important as this. My complaint is, and I think the Senator from Michigan [Mr. VANDENBERG] has exactly the same feeling as regards the great beet-sugar interests of the country, that interested parties have not had that same opportunity to appear before the Senate committee. At least, they have not been there under such circumstances as to impress their views.

Mr. REED of Missouri. Very well. The point is that the Senate committee did not see fit with a full membership to hear some sugar gentlemen; and I intend to pay my respects to that crowd of individuals before I leave the floor.

Mr. COPELAND. Mr. President, if the Senator from Missouri will yield further, I desire to say that it is not a question of the sugar interests alone. There are other interests of the port of New York which are concerned in this matter. While

I may share some of the views of the Senator from Missouri as regards certain sugar interests, yet there are other considerations. It means much to my people, because we have great refineries, the Senator must remember, in my section of the country, and in my State, where thousands of persons are employed.

Mr. REED of Missouri. Yes.

Mr. COPELAND. If this bill enacted into law means the shutting down of those refineries and the throwing out of employment of thousands of people, that is a matter of concern to me, whether I am interested in the sugar people or not.

Mr. REED of Missouri. But the Senator from New York stated that what he wanted was a hearing, and that in a general way he was in favor of the bill. When I get to it, I am going to discuss the attempt of one part of the country to stop transportation in another part of the country in order to benefit some local concern.

Let me proceed, if I may, in detailing the successive progress of this great enterprise. The upper Mississippi River——

Mr. SHIPSTEAD. Mr. President, will the Senator from Missouri yield for a moment?

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED of Missouri. I yield.

Mr. SHIPSTEAD. Mr. President, in view of what the Senator from New York [Mr. COPELAND] has stated, having been present at the meeting of the committee and having heard the sugar people from New York who came in opposition to the bill, I might as well state right here what the weight of their argument was. The weight of their argument was that they had a big business and if the barge line shall be permitted to operate and to enlarge its facilities, it will make freight rates so low that they will cut into the business of the American Sugar Refining Co. by reducing the rates so that they can not compete in the inland territory that is now suffering from high freight rates. The man who appeared for the American Sugar Refining Co., spoke very frankly because he seemed to hold the view that the company had a vast territory in which they had a vested interest, and they objected to the increase of the equipment of the barge line corporation and the extension of its transportation service because thereby freight rates would be reduced. I do not find any fault with the gentleman's motives, but I question his point of view in that he seems to think that certain people in New York have a vested right in the misery of the people of the central portion of the United States, who are suffering from high freight rates.

I will say as to the Senator from New York that he has been very fair in all of the hearings. He has always been fair to the West. He voted for the farm bill and other farm legislation. We held hearings earlier in the winter on a companion bill. The Senator from New York attended the hearings, and, with other Senators, remained until 11 o'clock at night. However, I can not agree with the Senator from New York that it is necessary to delay the consideration of this bill, in order to have more testimony of the character we had the other day. I think that the man who appeared for the American Sugar Refining Co. covered the case thoroughly from his point of view and from the point of view of the sugar people. I think they have had a hearing.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield to the Senator from Michigan?

Mr. VANDENBERG. I wish to ask the Senator from Minnesota a question.

Mr. REED of Missouri. I yield.

Mr. VANDENBERG. Was there any statement before the Commerce Committee on behalf of the beet-sugar farmers of Michigan?

Mr. REED of Missouri. There was; I have it here.

Mr. VANDENBERG. The Senator has before him the letter which I presented, but was there a further statement also before the committee? I was unable to attend.

Mr. SACKETT. The secretary of some beet-sugar organization appeared.

Mr. REED of Missouri. They were all represented.

Mr. VANDENBERG. That is what I wanted to know.

Mr. FLETCHER. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, in this connection I desire to say that the Commerce Committee has given every opportunity for every interest to come and present its views in reference to this bill. The hearings were held in a formal way, the testimony was taken down, and due consideration was given to every point raised affecting the measure. The only proponents of the bill who appeared at the last hearing were the representatives of the sugar interests. There was a sugar factory in Savannah, Ga., that felt that if the rates on the barge line in the Mississippi were lowered a part of its territory up in Kentucky and Tennessee would be reached by sugar coming up the river.

Mr. REED of Missouri. They would have to compete a little.

Mr. FLETCHER. They would have to compete to some extent. It appeared, for instance, that they had had Atlanta as their original market almost exclusively, but the barge-line development made competition in Atlanta for them, which they did not much like. It developed at the hearings that the largest sugar consumer in Atlanta, the Coca Cola Co., was buying both from Savannah and New Orleans; it was playing one against the other to a certain extent.

Then, coming to Baltimore, the Baltimore sugar people said: "We have certain customers in this region that might be reached by the Mississippi, and we regard this as our market, and it ought not to be taken away from us. By developing transportation on the Mississippi and giving lower rates there sugar would even come around from Hawaii through the Panama Canal or through San Francisco and compete with sugar interests on the Atlantic coast." It developed at the hearings that the sugar factory in Baltimore also has one in New Orleans. So if it should not get the business in Baltimore it would have the same opportunities that the New Orleans sugar interests have.

Then we come to New York and New Jersey and Pennsylvania and to the beet-sugar interests. All those people were complaining about some of their territory being taken away.

Mr. BRUCE. Mr. President——

Mr. FLETCHER. Mr. President, I do not yield now. I ask the Senator to let me finish this statement.

The PRESIDING OFFICER. The Senator from Missouri has the floor and has yielded to the Senator from Florida.

Mr. BRUCE. I could not know whether the Senator would yield until I had been advised.

Mr. FLETCHER. The Senator from Missouri yielded to me, and I am doing the talking for just a minute or so.

The sugar people seemed to have the idea that this country ought to be zoned off; that the factory in Savannah ought to have a zone and ought to have a complete monopoly in that zone; that the factory in Baltimore ought to have the same privilege, and also the sugar interests in New York, New Jersey, and Pennsylvania; and then the beet-sugar people ought also to be given complete control in their territory, thereby getting rid of all competition.

The same arguments which were presented by the sugar people before the Commerce Committee have been presented before the Interstate Commerce Commission whenever the barge lines have applied for the application of joint rates with the rail carriers; they have been threshed out before the Interstate Commerce Commission over and over again. No new point is involved.

This is the first time I have ever heard complaint being made about low rates being furnished. We have pursued the policy of developing our waterways; but what is the use of developing our harbors and our waterways so as to afford every possible facility for the transportation of our products if certain industries are going to complain that when lower rates are afforded those industries are injured? I think that we ought to go on with this enterprise and put it in condition so that it will eventually be a paying proposition all the way through. Then it can be sold. It can not be sold now because there are portions of the enterprise that are not profitable. It is divided into three units—the Black Warrior, the lower Mississippi, and the upper Mississippi; that is the way the organization keeps its accounts. The lower Mississippi part of it, from St. Louis to New Orleans, for instance, is profitable; it is earning money. The upper Mississippi portion is not yet profitable; it has not been fully developed. The Ohio and the Mississippi further up are being improved and eventually the commerce from that section will move over this route to a large extent. The barge line is able now to carry about one-fourth of the commerce that is available and that wants to move by that waterway.

Additional facilities are desired so that the whole system can be put upon a sound and safe basis and then can be sold. As I have said, it can not now be sold.

Another thing is, this bill provides that the Interstate Commerce Commission shall have the power and authority, and it shall be their duty, to pass upon this question of rates; so that all the points raised by the sugar people as to the question of rates will be matters which the Interstate Commerce Commission will be obliged to consider, and will pass upon, and will determine upon the proper basis. These interests will all be taken care of in that case, and this bill provides

for that. They will be heard, because they have their rights before the Interstate Commerce Commission, on the question of rates. If the rates are too low, or unreasonable, or injurious to industry, those are matters which will be considered, and which this bill specifically takes care of.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. REED of Missouri. The Senator from Maryland [Mr. BRUCE] had risen. I do not know whether he desired to ask me a question or not.

Mr. BRUCE. No; I wanted to ask the Senator from Florida [Mr. FLETCHER] a question. That was my purpose.

Mr. REED of Missouri. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I want to make a correction. I said that representatives of the American Sugar Refining Co. appeared. It was the representatives of the National Sugar Refining Co.; and I want to call attention to one statement——

Mr. REED of Missouri. The Senator is in error. I have the record before me. Mr. Cochrane said:

> Mr. Chairman, I am an attorney at law, with offices in 62 William Street, New York City. I appear here on behalf of the American Sugar Refining Co., with which I am connected both as an officer and director.

Mr. SHIPSTEAD. I thought it was the American Sugar Refining Co., but the Senator from New York told me that I was incorrect; so I wanted to correct my statement in case I was incorrect.

There was one statement made by the gentleman that I should like to have the Senate learn of this afternoon. The gist of his argument was that this barge line could cut freight rates so low that sugar interests from Hawaii and the southern part of the United States could lay down sugar in Buffalo, N. Y., coming up from the Lakes, in competition with the American Sugar Refining Co.'s refineries at Edgewater, N. J., and Brooklyn, N. Y. The gist of his argument was that he does not want competition for his business.

Mr. COPELAND. Mr. President——

Mr. REED of Missouri. I yield to the Senator from New York.

Mr. COPELAND. Just for a moment, if the Senator please. The Senator from Florida [Mr. FLETCHER] complained apparently that the attitude of those of us who are standing temporarily in opposition to this bill is founded on the fact that we are trying to stay transportation progress, and that we complain because there are to be lower rates.

I remember very well that when it came to the question of a tariff on grapefruit the Senator from Florida was seeking to take care of the people who raise grapefruit in his State. My people in the port of New York ship sugar to Cleveland, five or six hundred miles from our city. If this barge line is put into operation, sugar can be laid down in Cleveland for 20 or 25 cents a hundred less than we can do it because of the difference in the rate.

My contention is that there should be an opportunity given the New York people to make a rearrangment of the rate on sugar from New York, in order that they may be put in decent position to compete with this sugar from the South when the barge line is built. That is one reason why I think the matter should be dealt with at a later time.

Mr. REED of Missouri. That, of course, can be done by the Interstate Commerce Commission at any time; and the bill provides for it.

Let me proceed, because I want to get before the Senate in something like a concrete statement the progress that has been made in this river development. I have about made up my mind that one ought never to submit to interruption, because it produces irregularity in the debate; but I will submit.

The upper Mississippi is just a new venture; but on page 17 of the report is the testimony of Mr. Frank B. Townsend, director of traffic of the Minneapolis Traffic Association. He shows that the total estimated potential river movement of north and south tonnage on the upper Mississippi will amount to 2,052,870 tons annually, and that this is ready as soon as the equipment is available to handle it, and that there will be a saving in freight charges to shippers of approximately $4,000,000 per year, the exact figures in his estimate being $3,954,559.

On page 75 of the hearings Senators will find the statement of Mr. George J. Miller, the secretary of the Missouri River Navigation Association, showing a total tonnage available to move by the Missouri River—now, that is the Missouri—to and from Kansas City of 5,912,190 tons, with a saving of freight of $4,881,405 annually.

Let me say here that the citizens of Kansas City and other parts of Missouri several years ago undertook to and did establish a boat line. They went through all the experimental stages with boats that were not adapted to traffic upon the streams. They finally had practically solved the problem when the Government, during the war, took over their boats and took them away from them. They thereupon deposited the moneys received in a bank, where they have substantially a million dollars which they are ready to reinvest in this business as soon as there is a proper improvement of the river.

Let me proceed, however, with these figures.

On page 221 of the same document is a survey submitted by Mr. Titus, of the Department of Commerce, showing a potential tonnage on the Missouri River from its mouth to Yankton, S. Dak., available to move whenever equipment is furnished to handle it, of 8,445,355 tons.

Before I proceed further on this line of thought, let me say that when one or two dams are finished in the Ohio River a tonnage will be released into the Mississippi so great that I should hesitate even to undertake to state the figure, but a tonnage that probably will equal all of the figures I have already given if they were all added together. When that time comes, the benefits from this improvement will probably be greater than all of the benefits from all of the improvements ever made by the Federal Government; and we find two or three sugar refiners here trying to throttle an industry of that kind so that they can keep a little larger trade and be freed from competition.

A comparison of the average earnings of water and rail carriers may be of interest.

The water lines on the Great Lakes carry freight at a charge of 1¼ mills per ton-mile. The ocean carriers get on an average 3 mills per ton-mile. The Mississippi-Warrior Barge Line receives 4.12 mills per ton-mile. The class A railroads charge 11.1 mills per ton-mile. All of these figures are official, the railroad figures coming from the Interstate Commerce Commission and the others from the Shipping Board and the barge line service.

The estimated average saving to shippers by the use of the barge line for joint river-and-rail haul and for all-river haul is $1.65 per ton, which would be for the Mississippi River a saving of $2,064,605.40, and for the Warrior River $647,400, or a total actual saving to the shippers by the use of the barge line service in 1927 of $2,712,005.40.

Regardless of the heavy loss which came to the Mississippi-Warrior service in 1927 as a result of the floods, the line between New Orleans and St. Louis showed a net profit of $261,436.16. Page 204 of the hearings recites that fact. It is estimated that had it not been for the extraordinary conditions created by the flood, the net profits would have been in excess of $700,000. It is well to remark here that in addition to having made this profit, the lower river made a freight saving to shippers of $2,064,605.40. That is a remarkable record under the circumstances; and the amount would have been over four times as great in a normal season.

The accounts of this corporation, Senators, are kept under the rules and regulations laid down by the Interstate Commerce Commission; and the testimony before the House and Senate committees, particularly that of Mr. Brent, shows conclusively that the attacks of the enemies of the line on the accounting system used by the service are fallacious.

On page 69 of the hearings is a table showing the States that participated in the traffic of the Missouri-Warrior River Barge Line, with the account of north and south bound tonnage in each State. I want to call attention to the States that thus participated in the benefits; and I desire to insert in my remarks at this point the table as printed on page 69 of the hearings:

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

States participating in traffic of Mississippi-Warrior service, year ending December 31, 1925

State	Northbound	Southbound
	Net tons	*Net tons*
Alabama	155,405	193,358
Arkansas	13,517	13,302
California	3,632	16,846
Colorado	783	4,768
Connecticut	6	
Delaware	40	
Florida	4,657	7,245
Georgia	7,299	20,665
Illinois	252,765	61,011
Indiana	13,042	21,884
Iowa	19,698	5,819
Kansas	3,614	16,026

States participating in traffic of Mississippi-Warrior service, year ending December 31, 1925—Continued

State	Northbound	Southbound
	Net tons	*Net tons*
Kentucky	12,002	9,007
Louisiana	491,112	355,390
Maryland	115	
Massachusetts	32	71
Michigan	4,772	6,606
Minnesota	16,307	2,054
Mississippi	25,433	12,404
Missouri	54,726	136,286
Nebraska	4,369	89,641
New Hampshire		4
New Jersey	4	
New York	489	80
North Dakota	469	
Ohio	2,395	20,697
Oklahoma	1,288	1,558
Oregon	164	1,634
Pennsylvania	227	3,779
Rhode Island	1	
South Dakota	1,528	460
Tennessee	59,039	54,262
Texas	25,569	20,709
Vermont	2	
Washington	3,697	3,345
Wisconsin	19,142	11,175
Wyoming		263
West Virginia		2,347
Total, 1925	1,197,340	1,092,696

NOTE.—The actual tonnage transported by the Mississippi-Warrior service was 598,670 tons northbound and 546,348 tons southbound. The figures shown above are twice those amounts, as both the point of origin and the point of destination are credited with the tonnage that was received and forwarded during the year 1925.

Mr. REED of Missouri. For the present, however, let me say that the astonishing fact is revealed that nearly 40 States of the Union participate in the benefits.

From Alabama to Wyoming this vast territory is benefited. That is because joint rail-and-water rates are at last being forced so that localities in the Rocky Mountains, the Sierra Nevadas, the Alleghenies, and the Blue Ridge are receiving these benefits.

Mr. President, it is not necessary to enlarge upon this phase of the question. We have passed by the day when it is said that river transportation can not be successful. The complaint now is that it is too successful. The protest comes from gentlemen who do not want lower rates in that section of the country. The protest comes from the Sugar Trust, and what is it? I will say, first, it is the finest specimen of colossal impudence and of unmitigated and brutal selfishness that I have ever heard of since I have been old enough to remember. When a business institution has the cool impudence to protest against cheap freight rates because they impair its monopoly, that is the last word in the vocabulary of insolence, and coming as it does from an institution that became so obnoxious that it had to be disciplined by the Department of Justice, disciplined for setting up a monopoly, the character of the impudence is accentuated. It used to establish monopoly by illegal and criminal combinations. It now desires to have the Senate help it maintain a monopoly by refusing to allow cheap freight rates that would benefit the people.

The situation has been well expressed by the Senator from Florida, that the concept of these sugar refiners seems to be that they have a natural and God-given right to a monopoly of a certain territory.

Mr. BROUSSARD. Mr. President, for years and years Louisiana sugar producers had to sell their sugar crop to this same monopoly. They refined the sugar in the city of New Orleans and never sent it to New York. They made the distribution from New Orleans; but they deducted freight charges from New Orleans to New York from the price they paid our people. They did under our protest, but we were compelled to sell our sugar to them. That is an example of their methods.

Mr. COPELAND. Mr. President, was that the National Sugar Refinery?

Mr. BROUSSARD. That was the American Sugar Trust.

Mr. COPELAND. The Senator from Missouri is mistaken when he says Mr. Cochrane represented the American. He did not; he represented the National. The record is wrong. He comes from the National. Mr. Ripley represented the American, and he favored the barge proposal. This "wicked trust," spoken of by the Senator from Missouri and the Senator from Louisiana, was represented by Mr. Ripley, of the American Sugar Refinery.

This record the Senator from Missouri is looking at has Mr. Cochrane as representing the American Sugar Refinery. He is from the National, which is not in the trust which the Senator is condemning in set terms.

Mr. REED of Missouri. Very well. Let me read the record.

Mr. COPELAND. The record says the American, and the record is wrong.

Mr. REED of Missouri. I think I can still read, whatever other misfortunes have befallen me.

Mr. COPELAND. I will say for the benefit of the Senator that the record says that Mr. Cochrane represented the American Sugar Refinery, but I am here to say that he represented the National Sugar Refinery.

Mr. REED of Missouri. Mr. President, I do not care whether he represented the American or whether he represented the National; any institution that will try to prevent the establishment of cheap freight rates in order that it may preserve a monopoly has not the morals of an ordinary snake. But the record says:

STATEMENT OF MR. HENRY F. COCHRANE

Mr. COCHRANE. Mr. Chairman, I am an attorney at law with offices at 62 Williams Street, New York City. I appear here on behalf of the American Sugar Refining Co., with which I am connected both as an officer and director.

The CHAIRMAN. You appear here in favor of the legislation?

Mr. COCHRANE. In opposition to it. The position of the company that I represent is that an extension of this service into the States which have not been mentioned prior to this time will not only cripple the industry which I represent, which pays in duties upwards of $75,000,000 a year into the Treasury, and which does a business of $135,000,000, all east of the Mississippi River, and which does a business of practically $20,000,000 in two States wherein the proposed service has already intruded, but will also interfere with our business—

"Our business"—

in the States of Ohio and Kentucky, and I might add also Illinois, and also the State of Indiana.

And he proceeds to make that sort of argument. Prior to the statement of that sugar gentleman was the statement of Mr. Lovett, who said he appeared in behalf of the Savannah Sugar Refining Co., located at Savannah, and he offered the same character of argument as that to which I have just referred. Then Mr. Tommins said he represented the Savannah Sugar Refinery. What was his complaint? His complaint was that the Mississippi-Warrior service was growing too fast, that it was too prosperous. He said that in 1918 in three months they carried only 12,000 pounds of sugar, that in 1919 they had carried 36,972,000. He gives the figures for the other years, which I am going to ask to have printed as a part of my remarks. But in 1927 the total had come to 895,904,000 pounds of sugar. The argument is that it is delivered to the people cheaper than it otherwise would be delivered, and hence we are asked to scuttle the boat line because it delivered last year 895,904,000 pounds of sugar to the people of the United States cheaper than they otherwise would have obtained it. That is a fine argument to present.

Ah, but these gentlemen say, "We paid a tariff on sugar." They talk as though they had paid a tariff on sugar. There is not a sugar refiner in the United States who ever paid one penny of tariff, not one penny. The people who ate the sugar paid the tariff, and the refiner added it to the price and paid the American Government, but it was paid in fact by the consumer.

Who is it that makes these objections? What is the basic objection? It is that there is transportation being furnished too cheap by an improved method. The argument is that that cuts into the local trade territory of the manufacturing concern, that is to say, if we did not have any good highways, if we did not have any good railroads, then this particular concern would have a territory that could be reached by people who could just drive in, and it would have an exclusive trade there because nobody else could get anything to them, and therefore they ought to be allowed to maintain that advantage.

If that argument is sound, then they ought to have resisted the building of every highway in the land that has been improved, they ought to have resisted the building of railroads, they ought to have resisted the building of ship lines, because every one of them has the effect of letting in competition from abroad, and tends to destroy the monopoly which would exist if there were no lines of transportation except the old-fashioned oxcart.

Let me say to my friend from New York that if we had not built these railroads, if we had not built these highways, if there had not been ships of improved capacity put upon the ocean, New York would still have been a village.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes; if the Senator wants to dispute that fact.

Mr. COPELAND. I want to discuss it for a moment with the Senator. The nationally owned railroads of Canada, which

last year had a loss of $60,000,000 in operation, carry freight so much more cheaply than our railroads do that last year 90,000,000 bushels of American wheat went through Montreal for export, only 37,000,000 through our port of New York.

Mr. REED of Missouri. So much the better, then, for the Government-owned roads. That is all that it argues. I am not talking about Government ownership as a principle, and do not propose to be led into that; but if it is true that the Government-owned roads of Canada have hauled freight so much cheaper than our roads that 90,000,000 bushels of wheat could be shipped out of its ordinary course and carried over those roads, then the argument becomes almost irresistible that we ought to do something like that ourselves; but I am not arguing that, and I am not for it. There is reason for it outside of what the Senator says. I am stating to the Senator from New York, I am stating to every man who has any sense of fairness or decency, that the great city of New York is where it is and is what it is because of transportation. Every time we have appropriated money—and we have appropriated millions and millions of money to improve the harbors of New York—we have made it easier for traffic to get in and get out, and we have improved New York, and every time we have improved New York in that way we have taken some business, either existent or potential, away from some other point. But we did not hear any New Yorker squeal about that.

Mr. BORAH. Mr. President, the Senator might go further and contend successfully that if it had not been for transportation the Senator from New York would not have been in New York.

Mr. REED of Missouri. Yes; that would be true, and that would have been a great calamity under which the city would have suffered through the ages.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Missouri. Certainly.

Mr. COPELAND. Of course, I ought to say that my family originally went west by water transportation. They went by the Erie Canal, so I have an interest in waterways.

Mr. BORAH. But the Senator returned by rail?

Mr. COPELAND. Yes; I did.

Mr. REED of Missouri. Mr. President, we built the Panama Canal at public expense. Why? Because it was recognized that the canal would be of general benefit to the country. We did not stop in the building of it because we knew the principal advantage would go to the two great coasts. We knew that. We knew that every State and every city which fronted upon the waters of the oceans or the great bays and gulfs would be immediately in direct contact with every other part of the coast line of the United States. We knew that this great canal would enable them to enlarge their foreign commerce. It was done at the public expense and inured chiefly to the benefit of the eastern and western coasts.

We built railroads across the country and a large part of the western roads were built out of public land grants. Why? In order to increase transportation and travel and to save money and time. It may be we gave away too much land, but that was our policy.

Our theory has been that every time we cheapen travel we shorten distance; every time we shorten distance we reduce cost; every time we reduce cost we reduce labor; we increase the opportunities for the luxuries of life; we develop our country. But here come three sugar refiners, like three toads out of the dead past, and perch themselves upon a dead log and croak, "There shall be no transportation because somebody will sell sugar in competition with us, and we do not want any competition."

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. COPELAND. Why does not the Senator then propose that we buy the railroads between New York and the West at Government expense, because then we could make the rates on sugar even cheaper than by an expenditure of this large sum of the taxpayers' money? We propose to make available the barges on the Mississippi in that way.

Mr. REED of Missouri. I wonder if the Senator thinks that is worthy of stopping to reply to? This barge line was inaugurated as a war measure. It was necessary. The bill was passed without any opposition. The railroads had broken down. They could not carry the freight. They were blockaded for 150 miles from New York westward and northward. An order had been issued to close all the factories south of the Ohio River for three weeks in order that transportation could catch up with production. The boats were purchased and put upon the rivers. Unfortunately for themselves, a lot of railroad organizations opposed and bitterly contended against this improvement. It is in fact a success, and because it is a success we meet with this opposition. Suppose we wiped it out? Suppose that this saving was not made on freight rates and the farmers of 32 States had to pay higher rates, how many millions of dollars would it be in a year? We had better buy all the sugar refineries in the country and junk them than to submit to such a terrific loss as would ensue.

I view this as a practical question. I am not ordinarily in favor of Government ownership of anything that is engaged in business. But every rule can be carried to an absurd extreme. If it were an initial proposition and if it were presented to me that we were about to establish postal routes and a Post Office Department, I am not sure but I am so wedded to the doctrine that the Government should not be in business that I would vote against that proposal, if I was not advised and had no evidence. But we have had the post office. It was a gradual development in growth. I have not the slightest doubt that our mails are carried to-day for one-tenth of what it would cost us if the department was in private hands. There is no one in the country foolish enough to propose to turn the post-office business over to private hands.

Again, I would be opposed to the Government establishing hydroelectric plants. But during the war, as a war measure, we invested many millions of dollars in Muscle Shoals. That money is there. The question which we have discussed in the Senate for many days was whether the Government would go on now and see that we realize upon that money and that the people obtain some benefits from it, or whether we would turn that great enterprise over into the hands of private individuals. Under the circumstances which presented themselves I was not in favor of turning it over into the hands of private individuals or private companies that already were able to exercise almost a monopolistic domination over several of the great States of the Union.

We have this enterprise. It is flourishing. It is in its infancy. I do not say that it should always be operated by the Federal Government, but it is absolutely certain that it should be operated by the Federal Government until such time as it becomes perfectly manifest that it can be turned over to private companies and that those private companies will continue to give to the people the same benefits we now receive. This bill provides that that may be done. It has in it a clause providing that that can be done, which I never would have put in it if I had been drafting it, because I think it is a dangerous clause; it may be abused.

Sir, I have not the slightest doubt that, with modern equipment and with the improvement of these rivers which now must take place under the great bill which we passed for their improvement, that 10 years from to-day freight can be carried upon these streams at 50 per cent of the present railroad costs. Nor do I believe that this will be of the slightest injury to the great railroads traversing the vast Mississippi and Missouri Valleys. At the present time, because of the construction of the Panama Canal and because of railroad rates, many of our great factories, mills, and wholesale houses of the Mississippi Valley are establishing branches or are moving to one or the other of the two coasts. We built the Panama Canal and, in a sense, this river improvement will be an articulation of the Panama Canal and will offset to the great interior to some extent the disadvantages under which they now suffer by reason of the construction of the canal.

These sugar refiners come here from the coast, where they are in access to all the oceans of the world, and protest against an improvement which affects the entire interior of the country. What about the business men of New Orleans? Have they no rights? What about the business men of St. Louis? Have they no rights?

What about the business men of Memphis and of all the great cities that line the banks of the Mississippi? What about the great cities on the Ohio, on the Tennessee, on the Illinois, on the Missouri? Have the business interests there no rights? Are we to sectionalize this country, and when we put in an improvement ask whether it will enable somebody to compete outside of the particular vicinity of the improvement? If so, then let us stop making these improvements. Let us say every time New York wants something that we will not give it to New York because it may impair the trade of some dry-goods merchant or some grocery keeper somewhere in the interior. Let us say to Baltimore, "We will never spend any more money in the waters that affect you, because it may enable you to compete with some other town that you can not now compete with." Let us go back to first principles, to the condition that existed before we adopted the Constitution, when the various States set up trade barriers against each other in the form of tariffs or in the form of excise charges or in the form of license fees; let each State keep within its own borders and prosper upon

itself. That is the theory. The theory is that an improvement must not be made because trade territory will be extended for somebody else.

Mr. President, there is an emergent reason for passing this bill. If I have spoken with any heat, it is because every red corpuscle of my blood rises in rebellion and disgust at the spectacle of the proprietors of great business organizations coming to the Congress and undertaking to set up the doctrine that an improvement must not be made because some other concern will be able to sell to people in the territory which they now exclusively control. I am astounded to find so low an order of intellect in the management of these great concerns as to make it possible for that intellect to conceive that such a doctrine would ever be accepted in the United States.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD an address by W. W. Morse, of Minneapolis, delivered on the 20th day of January of this year, in which Mr. Morse, in a very condensed form and very ably explains the history of river transportation under the Inland Waterways Corporation on the upper Mississippi River.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, honored guests, fellow members of the Minneapolis Rotary Club, a little over two years ago, on December 18, 1925, to be exact, you gave me the privilege of presenting to the club a brief résumé of the plans which have been taken in hand by a group of Minneapolis business men, looking to the restoration of water-borne transportation on the upper Mississippi River.

Two years having passed since then, the chairman of the program committee has kindly asked me to tell you at this time what progress has been made thus far, what may be expected, and the present outlook for the project.

The year 1925 may be characterized as a year of agitation, the year 1926 may be characterized as a year of preparation, and the year 1927 as a year of beginnings. On December 10, 1925, the Minneapolis committee went to Washington and presented to the President of the United States a brief setting forth the need and method of establishing water-borne transportation on the upper Mississippi between St. Louis and the Twin Cities.

In my address to the club on December 18, 1925, I outlined to you the steps leading up to the presentation of this brief to the President of the United States. Following our action in placing the matter before the President, the subject was taken up at a cabinet meeting and duly approved; and on January 20, 1926, the Hon. Dwight F. Davis, Secretary of War, entered into a contract with the Upper Mississippi Barge Line Co., which was organized by Minneapolis and St. Paul business men on November 21, 1925, under which the Secretary of War agreed to lease from the Upper Mississippi Barge Line Co. a fleet of towboats and barges to be constructed at a cost of approximately $600,000 by the Upper Mississippi Barge Line Co. for a term of five years at a rental of $30,000 per year or 5 per cent of the cost.

This arrangement was brought about by reason of the fact that there was at that time no equipment suitable for freight carrying on the Upper Mississippi River, and there were no Government funds available apparently for the purpose of constructing such a fleet. The Upper Mississippi Barge Line Co. was organized by the Minneapolis and St. Paul business men in November, 1925, with an authorized capital of $1,000,000. One hundred thousand dollars of the capital stock of the corporation was placed in the city of Minneapolis, $50,000 in St. Paul, and $50,000 in other river cities between the Twin Cities and St. Louis, including Davenport, Moline, Rock Island, Dubuque, Burlington, Keokuk, and Quincy.

Additional funds in the sum of $500,000 were secured by a bond issue to be secured upon the fleet about to be built and under lease to the Government. The first president of the Upper Mississippi Barge Line Co. was Mr. S. S. Thorpe, who had been leader in the movement from the beginning. Subsequently Mr. Thorpe was appointed to membership upon the advisory board of the Inland Waterways Corporation and, as a result of this appointment, found it necessary to relinquish the presidency of the Upper Mississippi Barge Line Co.; and he was succeeded by Mr. C. C. Webber, to whose untiring and splendid support the success of this effort up to the present time is largely due.

You doubtless are familiar with the organization of the river service. It is handled by the Inland Waterways Corporation, a Government corporation established by the act of June 3, 1924, and administered by the War Department under the Hon. Dwight F. Davis, Secretary of War, whose appointee, Maj. Gen. T. Q. Ashburn, is the chairman and executive and acting directing head of the Inland Waterways Corporation, which carries on the transportation service on the Mississippi River from the Twin Cities to New Orleans and on the Warrior River operating between Birmingham, Ala., and Mobile.

Upon the signing of the contract between the Upper Mississippi Barge Line Co. and the Inland Waterways Corporation on January 20, 1926, the directors of the Upper Mississippi Barge Line Co. requested General Ashburn, as head of the Inland Waterways Corporation, to advise them as to whom they should choose to design the fleet of boats and barges for service on the upper river. General Ashburn recommended the firm of Cox & Stevens, of New York, and Mr. T. R. Tarn, of Pittsburgh, as the best naval architects and designers in the country, and a contract was entered into by the directors of the Upper Mississippi Barge Line Co. whereunder these gentlemen agreed to as quickly as possible furnish plans and specifications for a typical towboat and a typical barge for this upper-river service, the cost of these plans and specifications and supervision of construction amounting to some $20,000.

In the meantime and while the preparation of the plans and specifications was under way Mr. Theo. Brent, traffic manager of the Inland Waterways Corporation, presented a brief to General Ashburn and to the Upper Mississippi Barge Line Co. on March 1, 1926, showing that the sum of $600,000, which was at that time available, would be entirely inadequate to construct a fleet suitable in size for the work to be done. In this brief it was shown that the money in hand would only be sufficient to construct 2 towboats and 11 barges, and that so small a fleet as this would be entirely unable to transport freight enough to make it a paying proposition or to materially affect the northwestern freight-rate situation.

With this situation confronting the directors of the Upper Mississippi Barge Line Co., it was felt that something must certainly be done, and accordingly another trip was made to Washington; and your speaker presented the situation to Secretary of War Davis and made an earnest appeal to him to allot $1,000,000 for the construction of additional boats and barges. After strenuous efforts the Secretary finally consented to allot $250,000 for this purpose, which would be sufficient to construct 1 additional towboat and 4 additional barges, making a total of 3 towboats and 15 barges.

In the meantime the question of terminals for the receipt and delivery of freight to be handled by the fleet under construction became very evidently a most essential matter, and at the request of the Upper Mississippi Barge Line Co. Mr. Walter F. Schulz, of Memphis, terminal engineer for the Inland Waterways Corporation, was retained to prepare plans and specifications for suitable river terminals to be constructed in the cities of Minneapolis, St. Paul, and Dubuque. These designs were prepared and presented to the municipal authorities of the three cities. By reason of the interest which had been by that time aroused in the project all three cities agreed to construct river terminals for the new service in accordance with the plans presented.

Great credit is due the mayor, the city council of the city of Minneapolis, and the board of estimate and taxation for the very splendid cooperation which they have at all times given the Mississippi Barge Line, especially to City Engineer Eisberg for the fine terminal which has been built at Minneapolis, and which was made ready for the coming of the first towboats and barges on August 25, 1927. The city of Dubuque also entered energetically into the construction of a terminal, and their terminal is now completed. The city of St. Paul encountered various difficulties, and it will probably be late the coming summer of 1928 before the St. Paul terminal will be ready for use.

Late in June, 1926, the plans and specifications for the new towboats and barges were completed by Messrs. Cox & Stevens at New York. The specifications were sent to various contractors throughout the country calling for bids to be received at the office of Cox & Stevens, New York, on August 20, 1926. At that time some 12 or 15 bidders were present, bids were opened, and it was found that the Dubuque Boat & Boiler Co., of Dubuque, Iowa, had submitted the lowest bid; and they were awarded the contract for the construction of the three towboats at a figure of $165,000 each, work to be finished and boats ready for service April 1, 1927. The lowest bidder on the barges was the Midland Barge Co., of Midland, Pa., and the contract for the 15 barges was awarded to them at their figure of $20,300 each, barges also to be ready on April 1, 1927.

In the meantime, as we became more familiar with the magnitude of the project, which we had undertaken, and the amount of equipment which was really necessary in order to make the project worth while to this community and a paying proposition to the Inland Waterways Corporation, it was becoming more and more clear that 3 towboats and 15 barges would be wholly inadequate to cope with the situation. It was a case of sending a boy to do a man's work.

Accordingly the situation was taken up with our Representatives in Congress, Hon. WALTER H. NEWTON and Hon. HENRIK SHIPSTEAD, United States Senator, and the success thus far of this project is very largely attributable to their splendid efforts in our behalf. At the opening of the December session of Congress, 1926, Congressman NEWTON presented a bill appropriating the sum of $2,000,000 for the Inland Waterways Corporation, one million to be used for additional equipment on the upper river and one million for additional equipment on the lower river and the Warrior River.

Through the untiring efforts of Congressman NEWTON this bill passed the House, passed the Senate through the efforts of Senator SHIPSTEAD, and was signed by the President and became a law on March 4, 1927; and the $2,000,000 additional funds became available for the use of the Inland Waterways Corporation. At the same session of Congress, Sena-

tor SHIPSTEAD succeeded in having an amendment attached and embodied in the rivers and harbors bill for an appropriation of $3,780,000 for the construction of a lock and dam at Hastings, Minn., and this, too, was passed by Congress and the bill signed by the President and became a law January 21, 1927.

As a result of the $2,000,000 appropriation secured by Congressman NEWTON and Senator SHIPSTEAD, contracts were entered into in May, 1927, for the construction of 45 additional barges and 1 additional towboat for the upper river, and these craft have been under construction during the past year and will be ready for service April 1, 1928. The bill of Senator SHIPSTEAD providing for the construction of a dam at Hastings, Minn., was a most valuable piece of legislation; it will insure a depth of water between the Ford Dam at Minneapolis and the mouth of the St. Croix River at Prescott of from 8 to 12 feet; and what is still better a waterway without much current to contend with and the assurance of an adequate depth of water throughout the season of navigation.

During the summer of 1926 the question of through freight rates from Chicago to Minneapolis and St. Paul via rail to Dubuque, Iowa, and thence by river to the Twin Cities was taken up by the traffic department of the Inland Waterways Corporation with the Chicago rail lines passing through Dubuque, viz: The Chicago Great Western, the Chicago, Milwaukee & St. Paul, the Chicago, Burlington & Quincy, and the Illinois Central. The rail lines refused to join with the barge line in arranging for joint routes and rates for this service, and, accordingly, on November —, 1926, complaint was filed by the Inland Waterways Corporation with the Interstate Commerce Commission, asking that an order be issued by the commission requiring the rail lines to join with the barge line in establishing such joint routes and rates.

A hearing was held in Chicago on January 20, 1927, before Examiner Howell, of the Interstate Commerce Commission. The decision of the examiner was adverse to the applicants, and he recommended that the application be dismissed. Accordingly appeal was taken to the full commission, and the case was argued in Washington on July 7, 1927, the rail lines strenuously opposing the application. Decision was rendered by the commission July 28, 1927, sustaining the position of the barge line and ordering the establishment of joint rates 15 per cent under the all-rail rates.

In February, 1927, your speaker was appointed operating manager of the upper Mississippi division in full charge of the operations between St. Louis and the Twin Cities. Shortly afterwards a five-year lease was entered into by the Inland Waterways Corporation for general offices at 523 Marquette Avenue, thus insuring the maintenance of the headquarters of this corporation in the city of Minneapolis.

On June 1, 1927, Mr. J. C. Goodsell, for many years with the Chicago & North Western Railway and at that time agent of the Chicago, St. Paul, Minneapolis & Omaha Railway at Minneapolis, was induced to cast his lot with the barge line and accepted the position of general superintendent; and on August 1, 1927, Mr. George E. Helwig, at that time assistant district manager of the Western Railway Weighing and Inspection Bureau, and for many years a well-known railway man in Minneapolis, and known to most of you, accepted the position of assistant to the operating manager. Mr. Spencer Gibons, formerly with the Illinois Central Railway, was appointed general traffic manager at Minneapolis, and Mr. E. H. Cordes, formerly at Cincinnati, was appointed general traffic manager at St. Paul. These gentlemen have brought to the barge line interest, enthusiasm, and knowledge of transportation matters which has proved invaluable.

As often happens in such cases, the construction of the fleet was unavoidably delayed beyond the time set, and instead of being ready on April 1, 1927, the first boat, the steamship *Thorpe*, was not ready until August 1; the second boat launched, namely the *O. C. Webber*, was ready a few days later; and the third boat, named the *General Ashburn*, went into commission on September 1, 1927.

The first boat of the series, the steamship *Thorpe*, made her trial trip from Dubuque to St. Louis, leaving Dubuque on August 2, and on August 15 she left the city of St. Louis with a tow of four barges on her way up the river to Minneapolis, initiating the service so long looked forward to. On this first tow the *Thorpe* carried a total of 1,329,249 pounds of freight, with a gross revenue for the same of $6,335.70. This freight consisted of 12 cars of sugar from the refineries in New Orleans consigned to various wholesale grocers in Minneapolis and St. Paul; and the balance of her freight consisted of general cargo of some 47 different kinds of merchandise from shippers in St. Louis and other cities to various houses in the Twin Cities. This first trip of the new service on the river was widely heralded throughout the country and brought to the city of Minneapolis very wide and valuable publicity.

The towboat and barges arrived in Minneapolis, as you will recall, on August 25. General Ashburn was a passenger on this trip, and a dinner was tendered him at the Nicollet Hotel on the evening of the day of the arrival of the steamer and barges, attended by some seven or eight hundred people, including the mayors of more than 25 cities adjoining Minneapolis and from the river towns south of us.

This day was a day memorable in the annals of Minneapolis. It was known to the barge line as the "Minneapolis-to-the-Gulf Day," and it was the same day that Colonel Lindbergh arrived in Minneapolis and the day on which Bobby Jones was playing wonderful golf on the Minikahda Club links.

Following the arrival of the steamer *Thorpe*, her barges were loaded with grain for New Orleans for export via that city, and the second tow arrived in charge of the steamer *Webber* on August 31. This tow brought up 2,083,695 pounds of freight, with a revenue of $7,370.09. Thus was inaugurated the long-looked-for service on the upper Mississippi River.

The great inadequacy of the fleet available at that time was immediately apparent. By the first of September the most of our barges were under load with grain on their way to New Orleans, a trip of some 30 days, and no barges were available to keep the service to schedule. As a result many shippers became dissatisfied with the slowness of the service, and expressions of disappointment were heard on all sides. I can only say that this situation was unavoidable because of the meager equipment provided, and those who were close to the situation had known quite well that this was what we were facing long before the actual developments occurred.

Thanks to the appropriation secured by Congressman NEWTON, we face the opening of navigation in 1928 with a fleet of 60 barges and 4 towboats. With this equipment it is believed we shall be able to maintain a semiweekly dependable service, beginning April 1. The effect of the inauguration of this barge service on the river is already beginning to be reflected in the traffic situation of this city. We hear no more of the proposition, which was being strongly pushed two years ago, for increasing the first-class freight rates from Chicago to Minneapolis from 95 cents to $1.25; nor are our competing cities carrying on the freight-rate warfare against Minneapolis with the force and vigor which was in evidence at that time.

In August, 1927, we had booked 1,000,000 bushels of grain for transit down the Mississippi River to the city of New Orleans for export. The ocean rates from New Orleans to Europe are the same as the rates from Montreal or New York. The barge line has established the same freight rate on grain from Minneapolis to New Orleans as the rate via the Lakes from Duluth to Montreal, or 14.8 cents per 100 pounds. It is quite clear that given an adequate fleet to handle the tonnage available this city will be restored to its primacy as the greatest primary grain market in America; and Minneapolis and St. Paul will continue to be the leading jobbing and manufacturing center of the Northwest.

Mr. COPELAND. Mr. President, I was called to the gallery to see a sick man—perhaps I am more important as a doctor than I am as a Senator—but I wanted to say this before the Senator from Missouri finished: He paid his compliments in set terms to the American Sugar Refining Co. I have not a word to say about that, but I took pains to call up New York to find out if Mr. Cochrane did represent the American Sugar Refining Co. I was assured he did not. The record is incomplete. Mr. Cochrane represented the National Sugar Refining Co., and the American Sugar Refining Co., referred to by the Senator, is here supporting his bill. Mr. Ripley represented the American Sugar Refining Co., which is the "trust," spoken of by the Senator. I quote from the testimony of Mr. Ripley this language:

> Being unable, because of the total insufficiency of the equipment available on the Mississippi River, to ship by the river, we were forced to ship by the rail lines at rail rates on the 50,000 tons which we sold delivered, costing us in actual expense, estimated as nearly as we can do it, the round sum of $100,000.
>
> The Mississippi barge line to-day, so far as our interest is concerned, is almost an irritant. In other words, it is a facility that is there. We can not take advantage of it as we should, because of the inadequacy of the equipment; and I am here to ask that you—

Appealing to the committee—

> view with favor the request of these gentlemen that the corporation's stock be increased to $15,000,000 in order that adequate equipment may be provided for the tonnage that is offered to you there.

In other words, the Senator is condemning me for my attitude toward the sugar refiners while at the same time he is supporting Mr. Ripley and the American Sugar Refining Co. He is assisting their efforts to cause the expenditure of millions of dollars of the peoples' money in order that the American Sugar Refining Co. may save a hundred thousand dollars a year.

Mr. REED of Missouri. Then let all I have said about the American Sugar Refining Co. be automatically transferred to the Federal Sugar Refining Co.

Mr. COPELAND. The National Refining Co.

Mr. REED of Missouri. Very well; to the National Sugar Refining Co.

Mr. COPELAND. We are not talking about the Federal or about the American or about the Arbuckle; we are talking about the National Sugar Refining Co.

Mr. REED of Missouri. And we are also talking about two other sugar refiners that appeared here. It makes no difference to me who the individual was, whether he may be called the representative of the trust or not. There were sugar interests here that were endeavoring to preserve a condition which denies to a large body of citizens competition; and what I have said about that class of people stands.

The Senator from New York has complained that he wanted a further hearing for the sugar people of New York. Who were the sugar people for whom he wanted a hearing?

Mr. COPELAND. Did I say the sugar people of New York?

Mr. REED of Missouri. Yes.

Mr. COPELAND. Did I not say also other interests of the port of New York?

Mr. REED of Missouri. The Senator said "sugar people"; that is all I heard. Who are those sugar people?

Mr. COPELAND. Very well; leave it at that, if the Senator wishes. But he is undertaking to help the sugar interests of the South, including the American Sugar Refining Co., because really the whole fight, pro and con, is largely a sugar fight.

Mr. REED of Missouri. Will the Senator answer my question as to what sugar interest in New York he wanted to have heard that was not heard?

Mr. COPELAND. I wanted to have the National and the Arbuckle both heard.

Mr. REED of Missouri. Very well; they are both opposed to this bill?

Mr. COPELAND. They are opposed to this bill.

Mr. REED of Missouri. I am not trying to attach any taint of sugar to the Senator. He is so sweet a creature, anyway——

Mr. COPELAND. Thanks.

Mr. REED of Missouri. That if he were saturated with sugar we would not know the difference. I do not mean anything of that kind. I say that for one interest to undertake to deprive the people of the country of the right to ship millions of tons of wheat, millions of tons of corn, millions of tons of potatoes, millions of tons of iron, and of other commodities upon the narrow ground that that interest will have a little more competition at some place is the height of absurdity and the last word in impudence.

Mr. BRUCE. Mr. President, I deny that, so far as I am concerned, I am influenced in taking the position which I take with reference to this bill by any trust or any trust official. So far as I am concerned, the Senator from New York [Mr. COPELAND] quite overstepped the mark when he said that the controversy raised by the bill is a controversy merely between southern sugar-refining companies and the other sugar-refining companies which were mentioned by the Senator from Missouri [Mr. REED]. Aside from my own individual convictions, when I antagonize the bill I speak as the mouthpiece of those great commercial bodies in the city of Baltimore, the Chamber of Commerce of Baltimore and the Association of Commerce. They have delegated to me in the clearest and most authoritative manner the right to protest against the passage of the bill as repugnant to those true principles of commercial equality which should govern different portions of this great country of ours, and therefore as repugnant to those political principles upon which our distinctive American institutions are based.

Not only do I speak for the Baltimore Chamber of Commerce and the Baltimore Association of Commerce, representing a vast city of between 800,000 and 900,000 people, but I speak for all those private transportation agencies, whatever be their names, whose ramifications extend from the region in which the State of Maryland happens to be situated to the regions which exist in close association with the Mississippi River-Warrior River barge line.

I disclaim, I repeat, the allegation—I will not say the imputation—that my course as respects this bill is shaped by trust influences in any form.

Mr. REED of Missouri. Mr. President, the Senator says "the allegation." There was neither the allegation nor the imputation.

Mr. BRUCE. Certainly, I know, in no offensive sense, because I know the Senator from Missouri is just as incapable of saying anything offensive to me as I am of saying anything offensive to him. He and I are the best of friends, and I trust always will be.

Mr. REED of Missouri. I know that the Senator's position is purely one of principle.

Mr. BRUCE. Of course, the Senator sees, if my statements are correct, that I speak for something more than mere sugar-refining companies. I speak for all the great business interests of the city of Baltimore, all of which are in one way or another reflected in the proceedings of the Baltimore Chamber of Commerce and the Baltimore Association of Commerce; and I speak for the great steam railroad transportation lines whose operations cover not only the territory in which Baltimore is situated but the territory immediately concerned in the operations of the Mississippi River and the Warrior River barge line.

My people have not the slightest objection to any region or any section of the United States enjoying the full benefit of all the natural advantages, whatever may be their nature, with which the bounty of divine Providence has chosen to endow them. We do not envy that great harbor upon which the imperial city of New York has been built up. We are not jealous of any of those great, populous, and opulent communities which have sprung up along the course of the Mississippi River, one of the greatest navigable streams in the whole world; nor are we jealous of the splendid economic advantages of one kind or another which the great open spaces of the West can claim. We are perfectly willing that every State in this Union shall have a primary claim upon all natural benefits, all natural advantages of every kind, with which they happen, without the artificial intervention of government, to be blessed; but the people whom I have the honor to represent are not willing that this great Government of ours, with its exhaustless Treasury, shall, by a barge line or any other sort of transportation line, or by its interposition in any form, disturb the natural balance of relative benefits and advantages enjoyed by the different parts of the United States.

It may be that the three sugar-refining trusts of which the Senator from Missouri speaks are, to use his highly figurative language, only three toads that have come out of the dead past; but I prefer something which has come out of the dead past, even though it might be slightly in a state of malodorous decomposition, to some inflated bullfrog distended by artificial favors fed to him from the opulent resources of the Federal Treasury.

This Mississippi-Warrior River barge line was, of course, but a child of the World War. It never would have attained birth but for the extraordinary conditions created by the World War. It was established in the first instance through the use of the fund of some $500,000,000 that was placed at the disposal of President Wilson for certain war purposes by Congress. As long as it was operated through the direct agency of the Government itself it was, like all such Government incursions into the field of private enterprise, a lamentable financial failure. Afterwards, of course, a Government corporation was created, and it took over the equipment of this line; and though its operations have not been so disastrous in a financial sense, yet the testimony in this case shows that at the most the transactions of that Government corporation have broken even, and that only because the Government is not charged with any interest on the enormous sum of money which it has lavished upon this artificial creation, amounting to some twenty-four or twenty-five million dollars. Of course there is nothing surprising about that.

Mr. REED of Missouri. Mr. President, will the Senator permit a question?

Mr. BRUCE. Yes; gladly.

Mr. REED of Missouri. Would not the Senator say that any new enterprise which started out and within 10 years, with wholly inadequate funds at its command, had reached a point where it was making profits upon the main line was, as estimated by the rule in private ventures, doing pretty well?

Mr. BRUCE. I should say it was doing tolerably well for a Government corporation, for, as a rule, we expect nothing but tragic financial disaster from the operations of a Government agency that takes over private business of any sort.

Mr. REED of Missouri. That has happened too often——

Mr. BRUCE. Yes; it has happened.

Mr. REED of Missouri. But it is not happening here.

Will the Senator let me ask him another question? I want to get his view; that is all. Does the Senator think that the Government is doing anything wrong if, for instance, it spends money in the building of a canal?

Mr. BRUCE. Is the Senator now speaking of the Panama Canal, or any ordinary canal?

Mr. REED of Missouri. Yes; and canals generally.

Mr. BRUCE. The Panama Canal, of course, was a matter not simply of continental moment; it was a matter of international moment. The building of the Panama Canal was an enterprise that the Government had to undertake, if for no other reason, because it was a thing which had to be undertaken really without reference, except in a purely secondary degree, to whether pecuniary gain or loss resulted from the building of the canal. I think the Panama Canal is in a category altogether to itself.

Mr. REED of Missouri. I do not agree with the Senator that the Government was obliged to build it; but I was not limiting my question to the Panama Canal, for I frankly admit

that there were many considerations there aside from the mere question of transportation.

Mr. BRUCE. I think that is unquestionably so.

Mr. REED of Missouri. I am speaking of canals generally. Does the Senator believe that it is a violation of any fundamental Democratic doctrine for the Government to build a canal?

Mr. BRUCE. I do not care to be drawn off into discussions that it seems to me are, to say the least, more or less of a collateral nature. I will limit myself to this barge line; and if the question of the Senator is intended to apply to that, I say that the Government is doing a most unjust, indeed, an utterly indefensible thing in operating that line for the benefit of a portion of the people of the United States at the expense of the region in which I happen to live and which I happen to represent.

Mr. REED of Missouri. But this is the thought I wanted to have the Senator discuss, if he cared to: If the Senator admits that the Government could properly build a canal, of course that canal would extend commerce. There is very little difference between building a canal and putting a boat on a canal that is built except the mere technique of operation. If the Senator denies that the Government has the right to build a canal, I ask, then, by what authority the Government removes obstructions from the Great Lakes and from the bays, and how the fact would be justified that a large appropriation was made for the purpose of deepening and improving the harbor of Baltimore?

Mr. BRUCE. I am glad the Senator asked me that question. Of course, I have no objection in the world to make to that, because river and harbor improvements, such as the Government is making every year, simply place the great waterways of the country in a condition to be utilized for purposes of competition between private individuals or private corporations.

Mr. REED of Missouri. But the minute you build a canal——

Mr. BRUCE. Is that answer satisfactory to the Senator? I think it must be.

Mr. REED of Missouri. The minute you build a canal you place it in competition with the railroads, you extend territory where it has not been extended, you affect the interest of cities and towns within a large territory, and every argument which applies against the river on that account applies to the canal. There is a distinction, and I want to be frank about this——

Mr. BRUCE. I prefer, as I said, not to be drawn off——

Mr. REED of Missouri. I am not trying to draw the Senator off.

Mr. BRUCE. To be drawn off into the general field of canal improvements and river improvements, or anything of that sort. I will say that if the Government were about to spend millions of dollars simply for the purpose of making the Mississippi River an even finer navigable highway than it is, or for the purpose of making the Black Warrior River a better water highway than it is, or for improving any of the tributaries of the Mississippi River, with a view to enabling all private water transportation companies to ply the waters of those streams more effectively than they have in the past, I should not have one word to say. I do not begrudge the millions of dollars that are spent upon the harbor of the city of New York, or the millions of dollars that are spent upon the other harbors upon the Atlantic and Pacific seaboards of the United States. I do not begrudge even the sums, though sometimes they are excessive, which are spent upon the interior rivers of the country or upon the Great Lakes of the country. Improvements of that kind do not interfere with the free play of individual or private corporate rivalry and competition.

If the appropriations involved in river and harbor acts are evenly and equitably distributed throughout the whole country, I have no ground of complaint. If I am not mistaken, at the last session of Congress the Senator was so successful as to obtain an appropriation of some $50,000,000 for the improvement of the Mississippi; was he not?

Mr. REED of Missouri. Oh, no.

Mr. BRUCE. What was it?

Mr. REED of Missouri. Fifty million dollars was appropriated last year for the rivers and harbors of the whole United States, of which the Mississippi River got a small part.

Mr. BRUCE. About $10,000,000, a Senator beside me says.

Mr. REED of Pennsylvania. The total appropriation was $55,000,000 for all the river and harbor work of the country.

Mr. BRUCE. Of that $55,000,000 appropriated at the last session of Congress the Senator from Missouri was instrumental, I will say, from what was brought to my attention at the time, in getting an appropriation of $10,000,000 for the improvement of the Mississippi River, and perhaps of the Missouri, too.

Mr. REED of Missouri. Just what was allotted.

Mr. BRUCE. I did not begrudge that to the Senator, or begrudge what was obtained by any other Member of the United States Senate for an improvement in his locality. That was not to be used for the operation of a Government corporation, which is nothing less than a menace to private competition throughout the land.

Mr. REED of Missouri. There were two questions involved, if the Senator will pardon me. The basic objection here is that a trade territory now enjoyed by certain interests will be invaded, and competition will be set up within that territory by reason of the act of the Government. The act of the Government is twofold.

First, it builds a canal or it improves a river or it improves a harbor and thus it increases the advantage of some particular locality and enables it to reach into territory that otherwise it could not reach, so that so far as that argument is concerned, it can be made against the building of a canal, against the deepening of a lake, against the improvement of a harbor. There remains the other question, which I think is the one that arouses the Senator's greatest opposition, and that is the private operation of the craft or vehicles which ply upon these improved streams or waters or roads.

I say to the Senator, for I want to be frank, that as to the general question of operation, which involves large business transactions, I think it is better, under all ordinary circumstances, to leave that in the hands of private individuals, but in this instance we know that unless the Government continues the operations upon the rivers until they are thoroughly established, they will be destroyed in a few months' time and go out of business, and a reduction in freight rates to that entire section of the country will cease. That is the distinguishing point.

Mr. BRUCE. I say that section of the United States, like every other section of the United States, should be left to the processes of its own internal development, aided by such capital as it may be able to obtain from the outside for purposes of that development.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to make a report from the Committee on Military Affairs?

Mr. BRUCE. I yield.

Mr. REED of Pennsylvania. Mr. President, I report back favorably from the Committee on Military Affairs the bill (H. R. 14057) for the relief of Edmund F. Hubbard and ask for its immediate consideration.

Mr. JOHNSON. Is it a conference report the Senator is asking permission to present?

Mr. REED of Pennsylvania. No.

Mr. JOHNSON. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. I yield.

Mr. COPELAND. Mr. President, I want to ask unanimous consent to bring up the medical bill. The doctors and the chiropractors and the osteopaths are all in agreement to-day, and I am afraid that if we waste a couple of days they will fall out again. I ask unanimous consent that the Senate proceed to the immediate consideration of the bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia.

Mr. JOHNSON. I understand there is quite a contest over that bill, is there not?

Mr. COPELAND. I have an amendment which has been agreed to by everybody, and if it shall lead to debate I will withdraw it at once.

Mr. JOHNSON. If everyone has agreed to it, I shall not object.

Mr. REED of Missouri. I will make no objection immediately after the bill I am seeking to bring up is considered.

Mr. COPELAND. I may say to the Senator from Missouri that this bill is of no personal interest to me. It is for the welfare of the community.

Mr. REED of Missouri. I did not suppose it was of any personal interest to the Senator.

Mr. BRUCE. I hope the Senator will withhold his request.

Mr. REED of Missouri. If the bill can be passed without debate, I shall not object.

Mr. BRUCE. I will ask the Senator from New York to agree that if it leads to debate, he will withdraw it.

Mr. COPELAND. I ask that the bill be taken up, and that the amendments which were offered by the Senator from Maryland be withdrawn, and the amendment I send to the desk be substituted.

Mr. COUZENS. I ask that the bill be read.

The PRESIDING OFFICER. The Senator from New York asks that the amendments offered by the Senator from Maryland be withdrawn.

Mr. COUZENS. I ask that the bill be read.

The PRESIDING OFFICER. The bill has been read.

Mr. COUZENS. I do not know what the bill is about.

Mr. COPELAND. Mr. President, if the Senator insists on the bill being read——

Mr. COUZENS. If the bill is not read, I shall have to object to it.

Mr. MOSES. The Senator from Michigan is entitled to have the bill read.

Mr. COUZENS. Certainly.

Mr. BRUCE. Then it is impossible to proceed with its consideration.

Mr. COPELAND. If the Senator insists on having the bill read it is not worth while to go on with it, because it is too long to be read now. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HALE. Is there a motion now before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is before the Senate.

Mr. HALE. I would like to ask the Senator what he is going to do about that motion?

Mr. REED of Pennsylvania. The Senator from Maryland has the floor.

Mr. BRUCE. I really think that Senators ought not to ask me to yield any more. I think I have yielded about ten times.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. I have not had the pleasure of hearing the Senator's discussion, but I understand that his opposition to this project is that it would give the territory covered by the present barge line an advantage over the eastern territory.

I want to say to the Senator that at my instance there is an amendment attached to the so-called Denison bill providing for a survey and report upon the feasibility and desirability of establishing a barge line through the inland waterways, operated by the Government, similar to that now in operation on the Mississippi and Warrior Rivers. The inland waterway extends, as practically completed now, from Boston to Beaufort, N. C., fully a thousand miles down the Atlantic coast.

Mr. BRUCE. I will ask the Senator from North Carolina if his amendment contemplates the idea, after that great waterway shall have been completed, of the Government operating a fleet of barges over it?

Mr. SIMMONS. Yes; similar to the one now operating on the Mississippi.

Mr. BRUCE. I am sorry to say that the Senator's amendment does not give me that impression.

Mr. SIMMONS. I may have misunderstood the Senator, but I supposed from what he said to me that his opposition is based upon the ground of a disadvantage to the Atlantic seaboard towns and cities.

Mr. BRUCE. Yes.

Mr. SIMMONS. I might tell him that the amendment which I have offered is proposed at the instance of General Ashburn, who has charge of the barge line on the Mississippi, has reference to the fact that we have established the same system of Government-owned barge lines on the waterway which runs right by the Senator's city of Baltimore, which runs by Philadelphia, which runs by New York, Boston, Norfolk, and all the cities along the seacoast, which would give the eastern cities and the Eastern States the same advantages with reference to freight which the barge line gives to the Mississippi Valley States.

Mr. BRUCE. I will say to the Senator that I have no objection to the construction of such a national waterway, but that I am opposed to the operation of a barge line by the Government on any internal waterway of the country. In other words, I am opposed to the Federal Government intruding into the domain of private business enterprise in any respect whatsoever. I am opposed to the Federal Government, either directly or through the agency of a Government corporation, operating a railroad line, or operating a steamship line, or operating a barge line, or operating an electric light or power plant, or operating a fertilizer plant, or engaging in any form of private business whatsoever in competition with its own citizens. If that statement is not sweeping enough I will try to enlarge its curvature, because on that subject I can not possibly express myself too strongly.

I must say, though I say it with sadness, that I am surprised that the Senator from Missouri [Mr. REED], whom I have always regarded as being such an orthodox Democrat, as being so true to the fundamental principles of our Government, should have been giving so much aid and comfort one way or the other recently to governmental operation of private business enterprises. He has never abandoned, I am glad to say, the cause of religious freedom, and I know that, whether he is President of the United States or not, he will never abandon the cause of personal liberty. But, as I see it, he has shifted his ground a little bit in relation to the protective tariff and Government operation of individual enterprises.

Mr. REED of Missouri. A protective tariff? Oh, no.

Mr. BRUCE. It was only the other night that the Senator was giving his powerful support to a debenture-forming device of the National Grange which, as I see it, would operate as nothing in the world but an export bounty.

Mr. REED of Missouri. If that had been passed it would have been a 14-inch shell right through the whole tariff scheme and torn it all down. That is one of the reasons why I offered it.

Mr. BRUCE. The Senator reaches that conclusion by a train of reasoning that I am bound to say, with my feeble powers, I have not myself been entirely able to reach.

Mr. SIMMONS. Mr. President, will the Senator yield again?

Mr. BRUCE. Certainly.

Mr. SIMMONS. Will the Senator let me say, if I do not trespass too much upon his patience, that if I had understood that his opposition was based on the ground of Government ownership I would not have made the remarks I did a little while ago. I supposed from what he said to me that his opposition was based upon the ground of the injustice of establishing this line in the West and not in the East. I wanted to show him that this amendment of mine, which was unanimously approved by the Committee on Commerce, would give to the East within eastern territory the same opportunity that the barge line now gives to the West.

Mr. BRUCE. I was very glad to have yielded to the Senator.

Now, as I see it, the Senator from Missouri [Mr. REED] is advocating a measure which certainly does violate, as I see them, the true relations which the Federal Government should sustain to individual initiative, energy, and enterprise in this country. What the people of Maryland object to is that all the tremendous resources of the Federal Treasury should be employed for promoting a scheme of internal waterways, the effect of which is bound artificially to build up, for a single illustration, the prosperity of the city of New Orleans, at the expense of the prosperity of the city of Norfolk, the city of Baltimore, the city of Philadelphia, the city of New York, to say nothing of the city of Boston. New Orleans is welcome to her superb place as a port of export on the majestic waters of the Mississippi River. She is welcome to all the business patronage of every sort which may flow into her trade coffers from that marvelous territory which lies upon the two sides of the Mississippi River.

But we in Maryland say, and I understand that the people of New York say the same thing, that the Government has no right to tip the scales of commercial competition between New Orleans and the Atlantic seaports north of New Orleans by investing, in the first instance, some $26,000,000 of the Federal taxpayers' money in a barge line that inures wholly to the pecuniary advantage of a single region or section of the United States by asking us to add to that the sum of $15,000,000 more, as is contemplated by his measure, and by further adding to it as time goes on an equally large sum.

How can any great port on the Atlantic seaboard hope to compete with other seaports along our coast if the Federal Government shall use, whenever it sees fit, its vast pecuniary resources to favor some particular region at the expense of the other regions of the country?

The barge line is objectionable for other reasons besides those I gave. It operates a dire interference with all citizens of the United States or private corporations of the United States which, but for Government competition, might be willing to undertake the task of operating steamboats or barges over these tributaries of the Mississippi River with which the measure of the Senator from Missouri proposes to deal.

It is very notable that the measure expressly excepts from its operations the Ohio River. Why should that tributary of the Mississippi be excepted from the wording of the measure? It is because, as I understand it, private enterprise has already

taken over, and successfully taken over, the business of furnishing transportation to shippers over the waters of the Ohio River. Who knows, if the Government were not operating this barge line, but what individuals or groups of individuals or private corporations would be only too glad to have the opportunity to establish steamboats and barge lines on the other tributaries in this particular region besides the Ohio River? But how could they hope to do that with any possibility of success if met by the blighting competition of the Federal Government, which a private individual or private corporation must, indeed, have extraordinary success to be able to withstand?

Everybody knows that when the Government undertakes to operate a given enterprise of any kind, it does it practically without regard to pecuniary consideration. It takes no account of interest on the original investment or, to be more specific, it takes no account of interest on such an investment amounting to some $26,000,000 as that which the Federal Government has already made in this particular barge line. It takes no account of depreciation. It proceeds on no strict principles of bookkeeping. If there is a grave deficit in the operations of a private individual or a private corporation engaged in business, that often means the financial ruin of that individual or that corporation. Deficits do not spell the financial ruin of the Federal Government. If a deficit is incurred in the progress of one of its business enterprises, all the Government has to do is to give another twist to what Carlyle calls in one of his books "the spigot of taxation," and the deficit is met, and the Government enterprise goes on in its course until another deficit, and another deficit, and another deficit has to be met in the same way.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield to me for just a moment?

Mr. BRUCE. I yield.

Mr. McKELLAR. I merely wish to state to the Senator that there are three units engaged in this barge-line business. The lower Mississippi unit—that is, the service from St. Louis to New Orleans——

Mr. BRUCE. Which is supposed to be profitable.

Mr. McKELLAR. It has been profitable from the beginning; it has always made money. It is the new service that is not making money. For a long time the Warrior River service did not make money; but the Mississippi River service from St. Louis to New Orleans has constantly made money and proved to be a profitable venture.

Mr. BRUCE. Yes; and the system as a whole, the three parts, the lower Mississippi, and the section of the enterprises in the upper Mississippi, and the Black Warrior, taken together, break even at the most, without any interest on the $26,000,000 which was invested in the enterprise being taken into account.

Mr. President, I will discontinue my remarks at this time, but I have not yet entirely concluded what I have to say, and I reserve the privilege of resuming when the Senate shall again meet.

EMPLOYMENT OF ENGINEERS ON RECLAMATION WORK

Mr. PHIPPS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work. The bill is on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. KING. May I ask the Senator whether there is any limitation upon the cost?

Mr. PHIPPS. It merely allows them to employ, at a rate not to exceed $50 a day, not more than three engineers, geologists, or specialists, on a project at one time, and no man shall receive more than $3,500 a year for special services. It is practically a unanimous report by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work not to exceed three consulting engineers, geologists, and economists, on any one project, at rates of compensation to be fixed by him, but not to exceed $50 per day for any engineer, geologist, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, or economist during any fiscal year shall not exceed $3,500: *Provided further*, That notwithstanding the provisions of any other act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this act.

SEC. 2. The joint resolution approved June 28, 1926, authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes, is hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WADE ALLEN AND ED JOHNSON

Mr. GEORGE. Mr. President, I understand there has just been reported from the Committee on Claims a private claims bill, which will lead to no debate. It is the bill (H. R. 7378) for the relief of Wade Allen and Ed Johnson. I ask for the immediate consideration of the bill.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection?

Mr. MOSES. Let it be reported.

The PRESIDING OFFICER. The clerk will read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, in full settlement against the Government, the sum of $204.59 to Wade Allen and Ed Johnson, of Fannin County, Ga., which sum represents the loss sustained by said Wade Allen and Ed Johnson on the bail bond of Homer Nelson, who was afterwards captured and returned to the United States officers by the said Wade Allen and Ed Johnson; the record of said estreatment of bond and the payment of said sum of money on May 26, 1925, are shown in report of the clerk of the United States Court for the Northern District of Georgia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND F. HUBBARD

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 14057) for the relief of Edmund F. Hubbard.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and conducting such physical examinations as to the said board may seem proper and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECLAMATION OF KOOTENAI INDIAN ALLOTMENTS IN IDAHO

Mr. BORAH. From the Committee on Indian Affairs, I report back favorably without amendment the bill (H. R. 11468) authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes. The bill has the indorsement of the entire committee, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into an agreement with drainage districts now formed or to be formed in pursuance to the drainage laws of the State of Idaho providing for the drainage and reclamation of Kootenai Indian allotments situated within the exterior boundaries of any of such districts after he shall have first determined the plans submitted by such districts or districts of the work to be accomplished that shall benefit the Indian allotments. The share of the cost that may be apportioned shall not exceed $114,000 for the total acreage of Indian

lands approximating 2,436 acres, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work, shall be payable in not less than 20 annual installments, payments to begin on the same date that payments are to begin for lands other than Indian that are within the respective irrigation districts, and such payments shall be made without interest: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with the plans submitted to him by any of the districts with which contract may have been executed as herein provided for, he shall notify the district of its delinquency and advise that payments will not be made under the contract until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of such work to be paid on behalf of the Indian lands to the district within which such lands are situated, there shall be taken into consideration any deductions that may not properly be apportioned against the Indian lands, and in no event shall the Indian lands bear a share of the cost in excess of the ratio their acreage benefited bears to the total lands benefited within any such district, the total Indian acreage to be benefited to be definitely determined by the said Secretary of the Interior: *Provided further*, That the amount herein authorized to be appropriated to cover the share of the cost of the work on behalf of the Indian lands shall be reimbursed to the United States from the proceeds of leases covering the Indian lands benefited by the drainage work, and said Secretary is hereby authorized to lease such lands not actually being cultivated by the Indians themselves for agricultural purposes for periods not in excess of 10 years, and the proceeds derived therefrom shall be used for payment of the cost of said work and the balance placed in the Treasury to the credit of the Indians to bear interest at the rate of 4 per cent per annum: *Provided further*, That there is hereby created against such lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Indians but that in case of sale of any such lands said lands shall be sold subject to the first lien herein created: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by any district with which contract shall be entered into in accordance with the provisions of this act in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection of by said representative: *Provided, however*, That said Indian lands shall not be subject to the provisions of any district laws until such time as the Indian title in and to any such lands shall become extinct, nor shall they be subject to operation and maintenance charges during the period that such lands remain in Indian ownership.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LARRY CARDWELL

Mr. TYDINGS. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 6263) for the reinstatement of Larry Cardwell in the United States Naval Academy. I ask unanimous consent for its immediate consideration. I do not think it will involve any discussion, and if it shall do so I will withdraw the request. I can explain the bill in a moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CURTIS. I want to know whether or not it is recommended by the department.

Mr. TYDINGS. Mr. President, if I may be allowed two minutes I can explain the bill. There was a midshipman at the Naval Academy who came up from the enlisted service. At inspection one day, his uniform not being pressed, he put on the uniform of his companion and went to inspection. Under the rules of the academy any midshipman wearing the uniform of another must be expelled. The Secretary of the Navy went into the matter and found that there was no moral turpitude involved, and admits freely that he would recommend this young man for entrance into any educational institution. It is only because if the bill shall not be passed at this session the young man will lose the opportunity of being admitted next year that I ask for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to reinstate Larry Cardwell in the United States Naval Academy, of which he was a midshipman at the time of his discharge on November 19, 1926; the said Larry Cardwell to become a member of the class of 1930 on the date of reinstatement, and to be accorded all rights, privileges, and benefits to which he would have been entitled had he not been so discharged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS CITY JOINT STOCK LAND BANK

Mr. BLEASE. I ask the clerk to read a short dispatch appearing in the Washington Post of May 25 and ask, after reading, that it may be referred to "Marse" Andy Mellon.

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[Washington Post, May 25, 1928]

HEAD OF LAND BANK AND AID CONVICTED

KANSAS CITY, May 24.—Walter Cravens, former president of the Kansas City Joint Stock Land Bank, and Miss Alice B. Todd, former secretary, to-day were found guilty by a jury in Federal court here of misapplication of funds and false entry.

They were convicted on each of the 88 counts contained in the indictment against them. The jury had been out since yesterday.

The conviction carries a maximum penalty of $5,000 fine or five years in the penitentiary, or both.

Mr. BLEASE. Mr. President, we have heard so much from Mr. Mellon about nothing being wrong with the Federal land banks that I want to call that item to his attention. I am sorry that juries are convicting innocent people.

ADDITIONAL ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day, May 26, 1928, that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

S. 2519. An act for the relief of Robert W. Miller;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 4376. An act for the relief of Harry M. King;

S. J. Res. 46. Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2.

JOHN W. STOCKETT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2319) for the relief of John W. Stockett.

Mr. HOWELL. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. HOWELL, Mr. CAPPER, and Mr. BAYARD conferees on the part of the Senate.

SERVICE OF SENATOR BRUCE IN THE SENATE

Mr. TYDINGS. I ask unanimous consent to have printed in the RECORD two communications recently published in the Baltimore Sun relative to the service of my colleague in this body.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

LETTER NO. 1

Now that I have been nominated to the Senate, I might well ask, I think, what reason there is to believe that my worthy opponent, ex-Governor Goldsborough, would take any better care, as a Senator, of the business interests of Baltimore and the State of Maryland than I have done. Not only have I stood out against the threat of Government competition with the private electric light and power industry, no mean industry in Maryland, which lurks in the Boulder Dam project, and the threat of similar competition with the private fertilizer industry, an industry of extraordinary importance in Maryland, which lurks in the Muscle Shoals project; but I have neglected no opportunity to protect or to further the general business or material interests of my constituents in any respect. I have given my unstinted support, as a rule, to all the leading features of the general plan of internal revenue taxation which has come to be popularly known as the Mellon tax plan, but which Mr. Mellon himself has been generous enough to credit to his Democratic predecessors in the office of Secretary of the Treasury, David F. Houston and CARTER GLASS. I have never failed, when my aid has been solicited by any Maryland industry, manufacturing or agricultural, on account of destructive foreign rivalry, earnestly to urge an investigation by the Tariff Commission into the difference between costs of production abroad and costs of production in the United States, with a view to the relief that the President is authorized to give, under such circumstances, by the flexible clause of the present tariff act. This I did in the case of the sorely imperiled straw-hat industry of Baltimore, one of its most important industries, in the case of the canned-tomato industry of the Eastern Shore of Maryland, a matter of the utmost importance to its welfare; in the case of the glass industry of western Maryland and Baltimore; and in the case of the raw tomato production of southern Maryland and other parts of Maryland.

I might add that the special Senate tariff investigation committee, of which Senator ROBINSON of Arkansas and myself are the Democratic members and Senators REED of Pennsylvania and LA FOLLETTE of Wisconsin, the Republican members, is about to render a report, adopting my suggestion that the flexible clause of the present tariff act be repealed and that the members of the Tariff Commission be given, so far as possible, a position of aloofness and dignity, like that of the Interstate Commerce Commission, and, subject to proper administrative standards of discretion, be fully empowered to recommend tariff duties; to become effective upon ratification by Congress. Manifestly, the conclusions of such a commission, deliberately formed with the aid of a special staff of experts after formal hearings, would be attended by a presumption of reasonableness that Congress would be slow to ignore, no matter to what degree of pressure it might be subjected by eager applicants for tariff favors. While sharing the objections of President Coolidge to the McNary-Haugen bill on constitutional and other grounds, I have given my support to other measures of agricultural relief proposed in Congress, such as those carrying large appropriations for aggressive warfare on the corn borer and the pink boll weevil, and the Hoch-Smith Act, which allows the Interstate Commerce Commission considerable leeway in fixing railroad rates on agricultural products. I have also secured the passage by the Senate of a bill empowering the Secretary of Agriculture to investigate the practicability of crop insurance. The 465 farmers in Prince George's and Montgomery Counties, who supply Washington with fresh farm and garden produce, will cheerfully testify, I am sure, to the tireless assiduity with which I, as well as Senator TYDINGS, have combated the effort to select a site for the new farmer's market in Washington, which would work the gravest injury to their interests; and the people of those two counties will, also, I am certain, gladly certify to the value of the services that I rendered them in helping to secure, in the teeth of no little opposition, the necessary appropriations for the improvement of the road leading out of Washington to Suitland in Prince George's County; and for the extension of Sixteenth Street, in Washington, to the Montgomery County line; to say nothing of the partial success that I have had in obtaining the approval of Congress to the extension of Fourteenth Street, through the Walter Reed Hospital Reservation, and beyond to the Montgomery County line.

All of these things are things of marked significance to the rural residents of Prince Georges and Montgomery Counties, respectively, as is the effective opposition which Senator TYDINGS and I have been so far able successfully to assert to the recent proposal to withdraw from the children of Virginia and Maryland parents living in the vicinage of Washington the public-school privileges which they have heretofore enjoyed. I have also, while earnestly supporting the Parker-Watson bill, which has apparently brought railroad strikes to an end, under conditions satisfactory both to the railroad companies and their men, antagonized every proposition of the so-called progressive members of the Interstate Commerce Commission, tending to impair the present salutary jurisdiction of the Interstate Commerce Commission, and the constructive and healing provisions of the transportation act of 1920; such as the abridgment of the powers now exercised by the Interstate Commerce Commission under the long-and-short-haul clause of the interstate commerce act and the repeal of the so-called guaranty provisions of section 15a of the same act. I might also call attention to the fact that I added all the force that I could to the resistance set up by the city of Baltimore and the Baltimore Association of Commerce to the attempt of the city of Boston to deprive Baltimore of its port differential, as well as to the fact that twice after the House of Representatives had rejected appropriations for the removal of the high explosives at the Curtis Bay Ordnance Depot I succeeded in having them inserted in appropriation bills by the Senate Committee on Appropriations, with the result that a compromise expedient was at last reached between the Senate and the House which promises to bring to an end the frightful menace to life and property in Baltimore which those explosives involved. Mr. Pouder, the active head of the export and import bureau of the Baltimore Association of Commerce, has been so kind as to bear public testimony to the help that I have striven to give to the efforts of our Maryland Representatives in the House to secure better anchorage facilities for the port of Baltimore. I might also cite my success in securing the passage by the Senate of a bill which seeks to obtain for the Merchants and Miners Transportation Co., whose fleet was taken over by the Government during the World War, the large sum of money to which it is equitably entitled under the guaranty provisions of the transportation act of 1920.

The District of Columbia, after all, is but a rib taken, like another Eve, from Maryland's side, and every increase in the growth and splendor of Washington is distinctly reflected in the growth of those parts of Maryland which lie adjacent to it. It is due to my initiative that the sum of $75,000,000, which is to be expended in the erection of imposing public buildings in Washington, is practically all to be expended south of Pennsylvania Avenue, in accordance, so far as practicable, with the original plan of Washington designed by the famous engineer, Pierre l'Enfant; and it is also due to my initiative that the proposed Union Station Plaza in Washington is to efface several blocks of the ramshackle buildings which now disfigure the north side of Pennsylvania Avenue west of the Capitol Grounds. The motives which impelled me to give the first impulse to the improvement and embellishment of Washington in these directions are to be found in my hope that ultimately the Government will acquire the greater part at least of all the property on the north side of Pennsylvania Avenue as far west as the Treasury Building square and make the vast area which it would then own south of Union Station, the Washington Post Office Building, and the rear of the blocks on the north side of Pennsylvania Avenue and west of the Capitol Grounds, and which would stretch all the way between the northern boundaries of that area and the left bank of the Potomac to the Arlington Memorial Bridge and the White House Grounds, the seat of the most extensive and superb assemblage of public edifices in the world. When my record in relation to all these matters of grave business or economic moment is connected up with the insight that I obtained into the business needs of Baltimore and the State of Maryland during my five years of service on the board of estimates and the board of awards of Baltimore, and during my 12 years of service as general counsel of the public service commission, I flatter myself that, whatever just cause for dissatisfaction with me as a Senator any other voting element in Maryland may have, its business element has none.

WM. CABELL BRUCE.

LETTER NO. 2

Of all the political principles which have most powerfully stirred the heart and molded the convictions of modern society none have commanded such fervid and steadfast allegiance as the principles of personal liberty and religious freedom. Both are supposed to be sedulously safeguarded in our land by constitutional restraints, but the first, in my opinion, has been deeply and disastrously violated by the eighteenth amendment to the Federal Constitution and the national prohibition law, and the second, in my opinion, has been disgracefully dishonored by the wave of sectarian bigotry which has recently passed over certain States of our country. To these beliefs I have over and over again given unfaltering expression since I have been a Senator, and there is not the slightest likelihood of my ever recanting or modifying them. Indeed, I take this occasion to say to the voters of Maryland that if I shall be reelected I will avail myself of the very first opportunity that I may have to reassert them. I flatter myself that the unceasing agitation which I have kept up in the Senate against prohibition has helped, at least, to render the nomination of a "dry" presidential candidate or the adoption of a "dry" national platform by the next national Democratic convention improbable; and I have reason to believe that my denunciation of sectarian bigotry has had some effect in hastening the end of the second "Know Nothing" episode in our political history. Personally, I am one of the most temperate of men; I have no patience at all with excess in drink, however moderate, and I am inflexibly opposed to the return of the old saloon; but I am equally opposed to prohibition, whether actually prohibitory or not. If it actually prohibits, it violates a natural instinct, which can be gratified by me and millions of other men with nothing but a quickened sense of genial social fellowship and a perfectly legitimate measure of increased enjoyment and happiness. If this instinct tends to license, that is no more than can be said of every human appetite or passion whatsoever, otherwise it would not have been necessary for God to have implanted in us a conscience and a sense of social decency; but He has done so, and with their aid all of us should be able to keep our inordi-

nate desires in check, except such of us as are too weak of character to be regulated by anything but legal penalties; and that is a class of human beings which will always exist, prohibition or no prohibition.

On the other hand, if prohibition does not prohibit, it is attended, in addition to the ordinary abuses of drunkenness, by other abuses even greater than they, such as general disrespect for law, insidious and widespread corruption in the public service, and the perpetration of murderous outrages by both the prohibition agent and the bootlegger. The shocking epidemic of crime, which has recently made Chicago a name of reproach is attributed by the police authorities of that city primarily to prohibition. Its temptations have proved so debasing to the prohibition administrators and agents charged with its enforcement that the United States Civil Service Commission has found it necessary to call for the fingerprints of applicants for the position of prohibition agent. In April, 1926, General Andrews, the head of the Probition Unit, testified that no less than 875 of its members had been dismissed for violations of the Volstead Act and other offenses, and since that time seven hundred more have been dismissed by General Andrews' successor, Mr. Lowman, who is reported to have humorously complained that his arm had become fatigued with inditing removals. Many more prohibition officers, of course, have been allowed to anticipate dismissal by resignation, or have escaped detection altogether. Almost every day the newspaper press carries some fresh scandal, some new deed of violence, begotten by the practical workings of tyrannical laws which can not be enforced, because, if the dictates of the human reason and the healthy promptings of human nature had been heeded, they would never have been passed. For some years the Moderation League, an association officered by some of the most upright and distinguished citizens of the United States, has rendered an annual report, showing the number of arrests for drunkenness in upwards of 500 of its cities and towns during the preceding year. With each report the total mounts to a higher level than that of the year before. At intervals, the Metropolitan Life Insurance Co., which has 17,000,000 industrial policyholders, has published the rate of death among these policyholders, and it has risen to a truly alarming extent since the enactment of the Volstead Act. Of course, arrests from drunkenness and deaths from alcoholism can not increase from year to year without an increase in all the morbid sequels that flow from the immoderate use of strong drink. It was stated by the Baltimore health department in the early part of this year that during 11½ months of 1927 there were 122 deaths from alcoholism in Baltimore, as against only four in the year 1920. It was stated a day or so ago in the Baltimore Sun that arrests for drunkenness in Baltimore during the first four months of the present year exceeded by 159 arrests the total for the same offense during the same months last year, and of the whole number, 1,812 persons, 147 were women. The two Federal judges that sit in Maryland, rigorous as they are, the corps of informers and raiders that the prohibition administrator for Maryland, Mr. Herbert, maintains, active though they be, seem to be as powerless to keep down the bootlegger in Baltimore as the daily use of a razor is to eradicate a vigorous beard. The same thing is true elsewhere. We have lately been told that the bootlegging industry in the city of Detroit is, in point of economic importance, second only to the vast automobile industry of that city.

A Senator from one of the "dry" Southern States told me a few days ago that on a recent return from his home a Pullman-car conductor had told him that during a school holiday a number of coaches had been chartered to take several hundred girls to their homes from a well-known female seminary in one of the Southern States, and that in those coaches, when vacated, the porters had collected scores of empty half-pint liquor flasks. Smarting under the popular opprobrium which their office brings them, prohibition agents have handled their pistols so recklessly on our highways that Doctor Doran, the Prohibition Commissioner, was compelled about a week ago again to take censorious cognizance of the fact. A deadly lure to the adventurous spirit of the young of both sexes, the breeder of general lawlessness, a training school for maturing criminals of all sorts, the nursing mother of bribery, the fomenter of bloodshed, the patron of espionage, perfidy, and hypocrisy, the desecrator of the pulpit, a standing menace in its semiclerical and semipolitical agency, the Anti-Saloon League, to the freedom of elections and legislative independence. Prohibition has long passed from the province of experimentation, in which Mr. Hoover has lately placed it, to that of tragic unenforceability and utterly discredited moral pretentions. By what procedure should this thing be brought to an end? My plan, specifically, as I have often stated, is to modify the Volstead Act in such a manner as forthwith to allow the use of beer with an alcoholic content that would not violate the inhibitions of the eighteenth amendment against intoxicating beverages, so long as the amendment remained in force, and to modify the eighteenth amendment in such a manner as to empower Congress to legalize the use of spirits, wine, beer, and other malt beverages under some mixed system of Government supervision and local option akin to that which has for some years been administered with such brilliant results in the Province of Quebec. Under the Quebec plan of liquor control the liquor trade is conducted by five commissioners in the name and for the benefit of the Quebec government. Spirits can be bought only in limited quantities and only between certain hours and only from government stores, and when bought can not be drunk on the premises. Wines are sold without limitation as to quantity from the same government stores as spirits and also from a few government stores conducted exclusively for the sale of wines. A number of hotels and residences besides are licensed to sell wine to their guests at meals, and brewers are allowed to sell beer to grocery stores, hotels, restaurants, taverns, and clubs licensed by the commission for the retail of beer. The right of local option is jealously preserved. Any municipality in the Province of Quebec may, by the action of the majority of its voters, express its wish to remain or to become dry. Not only the fiscal but the moral results of this system have been most gratifying. One of its effects has been to diminish the consumption of spirits by promoting the consumption of wine and other mild beverages and to vindicate the views expressed by Jefferson with respect to drink: "No nation is drunken where wine is cheap and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whisky. Its extended use will carry health and comfort to a much enlarged circle." Another effect of the Quebec system of liquor control has been to cut down to a remarkable extent the number of arrests for drunkenness. The main respects in which government management of the liquor trade is preferable to private hardly need be stated. It is not solicited by the same degree of eager cupidity to sell to the minor or to the drunkard who has already drunk enough or to sell on Sunday or after legal hours on secular days, or to sell lawlessly in any particular; and any abuses of which it may be guilty are far more readily detected, brought to book, and redressed than if practiced by private individuals. I have already introduced into the Senate a bill submitting to the State legislatures of the Union an amendment to the Federal Constitution providing for the amendment of the eighteenth amendment in the manner just suggested by me. If this amendment takes effect, we would not have the prohibition that we have never had, for that is all that we would lose; but we would, I firmly believe, be on the way to a much better thing than prohibition, namely, temperance. At the same time, however, any town or county in Maryland could, by the action of the majority of its voters, express its wish to remain or become "dry."

WM. CABELL BRUCE.

DEFENSE OF THE SOUTH BY NORTHERN DEMOCRATS

Mr. TYDINGS. Mr. President, I ask unanimous consent to have inserted in the RECORD certain articles published in the Houston Post-Dispatch of April 16, 23, and 30, 1928, entitled "Defense of the South by northern Democrats."

Mr. HEFLIN. Mr. President, what is the nature of the newspaper articles the Senator from Maryland desires printed in the RECORD?

Mr. TYDINGS. They are some comments on the trial of Jefferson Davis of a very friendly nature to the South.

Mr. HEFLIN. They will probably be good literature.

Mr. TYDINGS. They are.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEFENSE OF THE SOUTH BY NORTHERN DEMOCRATS, AS PORTRAYED IN THE TRIAL OF JEFFERSON DAVIS, 1865–1868

By Chesley W. Jurney, of Texas

[Mr. Jurney is secretary to Senator ROYAL S. COPELAND, of New York, and was for 20 years secretary to Senator Charles A. Culberson, of Texas.]

PART I

APPOMATTOX

In the spring of 1865 the States and armies of the Southern Confederacy yield to the overwhelming numbers of their adversaries and the failure of their own resources.

The result was the surrender of a people whose constancy and whose heroic struggle had won the applause and admiration of the world, and will in the far future be a common boast of every American citizen.

Of the States which thus yielded to fate President Jefferson Davis had been the representative and executive head. When the armies which had maintained his government were successively dissolved he was left defenseless.

He was nearly 60 years of age, in feeble health, and much worn with the mighty cares and anxieties which had rested upon him for four years.

On the 16th of April, 1865, as soon as he found that Johnston must surrrender, he started west with resolute will from Greensboro, N. C., with his family, staff, and some of his cabinet.

His party was too large for the success of such a trip. He was tracked easily by Federal troopers, who, scattered over the States through which he must go, were on the lookout for him, with what intent may be inferred from an order issued by command of Gen. R. H. G. Minty. The order says:

"You will have every port and ferry on the Ocmulgee and Altamaha Rivers, from Hawkinsville to the Choopee River, well guarded,

and make every effort to capture or kill Jefferson Davis, the rebel ex-president, who is supposed to be endeavoring to cross the Ocmulgee south of Macon."

CHARGED WITH INCITING THE ASSASSINATION OF MR. LINCOLN

On the 8th of May Bvt. Maj. Gen. J. H. Wilson wrote General Upton:

"The President of the United States has issued his proclamation announcing that the Bureau of Military Justice has reported upon indisputable evidence that Jefferson Davis, Clement C. Clay (and others) incited and concerted the assassination of Mr. Lincoln. He, therefore, offers for the arrest of Davis, Clay (and others) $100,000 each."

General Wilson also wrote General Steedman:

"Everything is on the lookout for J. D. His Cavalry is dissolved and he is a fugitive, but in what direction is not known."

CAPTURED

On the 11th of May, 1865, Lieut. Col. B. D. Pritchard, commanding the Fourth Michigan Cavalry, reported that at daylight on the 10th, at Irwinville, Ga., about 75 miles from Macon, he had captured Mr. Davis with his family, his wife's sister and brother, Mr. Reagan, his Postmaster General, Mr. Burton N. Harrison, his private secretary, Col. William Preston Johnston, and Colonel Lubbock, of his staff, and Lieutenant Hathaway, together with five wagons and three ambulances.

REACHED FORTRESS MONROE

On the 19th of May the steamer *Clyde* reached Fortress Monroe, having aboard Mr. Davis and family and party.

Stephens and Reagan were sent to Fort Warren; Wheeler and staff, Johnston and Lubbock to Fort Delaware, and Harrison to Washington, while the women and children were sent back south.

Mr. Stanton sent the Assistant Secretary of War to the fort to supervise the details of the incarceration of the two prisoners, Davis and Clay.

AUTHORIZED IRONS

While still at the fort, the Assistant Secretary, Mr. Dana, wrote in the name of the Secretary of War:

"Brevet Major General Miles is hereby authorized and directed to place manacles and fetters upon the hands and feet of Jefferson Davis and Clement C. Clay whenever he may deem it advisable in order to render their imprisonment more secure."

IRONS USED

Under this permit General Miles, on the 24th day of May, wrote to Dana: "Yesterday I directed that irons be put on Davis's ankles, which he violently resisted, but became more quiet afterwards."

The fact that a State prisoner, who had been the chosen head of an empire, had been put in irons excited sympathy and indignation instead of applause. Hence, on May 28 Secretary of War Stanton telegraphed Miles from Washington:

"Please report whether irons have or have not been placed on Jefferson Davis * * *. If they have been, when it was done and for what reason, and remove them."

ALLOWED TO SEE NO ONE

Mr. Davis, having been safely incarcerated, was allowed to see no one, to write to no one, and to talk to no one.

ONE RAY OF LIGHT

Amidst the earlier and darker days of his confinement, one ray of light and hope reached the distinguished prisoner—and that, it is pleasant to know, came from the then acknowledged head of our profession in the United States. On the 2d of June, 1865, Mr. Charles O'Conor, of New York (a Catholic), wrote to Mr. Davis, as follows:

"Gentlemen who have no personal acquaintance with yourself, and who never had any connection by birth, residence, or otherwise with any of the Southern States, have requested me to volunteer as counsel for the defense, in case you should be arraigned upon an indictment which has been announced in the newspapers. No less in conformity with my own sense of propriety than in compliance with their wishes, I beg leave to tender my services accordingly. I will be happy to attend, at any time and place that you may indicate, in order to confer with yourself and others in relation to the defense. The Department of War having given its assent to the transmission of this open letter through the proper military authorities, I infer that if my professional aid be accepted, you will have full permission to confer with me in writing and orally at personal interviews, as you may judge to be necessary or desirable."

LETTER REACHED MR. DAVIS

This letter was in due course of official meandering delivered to Mr. Davis, whose natural impulse was, of course, at once to answer it. Then arose in General Miles's mind a serious question as to the quo modo of the response. Mr. Davis had no paper on which to write, no pen, no ink. The crisis was grave. The Government at Washington had permitted a letter from a very distinguished and very loyal lawyer to be delivered to Mr. Davis. Was the inference to be drawn from the fact that the prisoner was to reply? If so, how? The question was too momentous for our major general to decide; the responsibility too great. He asked that light be given him thus:

FORTRESS MONROE, VA., *June 6, 1865.*

General TOWNSEND.

GENERAL: Shall I furnish Jefferson Davis writing material to answer Mr. O'Conor's letter received this a. m.?

NELSON A. MILES,
Brevet Major General of Volunteers.

To this General Townsend replied with cautious liberality:

The Secretary of War says you may furnish writing materials to Mr. Davis sufficient for the specific purpose of accepting or declining Mr. O'Conor's offer.

MR. DAVIS ACCEPTS OFFER

This momentous question settled, and a sheet of paper being furnished Mr. Davis, he wrote to Mr. O'Conor on the 7th of June. In this letter, after accepting Mr. O'Conor's kind offer, he made some reference to those of whom Mr. O'Conor wrote who had taken an interest in his case. This was doubtless some natural expression of gratitude.

The letter, after being inspected by the Secretary of War (Mr. Stanton), and the Secretary of State (Mr. Steward), and the Attorney General (Mr. Speed), was returned for amendment, being regarded in its then condition as an "improper communication."

Mr. Davis then struck out the "improper language," but again it was rejected, and, so far as the records disclose, no reply ever reached Mr. O'Conor, whether because of the inability of Mr. Davis to frame a proper answer, or because another sheet of paper was not supplied, the correspondence does not inform us. Mr. O'Conor, nevertheless, acted as the leading counsel in the trial.

THE HOT SUMMER MONTHS PASSED BY

The hot summer months passed by without material change in Mr. Davis's treatment or condition, and no steps were taken by the Government to bring him to that "speedy" and public trial by an impartial jury which is guaranteed in the Constitution.

SENATE ASKS FOR INFORMATION

On the 21st of September, 1865, the Senate of the United States called upon the President for information on the subject of the trial, but no response was made until January 7, when reports on the subject from the Attorney General and the Secretary of War were filed.

From these reports it seems that it was deemed proper that he should be tried for treason in the State of Virginia, where the Chief Justice was to preside, but that for reasons the Chief Justice would not hold the court.

CORRESPONDENCE BETWEEN THE PRESIDENT AND THE CHIEF JUSTICE

On the 16th of January, 1866, the Senate, becoming impatient under the outcry against the unconstitutional delay, called on the President for the correspondence between himself and the Chief Justice. From it we gather that the President asked the Chief Justice when he could hold the court, and was informed in reply that he was not willing to do so until martial law no longer prevailed in Virginia.

EFFORT TO PAROLE

During these delays, many efforts were made by prominent men of all parties and sections to secure the discharge of Mr. Davis from custody, either on bail or parole, but without success.

WHY THERE SHOULD HAVE BEEN NO TRIAL

Chase's Circuit Court Reports set out in detail the facts collated above as to the slow process of obtaining a trial, and also give a summary of the reasons why there should have been no trial for treason, prepared by Mr. Charles O'Conor (which is well worthy the perusal of every lawyer).

SHORT QUOTATION FROM MR. O'CONOR

"When rebels and traitors oppose their government by open violence, and are summarily put down, those not slain in the combat may fairly be tried for treason in the civil courts and dealt with as ordinary criminals. The transaction constitutes only a species of riot.

"But far different results ensue when rebellion maintains itself so long and so effectively as to compel between itself, its people, and its territory, on the one hand, and the lawful government on the other, the institution and acceptance of the rules and usages which obtain in regular wars between independent nations.

"Amongst men claiming to have attained a high civilization, war is recognized as a state or condition governed by law.

"In its conduct or at its close, sight is not lost of mortality and justice.

"If successful, the rebels acquire the power of establishing an independent state, which all men regard as not only legitimate but honorable in its origin; if they fail, the victor may be as indulgent as he will, or, as far as he dare, may consecrate to his revenge the field of his ruin.

"Whatever severity can be justified at the bar of public opinion may be practiced; and certainly no more should be exercised.

"To the latter proposition every magnanimous spirit will assent. Washington might have failed; Kosciusko did fail.

"After an open territorial war of this kind had existed for four years, it might be thought by some that the rebels were still simply violators of the municipal law, and that they ought to be dealt with

as such. By ways of reasoning, it might be urged that the extent of their operations merely intensified their guilt, and should not in any way affect the question. But this reasoning, if such it may be called, proves too much.

"On the fall of the rebellious state, after sustaining a belligerent attitude for 100 years, its chiefs and leaders might with equal propriety be brought to trial as traitors in civil courts, although they and their ancestors had for several generations been uniformly regarded and treated as public enemies carrying on war against the ultimate victor, a regular national war.

"This can not be admitted. The law of nature forbids it; and there are broad and comprehensive doctrines deducible from the universal practice as well as in reason and justice."

These views induced a belief that Jefferson Davis could not be lawfully convicted of treason, and that to compass his death by means of a civil trial, judgment, and execution would be disgraceful to those who administered the Government and discreditable to our people.

INDICTMENT FOUND

Nevertheless and notwithstanding an indictment against Mr. Davis was found in the Circuit Court of the United States for the District of Virginia on the 8th of May, 1866.

MOTION TO RELEASE ON BAIL

On the 7th of June, 1896, Messrs. Charles O'Conor, of New York; Mr. Thomas G. Pratt, ex-Governor of Maryland, representing Mr. Davis; and Mr. Speed (the Attorney General), representing the Government, waited on Chief Justice Chase at his residence to ascertain whether he would entertain a motion to release Mr. Davis on bail.

The Chief Justice, without any formal application for bail, announced that he considered it improper for him to act in this matter so long as the State of Virginia was under military rule, and that he would not act until the writ of habeas corpus was fully restored and martial law abrogated.

APPLICATION TO JUDGE UNDERWOOD

Mr. O'Conor and Mr. Shea, of New York, as counsel for Mr. Davis, also made an application subsequently to Judge Underwood in the Attorney General's office in Washington. He also declined on somewhat the same grounds as those given by Judge Chase.

The President, the Chief Justice, the Attorney General, and Judge Underwood all intimated their desire to grant the release, but each found some refined constitutional objection to gratifying these wishes, and the result of their self-denial was that Mr. Davis remained in custody.

WRIT OF HABEAS CORPUS

On the first day of the May term, 1867, Judge Underwood opened the Circuit Court of the United States at Richmond, when Mr. George Shea, of New York, as counsel for Mr. Davis, filed a petition for a writ of habeas corpus. It was granted, and on the 10th was served on Brig. Gen. Henry S. Burton, successor of General Miles as commandant at Fort Monroe, who, after obtaining the permission of the President, brought Mr. Davis to Richmond.

MR. DAVIS AT THE SPOTSWOOD HOTEL

Deep anxiety was felt about the trial, which, it was believed, would begin on Monday, the 13th day of May.

On that day the streets were filled with nervous people, and great crowds surrounded and packed the stairway and passages of the customhouse where the court room is situated.

Mr. Davis, his counsel, and General Burton and his staff were at the Spottswood Hotel.

The court was to sit at 11 o'clock, but long before that time many persons had secured positions in the court room by permits issued by the marshal. In this way seats were secured for a few ladies, the reporters, and a number of distinguished visitors.

COUSEL FOR DEFENSE ENTERS COURT ROOM

A few minutes before 11 the counsel for the defense entered the court room. They were a very distinguished group: Mr. Charles O'Conor, the leader of the bar in the United States; William B. Read, of Philadelphia, and George Shea, of New York, both high in the ranks of their profession; John Randolph Tucker, already distinguished as a constitutional lawyer and late the attorney general of Virginia; Robert Ould, the most skillful debator and logical speaker of his day; and Mr. James Lyons, who had long been prominent in the courts of Virginia.

It is seldom that any case has brought together a more distinguished array. The Government was represented by Mr. Evarts, the Attorney General of the United States, also a leader of the bar of New York and a man of learning, high culture, and refinement; Mr. Chandler, a northern resident of Virginia, who could take the iron-clad oath, was district attorney.

HORACE GREELEY ENTERED THE ROOM

A few moments before the clock struck 11 the large doors were thrown open and the crowd rushed in and filled every spot outside the bar. At 11 Horace Greeley entered the room and there was a buzz of interest. The object of his visit was known and excited much good feeling toward him, which was exhibited by kindly comment from the crowd and many cordial shakes of the hand by men inside the bar.

JUDGE UNDERWOOD CAME IN

When Judge Underwood came in the proclamation was made. After the proclamation there was a hush of expectation and all eyes were strained to catch the first glimpse of the distinguished prisoner.

As said before, he was at the Spottswood Hotel, in front of which a vast crowd was gathered to see him come out. Carriages were arranged in front of the hotel as if to take him and his party, but to avoid the crowd the proprietor had caused a coach to be brought into the courtyard in the rear, and while the crowd was standing expectant in front, Mr. Davis, General Burton, Doctor Cooper, of the United States Army, and Mr. Burton Harrison got into the carriage and were driven rapidly by a circuitous route to the customhouse. The crowd did not discover that they had been outwitted until he had reached his destination.

ANNOUNCED READY FOR TRIAL

The prisoner having thus passed from the control of martial law into that of this "republican law," Mr. O'Conor announced that the defense was ready and desired a trial.

To this Mr. Evarts replied that the case could not be heard at that term, to which, of course, the judge assented.

Motion for bail was then made, and by the practical consent of the prosecution it was granted and the penalty was fixed at $100,000, but this was not effected until Judge Underwood had interpolated a stump speech, lauding the Government of the United States and the beneficence of its administration.

PART II

BAIL BOND OF MR. JEFFERSON DAVIS, LATE PRESIDENT OF THE CONFEDERATE STATES

Be it remembered that on this thirteenth (13th) day of May, (1867), before the Honourable the Circuit Court of the United States of the District of Virginia at the Court House in Richmond in the said District came Jefferson Davis and acknowledged himself to owe to the United States of America the sum of $100,000 lawful money of the said United States, etc.

MR. GREELEY SIGNS FIRST

The bail-bond was then given, Mr. Greeley signing first.

The sureties were: Horace Greeley, of New York; Augustus Schell, of New York; Horace F. Clark, of New York; Gerrit Smith, of New York; Cornelius Vanderbilt, of New York; Aristides Welsh, of Philadelphia; David K. Jackman, of Philadelphia; R. Barton Haxall, of Virginia; Isaac Davenport, of Virginia; Abraham Warwick, of Virginia; Gustavus A. Meyers, of Virginia; W. W. Crump, of Virginia; James Lyons, of Virginia; James A. Meredith, of Virginia; W. H. Lyons, of Virginia; John Minor Botts, of Virginia; Thomas W. Doswell, of Virginia; James Thomas, jr., of Virginia; and Thomas R. Price, of Virginia.

ORDERED TO DISCHARGE THE PRISONER

When the bond was duly executed, the marshal was directed to discharge the prisoner, which was done amidst deafening applause.

THE PRESIDENT IS BAILED

The streets around the customhouse were crowded with people awaiting the result. As soon as the decision was announced some one ran to the main street window of the customhouse and shouted: "The President is bailed."

A mighty roar of applause went up from the people below, which was taken up and echoed and reechoed from street to street and house to house.

A company of United States Infantry had been brought up to the door of the customhouse when Mr. Davis was carried in by General Burton. No one has ever yet known what became of them. They vanished in the uproar, doubtless rejoicing that they were relieved of the ignoble functions which had been assigned them as jailers.

LEAVE THE CUSTOMHOUSE

Some time elapsed before the bond was signed and the order of release was entered.

Then Mr. Davis left the room, and with Mr. O'Conor (the Catholic) on one side and Mr. Ould on the other, came out of the customhouse door on Bank Square.

REBEL YELL

They were greeted with a sound which was not a cheer or a hurrah, but that fierce yell which was first heard at Manassas, and had been the note of victors at Cold Harbor, at Chancellorsville, the Wilderness, and wherever battle was fiercest.

OPEN CARRIAGE

The trio got into an open carriage and drove to the Spottswood Hotel, at the corner of Main and Eighth Streets.

It was the outburst from brave men who could thus best give expression to their indignation for what was past and their joy for the present.

As the carriage approached the hotel all sounds ceased, and a deep and solemn silence fell upon the vast crowd, less demonstrative than the yell, but more tender in its sympathy.

HATS OFF, VIRGINIANS

As Mr. Davis stood up in the carriage, preparatory to alighting, a stentorian voice shouted, "Hats off, Virginians," and 5,000 bareheaded men did homage to him who had suffered for them, and with moistened eye and bated breath stood silent and still until their representative entered the hotel.

EVERY MAN FELT IF DAVIS WAS A TRAITOR, SO WAS HE

The treatment which the Federal Government had imposed upon Mr. Davis had made him a martyr; the applause was an attestation of that fact. Around the court room were thousands of men who had met danger and suffered less. Each man felt that Davis had suffered vicariously for him. If Davis was a traitor, so was he. If Davis should suffer the penalties of the law, so should he. This it was which made the feeling so intense.

MARTYRED HERO

The southern people had profound respect for Mr. Davis personally because of his pure character and intellectual abilities, but for him there was no such deep and abiding devotion as for Lee and many of the other military chieftains. Mr. Davis impersonated their failure; the generals their brilliant success as long as success was possible.

But when the victors charged him falsely with crimes abhorrent to his nature, put him under ward and manacled him as a felon, and then indicted him as a traitor, he became their martyred hero, and history will so record him.

AGAIN POSTPONED

At the November term, 1867, Mr. Evarts, the Attorney General, was present, representing the prosecution before Judge Underwood. Mr. Davis, through his counsel, was ready, earnestly demanding a trial.

The Government asked that the trial be put off until the succeeding March, to suit the convenience of the Chief Justice. The defense was anxious for Judge Chase to preside, so it consented to the delay.

NEW INDICTMENT FOUND

On the 26th of March, 1868, a new indictment was found against the prisoner charging him in many counts with many acts of treason.

FINAL TRIAL

On Thursday, the 3d day of December, 1868, counsel for Mr. Davis having determined to move to quash the indictment, the question arising under the rule was taken up in the Circuit Court of the United States, sitting at Richmond, with Judges Chase and Underwood on the bench, and the real and final trial of Mr. Davis began.

There was not as much pomp and ceremony, nor as much dramatic effect, as at the trial of Warren Hastings, nor has any master of the art of word painting as Macaulay ever described it.

In some respects, however, the scenes were alike, despite the differences in the character of the prisoners and in the style of the crimes with which charged.

In each case the prisoner at the bar was a man of high intelligence and strong will. Each had ruled an empire.

Hastings had governed a vast territory with many millions of population, and had added a continent to the crown of England.

Davis had been the chosen leader of 11 Commonwealths combined under him into a constitutional government which had set great armies and great captains in the field, and for four years, against desperate odds, and dependent solely on its own resources, had accomplished mighty deeds, won brilliant victories, and challenged the admiration of the civilized world by its sturdy fortitude and by the heroic defense of what it regarded right.

ACTS OF A SOVEREIGN

The very indictment against Jefferson Davis was the catalogue of the great acts of a sovereign—a sovereign who conspired with Lee and Jackson and the Johnstons, with Stuart and Forrest and Kirby Smith and Taylor and many another, to fight such battles as the two at Manassas, the seven at Richmond, the two at Fredericksburg, and the bloody fields of Gettysburg, the Wilderness, Chancellorsville, and Spotsylvania.

SUCH DEEDS NOT THOSE OF A TRAITOR

Great publicists like Chase and O'Conor and Evarts knew that the law and the custom of nations did not look upon such deeds as those of a traitor, and that the world stood aghast at the effort to thus debase the principles of international justice.

MR. DAVIS NOT AN UNWORTHY HERO FOR SUCH A SCENE

Mr. Davis sat behind his counsel on the day of his final trial, much improved since his last appearance in the same room. He was not an unworthy hero for such a scene. His eyes flashed with intellectual fire, his nervous energy was still alert, though his physical strength was much wasted.

As he sat in the midst of the distinguished group he was easily primus inter pares. His calm dignity and his dauntless courage inspired the zeal of his defenders and won the respect of those whose official duty it was to prosecute.

He sat at that bar arraigned for the crimes of a great people, a sovereign called upon to answer for the misdemeanors of an empire. His mien and bearing proved him worthy the dignity of the position.

CHIEF JUSTICE OF THE UNITED STATES PRESIDED

The Chief Justice of the United States presided, and it is with pleasure that it can be recorded that he well maintained the functions of his high office.

He occupied the same position which was held by Chief Justice Marshall in that other great trial, when Aaron Burr stood indicted for treason at the same bar, and to his credit, be it said, he was equally just and impartial.

SOMEWHAT NOTORIOUS UNDERWOOD BY HIS SIDE

The somewhat notorious Underwood sat by his side, but the arguments of counsel were, it is said by eyewitnesses, addressed only to the Chief Justice.

Mr. O'Conor, especially, ignored his very existence, and the Chief Justice seemed to forget he was beside him on the bench except when, with the effrontery of ignorance, he exercised his right to dissent.

NEGRO JURY

The late Robert Whitehead, of Nelson, who was present, wrote that some time during the session of the court something was said about the difficulty of securing an impartial jury in Richmond.

Judge Underwood, with a wave of his hand toward the gallery packed with negroes, said he could easily secure a jury; but the suggestion was treated by Chief Justice Chase with the contempt it deserved.

MR. O'CONOR CLOSED

Mr. O'Conor closed for the defense.

NEXT DAY OCCUPIED BY MR. DANA AND MR. O'CONOR

On the close of Mr. Wells's speech the court adjourned until the next day, which was occupied by Mr. Dana and Mr. O'Conor.

COURT COULD NOT AGREE

The argument having closed on the 4th of December, the court adjourned until next day, when it announced what was well understood at the outset would be the case—that the court could not agree.

Although not stated in the order, it is known that the Chief Justice held the point taken by the defense to be good and that the indictment should be quashed, while Underwood would have overruled the motion and proceeded to trial.

The difference was that existing between a learned and upright lawyer, who could rise above political prejudice in the assertion of a great principle, and an ignorant partisan who permitted his personal bitterness to guide his judicial finding.

DISAGREEMENT CERTIFIED TO THE SUPREME COURT

The result of this disagreement of the judges was that the motion to quash failed, and thereupon the case was continued until the May term, 1869.

The fact of the disagreement was certified to the Supreme Court that it might be there decided.

GENERAL AMNESTY PROCLAMATION

This was the end of this celebrated cause. Later, in December, 1869, President Johnson published his general amnesty proclamation, which by common consent was held to cover Mr. Davis's case, and on the 15th of February, 1869, an order was entered in the circuit court of Richmond that the indictments be dismissed and Mr. Davis and his bondsmen be forever released.

MR. O'CONOR'S FAME

Mr. O'Conor took especial pains with the report of his speech and regarded it as one of the foundation stones upon which his fame as a lawyer would rest.

THE TRIALS AND TRIAL OF JEFFERSON DAVIS

(By Charles M. Blackford—A paper read before the Virginia Bar Association)

ADDRESS OF HENRY W. GRADY AT ATLANTA, AT THE UNVEILING OF THE STATUE OF SENATOR BENJAMIN H. HILL, WHICH CEREMONIES PRESIDENT JEFFERSON DAVIS ATTENDED

Henry W. Grady was the master of ceremonies and in presenting President Davis paid him the following touching tribute. It was said that when Grady had concluded there was not a dry eye in this large audience. I regret space will not permit the giving of this speech in full, but I think the following tribute should be read in every schoolhouse in the South at least twice a year. Mr. Grady said:

"Had the great man whose memory is perpetuated in this marble, chosen of all men one witness to his constancy and his courage, he would have chosen the honorable statesman whose presence honors this platform to-day. Had the people of Georgia chosen of all men one man to-day to aid in this sacred duty, and, by the memories that invest him about, to give deeper sanctity to their work, they would have chosen Jefferson Davis—first and last President of the Confederate States. It is good, sir [turning to Mr. Davis] for you to be here. Other leaders

have had their triumphs. Conquerors have won crowns, and honors have been piled on the victors of earth's greatest battles, but never yet, sir, came man to more loving people. Never conqueror wore prouder diadem than the deathless love that crowns your gray hairs to-day. Never king inhabitated more splendid palace than the millions of brave hearts in which your dear name and fame are forever enshrined. Speaking to you, sir, as a son of a Confederate soldier who sealed his devotion with his life—holding kinship through the priceless heritage of his blood to you and yours—standing midway between the thinning ranks of his old comrades, whose faltering footsteps are turned toward the grave, and the new generation thronging eagerly to take the work that falls unfinished from their hands—here, in the auspicious present, across which the historic past salutes a glorious future, let me pledge you that the love we bear you shall be transmitted to our children, and our children's children, and that generations yet unborn shall in this fair land hold your memory sacred, and point with pride to your lofty and stainless life.

"My countrymen [turning to the crowd], let us teach the lesson in this old man's life that defeat hath its glories no less than victories. Let us declare that this outcast from the privileges of this great Government is the uncrowned king of our people, and that no southern man, high or humble, asks no greater glory than to bear with him, heart to heart, the blame and the burden of the cause for which he stands unpardoned. In dignity and honor he met the responsibilities of our common cause. With dauntless courage he faced its charges. In obscurity and poverty he has for 20 years borne the reproach of our enemies and the obloquy of defeat. This moment—in this blessed Easter week—that, witnessing the resurrection of these memories, that for 20 years have been buried in our hearts, have given us the best Easter we have seen since Christ was risen from the dead. This moment finds its richest reward in the fact that we can light with sunshine the shortening end of a path that has long been dark and dreary. Georgians, countrymen, soldiers and sons of soldiers, and brave women, the light and soul and crown of our civilization, rise, and give your hearts voice, as we tell Jefferson Davis that he is at home among his people."

"Not for fame or reward,
Not for place or for rank,
Not lured by ambition
Or goaded by necessity;
But in simple
Obedience to duty,
As they understood it,
These men suffered all,
Sacrificed all,
Dared all, and died."

PART III

THE FORCE BILL OF JULY 2, 1890

The South had barely obtained control of their State governments and overcome negro rule when that Massachusetts hater of the South, Congressman Henry Cabot Lodge, introduced his force bill, which would again take away from the white people of the South the control of their State governments, by the use of Federal troops at the polls.

FIFTY-FIRST CONGRESS, FIRST SESSION

On June 14, 1890, Mr. Lodge introduced his bill.
On June 19 (five days later) Mr. Lodge reported it out of committee.
On June 25 (six days later) the debate started.
On July 2 (seven days later) the final vote was taken.

PASSED AMID LOUD APPLAUSE ON THE REPUBLICAN SIDE

On July 2, 1890, the bill passed the House by 155 yeas to 149 nays. (Amid loud applause on the Republican side.)

WHAT DID THE NEW YORK DEMOCRACY DO IN THAT DARK HOUR?

Congressman Amos J. Cummings voted with the South.
Congressman James W. Covert voted with the South.
Congressman Thomas F. Magner voted with the South.
Congressman John Quinn voted with the South.
Congressman Charles Tracey voted with the South.
Congressman Edward J. Dunphy voted with the South.
Congressman Felix Campbell voted with the South.
Congressman C. H. Turner voted with the South.
Congressman W. G. Stahlnecker voted with the South.
Congressman Roswell P. Flower voted with the South.
Congressman J. B. McCarthy voted with the South.

SEVEN WERE CATHOLICS AND FOUR WERE PROTESTANTS

Mr. Magner, Mr. Quinn, Mr. Tracey, Mr. Dunphy, Mr. Campbell, Mr. Turner, and Mr. McCarthy were Roman Catholics. Mr. Cummings, Mr. Covert, Mr. Stahlnecker, and Mr. Flower, while Protestants, were elected by solid Irish-Catholic constituencies.

I give the biography of one—Congressman Charles Tracey.

Born in the city of Albany, N. Y., May 27, 1847.

Received his education at the Albany Academy, from which he was graduated in 1866.

Served in the Papal Zouaves at Rome, Italy, portions of the years 1867–1870.

Appointed aide-de-camp to Governor Tilden, of New York, January 1, 1877.

Appointed manager of the house of refuge at Hudson, N. Y., by Governor Cleveland.

Reappointed to the same office by Governor Hill.

Elected to the Fiftieth Congress, Fifty-first, Fifty-second, and Fifty-third.

MR. M'KINLEY VOTED FOR THE FORCE BILL

"Mr. WHEELER, of Alabama. I rise to the point of order that there is not a quorum present, and that therefore the bill is not being read in the presence of a quorum.

"Mr. MCKINLEY, of Ohio. How do you know?

"The clerk continued reading.

"Mr. WHEELER, of Alabama. I insist upon the point that no quorum is here.

"The SPEAKER pro tempore (Mr. Burrows in the chair). The reading of the engrossed bill can not be interrupted.

"Mr. WHEELER, of Alabama. I want to know of the Speaker if it is in order to read the bill in the absence of a quorum?

"Mr. CANNON, of Illinois. Oh, there is a quorum here.

"The reading of the bill was resumed and concluded, and the bill passed 155 to 149."

WHAT HAPPENED IN THE SENATE?

New York had two Republicans in the Senate at that moment: William M. Evarts and Frank Hiscock—who voted for the bill.

The debate began on December 2, 1890.

The debate ended on January 22, 1891.

FINAL VOTE

On January 20, 1891, the Senate having been in session until 5 o'clock that morning, the following occurred:

"Mr. WOLCOTT, of Colorado (a Silver Republican). Mr. President——

"The PRESIDING OFFICER (Mr. Platt in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. WOLCOTT. If the Senator from Alabama will yield to me, I move that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, and upon that motion I call for the yeas and nays.

Mr. MORGAN of Alabama. Mr. President, of course I shall not object to the motion, but I must say that I am called upon to yield at a very interesting period of my remarks, which I hope I shall never have the opportunity to resume.

MOTION CARRIED

That motion carried 35 yeas to 34 nays, and the Aldrich resolution to force a majority cloture rule on the Senate so the election bill could be passed was set aside and another bill took its place as the business of the Senate.

WHO STOOD BY THE SOUTH IN THAT VOTE?

Senator Arthur P. Gorman, of Maryland;
Senator Ephraim K. Wilson, of Maryland;
Senator George Gray, of Delaware;
Senator Rufus Blodgett, of New Jersey;
Senator C. J. Faulkner, of West Virginia;
Senator J. E. Kenna, of West Virginia;
Senator Henry B. Payne, of Ohio;
Senator David Turpie, of Indiana; and
Senator Daniel W. Voorhees, of Indiana.

Aside from these 9 northern Democrats, it took the votes of Cameron and Quay, of Pennsylvania, in addition to the 5 Silver Republicans, to defeat this motion for cloture, the southern Democrats having only 19 votes themselves.

THE LOSS OF ONLY ONE VOTE WOULD HAVE MEANT ANOTHER LOST CAUSE

Had the Senate adopted the Aldrich resolution for majority cloture, which failed by just one vote (35 to 34), had a single one of these Senators who stood by the South failed to do so, the election bill (force bill) would have passed the Senate within 24 hours; and, having already passed the House, it would have become a law, for the gentleman then in the White House (Mr. Harrison) would have signed it gladly.

This would have meant another "lost cause" for the South.

MOST MOMENTOUS QUESTION SINCE APPOMATTOX

The result of that vote meant more to the South than anything which had happened since Appomattox.

NEGRO UNITED STATES SENATOR FROM MISSISSIPPI—BLANCHE K. BRUCE

Blanche K. Bruce, colored, of Floreyville, Miss., was born in Prince Edward County, Va., March 1, 1841; became a planter in Mississippi in 1869; member of the Mississippi Levee Board, and sheriff and tax col-

lector of Bolivar County from 1872 until his election to the United States Senate, February 3, 1875, as a Republican.

Took his seat March 4, 1875; served until March 3, 1881.—(Biographical Congressional Directory.)

NEGRO UNITED STATES SENATOR FROM MISSISSIPPI—HIRAM R. REVELS

Hiram R. Revels (colored), was born at Fayetteville, N. C., September 1, 1822. Located at Natchez, Miss. Held various local offices. Elected a United States Senator from Mississippi as a Republican, serving from February 25, 1870, to March 3, 1871. Moved to Richmond, Lnd., and became pastor of the African Methodist Episcopal Church.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM MISSISSIPPI—JOHN R. LYNCH

John R. Lynch (colored), was born in Concordia Parish, La., September 10, 1847. Engaged in the business of photography at Natchez, Miss., until 1869, when Governor Ames appointed him a justice of the peace; elected a member of the State legislature in 1869, and reelected in 1871, serving the last term of speaker of the house; elected to the Forty-third and Forty-fourth Congresses as a Republican; elected to the Forty-fifth Congress, but was counted out and Gen. J. R. Chalmers counted in; elected to the Forty-seventh Congress as a Republican; appointed Fourth Auditor of the Treasury Department under President Harrison.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—HENRY PLUMMER CHEATHAM

Henry Plummer Cheatham (colored) was born at Granville, N. C., December 27, 1857; elected register of deeds of Vance County; elected to the Fifty-first Congress as a Republican, and reelected to the Fifty-second Congress; recorder of deeds for the District of Columbia at Washington, D. C.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—JOHN ADAMS HYMAN

John Adams Hyman (colored) was born a slave in Warren County, N. C., July 23, 1840; sold and sent to Alabama; emancipated in 1865, returning to North Carolina and engaging in farming; delegate to the State constitutional convention of 1868, and a State senator 1868–1874; elected a Representative from North Carolina to the Forty-fourth Congress as a Republican; appointed collector of internal revenue of the second district of North Carolina in June, 1877.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—JAMES E. O'HARA

James E. O'Hara (colored) was born in New York City February 26, 1844; studied law partly in North Carolina and partly at Howard University, Washington, D. C.; admitted to the bar of North Carolina in June, 1871; engrossing clerk to the Constitutional Convention of North Carolina in 1868; also to the legislature of 1868–69; member of the State Constitutional Convention of 1875; chairman of the Board of Commissioners for the County of Halifax, 1872–1876; elected to the Forty-sixth Congress, but the certificate of election was given to W. H. Kitchin, Democrat; elected almost without opposition to the Forty-eighth Congress as a Republican, and reelected to the Forty-ninth Congress. (Biographical, Congressional Directory.)

NEGRO CONGRESSMAN FROM NORTH CAROLINA—GEORGE HENRY WHITE

George Henry White (colored) was born at Rosindale, Bladen County, N. C., December 18, 1852; graduated from Howard University, Washington, D. C., in the class of 1877; elected to the house of representatives in 1880 and to the State senate in 1884; elected solicitor and prosecuting attorney for the second judicial district of North Carolina for four years in 1886, and for a like term in 1890; candidate for Congress in the second district in 1894, and nominated, but withdrew in the interest of harmony in his party; elected to the Fifty-fifth and Fifty-sixth Congresses as a Republican. (Biographical, Congressional Directory.)

NEGRO CONGRESSMAN FROM SOUTH CAROLINA—JOSEPH H. RAINEY

Joseph H. Rainey, was born at Georgetown, S. C. (where both his parents were slaves, but by industry obtained their freedom), June 21, 1832; barber; compelled to work on the Confederate fortifications in 1862; escaped to the West Indies, where he remained until the close of the war; returned to his native town; elected a delegate to the State constitutional convention of 1868; member of the State senate in 1870, but resigned, having been elected a Representative from South Carolina to the Forty-first Congress as a Republican (vice B. F. Whittemore); reelected to the Forty-second, Forty-third, Forty-fourth, and Forty-fifth Congresses.—(Biographical Congressional Directory.)

NEGRO CONGRESSMAN FROM SOUTH CAROLINA—ROBERT SMALLS

Robert Smalls (colored), was born at Beaufort, S. C., April 5, 1839; was a slave; moved to Charleston in 1851, worked as a rigger, and led a seafaring life; became connected in 1861 with the *Planter*, a steamer plying in Charleston Harbor as a (Confederate) transport, which he took over Charleston bar in May, 1862, and delivered her and his services to the commander of the United States blockading squadron; appointed pilot in the United States Navy, and served in that capacity on the monitor *Keokuk* in the attack on Fort Sumter; elected a member of the State Constitutional Convention of South Carolina in 1868; elected a member of the State house of representatives in 1868; and of the State senate, to fill a vacancy, in 1870, and reelected in 1872; delegate to the Republican National Convention at Philadelphia in 1872, and also to the Republican National Convention which met at Cincinnati in 1876; elected to the Forty-fourth Congress, reelected to the Forty-fifth Congress and defeated as a candidate for the Forty-sixth Congress; elected to the Forty-seventh Congress; the certificate of election was given to his opponent, but the House decided that he had received, as the Republican candidate, 14,393 votes, against 12,904 for George D. Tillman, Democrat, and he was seated July 19, 1882; reelected to the Forty-eighth Congress to fill the vacancy caused by the death of Edmund W. M. Mackey; reelected to the Forty-ninth Congress; appointed collector of the port of Beaufort, S. C.—(Biographical Congressional Directory.)

NEGRO GOVERNOR OF LOUISIANA—P. B. S. PINCHBACK

Pinckney Benton Stewart Pinchback, politician, was born in Macon, Ga., May 10, 1837. His father was white and his mother a mulatto. Upon the outbreak of the Civil War he was within the Confederate lines, ran the blockade in 1862, at Yazoo City, and enlisted in the First Louisiana Volunteers at New Orleans. He was a delegate to the reconstruction convention of 1867; State senator in 1868; delegate to the Republican national convention in 1868; and in April, 1869, was appointed register of the land office at New Orleans. He was elected president pro tempore of the State senate, became lieutenant governor on the death of Lieut. Gov. Oscar Dunn, December 6, 1871, and acting governor during the impeachment trial of Governor Warmoth, December and January, 1872–73. He was nominated for governor by the Republican Party in 1872, but withdrew in the interest of harmony, and was nominated and elected Representative in Congress from the State at large in November, 1872. He was chosen United States Senator by the Republican legislature in 1873, but his seat was refused him by the Senate, and was vacant, 1873–77, although he received the pay due a Senator from Louisiana for the time he was before the Senate. He was commissioner from Louisiana to the Vienna exposition in 1873; a delegate to the State constitutional convention in 1879; and surveyor of customs of New Orleans in 1882. He was a delegate to every Republican national convention from 1868 to 1900. (Lamb's Biographical Dictionary of the United States.)

TO RECAPITULATE

Senator Blanche K. Bruce (Mississippi).
Senator Hiram R. Revels (Mississippi).
Congressman John R. Lynch (Mississippi).
Congressman Henry Plummer Cheatham (North Carolina).
Congressman John Adams Hyman (North Carolina).
Congressman James E. O'Hara (North Carolina).
Congressman George Henry White (North Carolina).
Congressman Joseph H. Rainey (South Carolina).
Congressman Robert Smalls (South Carolina).
Gov. P. B. S. Pinchback (Louisiana).

NEGRO UNITED STATES SENATORS FROM NORTHERN STATES

None.

NEGRO CONGRESSMEN FROM NORTHERN STATES

None.

NEGRO GOVERNORS OF NORTHERN STATES

None.

THE TAMMANY DEMOCRATS WERE THE ONLY FRIENDS THE SOUTH HAD IN CONGRESS

It was the Tammany Democrats who resisted the reconstruction measures of the Republican Party during the Thirty-ninth, the Fortieth, the Forty-first, the Forty-second, the Forty-third, the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses.

THE SOUTH DIVIDED INTO FIVE MILITARY DISTRICTS

With the South divided into five military districts, ruled by a military governor, it was Congressman Abram S. Hewitt, of New York, a Tammany Democrat, who led the movement against the use of the Army at the polls and championed the liberty of the suffragist.

NATIONAL CHAIRMAN IN THE PRESIDENTIAL CAMPAIGN OF 1876

Mr. Hewitt was chairman of the Democratic National Committee in the presidential campaign of 1876, which terminated in the fraudulent inauguration of Hayes as President by methods unknown to the Constitution.

Mr. Hewitt's knowledge of the circumstances convinced him that this result was only made possible by the despotic use of the Army in several of the States, but particularly in Louisiana.

His soul was stirred with indignation. He feared, and with reason, lest free government should perish in the land unless the power to use the troops at the polls were abolished.

He determined to devote himself to the supreme duty of repealing the legislation which had made a national fraud triumphant for the first time in the history of the country.

FIRST STEP

The movement was inaugurated by the insertion of a provision in the bill for the support of the Army. It was framed at the second session

of the Forty-second Congress. It forbade the use of the Army for the purpose of sustaining the so-called State government of Packard in Louisiana. It caused the loss of the bill. The Army was maintained from July until October, 1877, without lawful appropriations. President Hayes called an extra session of Congress. Mr. Hewitt was placed in charge of the Army bill. He offered an amendment prohibiting the use of the Army as a posse comitatus in civil proceedings.

It was adopted by the House. It was rejected by the Senate, and then the bill went into conference. The result was the adoption of the bill containing the posse comitatus clause. The first step was thus successfully achieved.

FOLLOWED UP HIS SUCCESS

In the third and final session of the Forty-fifth Congress this indefatigable statesman followed up his success. He determined to secure the repeal of the sections of the Revised Statutes which permitted the use of the troops at the polls.

The repealing amendment was offered. It passed the House. The bill went to the Senate. There this provision was rejected. The bill went into conference. It was soon found that upon every point of difference there could be agreement except the provision which repealed the power to employ troops at the polls. In the conference committee Mr. Blaine appeared as the determined advocate for the retention of this power, while Mr. Hewitt and Mr. Sparks insisted upon the repeal as adopted by the House. Three conference committees were appointed. They failed to agree. On the 3d of March, 1879, Mr. Hewitt announced the final disagreement.

SPEECH RESPLENDENT WITH SPIRIT OF DEVOTION TO CIVIL LIBERTY

His speech on that occasion was resplendent with the spirit of devotion to civil liberty. In it, with admirable vigor of argument and eloquent beauty of appeal, he supported the Democratic position that it should no longer be lawful for a soldier to be at a polling place on the day of election. His words deserve to be repeated whenever and wherever the story of the struggle is told. Mr. Hewitt said: "The issue involves the very essence of free government. The difference between a despotic and a free government is this: In a despotism, the military power is superior to the civil; in a free government, the civil dominates the military power. The latter principle is one which we never fought for; it came to us as an inheritance from our fathers. It was so well recognized that when the Constitution was formed it was not even deemed necessary to insert an article to that effect. But, as a protection against military interference, provision was made that citizens might bear arms, and that no soldiers should be quartered upon them without their consent. No English-speaking man for 200 years has questioned the principle that soldiers should never be present at the polls; and the question could never have been raised in this country, the demand could never have been made in our land, but for the calamity of a civil war. In time of civil war many political rights must be surrendered to the necessities of the conflict. And so it was here. We surrendered the right we had inherited, and which up to that hour we had exercised, that no soldier should show himself at the polls. We surrendered that safeguard as we surrendered many other things that were dear to us. Now, for 15 long years we have been striving to recover that lost ground. And, unless the blood which courses in our veins has degenerated from the vital fluid which has made the Anglo-Saxon people great and free, I can not doubt the result of the appeal which I now make to the country."

FINALLY REPEALED

The final achievement of the repeal was accomplished in the next Congress, the Forty-sixth. His long and earnest fight, promoted by the purest patriotism, love of equity, honor, and law, was of paramount importance to the settlement of this fundamental question involving the obscuration of the liberties of the people and the brutalizing excesses of force against the muniments of freedom.

TOOK MISSISSIPPI 16 YEARS TO RESTORE WHITE GOVERNMENT

It took Mississippi 16 years to restore white government, from 1865 to 1881.

Without money, with Federal soldiers all over the State, Mississippi was fortunate to be able to rescue her government even after that long period.

FORCE BILL WOULD HAVE RESTORED CARPETBAG AND NEGRO RULE

The force bill would have restored carpetbag and negro rule in three or four of the Southern States. That was the purpose of the bill. That was the only reason for its introduction.

CARPETBAGGERS AND THEIR MYRMIDONS SWEEPING OVER THE SOUTH

Carpetbaggers and their myrmidons (ignorant negroes) had been sweeping over the South like a simoon for 16 long years.

SOUTH COULD HAVE SAVED SLAVERY AS LATE AS JANUARY 1, 1863

Mr. Lincoln's preliminary proclamation of September 22, 1862, gave the South 100 days in which, if it cared to do so, it could have dissolved the government of the Confederacy and mustered out its armies.

MR. LINCOLN MADE GOOD HIS PROMISE

In his debate with Mr. Douglas and in his first inaugural, Mr. Lincoln said:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

MILITARY NECESSITY

Not until the war had been in progress almost two years; not until some of the war's bloodiest battles had been fought; not until it became a military necessity, which he believed justified by the Constitution, to save the Union, did Mr. Lincoln interfere with slavery in the States where it existed; and, then, he gave the South another chance to reconsider—before his proclamation became effective.

SLAVERY WAS NOT THE ISSUE

"Liberty of self-government, so dear for ages to the Anglo-Saxon; the right peaceably to withdraw from the Union, which was their legal right under the Constitution, was the issue.

"The South's surrender of her claim to the integrity of the Union was the one point upon which Lincoln insisted, and the one which Stephens could not yield."

That was the real issue of the war; not slavery.

The South was not fighting to save slavery. The North was not fighting to abolish slavery.

THE ASSASSINATION OF MR. LINCOLN

When the dastardly act of the madman ended the earthly career of that great soul, the South was horrified and plunged into the deepest sorrow.

LINCOLN WAS THE MOST SUBLIME OF ALL THE PRESIDENTS

While disagreeing about a great constitutional principle, the South loved Lincoln, and looked upon him as the tenderest, the most sublime, of all the Presidents.

LINCOLN OPPOSED NEGRO CITIZENSHIP

At the Lincoln-Douglas debate at Charleston, September 18, 1858, Mr. Lincoln, in his rejoinder, said:

"Judge Douglas has said to you that he has not been able to get from me an answer to the question whether I am in favor of negro citizenship. So far as I know, the judge never asked me the question before. He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of negro citizenship."

THE SOUTH HAS BECOME RICH AND POWERFUL SINCE 1891

The South has become rich and powerful since 1891.

The South's resources are enormous.

The South's population runs into the millions.

The South last year produced 64 per cent of the cotton crop of the world.

The South sold this one crop for $1,016,000,000.

The South produces all the raw materials of the Nation save alone lumber, coal, iron, wheat, wool, and leather; and produces much of this.

The mills of New England are being dismantled one by one and are being rebuilt in the South.

The high cost of freight transportation and labor conditions have made it imperative that factories seek the source of their raw materials.

Texas alone could feed the world if its idle acres were put into cultivation.

All of this has come about since that memorable 22d day of January, 1891, when the South won by 1 majority in the Senate of the United States the right to social, industrial, and commercial independence.

BUT THE STORY HAS NOT COME TO AN END

In the House of Representatives, almost from the beginning of the Government, following the practice in the House of Commons, the rules adopted have included the "previous question," which amounts to "cloture," thus ending debate. Certainly, since 1811, the House Rules adopted at the beginning of every new Congress have included the "previous question," which only requires a majority vote to apply the rule to any pending question and thereby end debate.

CLOTURE NOT ADOPTED IN SENATE UNTIL 1917

When the force bill was under consideration in the Senate, the important weapon of the South was "unlimited debate," which began on December 2 and did not end until January 22, following.

AMERICA ON VERGE OF WAR IN MARCH, 1917

Woodrow Wilson had made his last gesture to prevent war. He had urged the arming of American vessels. The legislation failed of passage and the Congress expired by limitation of law at noon on March 4, 1917.

NEW CONGRESS MET MARCH 5, 1917

The new Congress was called in extra session the next day, March 5, 1917. (America entered the war April 6, 1917.)

CLOTURE ADOPTED IN THE SENATE MARCH 8, 1917

The first business of the Senate was the consideration of a "cloture" resolution. On March 8, 1917, three days later, by a practically unanimous vote, the Senate of the United States (after 128 years of unlimited debate), adopted "cloture."

At any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, it becomes the duty of the presiding officer to at once state the motion to the Senate, and after the lapse of one calendar day he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present shall, without debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of, and, thereafter, no Senator shall be entitled to speak in all more than one hour on the pending measure.

SENATE RULES ARE CONTINUING

The Senate being a continuing body, its rules when once adopted continue until modified.

CLOTURE IS IN THE SENATE RULES TO STAY

Now that "cloture" has been written into the Senate rules, "unlimited debate" is ended in that body.

SOUTH HAS LOST ITS GREATEST WEAPON

The South has lost its greatest weapon, "unlimited debate," for with never more than 26 to 28 votes in the Senate it can not, without the aid of northern Democrats, repeal the rule, or prevent its application.

The votes of 49 Senators are necessary to "repeal" it and the votes of 32 Senators are necessary to "prevent its application."

THE REPUBLICAN PARTY HAS NOT CHANGED

The Republican Party has not changed, except that its membership is now better "classified" and its rascality better known.

It is composed of—

1. The best minds;
2. The average member;
3. The uplifter; and
4. The shoplifter.

NO DIFFERENCE BETWEEN 1891 AND 1920

The South will not forget that there was no difference between Henry Cabot Lodge of 1891 and 1920. He was even more bitter toward the South and toward the Democratic Party in 1920.

The South will not forget that there was no difference between P. C. Knox and old Thad Stevens. He was just as bitter toward the South and toward the Democratic Party in 1920.

KICK IN THE DOOR OF THE WHITE HOUSE

The South will not forget that when Woodrow Wilson, that stricken hero, was still confined to his bed and very slowly regaining his strength that it was a Republican, Senator Albert B. Fall, of New Mexico, who threatened to "kick in the door of the White House" if they would not let him see the President. A few days later, to put a stop to this cloak-room talk, Senator Gilbert M. Hitchcock, of Nebraska, accompanied him to the White House, where they were received by the President. (Senator Fall was then interested in "Mexico.")

SAME FALL

The South will not forget that this is the same Albert B. Fall who later was a member of the Cabinet of President Harding, and who is awaiting trial now for accepting a bribe.

RECEIVED $100,000 IN A LITTLE BLACK BAG

The South will not forget that at a former trial Fall admitted receiving $100,000 in cash, in a little black bag, which he claimed was a "loan."

OIL "LOOT" WORTH $1,000,000,000

The South will not forget that the oil "loot" which Fall gave to Doheny and Sinclair, and which the Government has recovered as a result of the decision of the Supreme Court of the United States, is worth $1,000,000,000; and that this recovery is due largely to the insistence and persistence of a few Democratic Senators who followed the trail to the end.

SINCLAIR PAID HAYS'S GAMBLING DEBTS

The South will not forget that it has been indisputably proven that Will Hays, former Postmaster General in the Harding Cabinet, and former chairman of the Republican National Committee, permitted Harry Sinclair to give him $85,000 out of the Continental "jack pot" to pay his "gambling debts"; Harry Sinclair expecting, of course, to be favored in return by the Republican Party (in which expectation he was not disappointed).

REPUBLICAN GOVERNOR OF INDIANA RETURNING FROM THE PENITENTIARY "ALMOST" MEETS A REPUBLICAN GOVERNOR GOING

The South will not forget that Governor McCray, former Republican Governor of Indiana, in returning from the penitentiary where he was serving a 10-year term, "almost" meets another Republican Governor going, the latter escaping by pleading the "statute of limitation," which caused a dismissal to be entered by the court.

LANGLEY IS GRANTED A PAROLE AND "RETURNS TO WASHINGTON"

The South will not forget that former Republican Congressman John W. Langley has been granted a parole, having served more than a year in the penitentiary, and has "returned to Washington."

FORBES IS GRANTED A PAROLE AND "RETURNS TO WASHINGTON"

The South will not forget that Charles R. Forbes, Republican, Director of the United States Veterans' Bureau under Presidents Harding and Coolidge, has been granted a parole, having served more than a year in the penitentiary, and has "returned to Washington."

THOMAS W. MILLER SOON TO BE ON HIS WAY TO THE PENITENTIARY

The South will not forget that Thomas W. Miller (Republican), former secretary of state of Delaware, former Republican Member of Congress from that State in the Sixty-fourth Congress, and Alien Property Custodian in the administrations of Presidents Harding and Coolidge, who was recently sentenced to serve a term in the penitentiary on account of $47,500 in Liberty bonds traced to him from a part of the American Metal Co. assets after the $6,453,979.97 assets of that company had been returned by himself as Alien Property Custodian, will soon be on his way, the Supreme Court of the United States having denied his petition for certiorari.

HARRY M. DAUGHERTY INDICTED JOINTLY WITH MILLER

The South will not forget that Harry M. Daugherty, Republican and former Attorney General in the Cabinets of Presidents Harding and Coolidge, was indicted jointly with Miller, and that the jury at both trials were discharged after failing to agree on a verdict, though it is understood the last jury stood 10 for conviction and 2 for acquittal.

WOULD PLACE THE BRAND OF TREASON ON CONFEDERATE SOLDIERS

The South will not forget that it is the representatives of the Republican Party who would still place the brand of "treason" on those who followed the Stars and Bars, the brave Confederate soldiers.

MR. M'KINLEY, THE METHODIST

The South will not forget that Mr. McKinley, the Methodist (later President of the United States), did not stand by her.

MR. CANNON, THE QUAKER

The South will not forget that Mr. Cannon, native son of the South (later Speaker of the House of Representatives), did not stand by her.

NORTHERN DEMOCRATS

The South will not forget that it was the northern Democrats, the Thomas Jefferson, Andrew Jackson, Tammany Democrats, who stood by her.

TRUSTED THE SOUTH

The South will not forget that it was the northern Democrats who trusted her to form a stable and an honest government, which would enable her to work out her own problems as she alone knew best how. (And it is worthy of note that the South has proven worthy of that confidence.)

THE DEMOCRATIC PARTY HAS A CHANCE TO WIN THE PRESIDENCY

The South will not forget that the Democratic Party has a chance to win the Presidency this year if it nominates as its candidate Gov. Alfred E. Smith, of New York, great American, great Democrat, upright statesman, plain citizen.

EIGHTEENTH AMENDMENT

The South will not forget that the eighteenth amendment prohibits only "intoxicating" beverages.

VOLSTEAD ACT

The South will not forget that the Volstead Act prohibits also "non-intoxicating" beverages, light wine, and beer, for which there is not the slightest justification.

VETOED BY WOODROW WILSON

The South will not forget that this is the same Volstead Act which Woodrow Wilson vetoed which Al Smith wants to modify.

EXCERPT FROM VETO MESSAGE

THE WHITE HOUSE,
October 27, 1919.

In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

EXCERPT FROM THE OPINION OF MR. JUSTICE CLARKE, OF THE SUPREME COURT OF THE UNITED STATES

Mr. Justice Clarke dissenting:

"With respect to the eleventh conclusion of the court, it is enough to say that it approves as valid a definition of liquor as intoxicating which is expressly admitted not to be intoxicating in each of the cases in which it is considered."

TEMPERANCE DRINKS

Until the advent of the Anti-Saloon League light wine and beer were universally regarded as temperance beverages, and are still so regarded by millions of the American people.

FOOD AND DRINK

Beer is both food and drink for the people. It does more than quench thirst. It strengthens the tired muscles. It lightens the daily tasks. It supplies the nourishment needed to build the wasted tissues. It promotes good fellowship. It is one of the pleasures of life.

WILL DRIVE BOOTLEGGER OUT OF BUSINESS OVERNIGHT

It is universally conceded that light wine and beer will drive the bootlegger out of business overnight by taking away his patronage.

PEOPLE WILL RESPECT THE LAW

It is universally conceded that the American people will then "respect" the law, and that it will not be necessary to "enforce" it.

ONE BILLION DOLLARS IN REVENUE

It is universally conceded that a very small "tax" on light wine and beer will bring into the Treasury of the United States $1,000,000,000 in revenue annually.

SALOON

The South will not forget that Al Smith is opposed to the saloon; that Al Smith says the saloon is and ought to be a "defunct institution."

CAN NOT BE DRUNK ON PREMISES WHERE PURCHASED

The South will not forget that by providing in the "modification act" that even light wine and beer shall not be drunk on the premises where purchased, that there is no danger of the return of the saloon.

THE SOUTH WAS NOT SUPINELY CONTENTED TO ENDURE THE ENFORCEMENT ACTS PASSED UNDER THE THIRTEENTH, FOURTEENTH, AND FIFTEENTH AMENDMENTS

The South will not forget that it was not supinely contented to endure the enforcement acts passed under the thirteenth, fourteenth, and fifteenth amendments, which were broader than the amendments themselves and therefore without constitutional warrant, as the case of Israel LeGrand, and other famous "election cases" amply testify.

THE NORTH CAN NOT BE EXPECTED TO BE SUPINELY CONTENTED TO ENDURE THE ENFORCEMENT ACT PASSED UNDER THE EIGHTEENTH AMENDMENT

The South can not expect the North to be supinely contented to endure the enforcement act, passed under the eighteenth amendment, when that act is broader than the amendment itself.

CAN NOT EXPECT THE NORTH TO ACCEPT DICTUM OF THE OHIO ANTI-SALOON LEAGUE

The South can not expect the North to accept the mere "dictum" of the Ohio Anti-Saloon League, because a "dry majority" in the Congress yielded to that "dictum."

ONE-HALF OF 1 PER CENT TAKEN FROM AN OLD REVENUE ACT

The South will not forget that the one-half of 1 per cent was taken from an old "revenue act," which placed a "tax" on all beverages containing as much as one-half of 1 per cent of "alcohol"; an old act 50 years old, which dealt purely with "taxation" and had nothing in the world to do with the question as to whether one-half of 1 per cent was "intoxicating."

DEMOCRATIC APPROVAL OF LIGHT WINE AND BEER, MR. JEFFERSON'S VIEWS

The South will not forget the views on this question of the greatest political philosopher of all time, Thomas Jefferson, father of the Democratic Party.

[From the Writings of Thomas Jefferson, Vol. XV, p. 178]

MONTICELLO, *December 13, 1818.*

TO MONSIEUR DE NEUVILLE:

I rejoice, as a moralist, at the prospect of a reduction of the duties on wine by our National Legislature. It is an error to view a tax on that liquor as merely a tax on the rich. It is a prohibition of its use to the middling class of our citizens and a condemnation of them to the poison of whisky, which is desolating their houses. No nation is drunken where wine is cheap; and none sober where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whisky. Fix but the duty at the rate of other merchandise and we can drink wine here as cheap as we do grog; and who will not prefer it? Its extended use will carry health and comfort to a much-enlarged circle. Everyone in easy circumstances (as the bulk of our citizens are) will prefer it to the poison to which they are now driven by their Government. And the Treasury itself will find that a penny apiece from a dozen is more than a groat from a single one. This reformation, however, will require time. Our merchants know nothing of the infinite variety of cheap and good wines to be had in Europe, and particularly in France, in Italy, and the Grecian Islands, as they know little also of the variety of excellent manufactures and comforts to be had anywhere out of England. Nor will these things be known, nor, of course, called for here, until the native merchants of those countries to whom they are known shall bring them forward, exhibit, and vend them at the moderate profits they can afford. This alone will procure them familiarity with us, and the preference they merit in competition with corresponding articles now in use.

TH. JEFFERSON.

[From the Writings of Thomas Jefferson, Vol. XIV, p. 380]

MONTICELLO, *January 6, 1816.*

TO Col. CHARLES YANCEY:

There is before the assembly a petition of a Captain Miller which I have at heart, because I have great esteem for the petitioner as an honest and useful man. He is about to settle in our county and to establish a brewery, in which art I think him as skillful a man as has ever come to America. I wish to see this beverage become common instead of the whisky which kills one-third of our citizens and ruins their families. He is staying with me until he can fix himself, and I should be thankful for information from time to time of the progress of his petition.

TH. JEFFERSON.

JEFFERSON'S HOUSE GUEST

It is interesting to note that this famous "brewer" was Mr. Jefferson's house guest.

BOOTLEG WHISKY

If the "pure" whisky of Mr. Jefferson's day killed one-third of the people, what will the "bootleg" whisky of our day do?

DIVINE APPROVAL OF WINE

The South will not forget that we have divine approval of wine.

1. Place: Cana of Galilee.
2. Occasion: Marriage feast.

JESUS' FIRST MIRACLE, WATER TURNED TO WINE

It was a festive occasion, a wedding; Christ had honored it with His presence; He went there from no love of social enjoyment. He went there to bless the ordinance of marriage—one husband, one wife. He went there laying the foundations of the Christian religion, and saying to the Essenes: "I don't take your doctrine; I believe in marriage."

And the mother of Jesus came to Him and said the wine had given out.

The Apostle John said they had a number of vessels holding water.

Listen to the Gospel of St. John, chapter 2:

"And the third day there was a marriage in Cana of Galilee; and the mother of Jesus was there.

"And both Jesus was called, and His disciples, to the marriage.

"And when they wanted wine, the mother of Jesus saith unto Him, they have no wine.

"Jesus saith unto her, Mine hour is not yet come.

"His mother saith unto the servants, 'Whatsoever He saith unto you, do it.'

"And there were set there six waterpots of stone, after the manner of the purifying of the Jews, containing two or three firkins apiece [one-fourth of a barrel].

"Jesus saith unto them, 'Fill the waterpots with water.' And they filled them up to the brim.

"And He saith unto them, 'Draw out now, and bear unto the governor of the feast.' And they bear it.

"When the ruler of the feast had tasted the water that was made wine, and knew not whence it was; (but the servants which drew the water knew) the governor of the feast called the bridegroom.

"And saith unto him, 'Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse, but thou hast kept the good wine until now.'

"This beginning of miracles did Jesus in Cana of Galilee, and manifested forth His glory; and His disciples believed on Him."

WEDDING AT HOUSE OF APOSTLE JOHN

According to Dummelow (in his One Volume Bible Commentary), the inference is the wedding was at the house of the Apostle John.

Dummelow also says, "Perhaps it was the occasion of Jesus' first visit to the evangelist's own house."

JESUS CONVERTED THE EQUIVALENT OF FOUR AND ONE-HALF BARRELS OF WATER INTO FOUR AND ONE-HALF BARRELS OF WINE

As the capacity of each waterpot was 3 firkins (or three-fourths of a barrel), the six waterpots held 4½ barrels of wine, as they were filled to the brim.

And it was good wine: "Thou hast kept the good wine until now."

CHRIST SYMPATHIZED WITH HUMAN NATURE

Christ sympathized with human nature, and in this miracle of Cana of Galilee He taught His disciples and the world that the Nazarites were not right when they eschewed the use of all wine; that the Essenes were not right when they denied the rite of marriage.

I say the use of the juice of the grape in moderation is ordained for all time to come.

It remained for Mohammed to teach the doctrine of absolute prohibition. Christ never taught it.

Take the Bible from beginning to end, and in three hundred and odd instances, I believe, in which the use of strong drink and wine is spoken of, it is only excess which is condemned.

ST. PAUL

St. Paul, writing to Timothy, said: "Take no more water, but take a little wine for your stomach's sake and for your many infirmities."

And when in prison at Rome, about to go to the amphitheater, where waiting him were lions' jaws and the mob were howling in the streets of Rome for his blood as that of a martyr, he wrote to the inhabitants of Colosse, in his epistle to the Colossians in answer to the Pythagoreans, Platonians, and Judaizers, who were all undertaking to say "eat this" and "drink that," "I tell you, brethren, let no man judge you what you shall eat or what you shall drink."

DEMOCRATIC AND DIVINE APPROVAL

Thus we have both democratic and divine approval of light wine and beer.

GOVERNOR SMITH'S POSITION ON MODIFICATION COULD BE ADVOCATED FROM ANY PULPIT IN AMERICA

The South will not forget that Governor Smith's position on the modification of the Volstead Act could be advocated from any pulpit in America.

IF AL WERE A PROTESTANT

The South will not forget that if Al Smith were a Protestant, all could be forgiven, and you would hear little further complaint about his being a "wet".

UNWILLING FOR THEIR BIGOTRY TO BE EXPOSED

The South will not forget that many of its eminent divines and churchmen are not entirely candid about Al Smith; that they are not courageous enough to come out in the open and state their "real objection"; that they are unwilling to have their bigotry and narrow religious fanaticism exposed to the withering blight of unfavorable comment—which makes it necessary to resort to "subterfuge" in an effort to "hide" their unreasoning attachment to their own belief and their intolerance of beliefs opposed to them.

HOW DIFFERENT AL SMITH

"'I dare swear he is no hypocrite, but prays from his heart.'"—(Shakespeare).

AMERICA DOES NOT BELONG TO ANY DENOMINATION

America does not belong to the Protestants any more than it belongs to the Jews or the Catholics. America is not "officially" even a "Christian" country—though most of us are Christians.

WOODROW WILSON'S FRIEND

The South will not forget that Al Smith was Woodrow Wilson's friend, that when that immortal was making his fight, was sailing back to France the next day to pursue his flaming ideal of peace on earth, that on the evening of March 4, 1919, at the Metropolitan Opera House in New York, Gov. Alfred E. Smith introduced President Woodrow Wilson to that great audience in these notable words:

"Whatever may be the cross-fire of opinion there is one thing that we are all agreed upon, and that is that America will not have completed her part in the great world conflict until she has done everything possible to prevent the recurrence of the death, the misery, the suffering, the waste, and the devastation that from time immemorial has followed in the wake of war. At the peace conference, to that task our President is applying his wonderful talents."

He told the mothers of our country that they were giving up their sons, "not only that the world might be made safe for democracy, but that there would never be another war." To the fulfillment of that promise he dedicated himself with all his heart and all his soul and all his strength and all his great ability.

As the applause died out a well-meaning lady in an adjoining box exclaimed: "What a giant Al Smith would be if he only had a college education." Whereupon I recalled that line of Arthur Brisbane's "Think of what four years at Harvard might have done to Abraham Lincoln."

CAN TRUST AL SMITH

The South can trust this gifted son of the northern democracy, Gov. Alfred Emanuel Smith, of New York, to do the right thing about "prohibition," about "religion," or any other question which may come to the desk of an American President.

WILL NOT TURN HER BACK

The South will not turn her back on such a friend.

THOMAS JEFFERSON FATHER OF RELIGIOUS FREEDOM

The South will not forget that when Thomas Jefferson drew his earthly will he directed (by his silence) that no mention should be made on the monument erected in his memory of the fact that he was minister to France, Governor of Virginia, Secretary of State, Vice President of the United States, or President of the United States.

Instead, that great philosopher ordered placed upon his tombstone these words:

HERE WAS BURIED
THOMAS JEFFERSON
AUTHOR OF
THE DECLARATION OF AMERICAN INDEPENDENCE
OF THE
STATUTE OF VIRGINIA FOR
RELIGIOUS FREEDOM AND THE
FATHER OF THE UNIVERSITY OF
VIRGINIA

[Author's note.—By way of answer to friendly inquiries as to his religious faith from many of the readers of his political articles, Mr. Jurney's family for 100 years have been Presbyterians, in which church he has "birthright" membership, and in which faith he is a firm believer.]

FILIBUSTER AND HEALTH ADDRESS BY SENATOR COPELAND

Mr. SHEPPARD. Mr. President, yesterday morning, at 9 o'clock, when the Senate had been in continuous session for 22 hours, or since 11 o'clock a. m. of the preceding day, when Senators were worn out by their all-night vigil in the Senate Chamber, the senior Senator from New York [Mr. COPELAND] had occasion to speak briefly over the radio on the subject of "Filibuster and health." I ask unanimous consent that his remarks may be published in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FILIBUSTER AND HEALTH

I have the feeling this morning that the rules of the United States Senate should be revised. That august body has been in continuous session since 11 o'clock yesterday morning. It is still in session at this hour of 9 o'clock a. m. We have been up all night.

Scores of tired, white-faced, white-lipped, middle-aged, and old men are kept from their beds in a test of physical endurance. At 4.45 this morning I counted in the galleries 52 persons, including three ladies, amazed and mute witnesses to the foolishness of this method of conducting the Nation's business.

After the sun rose the night workers and those on their way to business stopped in to gaze upon the spectacle. "The most dignified legislative body in the world," breaking all the laws of nature, did not look fit and fine as daylight streamed into the Chamber.

There is something wrong with the Rules of the Senate when it is possible for a handful of willful men to stop the wheels of legislation. Regardless of the merits of the cause for which they contend, there should be a better way to register their protest.

Legislators are under peculiar obligations to society. They are expected to pass laws for the promotion of the common welfare. They should themselves be worthy examples of the sort of citizenship they are seeking to establish.

What is more important to the welfare of our great Nation than to have the people made up of healthy, vigorous, right-living individuals? Rest, sleep, regular habits, and observance of nature's rules are essential to good health. The "grave, and reverend signiors" of the Senate should be examples of model conduct. They are not such examples when they outrage nature by such violent and unnatural methods of procedure.

The remedy for these recurring experiences is found in the adoption of the so-called "lame duck amendment," the Norris amendment. In effect it abolishes the short session and under its terms a Congress elected in November would be seated and begin work the 1st of January. No limit is placed upon adjournment and in consequence, without a fixed day of adjournment, there is no possibility of crowding into the few days at the end of the session a hopeless jam of legislation.

While the present session is a long session, the approaching political conventions produce the effect found in a short session—adjourning at a specified time, noontime the 4th of March. Legislators feel that they must adjourn next week; so the determined opponents to certain measures have their opportunity to talk to death any measure meeting their disapproval. Except in the presidential election year this painful situation would be impossible were the Norris amendment adopted.

This is not the time to discuss the legislative arguments in favor of such a reform. It is the time, however, to impress upon every one of the radio audience, including a stray Senator or two if they happen to be listening in, that there is such a thing as an orgy even though it may not be a drunken revelry in the ordinary sense.

In the conduct of every institution, as in the conduct of every individual life, there should be decent hours of work, a period for recreation, and abundant time for sleep and refreshment. In youth the tissues are elastic, the heart powerful, and all the organs resistant to an occasional indulgence in both late hours and exceptional festivities. But at that age, even, there must be no reckless waste of the physical power.

But when it comes to middle and advanced life it is not safe to indulge in sprees of any sort. Filibusters are neither dignified nor conducive to long life. On the contrary, they are distinctly hazardous to health and shortening of life.

People who stay up all night are inclined to indulge in frequent lunches of coffee and sandwiches. They fill their stomachs with unaccustomed food eaten at unaccustomed hours. There is nothing wrong with coffee and sandwiches when taken at the proper time. But when indulged in under the circumstances of this night of filibuster they upset the digestion and produce evil effects that days of abstemiousness will hardly correct.

By this time you will be convinced that my own digestion is impaired, and, of course, it is. But more than that, I am disgusted with myself and my colleagues that we should make such a spectacle of ourselves. To-morrow there will be an editorial in every newspaper in the United States condemning the Senate for its behavior. I shall say "Amen" to each of them.

I frankly confess to having had a leading, almost the sole, part in a filibuster when I first entered the Senate. I was bitterly opposed to surrendering the Isle of Pines to Cuba and voiced my indignation in an eight-hour speech. I hasten to add, however, that I did quit talking at 8 o'clock in the evening, so nobody lost an hour of sleep by being kept in the Senate through an all-night session. Indeed, I am convinced I accomplished little else than to promote the sleep of my colleagues during those long hours of useless talk; certainly most of them dozed through my speech.

That ordeal and the futility of it convinced me that there are better ways to accomplish legislation. It never pays any one of us to expend the precious fund of physical strength and energy by wasting it in any wanton and reckless manner.

Just as I left the Senate Chamber a few moments ago one of the official reporters handed me the transcript of a statement made by Senator STEIWER, of Oregon, which I quote:

"The hour is now 4.45 a. m. We are in the glory of the morning. The new day brings new hope. The fading night is a cloak worn thin, covering the sins and fears of yesterday. It is a time to pause and reflect. Sleep is man's best friend. It refreshes the weary and brings courage to faltering frailty. It restores the clearness of the mind. I think of Morpheus in terms of affection and endearment. If the Republic is safe, it is not because of our violation of nature's law; it is because the great majority have sense enough to go to bed."

To leave the shortcomings of the legislative body to which I belong, I wish I could impress upon every listener-in how important it is to guard the delicate machinery of the body. It is a sad mistake to abuse it, whether by intemperate living, intemperate drinking, or by intemperate eating. Any form of intemperance is sure to tear nerves, some of them so located, perhaps, as to impair forever the functions of organs or other bodily structures.

There is an old Latin motto, "Mens sana in corpore sano," freely translated as "A sound mind in a sound body." There can be no soundness of mind, with the alertness, vigor, and highest usefulness of intellect so essential to worthy service for humanity unless the body is soundly built and perfectly preserved.

As I view life, there are four factors of chief importance—sleep, fresh air, exercise, and proper food. But lazy men who never exercise hang on to life. Many a family survives vile ventilation. But nobody can live without sleep and nourishment. So, in the last analysis, sleep and food are the truly vital things.

If you will bear this truth in mind and apply it faithfully and unfailingly, you may be sure you will live long in the land the Lord thy God hath given thee.

Robert Southwell, a sixteenth century poet, put it beautifully when he sang:

"My mind to me an empire is,
"While grace affordeth health."

PROPOSED EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. SHIPSTEAD. Will the Senator withhold that motion for a moment?

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	La Follette	Robinson, Ind.
Bingham	Fess	Locher	Sackett
Black	Fletcher	McKellar	Sheppard
Blaine	George	McMaster	Shipstead
Blease	Gerry	McNary	Shortridge
Borah	Glass	Metcalf	Simmons
Bratton	Hale	Moses	Smith
Brookhart	Harris	Neely	Steiwer
Broussard	Harrison	Norris	Stephens
Bruce	Hawes	Nye	Swanson
Capper	Hayden	Oddie	Tyson
Caraway	Heflin	Overman	Vandenberg
Copeland	Howell	Phipps	Walsh, Mass.
Couzens	Johnson	Pine	Walsh, Mont.
Curtis	Kendrick	Pittman	Warren
Cutting	Keyes	Reed, Mo.	Waterman
Dale	King	Reed, Pa.	Watson

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is detained at home on account of illness.

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

Mr. JOHNSON. Mr. President——

Mr. CURTIS. Mr. President, a point of order.

Mr. JOHNSON. I wish to make a request for unanimous consent. Does the Senator from Kansas object to that?

Mr. CURTIS. I object to debate; I have no objection to the Senator making a request for unanimous consent.

Mr. JOHNSON. The Senator is not going to object to my request for unanimous consent; I will tell him that now.

Mr. CURTIS. No; I will not object to that.

Mr. JOHNSON. No; I will not permit the Senator to do so.

Mr. CURTIS. I object to debate.

Mr. JOHNSON. I am asking unanimous consent that the Senate before going into executive session shall vote upon two motions, one of which is pending and the other of which is to be made to displace the Boulder Dam bill. I am entitled to a vote upon those motions, and I demand it.

Mr. CURTIS. Mr. President, I object to debate; the motion is not debatable.

Mr. JOHNSON. I want to put before the Senate what it is.

Mr. CURTIS. I ask for a vote.

Mr. JOHNSON. I ask the Senate to refuse to go into executive session until votes on the motions to which I have referred shall be had.

Mr. CURTIS. Mr. President, this question is not debatable.

The PRESIDING OFFICER. The question is not debatable.

Mr. JOHNSON. I ask for the yeas and nays on the motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business, on which the Senator from California asks for the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. Mr. President, I rise to a parliamentary inquiry. Are we voting on the question of going into executive session?

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of executive business.

The legislative clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES], who is absent because of illness. I have not been able to get a transfer, and therefore I can not vote. If at liberty to vote, I should vote "yea."

Mr. TYSON (when his name was called). I am paired with the junior Senator from West Virginia [Mr. GOFF]. I have not been able to get a transfer; and, not knowing how the Senator from West Virginia would vote, I withhold my vote. If able to get a transfer, I should vote "yea."

The roll call was concluded.

Mr. NEELY. On this question I am paired with the junior Senator from South Carolina [Mr. BLEASE]. I do not know how he would vote, and therefore I withhold my vote.

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from Arkansas [Mr. ROBINSON], and will vote. I vote "yea."

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BAYARD], which I transfer to the Senator from Massachusetts [Mr. GILLETT], and will allow my vote to stand.

Mr. TYSON. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Jersey [Mr. EDWARDS], and will vote. I vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 31, nays 36, as follows:

YEAS—31

Ashurst	Curtis	Hayden	Smith
Barkley	Deneen	King	Steck
Bingham	Edge	McKellar	Swanson
Borah	Fess	Metcalf	Tydings
Broussard	Fletcher	Overman	Tyson
Bruce	Gerry	Pine	Waterman
Caraway	Glass	Reed, Pa.	Watson
Couzens	Hawes	Sackett	

NAYS—36

Black	Hale	McMaster	Sheppard
Blaine	Harris	McNary	Shipstead
Bratton	Harrison	Moses	Shortridge
Brookhart	Heflin	Norris	Steiwer
Capper	Howell	Nye	Stephens
Copeland	Johnson	Oddie	Vandenberg
Cutting	Kendrick	Phipps	Walsh, Mass.
Dale	La Follette	Pittman	Walsh, Mont.
George	Locher	Reed, Mo.	Warren

NOT VOTING—27

Bayard	Goff	Mayfield	Simmons
Blease	Gooding	Neely	Smoot
Dill	Gould	Norbeck	Thomas
du Pont	Greene	Ransdell	Trammell
Edwards	Jones	Robinson, Ark.	Wagner
Frazier	Keyes	Robinson, Ind.	Wheeler
Gillett	McLean	Schall	

So the Senate refused to proceed to the consideration of executive business.

PROMOTIONS IN THE ARMY

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania [Mr. REED] that the Senate proceed to the consideration of House bill 12814.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES], who is detained from the Senate on account of illness. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the rest of this session.

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a pair with the Senator from Delaware [Mr. BAYARD]; but I make the same announcement as on the previous roll call, and will allow my vote to stand.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

The result was announced—yeas 16, nays 51, as follows:

YEAS—16

Ashurst	Edge	McKellar	Simmons
Bingham	Fletcher	Metcalf	Steck
Bruce	Hayden	Moses	Warren
Caraway	King	Reed, Pa.	Waterman

NAYS—51

Barkley	Dale	Kendrick	Robinson, Ind.
Black	Deneen	La Follette	Sackett
Blaine	Fess	Locher	Sheppard
Blease	George	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Glass	Neely	Smith
Brookhart	Hale	Norris	Steiwer
Broussard	Harris	Nye	Stephens
Capper	Harrison	Oddie	Tydings
Copeland	Hawes	Phipps	Vandenberg
Couzens	Heflin	Pine	Walsh, Mass.
Curtis	Howell	Pittman	Walsh, Mont.
Cutting	Johnson	Reed, Mo.	

NOT VOTING—27

Bayard	Gooding	Norbeck	Thomas
Dill	Gould	Overman	Trammell
du Pont	Greene	Ransdell	Tyson
Edwards	Jones	Robinson, Ark.	Wagner
Frazier	Keyes	Schall	Watson
Gillett	McLean	Smoot	Wheeler
Goff	Mayfield	Swanson	

So the motion of Mr. REED of Pennsylvania was rejected.

NAVAL CONSTRUCTION

Mr. HALE. Mr. President, I now move that the Senate proceed to the consideration of House bill 11256, Order of Business No. 1022, the naval construction bill.

Mr. HARRISON and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF], which I transfer to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Idaho [Mr. GOODING] with the Senator from Montana [Mr. WHEELER];

The Senator from Maine [Mr. GOULD] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Texas [Mr. MAYFIELD];

The Senator from North Dakota [Mr. FRAZIER] with the Senator from New York [Mr. WAGNER];

The Senator from Vermont [Mr. GREENE] with the Senator from Washington [Mr. DILL]; and

The Senator from Minnesota [Mr. SCHALL] with the Senator from Oklahoma [Mr. THOMAS].

Mr. BROUSSARD. I desire to announce that my colleague the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

Mr. GLASS (after having voted in the negative). I have a pair with the senior Senator from Connecticut [Mr. MCLEAN]. He has not voted. Therefore I withdraw my vote.

Mr. SWANSON. I transfer my pair with the senior Senator from Washington [Mr. JONES] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The result was announced—yeas 22, nays 43, as follows:

YEAS—22

Ashurst	Edge	Metcalf	Swanson
Bingham	Gerry	Moses	Tydings
Blease	Hale	Reed, Pa.	Tyson
Broussard	Hayden	Sackett	Waterman
Bruce	King	Smith	
Caraway	McKellar	Steck	

NAYS—43

Barkley	Deneen	Locher	Robinson, Ind.
Black	Fess	McMaster	Sheppard
Blaine	Fletcher	McNary	Shipstead
Borah	George	Neely	Shortridge
Bratton	Harris	Norris	Simmons
Brookhart	Harrison	Nye	Stephens
Capper	Heflin	Oddie	Vandenberg
Copeland	Howell	Overman	Walsh, Mass.
Couzens	Johnson	Phipps	Walsh, Mont.
Curtis	Kendrick	Pine	Warren
Dale	La Follette	Pittman	

NOT VOTING—29

Bayard	Goff	Mayfield	Thomas
Cutting	Gooding	Norbeck	Trammell
Dill	Gould	Ransdell	Wagner
du Pont	Greene	Reed, Mo.	Watson
Edwards	Hawes	Robinson, Ark.	Wheeler
Frazier	Jones	Schall	
Gillett	Keyes	Smoot	
Glass	McLean	Steiwer	

So Mr. HALE's motion to proceed to the consideration of the bill was rejected.

INLAND WATERWAYS DEVELOPMENT

Mr. REED of Missouri. Mr. President, I think debate on House bill 13512 has been concluded, and I ask unanimous consent for its present consideration.

Mr. JOHNSON. If the Senator will yield, could that matter be determined by a roll call or by a determination at once in respect to the vote?

Mr. REED of Missouri. I hope so. If it leads to debate of any length I will withdraw it, if I get the unanimous consent.

Mr. JOHNSON. If it leads to no debate and the matter may be passed upon at once, I will ask unanimous consent temporarily to lay aside the pending business for that purpose.

Mr. HEFLIN. Let us vote, then.

Mr. EDGE. The request is for the consideration of what measure?

Mr. REED of Missouri. The measure affecting the barge line on the Mississippi River, which has been discussed to-day.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Reserving the right to object, does that include a vote on the amendment of the committee which had been offered by the Senator from North Carolina?

Mr. REED of Missouri. It would, unless it is withdrawn.

Mr. REED of Pennsylvania. Is it to be withdrawn?

Mr. REED of Missouri. I do not know.

Mr. FLETCHER. I do not think that amendment will lead to any debate.

Mr. SIMMONS. It was unanimously agreed to in the committee, and it is only for a survey.

Mr. REED of Pennsylvania. It calls only for a survey?

Mr. SIMMONS. That is all.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, which had been reported from the Committee on Commerce with amendments, on page 4, line 24, after the word "facilities" and the comma, to strike out the words "or any unit thereof," and to add at the end of the bill a new section, as follows:

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable. He is authorized to pay the expenses of such a survey from the funds which may hereafter be appropriated for the purchase of stock in the Inland Waterways Corporation.

So as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (par. 152, ch. 5, title 49, Code of Laws of the U. S.; ch. 243, vol. 43, 360, U. S. Stat. L.), be, and the same is hereby, amended to read as follows:

"SEC. 2. The capital stock of the corporation shall be $15,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States, and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of $10,000,000, in addition to the $5,000,000 heretofore authorized, for the purpose of paying such subscription."

SEC. 2. That section 3 of said act be, and the same is hereby, amended to read as follows:

"SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the transportation act, 1920, as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore authorized by law upon the Mississippi River above St. Louis.

"(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been completed or advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretary of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

"(c) It is hereby declared to be the policy of Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonably dependable and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such rivers.

"(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the interstate commerce commission shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities, belonging to the corporation: *Provided*, That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly or indirectly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not give satisfactory assurance and agree, as part of the consideration for such sale or lease, that the facilities so sold or leased will be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation, together with ample security by bond or otherwise to insure the faithful performance of such agreement; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the sale or lease thereof has been approved by the President.

"(e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof, may apply to the Interstate Commerce Commission and obtain a certificate of public convenience and necessity in accordance with the provisions of section 1 of the interstate commerce act, as amended, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in paragraph (3) of section 15 of the interstate commerce act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all-rail rates and joint rates in connection with said water service to apply until changed by order of the commission. Such joint routes, rates, rules, regulations, and practices may be changed by order of the commission or by agreement of the water carriers and the other participating carriers. The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within 30 days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within 120 days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. The commission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission, or (2) the reasonableness of any minimum differentials between all-rail rates and joint rates in connection with any water service, or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest.

At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all-rail rate and joint rate in connection with water service, or division of joint rates shall be upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities to any person, firm, or corporation to be operated as a common carrier, such person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all through traffic arrangements and joint tariffs, with rules, regulations, and practices in connection therewith, published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such through-traffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

"(f) The operation of the transportation and terminal facilities under this act shall be subject to the provisions of the interstate commerce act, as amended, and to the provisions of the shipping act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels."

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterway Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable. He is authorized to pay the expenses of such a survey from the funds which may hereafter be appropriated for the purchase of stock in the Inland Waterways Corporation.

Mr. SMITH. Mr. President, before the vote is taken, do I understand now that the amendment offered by the Senator from North Carolina is a part of the measure to be voted on?

Mr. REED of Missouri. It will have to be voted upon as an amendment.

Mr. HEFLIN. If I understand the amendment, it provides simply for a survey and report.

Mr. REED of Missouri. That is all.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

Mr. REED of Missouri. Mr. President, I was going to appeal to the Senator from North Carolina to withdraw the amendment in which he is interested, and I was going to assume the right to ask that the other be withdrawn, for this reason——

Mr. LA FOLLETTE. Mr. President——

Mr. REED of Missouri. Just one moment. I am afraid that if we amend this bill in any particular it will never get through the House at this session.

Mr. LA FOLLETTE. So far as I am concerned, I would rather see the measure fail than see the committee amendment on page 4 withdrawn.

Mr. REED of Missouri. All right. Let us vote.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

Mr. JOHNSON. I have no objection now.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, May 28, 1928, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate May 26 (legislative day of May 3), 1928

UNITED STATES DISTRICT JUDGE

Edward S. Vaught, of Oklahoma, to be United States district judge, western district of Oklahoma, vice John H. Cotteral, appointed circuit judge.

UNITED STATES ATTORNEYS

Anthony Savage, of Washington, to be United States attorney, western district of Washington, vice Thomas P. Revelle, resigned.

John L. Gay, of Porto Rico, to be United States attorney, District of Porto Rico. A reappointment, his term having expired.

UNITED STATES MARSHAL

Arthur Rogers, of Tennessee, to be United States marshal, western district of Tennessee. A reappointment, his term having expired.

PROMOTIONS IN THE NAVY

The following-named commanders to be commanders in the Navy, from the dates stated opposite their names, to correct the dates from which they take rank as previously nominated and confirmed:

Francis W. Scandland, April 1, 1927.
Franklin Van Valkenburgh, June 2, 1927.
Raleigh C. Williams, July 1, 1927.
Thalbert N. Alford, September 2, 1927.
Henry G. Cooper, jr., September 7, 1927.
Eugene M. Woodson, September 11, 1927.
James S. Spore, September 18, 1927.
Mark C. Bowman, October 2, 1927.
Percy T. Wright, October 7, 1927.
Jesse B. Oldendorf, November 1, 1927.
Ernest L. Gunther, November 14, 1927.
Augustine W. Rieger, November 16, 1927.

Lieut. Ralph U. Hyde to be a lieutenant commander in the Navy from the 16th day of May, 1928.

Lieut. (Junior Grade) Dallas Grover, jr., to be a lieutenant in the Navy from the 3d day of June, 1927.

Ensign Paul S. Crandall to be a lieutenant (junior grade) in the Navy from the 25th day of February, 1928.

POSTMASTERS

ALABAMA

Irene K. Petty to be postmaster at Irondale, Ala., in place of A. K. Jones. Incumbent's commission expired March 21, 1928.

Bettie T. Forster to be postmaster at Thomasville, Ala., in place of B. T. Forster. Incumbent's commission expired January 3, 1928.

Virgil V. Cornelison to be postmaster at Akron, Ala., in place of C. H. Ramey. Incumbent's commission expired April 21, 1928.

Samuel J. Tucker to be postmaster at Springville, Ala., in place of S. J. Tucker. Incumbent's commission expired May 20, 1928.

ARIZONA

Blaine W. Hugo to be postmaster at Clarkdale, Ariz., in place of B. W. Hugo. Incumbent's commission expires June 6, 1928.

CALIFORNIA

Charles F. W. Rapp to be postmaster at La Mesa, Calif., in place of C. F. W. Rapp. Incumbent's commission expires June 6, 1928.

Thurlow T. Workman to be postmaster at Bloomington, Calif., in place of J. T. Johndrew, resigned.

CONNECTICUT

Judson B. Griswold to be postmaster at Ivoryton, Conn., in place of J. B. Griswold. Incumbent's commission expired February 9, 1928.

Harry W. Walker to be postmaster at Simsbury, Conn., in place of M. E. McDonald, deceased.

FLORIDA

John B. Carlin to be postmaster at Saint Cloud, Fla., in place of J. B. Carlin. Incumbent's commission expires May 26, 1928.

ILLINOIS

Joseph H. Laws to be postmaster at Eureka, Ill., in place of Homer Darst. Incumbent's commission expired January 7, 1928.

Sherman Dorand to be postmaster at Ashland, Ill., in place of A. C. Huston. Incumbent's commission expired January 7, 1928.

S. Elmer Simpson to be postmaster at Carrollton, Ill., in place of S. E. Simpson. Incumbent's commission expired January 7, 1928.

George F. Batty to be postmaster at Greenfield, Ill., in place of G. F. Batty. Incumbent's commission expired January 7, 1928.

Samuel T. Little to be postmaster at Hillsboro, Ill., in place of S. T. Little. Incumbent's commission expires June 6, 1928.

KANSAS

George W. Gerardy to be postmaster at Hanover, Kans., in place of S. W. Jones. Incumbent's commission expired December 18, 1927.

KENTUCKY

Frank W. Rice to be postmaster at Wilmore, Ky., in place of F. W. Rice. Incumbent's commission expired January 17, 1928.

LOUISIANA

Chester C. Heinemann to be postmaster at Rayville, La., in place of C. C. Heinemann. Incumbent's commission expired January 7, 1928.

MICHIGAN

Estella R. Newcomb to be postmaster at Le Roy, Mich., in place of E. R. Newcomb. Incumbent's commission expired March 18, 1928.

MISSISSIPPI

David J. Crawford to be postmaster at Durant, Miss., in place of P. W. King. Incumbent's commission expired January 17, 1928.

Noah D. Robinson to be postmaster at Columbus, Miss., in place of Prentice O'Rear, removed.

Robert O. Norris to be postmaster at Moorhead, Miss., in place of Clarence Laughter, removed.

NEBRASKA

Trevelyan E. Gillaspie to be postmaster at Lincoln, Nebr., in place of W. L. McClay, deceased.

Leo E. Kraft to be postmaster at Unadilla, Nebr. Office became presidential July 1, 1927.

NEW HAMPSHIRE

Mina Ouillette to be postmaster at Cascade, N. H., in place of W. E. Mayo, resigned.

NEW YORK

H. Greeley Brown to be postmaster at Otego, N. Y., in place of A. L. Hunt. Incumbent's commission expired January 8, 1928.

OHIO

Strawder W. McNeill to be postmaster at Frankfort, Ohio, in place of E. H. Koger. Incumbent's commission expired December 19, 1927.

Oscar W. Priddy to be postmaster at Van Wert, Ohio, in place of F. A. Gamble, deceased.

OKLAHOMA

Charles W. Holly to be postmaster at Catoosa, Okla., in place of L. E. Whitman, removed.

OREGON

James B. Kirk to be postmaster at The Dalles, Oreg., in place of Simeon Bolton, deceased.

PENNSYLVANIA

Arthur E. Shannon to be postmaster at Beaverdale, Pa., in place of A. W. Leech. Incumbent's commission expired January 23, 1928.

Stanley L. Campbell to be postmaster at New Albany, Pa., in place of S. L. Campbell. Incumbent's commission expires June 6, 1928.

Cornelius L. Corson to be postmaster at Willow Grove, Pa., in place of C. L. Corson. Incumbent's commission expires June 6, 1928.

M. Grace Gingery to be postmaster at Woodland, Pa., in place of M. G. Gingery. Incumbent's commission expired January 17, 1928.

Judson G. Young to be postmaster at Falls Creek, Pa., in place of J. N. Ritchey, removed.

William C. James to be postmaster at Mahanoy City, Pa., in place of J. H. Kirchner, resigned.

Glen H. Roberts to be postmaster at South Montrose, Pa., in place of F. E. Barron, deceased.

SOUTH DAKOTA

Peder A. H. Hagen to be postmaster at Revillo, S. Dak., in place of P. A. H. Hagen. Incumbent's commission expired January 31, 1928.

TEXAS

Gilbert McGloin to be postmaster at Corpus Christi, Tex., in place of O. D. Holleman, resigned.

VERMONT

George E. King to be postmaster at Barton, Vt., in place of G. E. King. Incumbent's commission expired January 3, 1928.

Cecile M. Beaton to be postmaster at South Ryegate, Vt., in place of M. J. Hall, resigned.

VIRGINIA

Charles E. Virts to be postmaster at Lovettsville, Va., in place of R. L. Grubb, resigned.

WASHINGTON

Julia Enger to be postmaster at Toledo, Wash., in place of G. W. Boone, removed.

WYOMING

Elizabeth Murphy to be postmaster at Edgerton, Wyo., in place of N. D. Sherman, resigned.

Neletta P. Howard to be postmaster at Manville, Wyo., in place of N. P. Howard. Incumbent's commission expired May 20, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26 (legislative day of May 3), 1928

DIPLOMATIC AND FOREIGN SERVICE

Coert du Bois to be Foreign Service officer, class 3.
Dana G. Munro to be Foreign Service officer, class 3.
Herschel V. Johnson to be Foreign Service officer, class 4.
R. A. Wallace Treat to be Foreign Service officer, class 5.

UNITED STATES DISTRICT JUDGE

George C. Taylor to be United States district judge, eastern district of Tennessee.

UNITED STATES DISTRICT ATTORNEY

Ross R. Mowry to be United States attorney, southern district of Iowa.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Maj. Leon Edward Ryder, Cavalry.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edgar Simon Stayer, Quartermaster Corps.

To be lieutenant colonels

Maj. Edward Lorenzo Hooper, Infantry.
Maj. Stanley Koch, Cavalry.
Maj. Irving Joseph Phillipson, Infantry.

To be majors

Capt. Richard Lawrence Creed, Cavalry.
Capt. James Cobb Hutson, Coast Artillery Corps.
Capt. John Frederick Ehlert, Infantry.

To be captains

First Lieut. Willard Warren Scott, Coast Artillery Corps.
First Lieut. Leonard Louis Davis, Coast Artillery Corps.
First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps.

To be first lieutenants

Second Lieut. Cecil Ward Nist, Infantry.
Second Lieut. Robert Chaffee Oliver, Field Artillery.
Second Lieut. James Eugene Bernard McInerney, Infantry.
Second Lieut. Francis Arthur Garrecht, jr., Field Artillery.
Second Lieut. Frank Dorn, Field Artillery.

POSTMASTERS

ALABAMA

Eason K. Wood, Calera.
James P. Aaron, Camp Hill.
Ira C. Chapman, Deatsville.
George B. Pickens, Moundville.
Oscar Sheffield, Pine Hill.
Ethel M. Fowler, Theodore.
Andrew J. Bass, jr., Trussville.

ARKANSAS

Roy Hill, Strong.

CALIFORNIA

Marion W. Bessom, Lawndale.
William N. Friend, Oakland.
Clyde W. Holbrook, Venice.

COLORADO

Henry M. Newkirk, Swink.
Oscar L. Morris, La Salle.

CONNECTICUT

Harry K. Taylor, Hartford.
Margaret C. Kelly, Noroton.
Thomas J. Crockett, Unionville.

GEORGIA

Alva W. Haddock, Douglas.
Ella M. Withrow, Odum.

IDAHO

Leslie A. Baskett, Nezperce.

ILLINOIS

Ira D. Lakin, Vandalia.

INDIANA

T. M. Long, Butler.
Cora Lucas, New Haven.
Pearl B. McCord, Winslow.

KANSAS

Nettie P. Anderson, Hudson.
Walter M. Wheatcroft, Utica.

KENTUCKY

James I. Harlan, Barlow.
Howard C. Pentecost, Corydon.
Clyde S. England, Russell.
Mollie L. Nolan, Harlan.

LOUISIANA

Edward S. Rogers, Berwick.
Jesse L. Beasley, Harrisonburg.
Fred E. Callaway, Jonesboro.
James M. Coan, Sicily Island.
Isidore A. Currault, Westwego.

MARYLAND

Harry M. Carroll, Federalsburg.
Joseph O. Bernard, Greensboro.
Eunice W. Dement, Indianhead.
George S. Stevens, Millington.
Elmore H. Owens, Perryville.
Robert L. Hall, Pocomoke City.
Clare N. Payne, Preston.
Allan Urie, Rock Hall.
John F. Mansfield, St. Michaels.
Esther C. Baker, Woodbine.

MASSACHUSETTS

John A. Bell, Leicester.
Aloysius B. Kennedy, Rochdale.

MICHIGAN

Nettie C. Grayson, Pellston.

MINNESOTA

Charles L. Coy, Alexandria.
Edne O. Thorson, Chatfield.
Eda M. Ashbaugh, Murdock.
George Leng, Grand Marais.
Ross Andrews, Meadowlands.
Ralph G. Hosfield, Medford.
Elizabeth Paul, Wykoff.

MISSOURI

Fred Robinette, Bolckow.
Louis N. Walker, Holmes Park.
John L. Wilkinson, Piedmont.
Lester C. Boyles, Urich.
Charles H. Duncan, Tarkio.

NEBRASKA

Carl P. Smiley, Beaver Crossing.
J. Ned Allison, Gering.
Lewis L. Swindell, Mascot.
Given G. Reber, Naper.
Robert L. Hart, Cozad.
Jacob H. Jimerson, Liberty.
William M. Baskin, Stapleton.

NEW HAMPSHIRE

John H. Garvin, jr., Sanbornville.

NEW JERSEY

Tobias V. Chieffo, Cliffside.

NEW YORK

Clarence E. Snyder, Glenfield.
Manford J. Pfister, Great Bend.
William L. Froehley, Hamburg.
Mabel L. Morse, Portland.

NORTH CAROLINA

Clarence S. Prevette, Blowing Rock.
Julia B. Greer, Moravian Falls.
George A. Woods, Nazareth.

OHIO

Lester J. Matson, Maynard.

OKLAHOMA

Lee Hilton, Barnsdall.
Jeane H. Sisson, Mounds.
Louis G. Scott, Stroud.
Adrian J. Brown, Bixby.
James A. Todd, Calumet.
Maude S. Chambers, Jenks.

OREGON

William D. Hardesty, Freewater.
Eugene Bedell, Alsea.

PENNSYLVANIA

George A. Simon, Arnold.
Clifford G. Chase, Butler.
Edward R. Dithrich, Coraopolis.
Clyde S. McNeely, Dauphin.
Glenn V. Rice, Eldred.
John H. Lyter, Elizabethville.
Thomas W. Watkins, Frackville.
John P. Rodger, Hooversville.
Thomas V. Partridge, Houtzdale.
Homer D. Sarge, Pine Grove.
Ella Hill, Roulette.
William W. Thorn, St. Clair.
Homer B. Asheld, Tunkhannock.
Walter D. Lewis, Ulysses.
Wilferd R. Troxel, Aliquippa.
Leon E. Mayer, Boyertown.
Leroy W. Keisling, Valley View.

SOUTH CAROLINA

Samuel B. Cartledge, Batesburg.
Nettie C. Moore, Honea Path.
Sarah C. Starnes, Ridgeway.
Benjamin D. Bedell, Ridgeland.

SOUTH DAKOTA

Benjamin D. Kidman, Big Stone City.
John W. Coverdale, Elk Point.
Hattie L. Meyer, Florence.
Francis Smidt, Freeman.
Alton E. Lewis, Henry.
Lucy Wright, Hoven.
C. Albert Zeitner, Mission.
Albert Koehne, Oldham.
Leroy F. Lemert, Spencer.
Edna L. Brown, Timber Lake.
Charles Sundling, Vermilion.
Howard R. Mortenson, Viborg.
Lewis W. Ford, Wakonda.
Will C. Bromwell, Wessington Springs.
Rose B. Flahart, White Lake.

TENNESSEE

Anthony R. Atkerson, Columbia.

TEXAS

Azro C. Oyler, Edinburg.
Helen Newton, Morgan.
John W. Stegall, Holliday.

VIRGINIA

Samuel R. Gault, Scottsville.
McClung Patton, Lexington.
Russell L. Davis, Rockymount.

WASHINGTON

Rose M. Illy, Uniontown.
William F. Cantrell, Toppenish.

WEST VIRGINIA

Charles B. Wright, Minden.

WISCONSIN

Orestes K. Hawley, Baldwin.
Castor H. Kuehl, Brillion.
Earl H. Herbert, Coleman.

John A. Dickerson, Edgerton.
Frank M. LeCount, Hartford.
Adolph R. Mill, Kaukauna.
Conrad Baetz, Two Rivers.
Clyde C. Harris, Waupun.

REJECTION

Executive nomination rejected by the Senate May 26 (legislative day of May 3), 1928

POSTMASTER

WISCONSIN

Robert L. Raymond, Campbellsport.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 26, 1928*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Spirit of the Most High, come with us that we may not forget Thee and the lessons of life. Through them all run Thy plan and purpose which Thou hast ordained. We suffer that we may achieve, we fail that we may strive, we weep that we may know the joy of laughter, and we doubt that we may think. We thank Thee for every sentiment and for every agency that work for the unity of our fellow citizens; we praise Thee for every discovery in the realms of human endeavor that blesses and uplifts the races of men. Holy Spirit, crowd out of our beings all prejudice and evil desire, that we may hasten the day when all men shall be brothers. Let the skies of the world be cleared and all ominous clouds rifted, and let the altars of the Prince of Peace be compassed by the peoples of the earth. This day may we make gains in wisdom, in knowledge, in forbearance, and self-control. At its close may we rest calmly in the secret of Thy presence. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13446. An act to amend the national defense act;

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations; and

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House of Representatives was requested, bills of the House of the following titles:

H. R. 10487. An act to amend the World War adjusted compensation act, as amended; and

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes.

The message further announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House was requested:

S. 4466. An act to authorize the Secretary of War to grant to the New York Central Railroad Co., its successors or assigns, a perpetual easement extending across Constitution Island on the West Point Military Reservation, N. Y., for railroad purposes; and

S. Con. Res. 15. Concurrent resolution authorizing expenditures in connection with the consideration of the purchase by the Government of the rights to the use of the Harriman Geographic Code System.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13873) entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes."

EDMUND F. HUBBARD

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 14057, for the relief of Edmund F. Hubbard.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of House bill 14057. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and conducting such physical examinations as to the said board may seem proper and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilites are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BANK PROTECTION AND CONTROL OF FLOODS ON THE MISSOURI RIVER

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 80, authorizing an appropriation for bank protection for the control of floods and the prevention of erosion on the Missouri River at or near the town of Niobrara, in the State of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of Senate Joint Resolution 80, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think we ought to have an explanation of what this is.

Mr. HOWARD of Nebraska. I will be glad to make an explanation. The situation is just this, Mr. Speaker: The Missouri River, at and near Niobrara, has destroyed several thousand acres of wonderful corn land and has destroyed already a part of the incorporated city of Niobrara, and the whole of it is endangered. The resolution passed the Senate unanimously upon the showing of the instant emergency connected therewith, and if it were not a vast emergency I should not, in the closing hours, ask the consent of the Speaker to move for its immediate consideration.

Mr. SNELL. How much does the bill authorize, and what is it proposed to do?

Mr. HOWARD of Nebraska. The resolution authorizes the appropriation of $250,000, one-third of which is to be paid by the people benefited.

Mr. SNELL. Has it been considered by any committee of the House?

Mr. HOWARD of Nebraska. It has not. I did not have time to get it before the committee, but I have talked with a great many members of the committee, and not one has lodged a protest against the resolution.

Mr. SNELL. Are there not many cases along the banks of the Missouri River where there has been erosion and the banks worn away?

Mr. HOWARD of Nebraska. I do not know of any place along the river where a whole city or village is endangered as in this case. I understand the surveys have already been made and that the Government is ready to go to work immediately.

Mr. SNELL. Is not this rather unusual?

Mr. HOWARD of Nebraska. It is unusual; and I will say frankly that I would not under any circumstances present it to the House under a unanimous-consent request save only for the instant and vital emergency which exists.

Mr. SNELL. When did this happen? Has not this been going on for some time?

Mr. HOWARD of Nebrsaka. Yes; it has.

Mr. SNELL. Then it is not an immediate emergency. Why was it not presented to the committee?

Mr. HOWARD of Nebraska. The reason it was not presented to our committee is the fact that it passed the Senate only Wednesday night, although it has been pending for some time.

Mr. SNELL. This is a very unusual procedure, and I wish the gentleman would withdraw his request for a little while so that we may look into the matter.

Mr. HOWARD of Nebraska. I will be glad to do that, but I am quite satisfied that any gentleman who will hear the story of the emergency at Niobrara will agree with me that the legislation ought to be quickly enacted; but at the request of the gentleman from New York I withdraw my request for the present.

DEATH OF HON. CHARLES G. WASHBURN

Mr. LUCE. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, it is with sincere sorrow, springing from the severance of long friendship, that I inform the House of the death yesterday of the Hon. Charles G. Washburn, of Worcester, Mass. Mr. Washburn served in this body through a part of the Fifty-ninth Congress and then in the Sixtieth and in the Sixty-first Congresses. He had been conspicuous in the service of his fellow citizens in our legislature and later was an influential member of a constitutional convention. He possessed one of the finest intellects that ever came under my observation. In the noblest sense of the word he was a gentleman—dignified, courteous, considerate, kindly, gracious. He had been a classmate of Theodore Roosevelt, and he was intimate with Mr. Roosevelt throughout Mr. Roosevelt's life.

Fittingly, the stroke which deprived him of consciousness came while he was attending a gathering concerned with the affairs of the Episcopal Church, to which he had given much of his strength and attention. For church and state he labored assiduously. In his death the Commonwealth of Massachusetts loses one of her best citizens and the Nation one who had been a wise counsellor.

HISTORICAL MUSEUM AT FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting."

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read "the sum of $50,000."

And the House agree to the same.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82), submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The only change made in the resolution, as agreed on by the conference committee, is to omit therefrom all reference to the county of Defiance, Ohio. The resolution now provides for appropriation of $50,000 by the State of Ohio and $25,000 by the United States, making the total amount $75,000 instead of $100,000 as originally provided.

ROBERT LUCE,
JOHN C. ALLEN,
FREDERICK M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

The conference report was agreed to.

APPOINTMENT OF MIDSHIPMEN BY THE VICE PRESIDENT

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2802) to provide for the appointment of midshipmen at large by the Vice President of the United States.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy, in addition to those allowed by existing law, midshipmen appointed at large by the Vice President of the United States, equivalent in number to those allowed for each United States Senator.

Mr. BRITTEN. Mr. Speaker, this bill merely authorizes the Vice President to appoint to the Naval Academy an equal number of boys as are now allowed to each Senator. It has been unanimously reported by the House committee and is on the calendar.

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, I would like to ask my colleague a question. Does this bill increase the number of midshipmen that are to be sent to the Naval Academy?

Mr. BRITTEN. Only to the extent of the four that will be authorized for the Vice President, he being an elective officer.

Mr. McCLINTIC. In other words, this only increases the number four?

Mr. BRITTEN. That is all.

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman the object of this legislation, placing these appointments in the hands of the Vice President instead of adding them to the number appointed by the President. Is it for the purpose of making the office of Vice President more attractive:

Mr. BRITTEN. No; the office of Vice President being an elective one, he has never had the privilege before of making appointments to the Naval Academy.

Mr. GARNER of Texas. That does not answer the question. The Presidency of the United States is also an elective office. I am trying to ascertain whether this is for the purpose of making the office of Vice President more attractive.

Mr. BRITTEN. If there is anything that will make it more attractive, the House certainly ought to assist.

Mr. GARNER of Texas. Well, that may be so.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, ETC.

Mr. BEERS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 225

Resolved, That the proceedings and debate in the House of Representatives on the joint resolution (S. J. Res. 47) proposing certain amendments to the Constitution to change the dates of the terms of the President and Vice President of the United States, and Senators and Representatives of the National Congress, be printed, as may be directed by the Joint Committee on Printing, as a House document, and that 1,000 additional copies be printed for the House document room and 4,500 copies for the use of the House of Representatives.

The resolution was agreed to.

INCOME TAX IN GREAT BRITAIN

Mr. BEERS. Mr. Speaker, I present another resolution from the Committee on Printing.

The Clerk read as follows:

House Resolution 195

Resolved, That the manuscript entitled "Income Tax in Great Britain, Including a Description of Certain Other Inland Revenue Taxes," prepared for the Joint Committee on Internal Revenue Taxation by Andre Bernard, of the legislative reference service of the Library of Congress, be printed as a House document.

Mr. GARNER of Texas. Mr. Speaker, what is the matter with the joint committee which is authorized to have printing done? I do not see any reason why the gentleman should come in here with such a resolution when the joint committee itself determines what it wants to print and has the power of having it printed. I can not see the reason for this resolution. It is propaganda that is being put forth by the Treasury and I do not believe it ought to be permitted.

Mr. SNELL. This is a privileged report.

Mr. GARNER of Texas. If it is a privileged report, of course, I can not help myself, but I want to enter my protest now against adopting this privileged report which purports to give information and to authorize printing which the joint committee has power to do now.

Mr. HAWLEY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. HAWLEY. The joint committee will have copies of this printed for its own use, but the purpose of printing it as a House document is to afford the House of Representatives and the Senate, as well as the officials of the Government, this information which is not available in any other form.

Mr. GARNER of Texas. Has the joint committee taken any action toward asking for this to be printed as a House document?

Mr. HAWLEY. Not formally.

Mr. GARNER of Texas. We had up the question of printing and discussed it at length.

Mr. BEERS. That is what this resolution asks for.

Mr. GARNER of Texas. Yes; this resolution asks for it, but I am talking about the joint committee.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HEARINGS OF THE COMMITTEE ON EDUCATION

Mr. BEERS. Mr. Speaker, I present another privileged resolution (H. Con. Res. 40).

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Education of the House of Representatives be, and is hereby, empowered to have printed 10,000 copies of the hearings held before the committee during the current session, on the bill (H. R. 7) to create a department of education, of which 1,000 copies shall be for the use of the Senate and 9,000 copies for the use of the House to be equally allotted to the Members through the folding room.

With the following committee amendments:

Page 1, line 5, after the word "printed," insert the words "with illustrations"; page 1, line 8, strike out "1,000 copies shall be for the use of the Senate and 9,000 copies for the use of the House, to be equally allotted to the Members through the folding room" and insert in lieu thereof the following: "the Public Printer shall deliver 1,000 copies to the folding room of the Senate and 9,000 to the folding room of the House of Representatives for equal apportionment to the Members of each House, respectively."

Mr. SNELL. Will the gentleman yield for a question? What is the need of this?

Mr. BEERS. I will ask the gentleman from New York to answer that.

Mr. REED of New York. There are 10,000 libraries in the United States, and the libraries want this. They have asked for them through the Members of the House. To make this perfectly clear, before the resolution came up, in order to aid the committee which passed on the resolution, the Joint Committee on Printing, I wrote to each Member of the House and asked him how many demands he had on his desk at the present time—not how many he expected to have—and we are only asking for the number which the Members now want to fill the demands they have on their desks.

Mr. SNELL. Is this to increase the propaganda for a department of education in Washington?

Mr. REED of New York. It is simply a matter of information. Both sides were heard completely and both sides want this for their own information.

Mr. SNELL. If it is just to increase the amount of propaganda being sent out, I would oppose the resolution.

Mr. LAGUARDIA. What are the illustrations?

Mr. BEERS. Just some charts that must go with it, that will cost about $9 or $10.

Mr. REED of New York. They are just little charts showing the various costs of education.

Mr. LAGUARDIA. Just charts?

Mr. REED of New York. Yes; that is all. It will amount to $9.50.

The committee amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARNER of Texas. Mr. Speaker, I do not want it to show that this resolution passed by unanimous consent.

The resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Texas) there were 146 ayes and 21 noes.

So the resolution was agreed to.

THE REVENUE BILL

Mr. HAWLEY. Mr. Speaker, I call up the report on H. R. 1, the revenue bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oregon calls up the conference report on H. R. 1 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to reduce anl equalize taxation, provide revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 13, 21, 24, 25, 26, 27, 28, 36, 54, 81, 82, 88, 139, 149, 175, 176, 191, 192, 194, 195, 196, 197, 198, 199, and 200.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 89, 90, 92, 93, 94, 95, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 193, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 221, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 404. Credit of gift tax and a period"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted and restore the matter proposed to be stricken out by the Senate amendment, and on page 6 of the House bill strike out the sixth line under the heading "Title IV—Administrative Provisions," and in lieu thereof insert the following:

"SEC. 605. Retroactive regulations and a period"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 702. Basis of property upon sale by estate—retroactive.
"SEC. 703. Deduction of estate and inheritance taxes—retroactive.
"SEC. 704. Taxability of trusts as corporations—retroactive.
"SEC. 705. Installment sales—retroactive.
"SEC. 706. Contributions to charity—retroactive.
"SEC. 707. Income tax on sale of vessels built before 1914.
"SEC. 708. Definition of the term 'motor boat.'
"SEC. 709. Remission or mitigation of forfeitures.
"SEC. 710. Refunds and credits to be referred to joint committee.
"SEC. 711. Commissioners of Court of Claims.
"SEC. 712. Bureau of Internal Revenue—details to Washington.
"SEC. 713. Salaries of collectors of internal revenue.
"SEC. 714. Repeals.
"SEC. 715. Separability clause.
"SEC. 716. Effective date of act."

And a period.

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per cent"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 224 of the House bill, after line 8, and after the section inserted by Senate amendment 215, insert the following:

"SEC. 706. CONTRIBUTIONS TO CHARITY—RETROACTIVE.

"In computing the net income of any individual, other than a nonresident alien, for the taxable year 1923, there shall be allowed as a deduction (subject to the percentage limitation prescribed by section 214(a)(11) of the revenue act of 1921) any contributions or gifts to or for the use of a trust organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, if such individual made during the taxable year 1924 contributions or gifts to the same trust and in the aggregate of substantially the same amount. In no case shall there be allowed as a deduction under this section contributions or gifts to an amount in excess of $50,000. Any tax paid in respect of such deduction shall, subject to the statutory period of limitation applicable thereto, be credited or refunded."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(q) Pension trusts.—An employer establishing or maintaining a pension trust to provide for the payment of reasonable pensions to his employees (if such trust is exempt from tax under section 165, relating to trusts created for the exclusive benefits of employees) shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowable as a deduction, and (2) is apportioned in equal parts over a period of 10 consecutive years beginning with the year in which the transfer or payment is made."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 12 of the Senate engrossed amendments, line 8, strike out the period and insert a semicolon; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: On page 14 of the Senate engrossed amendments, at the end of line 14, insert a period and the following:

"In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death."

And the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: On page 20 of the Senate engrossed amendments, line 17, strike out all after "group" and insert in lieu thereof a period and the following: "An insurance company subject to the tax imposed by section 201 or 204 shall not be included in the same consolidated return with a corporation subject to the tax imposed by section 13" and a period; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12 per centum"; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: On page 166 of the House bill, line 4, strike out "three" and insert "two"; and on page 178 of the House bill, line 20, strike out "three" and insert "two"; and on page 178 of the House bill, line 25, strike out "three" and insert "two"; and on page 179 of the House bill, line 2, strike out "three" and insert "two"; and on page 180 of the House bill, line 10, strike out "three" and insert "two"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 186 of the House bill, line 13, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 16, strike out "or" and insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 186 of the House bill, line 18, strike out "or" and

insert a comma and the following: "credit, or abatement"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(a) No refund shall be made of any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921 or of the revenue act of 1918, unless either—

"(1) Pursuant to a judgment of a court in an action duly begun prior to April 30, 1928; or

"(2) It is established to the satisfaction of the commissioner that such amount was in excess of the amount properly payable upon the sale or lease of an article subject to tax, or that such amount was not collected, directly or indirectly, from the purchaser or lessee, or that such amount, although collected from the purchaser or lessee, was returned to him; or

"(3) The commissioner certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchases, and that such bond, in the case of a claim allowed after February 28, 1927, was filed before the allowance of the claim by the commissioner.

"(b) The second proviso under the heading 'Internal revenue' in section 1 of the first deficiency act, fiscal year 1928, and the second proviso of the fourth paragraph under the heading 'Internal Revenue Service' in section 1 of the Treasury and Post Office appropriation act for the fiscal year 1929, are repealed" and a period.

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 442. TAX ON STEAMSHIP TICKETS.

"(a) Subdivision 5 of Schedule A of Title VIII of the revenue act of 1926 is amended to read as follows:

"'5. Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, or Cuba, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5. This subdivision shall not apply to passage tickets costing $10 or less.'

"(b) Subsection (a) of this section shall take effect on the expiration of 30 days after the enactment of this act."

And the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "or the Undersecretary" and a comma; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: On page 37 of the Senate engrossed amendments, lines 7 and 8, strike out "extinguishment of liability by bar of statute of limitations" and insert "effect of expiration of period of limitation"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 611. COLLECTIONS STAYED BY CLAIM IN ABATEMENT.

"If any internal-revenue tax (or any interest, penalty, additional amount, or addition to such tax) was, within the period of limitation properly applicable thereto, assessed prior to June 2, 1924, and if a claim in abatement was filed, with or without bond, and if the collection of any part thereof was stayed, then the payment of such part (made before or within one year after the enactment of this act) shall not be considered as an overpayment under the provisions of section 607, relating to payments made after the expiration of the period of limitation on assessment and collection."

And the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: On page 41 of the Senate engrossed amendments, line 21, after "taxable," insert "(whether distributed or not)"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: On page 42 of the Senate engrossed amendments, line 11, strike out "a return or an amended," and insert "an original"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 4, after the period, insert "The basis of any such new ship shall be reduced by the amount of the gain from such sale exempt from taxation under this paragraph" and a period; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 708. DEFINITION OF THE TERM 'MOTOR BOAT.'

"The term 'motor boat,' when used in the act of September 21, 1922, includes a yacht or pleasure boat, regardless of length or tonnage, whether sail, steam, or motor propelled, owned by a resident of the United States or brought into the United States for sale or charter to a resident thereof, whether or not such yacht or boat is brought into the United States under its own power, but does not include a yacht or boat used or intended to be used in trade or commerce, nor a yacht or boat built or for the building of which a contract was entered into prior to December 1, 1927."

And the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: On page 44 of the Senate engrossed amendments, line 17, strike out "penalties" and insert "forfeitures"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 2, strike out "709" and insert "710"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: On page 45 of the Senate engrossed amendments, line 18, strike out "710" and insert "711"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "712"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: On page 46 of the Senate engrossed amendments, line 6, strike out "712" and insert "713"; and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "714"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "715"; and the Senate agree to the same.

Amendment numbered 226: That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by the Senate amendment insert "716"; and the Senate agree to the same.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO. N. GARNER,
J. W. COLLIER,
Managers on the part of the House.
REED SMOOT,
GEO. P. MCLEAN,
DAVID A. REED,
PETER G. GERRY,
PAT HARRISON,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1) to reduce and equalize taxation, provide revenue, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This amendment makes a clerical change; and the House recedes.

On amendment No. 2: This amendment makes a clerical change; and the Senate recedes.

On amendment No. 3: This amendment makes a clerical change; and the House recedes.

On amendment No. 4: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment Nos. 5, 6, and 7: These amendments make clerical changes; and the House recedes.

On amendment No. 8: This amendment makes a clerical change; and the Senate recedes.

On amendments Nos. 9 and 10: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendments Nos. 11 and 12: The House bill made the income-tax title of the new bill applicable to the taxable year 1927 and succeeding taxable years and provided that income and excess-profits taxes for taxable years preceding the taxable year 1927 should remain subject to prior revenue acts except as expressly modified by the new act. This covered not only provisions as to rates but the administrative provisions as well. Senate amendments 11 and 12 provide that the new income-tax title shall begin with the taxable year 1928 instead of the taxable year 1927. The House recedes. This action on the part of the conferees necessitates that the House also recede on a number of other amendments of the Senate carrying out this same purpose, which are noted below under their respective numbers.

On amendment No. 13: The House bill made no change in the surtax rates of the existing law. The Senate amendment adjusts surtax rates on incomes in excess of $20,000, the reduction aggregating $25,000,000; and the Senate recedes.

On amendment No. 14: This amendment makes a clerical change; and the House recedes.

On amendment No. 15: The House bill reduced the corporation rate from 13½ to 11½ per cent. The Senate amendment reduced the rate to 12½ per cent. The House recedes with an amendment fixing the rate at 12 per cent.

On amendment No. 16: The House bill provided that corporations with net incomes of not more than $15,000 in excess of the credits provided in section 26, should be subject to a graduated tax of from 5 per cent to 9 per cent. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 17, 18, 19, and 20: These amendments make clerical changes; and the House recedes.

On amendment No. 21: The House bill omitted the provision in prior revenue acts purporting to tax the salaries of the President, of the judges of the Supreme and inferior courts of the United States, and of all other officers and employees of the United States, Alaska, Hawaii, etc., on the ground that in so far as this compensation can be taxed under the Constitution it is covered in the general definition of income. The Senate amendment in terms makes the salary of the President of the United States taking office after the enactment of the new act taxable; and the Senate recedes.

On amendment No. 22: The House bill allowed the owner of a cooperative apartment to deduct the amount of his payments to the cooperative corporation representing his share of the interest and taxes paid by the corporation. This amendment and amendments 34 and 39 strike out these provisions; and the House recedes.

On amendment No. 23: This amendment makes a clerical change; and the House recedes.

On amendment No. 24: This amendment makes a clerical change; and the Senate recedes.

On amendment No. 25: This amendment makes a clerical change; and the Senate recedes.

On amendments Nos. 26, 27, and 28: The Senate amendments are intended primarily to permit doctors and other professional men to deduct their expenses in attending meetings of their organizations. These expenses usually are not deductible under the existing law, and the effect of the amendment was to authorize nonbusiness deductions; and the Senate recedes.

On amendment No. 29: The effect of this amendment is to permit the deduction of taxes assessed against local benefits of a kind tending to increase the value of the property assessed in so far as such taxes are properly allocable to maintenance or interest charges, the question arising principally in connection with taxes levied by certain drainage districts; and the House recedes.

On amendment No. 30: Under existing law difficulty has been experienced in determining and allowing the deduction for depreciation in cases where property is held by one person for life with remainder to another person; and the deduction, in the case of property held in trust, is allowable only to the trustee. The Senate amendment provides that a life tenant, for the purpose of this deduction, shall be considered as the absolute owner, so that he will be entitled to the deduction during his life, and that thereafter the deduction, if any, will be allowed to the remainderman. In the case of property held in trust, the allowable deduction is to be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the will, deed, or other instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income which is allocable to the trustee and the beneficiaries, respectively. For example, if the trust instrument provides that the income of the trust computed without regard to depreciation shall be distributed to a named beneficiary, such beneficiary will be entitled to the depreciation allowance to the exclusion of the trustee, while if the instrument provides that the trustee in determining the distributable income shall first make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the allowable deduction will be granted in full to the trustee. The bill contains similar provisions as to the deduction for depletion. The Senate amendment provides for an equitable apportionment of the deduction in these cases; and the House recedes.

On amendments Nos. 31 and 32: The purpose and effect of these amendments, which relate to the deduction for depletion in the case of property held by one person and the remainder to another person, and in the case of property held in trust, is similar in effect to amendment No. 30; and the House recedes.

On amendment No. 33: This amendment extends the provisions of the bill relating to deductions for charitable contributions or gifts to trusts, to cases arising under the revenue act of 1921. The House recedes with an amendment defining narrowly the circumstances under which such deduction shall be allowed retroactively so that it will apply only to the case for the relief of which the amendment was intended.

On amendment No. 34: The purpose of this amendment, which relates to the deductions granted to owners of cooperative apartments, is explained in connection with amendment No. 22; and the House recedes.

On amendment No. 35: The Senate amendment provided that an employer who had established a pension reserve could transfer the reserve to a pension trust of the type exempt under section 165 of the bill, and would be permitted to deduct the amounts so transferred, the deduction to be prorated over a period of years equivalent to the time during which the reserve was accumulated. There are two other classes of cases which should be provided for: (1) The creation of a pension trust by an employer who has had a pension plan in existence, but who has been paying the pensions out of current income, for example, without the establishment of a pension reserve; and (2) the employer who creates a pension trust and adopts for the first time a pension plan. Upon the creation of a pension trust, the payments of the employer, in any of the above cases, consist of contributions covering the pension liability accruing during the year (which are allowed as a deduction under section 23(a) of the new law, assuming the reasonableness of the contribution) and payments made during the year, for example, on account of the pension liability which would have accrued during prior years had the plan been in existence, or to build up reserves in order to place the plan upon a basis which is actuarily sound. The House recedes with an amendment permitting the spread of the payments of the latter type above described over a period of 10 years.

On amendment No. 36: This amendment proposes to allow as a deduction from income all expenses paid or incurred in con-

testing liability for any tax, Federal, State, municipal, or otherwise; and the Senate recedes.

On amendment No. 37: This is a clerical amendment which is necessary in connection with amendments Nos. 30, 31, and 32; and the House recedes.

On amendment No. 38: This amendment makes a clerical change; and the House recedes.

On amendment No. 39: This amendment, which relates to additional deductions to owners of cooperative apartments, is discussed above with amendment No. 22; and the House recedes.

On amendment No. 40: This amendment increases from $20,000 to $30,000 the maximum amount which can be considered as earned net income, for the purpose of the earned income credit; and the House recedes.

On amendment No. 41: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 42, 43, and 44: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 45, 46, and 47: These amendments make clerical changes; and the House recedes.

On amendments Nos. 48, 49, and 50: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 51, 52, and 53: These amendments make clerical changes; and the House recedes.

On amendment No. 54: The House bill retained the provisions of the present law (section 257 of the revenue act of 1926) relating to the examination and inspection of income-tax returns. The Senate amendment permits the examination and inspection of such returns under the same rules and regulations as govern the examination of public documents generally; and the Senate recedes.

On amendments Nos. 55, 56, 57, and 58: These amendments make clerical changes; and the House recedes.

On amedment No. 59: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 60: This amendment makes a clerical change; and the House recedes.

On amendment No. 61: The Senate amendment exempts corporations organized by an exempt farmers' cooperative marketing or purchasing association or the members thereof for the purpose of financing the ordinary crop operations of such members or other producers and operated in conjunction with the cooperative marketing or purchasing association. The House recedes with a clerical amendment.

On amendments Nos. 62, 63, 64, 65, and 66: These amendments make clerical changes; and the House recedes.

On amendment No. 67: This amendment introduces into the law a new kind of exempt organization, namely, teachers' retirement-fund associations of a purely local character. The exemption is conditioned on the association complying with two conditions: First, that except for payment of retirement benefits, no part of the net earnings shall inure to the benefit of any private shareholder or individual; and, second, the income of the association must consist exclusively of receipts from public taxation, assessments against the teaching salaries of members, and income from investments; and the House recedes.

On amendments Nos. 68, 69, and 70: The House bill provided for a special tax on "personal holding companies" in order to discourage the retention by such companies of excessively large accumulations of surplus for the purpose of avoiding surtaxes on their members. The Senate amendments strike out the provisions of the House bill and restore the present law (section 220 of the revenue act of 1926); and the House recedes, the effect being to restore the existing law on the subject.

On amendment No. 71: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 72, 77, 78, 79, and 80: The House bill eliminated the provisions of existing law relative to corporate distributions of earnings and profits accumulated, or increase in value of property, prior to March 1, 1913. These amendments restore the provisions of the existing law; and the House recedes.

On amendments Nos. 73, 74, and 75: The purpose of these amendments is to clarify and establish the law with respect to the basis of property acquired by transfer in trust other than a transfer in trust by bequest or devise, by gift on or before December 31, 1920, by the exercise of a power of appointment, by transmission at death, and by transfer in contemplation of or intended to take effect at or after death.

Section 113 (a) (3) is amended (No. 73) by striking out the last sentence of the House bill, with the effect of including within the paragraph transfers in trust made after December 31, 1920, even if made in contemplation of death or to take effect in possession or enjoyment at or after death. The basis provided in such cases is the basis the property would have in the hands of the grantor, adjusted for gain or loss recognized to the grantor when the transfer was made; and the House recedes.

Section 113 (a) (4) is amended (No. 74) so as to provide that the basis in the case of property passing under a power of appointment, regardless of the time of acquisition, shall be the fair market value on the date of acquisition, which is the rule of the existing law; and the House recedes.

Section 113 (a) (5) is amended (No. 75) so as to provide that in the case of specific bequest of personalty or a general or specific device of realty or the transmission of realty by intestacy the basis shall be the fair market value of the property at the time of the death of the decedent. In these cases it may be said, as a matter of substance, that the property for all practical purposes vests in the beneficiary immediately upon the decedent's death, and therefore the value at the date of death is a proper basis for the determination of gain or loss to the beneficiary. The same rule is applied to real and personal property transmitted by the decedent, where the sale is made by the executor. In all other cases the basis is the fair market value of the property at the time of the distribution to the taxpayer. The latter rule would obtain, for example, in the case of personal property not transmitted to the beneficiary by specific bequest, but by general bequest or by intestacy. It would also apply in cases where the executor purchases property and distributes it to the beneficiary; and the House recedes, with the following amendment:

A special rule is provided in section 113 (a) (5) by which to determine the basis of property transferred in trust with the right reserved to the grantor at all times prior to his death to revoke the trust where the sale or other disposition of property occurs after the death of the grantor. This rule includes sales or other dispositions by the trustee and also by a beneficiary of the trust. In view of the complete right of revocation in such cases on the part of the grantor at all times between the date of creation of the trust and his death, it is proper to view the property for all practical purposes as belonging to the grantor rather than the beneficiaries and to treat the property as vesting in the beneficiaries according to the terms of the trust instrument, not at the date of creation of the trust but rather on the date of the grantor's death for the purpose of determining gain or loss on sale or other disposition of the property after the grantor's death by the trustee or by a beneficiary. Accordingly it is provided that the basis of such property in the hands of the persons entitled thereto by the terms of the trust instrument after the grantor's death shall be the same as if the trust instrument had been a will executed on the date of his death. Thus property acquired by virtue of revocable trusts of the kind described is treated for all practical purposes the same as though it had been transmitted by the grantor by will at his death.

On amendment No. 76: The House bill delegated to the commissioner, with the approval of the Secretary, power to prescribe regulations legislative in character for the determination of the basis, after the period of affiliation, of property acquired by a corporation during the period of affiliation from an affiliated corporation. In the restoration of the privilege to file consolidated returns, it was necessary to cover property required in 1929 or thereafter, and the Senate amendment provides that in such case the basis shall be determined in accordance with the legislative regulations prescribed under the consolidated return provisions; and the House recedes.

On amendments Nos. 77, 78, 79, 80: These amendments are above discussed in connection with amendment No. 72; and the House recedes.

On amendment No. 81: The House bill provided for the exemption of the compensation of any individual employed by Alaska or Hawaii or any political subdivision thereof as a teacher in any educational institution. The Senate amendment extends the exemption to all officers or employees of any State or Territory or political subdivision thereof, whether or not engaged in a governmental function, and of any corporation 95 per cent of the stock of which is owned or controlled by a State, Territory, or political subdivision (such as public-utility

corporations). The amendment extends the exemption accorded by the Constitution (see, Stone, J., in Metcalf & Eddy *v.* Mitchell, 269 U. S. 514, and cases there cited); and the Senate recedes.

On amendment No. 82: Under existing law and the House bill a State, Territory, political subdivision, or the District of Columbia which may be entitled to the proceeds from the operation of a public utility is entitled to a refund of that portion of the income tax paid by the public utility which is attributable to the income accruing directly to such State, Territory, political subdivision, or the District of Columbia but only in cases where the contract under which the utility is operated was entered into prior to September 8, 1916. The Senate amendment extends the exemption to all such cases regardless of the date of the contract, thus extending the constitutional exemption; and the Senate recedes.

On amendment No. 83: This amendment deals with the situation (illustrated by the case of the St. Charles River Bridge) where a State or political subdivision, pursuant to a contract to which it is not a party, is to acquire a bridge and payment therefor in whole or in part is to be made from the earnings from the bridge. So much of the tax on the net income as is attributable to the earnings which but for the tax would accrue to or for the benefit of the State or political subdivision shall be refunded to the State or political subdivision. No refund is to be made unless the entire amount of the refund is applied toward the purchase price of the bridge. The House recedes.

On amendments Nos. 84 and 85: These amendments make clerical changes; and the House recedes.

On amendments Nos. 86 and 87: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 88: This amendment provides for allocating the income from the operation of bridges between the United States and contiguous foreign countries in accordance with an agreement to be entered into between the President of the United States and the proper authorities of such foreign country. The allocation can be made in proper cases under the existing law; and the Senate recedes.

On amendments Nos. 89 and 90: These amendments were made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 91: The House bill made no provision for the filing by affiliated corporations of a consolidated return after the taxable year 1928. The Senate amendment permits the filing of a consolidated return by an affiliated group providing the affiliated group consents to regulations issued by the commissioner prior to the making of the return relating to the computation of the consolidated net income of the group, and of the net income of the members of the group, after the period of affiliation.

Among the regulations which it is expected that the commissioner will prescribe are: (1) The extent to which gain or loss shall be recognized upon the sale by a member of the affiliated group of stock issued by any other member of the affiliated group or upon the dissolution (whether partial or complete) of a member of the group; (2) the basis of property (including property included in an inventory) acquired, during the period of affiliation by a member of the affiliated group, including the basis of such property after such period of affiliation; (3) the extent to which, and the manner in which, net losses sustained by a corporation before it became a member of the group shall be deducted in the consolidated return; and the extent to which and the manner in which net losses sustained during the period for which the consolidated return is filed shall be deducted in any taxable year after the affiliation is terminated in whole or in part; (4) the extent to which, and the manner in which, gain or loss is to be recognized, upon the withdrawal of one or more corporations from the group, by reason of transactions occurring during the period of affiliation; and (5) that the corporations filing the consolidated return must designate one of their members as the agent for the group, in order that all notices may be mailed to the agent, deficiencies collected, refunds made, interest computed, and proceedings before the Board of Tax Appeals conducted as though the agent were the taxpayer.

The House recedes with a clarifying amendment to subdivision (e) of the Senate amendment providing specifically that an insurance company subject to the tax imposed by section 201 or 204 shall not be included in the same consolidated return with a corporation subject to the tax imposed by section 13.

On amendment No. 92: This amendment makes a clerical change; and the House recedes.

On amendment No. 93: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928 instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 94: This amendment makes a clerical change; and the House recedes.

On amendment No. 95: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928 instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 96: This amendment makes a clerical change; and the House recedes.

On amendment No. 97: The House bill provided that a fiduciary required to make a return under the income-tax title should be subject to all the provisions of that title which apply to individuals. The Senate amendment subjects the fiduciary to all the provisions of law applying to individuals; and the House recedes.

On amendment No. 98: This amendment makes a clerical change; and the House recedes.

On amendment No. 99: The House bill provides that withholding at the source in the case of interest payments on tax-free covenant bonds to a foreign corporation where the liability assumed by the obligor does not exceed 2 per cent of the interest, shall be at the rate of 11½ per cent. The Senate amendment fixes the rate at 12½ per cent and the House recedes with an amendment by which the rate is fixed at 12 per cent.

On amendments Nos. 100 and 101: These amendments make clerical changes; and the House recedes.

On amendment No. 102: The House bill provides for withholding at the source in the case of foreign corporations at the rate of 11½ per cent. The Senate amendment fixes the rate at 12½ per cent. The House recedes with an amendment fixing the rate at 12 per cent.

On amendments Nos. 103 to 110, inclusive: These amendments make clerical changes; and the House recedes.

On amendments Nos. 111, 112, 113, and 114: In accordance with Senate amendment 15, these amendments change the rates in the case of insurance companies from 11½ to 12½ per cent; and the House recedes with an amendment making the rates 12 per cent.

On amendments Nos. 115, 116, 117, and 118: In the case of an insurance company (other than a life or mutual) under existing law and under the House bill the gain or loss from the sale or other disposition of property (including securities) is not recognized. The effect of these amendments is to recognize such gains and losses; and the House recedes.

On amendments Nos. 119 to 129, inclusive: These amendments make clerical changes; and the House recedes.

On amendment No. 130: The House bill requires that the amount of all income taxes imposed for 1928 and subsequent years shall be assessed within three years after the return was filed and provides that no court proceeding without assessment may be begun after the expiration of such period. The Senate amendment reduces the period to two years. The House recedes with an amendment which establishes a like period for the filing of claims for refund or credit of income taxes for 1928 and subsequent years.

On amendments Nos. 131, 132, 133, and 134: The House bill provided that waivers filed after the expiration of the period of limitation, in the case of income taxes imposed by the new law, should be valid. The Senate amendments eliminate this provision; and the House recedes.

On amendment No. 135: This amendment makes a clerical change; and the House recedes.

On amendment No 136: The House bill permitted the assessment of the liability of a transferee of a transferee within one year after the expiration of the period of limitation for assessment against the preceding transferee. The Senate amendment provides that the aggregate period of limitation can not exceed three years from the date of the expiration of the period of limitation for assessment against the taxpayer; and the House recedes.

On amendment No. 137: This amendment makes a clerical change; and the House recedes.

On amendment No. 138: The effect of the Senate amendment is to restore as of January 1, 1926 (the effective date of its repeal) section 322 of the revenue act of 1924, which provided that where the amount of a gift is required to be included in the gross estate of the decedent the estate should be credited with the amount of the gift tax; and the House recedes.

On amendment No. 139: The purpose of this amendment is to modify the definition of the term "deficiency" for the purpose

of permitting an appeal to the Board of Tax Appeals in cases where a disputed item arises in a taxable year in which the rate of tax has been retroactively lowered. Under existing law the right to contest the disputed item exists by way of a claim and suit for refund unless the difference in the tax caused by the retroactive reduction is abated; and the Senate recedes.

On amendments Nos. 140 and 141: The House bill increased the exemption from the tax on admission and dues from 75 cents to $1. The Senate amendment increases the exemption to $3; and the House recedes.

On amendment No. 142: The existing law imposes, in the case of theater tickets, etc., sold by brokers, a tax of 5 per cent of the broker's charge if it does not exceed 50 cents, and a tax of 50 per cent if it does exceed 50 cents. The Senate amendment fixes the dividing line at 75 cents instead of 50 cents; and the House recedes.

On amendment No. 143: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 144, 145, and 146: The House bill reduced the dues tax from 10 per cent to 5 per cent of the amount paid as dues or members' fees to any social, athletic, or sporting club where the dues or fees exceed $10 a year or paid as initiation fees if the fees amount to more than $10 or if the dues or members' fees not including initiation fees exceed $10 per year. The Senate amendments restore the rate to 10 per cent and increase the amount payable as dues or membership fees, without the imposition of the tax, from $10 to $25; and the House recedes.

On amendment No. 147: This amendment makes a clerical change; and the House recedes.

On amendment No. 148: The House bill repealed the automobile tax and provided for a refund of one-half the tax paid in case of automobiles sold by the manufacturer (for example) to the dealer (including also a chassis manufacturer, for example, who has purchased a body and a tax upon the sale has been paid) and held by him on the date of the repeal of the tax. The Senate amendment provides for refund (or if the tax has not been paid, for the abatement) of the full amount of tax in such cases; and the House recedes.

On amendment No. 149: The House bill provided that the refund of the tax on automobiles held by a dealer on the date of the enactment of the act could be applied as a credit against the tax shown by subsequent returns of the manufacturer. The Senate amendment strikes out this provision; and the Senate recedes.

On amendments Nos. 150, 151, 152: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendments Nos. 153 and 154: These amendments made the changes necessary on account of the repeal of the automobile tax, in the provisions relating to the refund of taxes paid by purchasers after the repeal of the tax, under the conditions prescribed in the House bill (section 423); and the House recedes.

On amendments Nos. 155 and 156: These amendments make clerical changes; and the House recedes.

On amendment No. 157: The House bill prohibited refunds of automobile-accessories taxes, except in the following cases: (1) Pursuant to a judgment of a court in an action begun prior to the date of the enactment of the deficiency act of 1927; or (2) unless the amount was an ordinary overpayment of the amount due upon the sale of an article actually subject to the tax; or (3) if the manufacturer had collected the amount of the tax from the purchaser, he had refunded such amount to the purchaser; or (4) unless the manufacturer to whom the refund is to be made has filed a bond conditioned upon the return of any part of the refund which he has not been able to pass back to the consumer.

The Senate amendment struck out the provisions of the House bill and denied refunds, except in the following cases: (1) Pursuant to a judgment of a court in an action begun prior to February 28, 1928; or (2) it is established to the satisfaction of the commissioner that the amount to be refunded was not added separately on the invoice to the purchaser, or, if so added, had been returned to the purchaser; or (3) a bond was given, similar to the requirement of the House bill.

The House recedes with an amendment denying refunds, except in the following cases: (1) Pursuant to a judgment of a court in an action duly begun prior to April 30, 1928; or (2) unless the amount was an ordinary overpayment of the amount due upon the sale of an article actually subject to the tax; or (3) the amount was not collected, directly or indirectly, from the purchaser, or, if collected, has been returned to him; or (4) a bond is given upon the conditions described above.

On amendment No. 158: This amendment permits cigars to be packed in boxes of 20; and the House recedes.

On amendment No. 159: The House bill increases the excise tax on the use of foreign-built boats to five times the rate imposed by existing law. The Senate amendment eliminates this provision and repeals entirely the tax imposed by existing law, substituting therefor a definition (section 707, amendment 217) applicable to paragraph 370 of the tariff act of 1922, under which the tariff duty will be imposed upon yachts and boats of the kind now subject to the excise tax; and the House recedes on amendment 159, and recedes with an amendment on amendment 217.

On amendment No. 160: Under existing law and the House bill the narcotics tax imposed on retail dealers is $6 a year. The Senate amendment reduces the tax to $3 a year; and the House recedes.

On amendment No. 161: This amendment exempts from the stamp tax imposed by section 801 of the revenue act of 1926, stocks, bonds, and other certificates of indebtedness issued by certain cooperative farmer or fruit growers' associations; and the House recedes.

On amendment No. 162: The House bill repeals the stamp tax imposed by subdivision 4 of Schedule A of Title VIII of the revenue act of 1926 on sale of produce on exchanges. The Senate amendment restores this tax; and the House recedes.

On amendment No. 163: The House bill reduces the stamp tax, imposed by subdivision 3 of Schedule A of Title VIII of the revenue act of 1926 on sales or transfers of capital stock, from 2 cents on each $100 of face value or fraction thereof to 1 cent. The Senate amendment restores the existing law; and the House recedes.

On amendment No. 164: The Senate amendment exempts from tax steamship tickets for transportation to Cuba, as in the case of transportation to Canada and Mexico; and the House recedes with a clerical amendment prescribing the effective date of the amendment.

On amendment No. 165: The House bill requires postmasters in all cities of more than 50,000 inhabitants to have for sale a suitable quantity of revenue stamps. The Senate amendment requires this to be done in cities of over 25,000 inhabitants; and the House recedes.

On amendments Nos. 166 and 167: The Senate amendments provide for the reduction to the pre-war level of the rates of tax upon wines containing more than 21 per cent and not more than 24 per cent of absolute alcohol; and the House recedes.

On amendment No. 168: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income-tax title first apply to 1928, instead of 1927, as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 169: This amendment makes a clerical change; and the House recedes.

On amendments Nos. 170, 171, 172, and 173: These amendments, which relate to the validity of waivers executed after the expiration of the period of limitation intended to be waived, are similar to amendments numbered 131, 132, 133, and 134 above. The House bill made such waivers effective even though executed after the expiration of such period. The Senate amendment confines the provisions to waivers executed before the expiration of the period; and the House recedes.

On amendment No. 174: This amendment makes valid and effective any waiver executed after the expiration of the period of limitation, notwithstanding the effect of amendments numbered 170 to 173, inclusive, if entered into after the enactment of this act and before January 1, 1929. The amendment also provides that the above amendments to section 278 of the revenue act of 1926 shall not be construed as in any manner affecting the validity of waivers made prior to the enactment of this act; and the House recedes.

On amendments Nos. 175 and 176: The Senate amendments provide for the reopening of the statute of limitations upon the filing of claims for refund in cases where the taxpayer prior to January 1, 1928, filed the waiver upon the assessment of taxes for the taxable years 1917, 1918, 1919, 1920, and 1921; and the Senate recedes.

On amendment No. 177: The Senate amendment makes it clear that the division of the Board of Tax Appeals must make a determination upon the proceeding assigned to it; and the House recedes.

On amendments Nos. 178 and 179: The Senate amendment eliminates certain superfluous language of the House bill; and the House recedes.

On amendment No. 180: This amendment writes into the law a provision now carried in the appropriation acts permitting the board to renew contracts for reporting hearings; and the House recedes.

On amendment No. 181: The House bill provided that the rules of practice and procedure (other than rules of evidence) promulgated by the board under the authority of the statute should have the same force and effect as Federal equity rules. Since it is clear, under the statute, that the rules of the board have the force and effect of law, the Senate eliminates this provision as unnecessary; and the House recedes.

On amendment No. 182: Under existing law the burden of proof in proceedings before the board is on the petitioner even as to issues of fraud. The Senate amendment places upon the Government the burden of proving fraud whenever an issue of fraud is involved; and the House recedes.

On amendment No. 183: The House bill provided that no decision of the board should be modified or reversed because of its failure to consider evidence not adduced before it in evidence. The existing law is clear that the board need not consider evidence not properly placed before it and that it need not conduct independent investigations of the facts of cases pending on its docket. In view of this, the Senate eliminated the House provisions; and the House recedes.

On amendment No. 184: The House bill provided that the commissioner might proceed to enforce the liability of a taxpayer against a transferee of his property either by appropriate proceedings before the Board of Tax Appeals or by instituting suit against such transferee in the courts. The proceedings under section 280 of the present law have proved so effective in preventing the evasion of taxes and in the collection of taxes properly due that the Senate amendment strikes out the section giving the commissioner the right to proceed in court against the transferee; and the House recedes.

On amendment No. 185: Section 1108 (a) of the revenue act of 1926 permits the commissioner to apply a new regulation or Treasury decision without retroactive effect when the new regulation or Treasury decision is not immediately occasioned by a court decision. This desirable policy has been extended by the Senate amendment so as to include all regulations and Treasury decisions whether or not occasioned by a court decision. It is hoped that this provision will prevent the constant reopening of cases on account of changes in regulations or Treasury decisions, and it is believed that sound administration properly places upon the Government the responsibility and burden of interpreting the law and of prescribing regulations upon which the taxpayers may rely; and the House recedes.

On amendment No. 186: The existing law, the House bill, and the Senate bill contain provisions permitting the execution of final agreements by the Government and taxpayer relating to the tax liability of any particular year or years. The House bill provides that such an agreement may be approved by the Secretary. The Senate amendment permits approval by the Secretary, the Undersecretary, or an Assistant Secretary. The House recedes with an amendment limiting the approval to the Secretary or the Undersecretary.

On amendment No. 187: This is a clerical amendment in the nature of a rephrasing and simplification of the provisions of the House bill which do not, however, operate to change the legal effect. The House recedes with an amendment which modifies the title of the section.

On amendment No. 188: The House bill provides that if a refund is made after the expiration of the period of limitation within which the taxpayer may bring suit for such refund, the repayment shall be considered to be an overpayment unless suit was duly begun by the taxpayer. The Senate amendment permits the period for filing suit to be extended upon the execution of an agreement between the taxpayer and the commissioner agreeing to an extension pending a final decision in one or more cases named in the agreement. If the suit is favorable to the taxpayer the case may be reopened and the refund allowed, of course, without the necessity of suit; and the House recedes.

On amendment No. 189: The House bill permits the Government to recover erroneous refunds (excluding refunds which are erroneous under section 608) by suit begun within two years after the making of such refund. The Senate amendment makes it certain that this limitation does not apply to suits begun prior to May 1, 1928; and the House recedes.

On amendment No. 190: The House bill (section 611) provided that in cases in which a tax is assessed within the period for assessments and thereafter (whether before or after the expiration of such period) a claim in abatement was filed, with or without a bond, and if proceedings were not promptly instituted (as would have been the case had the claim in abatement not been filed) that then (1) if any part of the amount covered by the claim in abatement was thereafter paid, such amount should not be refunded, solely because of the fact that it was paid after the running of the statute, and (2) in cases where the amount was not paid, it could be collected by distraint or proceedings in court begun within one year after the enactment of the new law. The Senate amendment struck out this section; and the House recedes with an amendment retaining the prohibition upon refunds, as above described, and eliminating the authority for collection.

On amendments Nos. 191 and 192: These amendments make clerical changes; and the Senate recedes.

On amendment No. 193: This amendment makes it clear that the provisions of the section relating to liens for taxes are applicable to all liens in respect of any internal-revenue tax whether or not the lien is imposed by that section; and the House recedes.

On amendments Nos. 194 to 199, inclusive: These amendments make clerical changes; and the Senate recedes.

On amendment No. 200: The House bill made no change in the provisions of existing law (sec. 1107 of the revenue act of 1926) prohibiting a review by the General Accounting Office of decisions of the commissioner under the internal revenue laws. The Senate amendment provides that all claims, refunds, etc., allowed by the commissioner in excess of $10,000 shall be audited by the General Accounting Office. The audit now accorded by the Bureau of Internal Revenue is entirely adequate to protect the interests of the Government, and there is no necessity for the Senate amendment; and the Senate recedes, thus leaving section 1107 applicable.

On amendment No. 201: This amendment makes a clerical change; and the House recedes.

On amendment No. 202: The House bill makes provision for the salaries of the legislative counsel and the special assistant to the Secretary of the Treasury. Inasmuch as these provisions have become law, the Senate has eliminated them; and the House recedes.

On amendment No. 203: This amendment makes a clerical change; and the House recedes.

On amendment No. 204: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928, instead of 1927 as in the House bill. The House recedes, in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendments Nos. 205, 206, and 207: The House bill validated the regulations in force prior to the decision in the McKinney case providing that the basis for computing gain or loss should be the value of the property at the time of the death of the decedent, in the case of a sale by the executor of property acquired from the decedent, if the estate indicated its acquiescence in such regulations by failure to file a claim for refund or credit prior to the enactment of the new law. The Senate amendment also validates the regulations promulgated after the McKinney case, and providing that the basis should be the value of the property at the time of the death of the decedent, and gives to the estate the opportunity to exercise its option to acquiesce in the regulations at any time prior to the expiration of the period of limitation for filing a claim for refund or credit; and the House recedes.

On amendment No. 208: This amendment was made necessary by the action of the Senate (by amendments 11 and 12) in making the new income tax title first apply to 1928 instead of 1927 as in the House bill. The House recedes in accordance with the action of the conferees on Senate amendments 11 and 12.

On amendment No. 209: This amendment makes a clerical change; and the House recedes.

On amendment No. 210: The House bill contained retroactive provisions removing the uncertainty of the present law as to the deductibility, in computing net income, of amounts paid as estate, inheritance, succession, or legacy taxes, and validated the deductions claimed in the return of the taxpayer, and provided for the case where the deduction was claimed by both the estate and the beneficiary and the case where neither claimed it. The Senate amendment adopts the provisions of the House bill and extends them to cases where the deduction was claimed by a claim in abatement, and, in order to make it certain that the deduction will be allowed either to the estate or to the beneficiary in any event, the Senate amendment allows the deduction to the estate if the beneficiary is barred from filing a claim for refund by the statute of limitations, and vice versa. This provision does not permit the filing of a claim for refund, however, if the period of limitation has expired; and the House recedes.

On amendments Nos. 211, 212, and 213: These amendments make clerical changes; and the House recedes.

On amendment No. 214: Under existing law there is considerable confusion as to the proper distinction to be drawn between a trust and an association, particularly certain so-called real-estate trusts. While it is not deemed advisable at this time to write into the statutes a more explicit definition of a trust and an association, it was desirable by the Senate to make specific provision retroactively to make definite and certain the tax liability in the past of these organizations. The House recedes with a clarifying amendment, making it certain that the amounts will be taxable to the beneficiaries, whether or not such amounts are actually distributed, and whether or not such amounts are distributable to the beneficiaries.

Amendment No. 215: The House bill contained no provision of retroactive application to taxpayers changing from the accrual to the installment basis for reporting income for tax purposes. The 1919 regulations of the Treasury prescribed in such cases the so-called double tax rule. The 1920 regulations, however, abandoned this rule. In 1925 the Board of Tax Appeals held the 1920 regulations invalid upon the ground that they did not accurately reflect the income of the taxpayer during the transition period. Section 1208 of the revenue act of 1926 was a compromise provision writing into the law for the first time a statutory recognition of the installment basis and adopting the double tax rule of the 1919 regulations. In order to relieve taxpayers who have not yet paid the deficiencies resulting from the application of the double tax rule—in accordance with section 1208—the Senate amendment provides that in such cases the amount of the deficiency will be computed in accordance with the single tax rule; and, inasmuch as the financial status of taxpayers who have already paid an amount sufficient to cover their tax liability when computed in accordance with the double tax rule, will not be jeopardized, the Senate amendment provides that the double tax rule shall be applied in computing the right to a refund or credit. The Senate amendment was made applicable to any taxpayer who filed an original return or an amended return prior to the effective date of the revenue act of 1926 and the taxable year 1924 or any prior taxable year.

The House recedes with an amendment denying relief to a taxpayer who, for example, in 1922 filed an amended return for 1918, 1919, and 1920, shifting from the accrual to the installment basis. This taxpayer, however, will be granted relief for the year in which he filed an original return and for the years following.

On amendment No. 216: Section 23 of the merchant marine act, 1920, provided that for a 10-year period beginning in that year no tax should be imposed under the revenue act of 1918 on account of gain derived from the sale by a citizen of the United States of a vessel documented under the laws of the United States and built prior to January 1, 1914, if the proceeds were used for the acquisition of any ship built in American shipyards. The revenue act of 1918 was not in effect for any year after the year 1920. The Senate amends the merchant marine act so as to make the deduction available under revenue acts subsequent to the revenue act of 1918. The House recedes with an amendment which prescribes the basis for gain or loss on the new ship.

On amendment No. 217: This amendment is explained in connection with amendment No. 159, and the House recedes with an amendment making a change in the section number and clarifying the provisions of the section.

On amendment No. 218: There is no provision of law for the administrative remission or mitigation of forfeitures under the internal revenue laws. The Senate amendment adopts the provisions of existing law applicable to the administrative remission or mitigation of forfeitures under the customs laws and makes them applicable to forfeitures under the internal revenue laws; and the House recedes with an amendment making a change in section number.

On amendment No. 219: This amendment provides that refunds and credits in excess of $75,000 made after the enactment of this act shall be referred to the Joint Committee on Internal Revenue Taxation and that such refund or credit shall not be made until after the expiration of 30 days from the date of such reference, and also provides that a report to Congress shall be made annually by such committee of such refunds and credits; and the House recedes.

On amendment No. 220: Under the present law the salaries of the commissioners appointed to assist the judges of the Court of Claims are fixed at $5,000 a year. The Senate amendment increases this to $7,500 a year; and the House recedes with an amendment making a clerical change.

On amendement No. 221: The House bill, in order to build up the personnel necessary for the efficient administration of the internal revenue laws, authorized the Secretary to fix the compensation, without regard to the provisions of the classification act, of 23 assistants to the general counsel and 26 employees in the Bureau of Internal Revenue, at salaries not in excess of $7,500, and of 50 employees in the Bureau of Internal Revenue at salaries not in excess of $6,000 a year. Upon the assurance that at least 15 assistants to the general counsel and at least 15 administrative and technical employees in the Bureau of Internal Revenue would be so classified, under the amendments to the classification act made by the Smoot-Welch bill, in a grade the maximum salary of which is $7,500 a year, and that 50 employees of the bureau would be classified in a grade the maximum salary of which is $6,000 a year, the House has receded from its disagreement to the amendment of the Senate eliminating this section. It is also understood that the section was eliminated by the Senate upon the assurances above described.

On amendment No. 222: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment No. 223: The present law provides that the salaries of collectors of internal revenue may be fixed under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, but the salary shall not be in excess of $6,000. The Senate amendment makes the maximum salary $7,500; and the House recedes with an amendment making a change in section number.

On amendments Nos. 224, 225, and 226: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

W. C. HAWLEY,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
JNO N. GARNER,
J. W. COLLIER,
Managers on the part of the House

Mr. HAWLEY. Mr. Speaker and gentlemen of the House [applause], upon the appointment of the conferees by the House on the revenue bill the conferees asked the legislative counsel, the gentlemen in the employ of the Committee on Joint Taxation, the clerk to the Ways and Means Committee, and the Treasury representative to meet in the office of the chairman. We spent a day in thoroughly examining the amendments to the bill made by the Senate, so that upon entering into conference we would have a competent knowledge of what the Senate amendments proposed to do. We found it a very valuable practice to follow. It reduced the length of time in conference to a day and a half, which is the shortest period ever used in conference upon a bill of this kind.

I think we have obtained an excellent tax bill for this year, both from the standpoint of the reduction of revenue and money so saved to the taxpayers and also from the administrative changes that have been made in stopping gaps through which some have escaped taxation, and to adjust more fairly the tax. The total amount of revenue reduction is $222,495,000 for the first full year of operation. [Applause.] I give below a table showing the items in detail. It is distributed as follows, taking the items in order in which they appear: The present tax on corporations is 13½ per cent of net income, except in the case of a corporation whose net income is $25,000 or less, which has credit of $2,000 and which pays on the difference between $2,000 and the net income.

That credit has been changed to $3,000, giving the small corporations an exemption of $3,000 on any net income they may have if the total net income is $25,000 or less. That effects a reduction in taxation of $12,000,000 a year in favor of the smaller corporations.

There was a provision in the House bill relative to the graduated tax on small corporations, and after further examination it was thought advisable not to include it in the pending bill. This constitutes a saving of $24,000,000 over the House bill.

The House proposed that the corporation tax hereafter should be 11½ per cent and the Senate proposed 12½ per cent. The conferees agreed on 12 per cent. That makes a reduction of $123,450,000 and a total in favor of corporations which have had no reduction in the last two laws of $135,450,000.

In the 1926 act the taxes of corporations were really increased, because when we eliminated the capital-stock tax we changed the rate from 12½ per cent to 13½ per cent.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER of Texas. Some might misunderstand my colleague and get the impression that the total tax reduction for the corporations was $123,000,000. The amount is $135,000,000.

Mr. HAWLEY. I was speaking then only of the reduction in the corporation tax, as I had already mentioned the $12,000,000 reduction due to the increased credit in the case of corporations with net incomes of $25,000 or less. Business done in corporate form is not yet placed on an equal footing with business done in individual or partnership form, but we have proceeded as far as we can in this bill. For instance, if a partnership of three persons makes $90,000 in a year and distributes $30,000 to each of the partners they will have, first, the family deduction of $3,500, and then the earned-income credit of one-fourth of the amount of the tax from the earned income not in excess of $20,000; and then they will pay not exceeding 5 per cent of the balance for the normal tax. They will pay a surtax on $20,000 of the $30,000. If, on the other hand, there were three men who are engaged in a corporate activity earning $90,000 a year, and all of it was distributed to the three members of the corporation, they would pay 13½ per cent on the $90,000 before it was distributed, and they would also pay the same surtax paid by the individual, but would have no advantage of the family deduction or the earned-income deduction.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. But they would have deductions for salaries paid to themselves out of the corporate earnings?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. So that to that extent the tax upon the corporation would be reduced?

Mr. HAWLEY. Yes; that would be a deduction, of course, in determining the taxable net income; but taking into consideration all these factors the business done in corporate form is still at a disadvantage, and it was thought by the House and the Senate conferees that this change in the law should be made, giving the corporations a total reduction of $135,450,000.

At present the earned-income provision allows a credit of one-fourth of the amount of the tax on the earned income of any individual up to $20,000. We propose to change that so that the credit shall extend to one-fourth of the tax on earned income up to $30,000, and that is the only relief given to individuals or partnerships in the present bill.

The Senate proposed a change in the intermediate brackets from $20,000 to $80,000, amounting to a reduction of revenue of $25,000,000. The House thought that was unwarranted, owing to the fact that in the three last bills we have given very material reductions to individuals and have excused many millions from paying any tax at all.

The next largest reduction in taxes is in the case of automobiles. The Committee on Ways and Means proposed to reduce the tax by one-half; that is, from 3 per cent to 1½ per cent.

The House, however, revised the proposal of the committee and eliminated the entire tax of $66,000,000. The Senate agreed to that, and that repeal remains in the bill, not being in conference.

The next largest item of reduction is in the tax on admissions and dues. The House bill proposed to raise from 75 cents to $1 the exemption from taxation on admission tickets, so that tickets costing not more than $1 would pay no tax, and all above that will pay the present tax of 1 cent per 10 cents or fraction of price charged. The Senate increased the exemption to $3, for the purpose primarily of relieving the burden now imposed upon the spoken drama. It was testified before both committees that in many parts of the country there are no theaters operating in which the spoken drama is produced. In great areas, including many States, there is no possibility of companies presenting the spoken drama. The House conferees after reconsideration agreed to the $3 exemption, which makes a total reduction in the admission tax of $17,000,000. The amendment of the Senate costs the Treasury $9,000,000 per year.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman permit an interruption?

Mr. HAWLEY. Yes.

Mr. MOORE of Virginia. The gentleman a moment ago said that he would talk about admissions and dues. He did specify what has been done with respect to admissions. Is there any change in the matter of club dues?

Mr. HAWLEY. The House proposed to reduce the tax on club dues to 5 per cent. The Senate restored the present tax of 10 per cent, but raised the exemption from $10 to $25, making a total reduction in that tax of $1,000,000. Members of clubs whose annual dues are $25 a year or less will pay no tax. That takes care of the smaller clubs.

In the House bill we continued the publicity provisions as they are in the existing law. The Senate inserted a provision to make the publicity as wide as now given to any kind of public document. After considerable debate in the conference, the Senate conferees agreed to secure action by the Senate eliminating this provision if a complete conference could be had. All other matters were settled in the conference except that. The Senate conferees secured that recession on the part of the Senate, and struck out their proposal, which leaves the publicity provisions as they are in existing law.

There are a number of items affecting administrative features of the bill which are quite fuliy explained in the statement of the managers, and I shall not take the time at this time to do more than refer to one or two of them.

Some considerable interest is manifested in the provision relating to installment returns. The Senate has language reading thus:

(a) If any taxpayer by a return or an amended return made prior to February 26, 1926, changed the method of reporting his net income for the taxable year 1924 or any prior taxable year to the installment basis, then, if his income for such year is properly to be computed on the installment basis.

That was changed so that the sentence will read:

If any taxpayer by an original return—

And so forth.

The effect of the action of the conferees may be illustrated by the following example: Suppose a taxpayer filed an amended return for prior years, changing from the accrual to the installment method of reporting income. The provision as agreed to in conference denies any relief for these prior years because of this retroactive change, and the double tax rule will be applied. If, on the other hand, the taxpayer filed an original return for 1919, for example, or any other year, whether or not he at the same time filed an amended return for prior years, he will be benefited by the section as agreed to in conference in the determination of a deficiency for 1919 and the following years of the transition period. The term "original return" is used to designate the first complete return filed for the taxable year. For example: A taxpayer may have filed merely a tentative return and have obtained permission to file a final return at a later date. If the change from accrual to installment basis was made on this final return, the relief granted by the section will apply even though the tentative return had been filed on the accrual basis. However, having once filed a final or complete return on the accrual basis for the taxable year in question, the relief will be denied if the taxpayer thereafter files an amended return for the year and changed from the accrual to the installment basis.

The section is not as sweeping as many Members of the House have thought it to be.

If there are any questions that any gentleman desires to ask, I shall be glad to answer to the best of my ability.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MACGREGOR. The Senate put on an amendment exempting employees of municipal corporations, which the Supreme Court has held are not engaged in purely governmental functions. For instance, certain employees in my city are employees of the water department, and they are much concerned because they can not understand why their salaries are not exempted when the salaries of the employees in the assessor's office are exempt. I would like to have the gentleman explain it, so that when I go back home I can tell them why.

Mr. HAWLEY. Whenever a municipality or other subdivision is engaged in gainful occupation, in competition with private enterprise, it is in the nature of private enterprise. It is not really a governmental function, and it was thought that if they engaged in private enterprise, in competition with real private enterprise, they should bear the same burdens as private enterprise bears. Furthermore, we should not extend an exemption beyond that required by the Constitution.

Mr. MACGREGOR. Is it not a fact that in most of the cities the water departments are parts of the city governments?

Mr. HAWLEY. I could not answer that.

Mr. DENISON. This bill provides for a tax reduction of how much?

Mr. HAWLEY. Two hundred and twenty-two million four hundred and ninety-five thousand dollars.

Mr. DENISON. I would like to ask the gentleman if it is his judgment that in view of the legislation that has been passed by this Congress it will result from that legislation and other legislation which will probably be passed by the Congress before we adjourn that the Treasury will not be

able to stand that much reduction without leaving a deficit? What does the gentleman think about that?

Mr. HAWLEY. There will be no question about the year 1928 or the year 1929. The only question as to whether or not there will be sufficient revenue relates to the year 1930 and subsequent years. The present bill reduces the revenues for the fiscal year 1929 by only $145,000,000, for the income-tax reductions will be felt only during the last half of that year. Taking into consideration a normal increase in incomes and reductions in public-debt costs in 1930 and thereafter, I believe that the Treasury can stand this amount of reduction.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield there?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. I am very much interested in the productiveness of this bill. In the last two or three revenue bills that have been passed my study has been directed largely to what they would yield. Now, when the bill was before the House in December the estimated surplus for the year 1929, as given by the Director of the Budget, was $252,000,000. We passed a bill through the House reducing taxes by $289,000,000, and the bill went through the Senate, and now the conferees report it to us with a tax reduction in the amount of $222,000,000. The first of this week I called at the office of the Director of the Budget. General Lord was not in, but I left word there at his office that I wanted his estimate of expenditures authorized by new legislation passed since last December. I hope I am not taking up too much of the gentleman's time.

Mr. HAWLEY. Well, I hope the gentleman will speed up his question.

Mr. RAMSEYER. I will be as brief as possible. This morning General Lord called me up and told me what the present estimates of expenditures for the fiscal year 1929 are; that is, including legislation authorizing additional appropriations that have been passed since this bill passed the House, and estimating the amounts involved in bills that are likely to become law, but not including Muscle Shoals, Boulder Dam, or the corn borer bill. General Lord told me that the Budget estimate of the surplus for next year—that is, the fiscal year 1929—is $142,000,000. That estimate is based on the existing tax laws. This bill reduces the Government income by $222,000,000, and, of course, if General Lord is correct, not including the three bills excluded from the estimate that will likely become law before the next fiscal year is over, you will have an estimated deficit in the Treasury for 1929 of $80,000,000. That is the difference between the surplus of $142,000,000 for next year and the tax reduction carried in this bill. I am just wondering how the conferees are figuring upon having enough money to run the Government next year, using these figures.

Mr. HAWLEY. I have answered that in the statement I have already made. I think there will be money sufficient.

Mr. RAMSEYER. I do not think the gentleman's answer was based on the latest estimates from General Lord. Those items of expenditures, caused by new legislation, were not included and before the House at the time the estimates were made last December. I know that heretofore the Treasury estimates of revenue have been underestimated, but Treasury officials assured the committee this year that they did not underestimate the probable receipts for next year.

Mr. HAWLEY. The actual reductions for 1929 are only $145,000,000. We did not make this bill retroactive, but moved the effective date forward a year.

Mr. RAMSEYER. I will ask the gentleman to answer this question, then: Will the reduction carried in this bill be $222,000,000 for the next fiscal year.

Mr. HAWLEY. No; because we will go for a year under existing law.

Mr. RAMSEYER. Beginning on the 1st of July what is the estimate of reduction for the next fiscal year?

Mr. HAWLEY. One hundred and forty-five million dollars.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. With reference to amendment 215, relating to installment sales, the gentleman said the conferees have substituted the words "an original return" for the words "a return or an amended return." That is the first time the words "an original return" are used in a tax bill. There is no such designation or such term now in the revenue act, and I would like to ask the gentleman whether it is intended that the words "original return" shall have any different meaning from what the word "return" now has in the present revenue law.

I have in mind particularly what is called a tentative return, and the Treasury Department and the Board of Tax Appeals have held that a tentative return is only in the nature of an application for an extension of time and that the complete return subsequently filed is the return under the law.

Mr. HAWLEY. That is correct. I must reserve the balance of my time, because I have promised to yield some time to other gentlemen.

Mr. CHINDBLOM. Is it the purpose to change the definition of a return or the meaning of the word "return" as it is in the law now?

Mr. HAWLEY. There is no definition of a return in the law. The word is there but it has never been defined.

Mr. CHINDBLOM. Oh, yes; it has a well-defined meaning.

Mr. FREAR. Will the gentleman yield for a short question?

Mr. HAWLEY. Yes.

Mr. FREAR. I understand the deduction for doctors attending conventions was taken from the bill by both the Senate and the House?

Mr. HAWLEY. Yes.

Mr. FREAR. Will the gentleman just explain the reason, so we may explain that to those who have sent word to us?

Mr. HAWLEY. The conferees on both sides, having examined the question, found that the deduction asked for would extend so far that we could not compute how much it would decrease the revenue or how it would operate, and we thought that for the present the existing law should stand as it is.

Furthermore, the time has come for us to give more careful attention to proposals to obtain deductions which are in fact not business expenses.

I think the following table will be of interest:

	Act of 1926	1928 bill (H. R. 1)			House bill	Senate bill	Conference agreement
		House	Senate	Conference			
	Rates				Loss in revenue		
Corporations:							
Income tax	13½ per cent	11½ per cent.	12½ per cent.	12 per cent.	$164,600,000	$82,300,000	$123,450,000
Credit, if net income $25,000 or less	$2,000	$3,000	$3,000	$3,000	12,000,000	12,000,000	12,000,000
If net income not more than $15,000 reduce tax on amounts of—							
Not more than $7,000 to		5 per cent.			24,000,000		
Over $7,000 to $12,000 to		7 per cent.					
Over $12,000 to $15,000 to		9 per cent.					
Individuals:							
Surtaxes between $20,000 and $80,000	Various	No change	Reduced	1926 rates		25,000,000	
Earned income, 25 per cent credit limited to	$20,000	do	$30,000	$30,000		4,500,000	4,500,000
Admissions and dues:							
Admissions tax (see "Prize fights," below) of 1 cent per 10 cents or fraction does not apply on amounts not in excess of.	75 cents	$1	$3	$3	8,000,000	17,000,000	17,000,000
Club-dues tax, annual	10 per cent	5 per cent.	10 per cent	10 per cent	5,000,000		
Does not apply if annual dues not in excess of	$10	$10	$25	$25		1,000,000	1,000,000
Excise taxes: Automobiles, sales by manufacturers	3 per cent	Repealed	Repealed	Repealed	66,000,000	66,000,000	66,000,000
Foreign-built boats:							
Annual tax per foot (see "Foreign-built boats," below) if over 5 net tons and between—							
32 and 50 feet long	$2	$10					
50 and 100 feet long	$4	$20	do	do		10,000	10,000
Over 100 feet long	$8	$40					

	Act of 1926	1928 bill (H. R. 1)			House bill	Senate bill	Conference agreement
		House	Senate	Conference			
	Rates				Loss in revenue		
Narcotics: Retail dealers, annual license tax	$6	$6	$3	$3		$150,000	$150,000
Stamp taxes:							
Capital stock, sales, or transfers, per $100	2 cents	1 cent	2 cents	2 cents	$8,800,000		
Produce, sales of, on exchange, per $100	1 cent	Repealed	1 cent	1 cent	3,000,000		
Cereal beverages: Containing less than one-half of 1 per cent of alcohol, per gallon.	0.1 cent	do	Repealed	Repealed	185,000	185,000	185,000
Wines: War-time rates (act of 1918)	Same as 1918 act.	Reduced	Reduced	Reduced	930,000	1,000,000	1,000,000
Total reductions					292,515,000	209,145,000	225,295,000
	Rates				Increase in revenue		
Withholding at source					$2,000,000	$2,000,000	$2,000,000
Prize fights: Tax of 25 per cent on admissions in excess of $5 per seat					750,000	750,000	750,000
Foreign-built boats:							
Increased tax on					30,000		
Customs revenue by reason of, definition						50,000	50,000
Total increases					2,780,000	2,800,000	2,800,000
Net reduction					289,735,000	206,345,000	222,495,000

Mr. FULBRIGHT. Will the gentleman yield for a question?

Mr. HAWLEY. I can not yield further. I have promised to yield some time to other gentlemen.

Mr. Speaker, I reserve the balance of my time and yield 30 minutes to the gentleman from Texas [Mr. GARNER].

The SPEAKER. The gentleman from Texas is recognized for 30 minutes.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, let me say in the beginning, in answer to the question of the gentleman from Illinois, that the gentleman from Oregon did not answer it the way I think it should be answered, and that he did not state the purpose of our committee. We did not agree to that amendment. We did not want it in the bill. We did not believe it was just or right, but not being able to overcome the Senate we gutted it as far as we could. That is what we did. We simply took away from you every opportunity to take advantage of that amendment that we possibly could. That is all. We had just as well admit it, because that is what we did.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. CHINDBLOM. Of course, there is no occasion for the gentleman directing a personal reference to me.

Mr. GARNER of Texas. I did not mean a personal reference. I will take some friend over here, to whom I can make the reference.

Mr. CHINDBLOM. All I wanted to make certain by my inquiry was as to what was intended by the use of the words "an original return," which for the first time occur in a revenue act.

Mr. GARNER of Texas. We simply instructed the draftsman, when the Senate agreed to that amendment, to strike out those words and to make the section apply as narrowly as possible, and the Senate agreed to it. Let me tell you what that amendment did and then you will understand all about it.

Mr. TREADWAY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. TREADWAY. Did it not come up in the conference that the reason for the word "original" going in was to draw attention to the fact that we did not want to allow an amended return?

Mr. GARNER of Texas. Yes. Let me tell you what that amendment does. You have all received telegrams from every furniture dealer in the country. When a big fellow gets caught he gets the little fellow to do his job for him. This would cost the Treasury about $8,000,000, and Sears, Roebuck & Co. would get $2,450,000, and Mr. Rosenwald probably would make another donation to charity or to Hoover's campaign fund, I do not know which. That is exactly what that amendment meant and what it does mean. We could not get the Senate to recede. So we got them to recede on everything except an original return, and then we tried to provide that no consideration should be given to any one of those returns except an original return.

Now, that is why the amendment was placed in there, as called attention to by the gentleman from Illinois [Mr. CHINDBLOM].

Now let me call your attention to another matter—and I particularly call the attention of the gentleman from Iowa [Mr. RAMSEYER] and the gentleman from Illinois [Mr. DENISON] to this. This bill reduces taxes—now, listen—this bill provides a permanent reduction of taxes of $225,500,000, in round numbers. It lacks about $15,000 of being $225,500,000. I have the Treasury Department estimates. These are not my estimates. These are the estimates of Mr. Parker, the expert of the joint committee, and while the actual tax reduction in rates is only $222,495,000, the statutory reduction, which the gentleman will get quite familiar with when he is on the Ways and Means Committee a little longer, by deductions and regulations amounts in this bill to $2,920,000. So I do not want the gentleman to be misinformed as to the total amount of reduction. However, for the fiscal year 1929 the tax reduction will only be $145,000,000. I want you to understand just what is the financial situation.

Mr. RAMSEYER. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. RAMSEYER. The gentleman heard my statement as to the probable surplus, which I got from General Lord this morning over the telephone, being for the fiscal year 1929, $142,000,000. If we have a tax reduction of $145,000,000 for next year, how much are we going to be in the red, not counting Muscle Shoals, Boulder Dam, or the corn borer bill?

Mr. GARNER of Texas. I do not think there is any doubt about this—and I think the House might just as well understand this one thing—this tax reduction bill we are agreeing to now, if we do agree to it, and I believe we will, is a greater tax reduction compared with the appropriations and authorizations than the bill we passed in the House.

I can demonstrate to any man living that this bill, in view of the legislation since we passed the tax bill in December, is a greater tax reduction bill in view of such appropriations and expenditures than what we voted for in the House. So any time that any one of the 93 Members on the Republican side voted against it, before he thinks he can get away with the idea it is nearer the amount that the President recommended, he is mistaken.

Mr. WILLIAMSON and Mr. JACOBSTEIN rose.

Mr. GARNER of Texas. I first yield to the gentleman from South Dakota.

Mr. WILLIAMSON. What I would like to ascertain is whether or not the bill will result in a deficit when we take into consideration Muscle Shoals——

Mr. GARNER of Texas. The gentleman need not ask me that, and I will tell him the reason. I have not had time since this conference committee has been in session, or even in the last two weeks, to ascertain the amount of authorizations and appropriations that will likely occur in 1930. I think the gentleman from Indiana [Mr. WOOD] and the gentleman from Tennessee [Mr. BYRNS] will have to give us those amounts. That is the only way I know to get them, unless we have a recapitulation by the Treasury Department.

Mr. JACOBSTEIN. Will the gentleman yield now?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Was there not some rumor that the President would veto the bill that we passed, and now that the tax reduction is more——

Mr. GARNER of Texas. I do not think anybody seems to be able to speak for that gentleman with any degree of accuracy, and I certainly will not undertake it. [Laughter.]

Mr. CROWTHER. Will the gentleman yield to me?

Mr. GARNER of Texas. I yield to the gentleman, certainly.

Mr. CROWTHER. I would like to ask the gentleman how much has been saved to the Government by the striking out of the "27's" and putting in "28's." We really have no tax reduction under this bill for 1927.

Mr. GARNER of Texas. None whatever. We save by that $135,000,000, if you want to be perfectly accurate about it.

Now, gentlemen, let us take a survey of the situation for a moment, if we may, and see what is the position of the House of Representatives compared with the executive branch of the Government and their recommendations.

This is not a partisan bill except in so far as 93 Republicans in this House voted against the House bill, and that is all the record they have got. So far as this bill is concerned, it has no partisanship in it that the parties will be divided in adopting the conference report or that the conferees did not work, so far as the House is concerned, absolutely in unison as compared with the Senate conferees acting for the Senate. There was no partnership in the conference—or as little as I have ever seen in my life, and as little as you would have in a conference on an appropriation bill—and this is the result of six months' work, or the lack of six months' work, we might say, on the part of the Senate.

Now, what did the Executive do? The President of the United States, through his Secretary of the Treasury, urged upon Congress a reduction of taxes to the extent of $225,000,000. The Secretary of the Treasury in pursuance of that instruction recommended to Congress certain reductions, going to the extent of even suggesting the rates of the intermediate brackets to go into the law, something that no Secretary of the Treasury up to that time had ever had the audacity to do; that is, to write up the rates and hand them to the committee and say, "Here is what you should put in the law."

Now, what did he recommend? His principal recommendation at the start was that we reduce the individual taxes $50,000,000, commencing with people of $600,000 worth of property up to $600,000,000 worth of property; and giving $30,000,000 of reduction to those who had an income in excess of $70,000, and $20,000,000 between $70,000 income and $14,000 income. This is what was known as the intermediate brackets reduction to individuals.

The House of Representatives declined to consider it—in fact, the House of Representatives, so far as individual taxes are concerned, did not touch that schedule at all, but left it entirely alone under the present law.

The next tax the President recommended was a repeal of the estate tax, and you know what happened to that. You did not have the courage—if you believed in the repeal of it—to make a motion for its repeal, but when the contest came in the Senate they were whipped over there and there was nothing left of it for the conferees.

The Secretary of the Treasury went out of his way to insist on the retention of certain taxes, among which was the automobile tax. You remember the Secretary of the Treasury appeared before the Ways and Means Committee and urged that tax be retained. The House of Representatives struck it out. We cut it to 1½ per cent in the committee, and then we finished it in the House and didn't even have a roll call on it.

Now, I want you to compare the proposed law with what the President of the United States asked us to do through the Secretary of the Treasury and see, apparently, how little influence this great Secretary of the Treasury, the greatest since Alexander Hamilton, has upon the Congress of the United States. He seems to have a wonderful influence throughout the country, judging from the newspapers, but when it comes to economic matters, this wonderful man, the greatest Secretary since Hamilton, and whose statue sometime may be put on top of the Treasury by future generations who think the same as you do—does not seem to have any influence on you at all, for you repudiate him on every occasion.

Now, we had a consolidated-return provision in the bill when it went to the Senate, and I want to call your attention to that if I may. You remember I told you, when the bill went to the Senate, that there would not be any legislation if the House provisions were not changed to continue the present law, and along in December and January the Treasury Department through its propaganda agitated having no tax reduction—that they did not want any. But they said, "We will take a little time on it and put it off until the 15th of March and see how much revenues we have." The revenue estimated at that time on the 15th of March only differed $11,000,000 from what it was then. The same estimate made after March 15, 1928, as compared with the time before differed only $11,000,000. You put it off for the purpose of having plenty of time to defeat some of these provisions, and you did it. What did you do? You put in a provision in the Senate, a substitute for the consolidated return, and the law that is now going to be on the statute books is much better than it was before. Let me show you what they did—and I am mighty glad they did it. They struck out the class B affiliations and only left it for the big fellows, the mother corporations. The mother corporation is the only one that has anything left. Do you know what she has to do? Some of my friends have asked me to strike it out, and I said, "No; I am going to try and hold it in." It requires every corporation who wants to take advantage of this unfair arrangement—to make a general return as against the single return—to agree when he makes it not to go into court. In other words, if Mr. BACHARACH and his corporation consisting of a dozen—before he can take any advantage under this provision he must sign an agreement with the Secretary of the Treasury that he will do its bidding and will not go into court.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Does that agreement preclude going into the Court of Tax Appeals?

Mr. GARNER of Texas. Certainly.

Mr. JACOBSTEIN. Is the Court of Tax Appeals considered a court?

Mr. GARNER of Texas. That is my understanding of it. I see my expert, in whom I have a good deal of confidence, shake his head, indicating that that is not his interpretation of it. Perhaps I should be more specific. The taxpayer can not attack the regulations, any more than he could if they were written into the statute; but he can appeal, of course, if he does not think they are applied correctly to his case. When they asked me to strike it out, I said, "No; I will make it as onerous on these folks as I can—these people who want to take advantage of an unjust, indefensible provision in the law giving some corporations an advantage that others do not get." Do you know how many took advantage of that? Between 8,000 and 12,000 corporations. But I shall not go into that. I surrendered on that, because I thought I had to. I thought if I came back here that I would get licked. I had canvassed the situation pretty closely. If I had not thought that, I would have come back here with it. I believe in it intensely. I do not believe one corporation ought to have an advantage over another corporation, and if I ever have my way I am going to abolish it, and some of these days I hope to have my way. [Applause on the Democratic side.]

You ask me why I gave up on the graduated tax; and by the way, Mr. Speaker, I ask unanimous consent at this point to extend my remarks in the RECORD by inserting therein a statement prepared by Mr. McCoy. Nearly every gentleman in the House knows Mr. McCoy.

I do not think there is a more honest man in the District of Columbia than Mr. McCoy. He has a lot of sense, and he is the best estimator this country has ever had. Nobody is ever going to make him say what he does not believe, whether it is the Treasury Department that he is working for or anyone else. Whenever he tells me anything he pretty nearly has it sold to me. I asked him to prepare a statement for me touching the question of the graduated tax on corporations, and I shall insert it in the RECORD, but I want now to call your attention to two things in it which will interest you. Let us suppose that here are three men sitting on this bench, who are in business together in a partnership and that they make $15,000 a year. Here is another man who is in business by himself and he makes $15,000 a year. Over here is a corporation which makes $15,000 a year. Let us see how much taxes each one would pay under the present law. These three gentlemen will pay at the rate of three-tenths of 1 per cent on the $15,000. The one individual sitting over here who is in business for himself and makes $15,000 will pay at the rate of 1.75 per cent. This corporation over here, however, that made $15,000, will pay at the rate of 11.7 per cent. In other words, the corporation pays twenty-five times more in taxes than the partnership and five times more taxes than the individual. Do you believe that is right? Do you believe that is a good system of taxation, where three men in business together as partners make $15,000 and pay at the rate of three-tenths of 1 per cent, while three other men who are in business together in the form of a corporation pay at the rate of 11.7 per cent, and one individual himself, in competition with a partnership and the corporation, pays at the rate of 1.75 per cent? That is not fair. It can not stay that way long. When the people become informed about it they will ask you to change it, and you will be compelled to do it in some

way, and I know of no better way than by this graduated tax.

Our committee considered the partnership as suggested by the Treasury Department, but we found that it did not work. You have to work out some formula and I do not know of any better formula than the graduated tax. I shall insert this statement in the RECORD at this point so that if any gentleman in the future desires to look at it he may do so:

GRADUATED CORPORATION TAX

The income tax upon an individual with net income of $15,000 at present averages about 1.75 per cent, or about $262.50. (See statistics of income for 1925, p. 89.) A partnership of three equal partners, with no other income, having a net income of $15,000 will pay income tax amounting to about three-tenths of 1 per cent, or $45. A corporation with a net income of $15,000 will now pay an income tax of $1,755, or 11.7 per cent; that is, a net income depending upon the way it is taxed now pays tax averages as follows:

	Tax	Rate of tax
		Per cent
Partnership	$45.00	0.30
Individual	262.50	1.75
Corporation	1,755.00	11.70

Together with the tax on dividends.

Under the Senate provisions of the 1928 bill the corporation would pay income tax amounting to $1,500, or 10 per cent.

Under the House provision the corporation would pay $1,080, or 7.2 per cent.

In either case additional surtax on any dividends would be imposed. This means that fully 75 per cent of all taxable corporations are paying, as compared with individuals and partnerships, entirely too much tax.

The provision graduating the tax on corporations with net incomes not in excess of $15,000 would apply to about 95,000 corporations out of the 144,000 that were taxable in 1926, or about 66 per cent of the total.

It is not generally recognized that the smaller corporations pay tax at enormous rates as compared with individuals and partnerships with the same incomes. This is exactly the opposite to the rates paid by the largest corporations, who pay now at a rate of 13½ per cent as compared with an individual rate of about 16¾ per cent.

Let me now call your attention to one or two things that the Senate did which I think were entirely out of line with what good conscience and good public policy would call for. You have had a good many letters and telegrams about section 611. There are not many of you who know anything about what section 611 means. Section 611 was placed in the tax bill—and I am going to wait for some Republican now to correct me if I am wrong—because of the inefficiency of the Treasury Department, because of their mistakes made in administering the law, and those mistakes, if it were not for section 611, would cost the Treasury of the United States $100,000,000. Does any gentleman deny that? Gentlemen here on the floor of the House will give you information that is absolutely correct. What happened? We put it in in the House. It meant $30,000,000 refund of taxes and $70,000,000 to be collected in the future from taxpayers. That was the basis of the $100,000,000 loss. When we got into conference we could not get the Senate to recede. We finally tied up on two questions—the furniture outfit and 611. I believe in telling how we do these things. We tied up on them. We wanted the Senate to recede from both, but they did not want to recede because some particularly selfish people were going to get the money. We do not believe in that, but the Senate does. The result is that we compromised. We made it "original," and then we struck out subsection (b) of section 611, cutting out the $70,000,000 prospectively we were going to get, because there was some doubt about the constitutionality of it, and decided to keep the $30,000,000 that we had in the Treasury. That was the compromise between those two amendments, one of them cutting down and the other giving up the prospect of securing $70,000,000 in the future.

Mr. BACHARACH. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. BACHARACH. I know the gentleman wants to be absolutely accurate. The $70,000,000 would not go into the Treasury, according to the experts. They claim the bond was for double the amount, and that there was but $35,000,000 involved, and the direct amount involved according to one of our experts instead of being $30,000,000 was $16,000,000 or $17,000,000.

Mr. GARNER of Texas. Yes; but when they were discussing this over in the Ways and Means Committee it was always $30,000,000, and I would rather take the first testimony than the last. When Paul gets converted on the way from here over there, I look upon his second statement with some suspicion. I will accept the $35,000,000 loss, as we are going to lose it anyway. And let me remind the gentleman from New Jersey that this section does not interfere in the slightest with collections in those cases where bonds were filed. The surety company must pay even though the statute has run against the taxpayer.

Let me tell you what the Senate did as the bill passed the Senate. The bill as it passed the Senate, in addition to what the purported reduction of taxes would be, amounted to a net decrease for the year 1929 of $47,220,000.

Now, remember, in addition to $205,000,000 or $206,000,000, or $205,000,000 plus, the Senate added by a statutory provision such as I called your attention to, $70,000,000, leaving a decrease of taxes of $47,000,000 over $39,000,000 and $2,920,000 for all subsequent years. And remember, now, this $2,920,000 is a tax reduction for all subsequent years. If you want me to, I will give you the amendments that do the job. The amendments that the House agreed to, that do that in this bill, are amendments numbered 29, 30, 32, 61, 78, 91, 159, and 161. This will go into the RECORD, and by consulting the RECORD you can see for yourselves just exactly in what language they were:

Statutory changes

DECREASES

Amendment No.	1929	1930	Subsequent
26	$1,500,000	$1,500,000	$1,500,000
29	75,000	75,000	75,000
30 and 32	450,000	450,000	450,000
33	100,000		
36	1,000,000	1,000,000	1,000,000
61	50,000	50,000	50,000
64	25,000	25,000	25,000
78	1,500,000	1,500,000	1,000,000
81	400,000	400,000	400,000
82	125,000	125,000	125,000
91	10,000,000	5,000,000	2,500,000
148	2,500,000		
157	5,000,000	2,500,000	
159	40,000	40,000	40,000
161	5,000	5,000	5,000
169 to 174	1,000,000	500,000	
175 and 176	5,000,000	3,000,000	
190	20,000,000	17,500,000	
214	1,500,000	1,000,000	
215	1,500,000	1,000,000	
Total decrease	51,770,000	35,670,000	7,170,000

INCREASES

34	$750,000	$750,000	$750,000
115 and 116	3,500,000	3,500,000	3,500,000
Total increase	4,250,000	4,250,000	4,250,000
Net decrease	47,520,000	31,420,000	2,920,000

Now, you have some provisions in this bill that I do not know about. I am not sufficiently an expert to tell just what the workings of business will bring about with respect to them. There is what is known as the pension-fund trust. You are going to permit all big business to set up a pension-fund trust, concerns like the International Harvester Trust and the General Electric Co. The question arises as to who is getting the most of the benefits.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield there?

Mr. GARNER of Texas. Yes.

Mr. TREADWAY. Does not the gentleman mean that the employees of these companies are getting the benefits? It is more for the benefit of the employees than anybody else.

Mr. GARNER of Texas. Yes. The point is, the company wants to get a deduction, and in the way the Senate has fixed it the International Harvester Co. will get a total deduction of all that fund that has accumulated for 20 years, spread over, as I understand, the number of years that the pension fund has been accumulating.

Mr. BACHARACH. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. BACHARACH. I know the gentleman wants to be correct in this statement. The way it stands to-day, the corporations could get this money back into its own clutches to do what it pleases. If we pass this bill, the money will go into the employees' trust, which is beyond the control of the employer.

Mr. GARNER of Texas. The expert of the Treasury Department, in whom I have the utmost confidence, has prepared this, believing it makes a good place in the law and will be better

for the Treasury than the present law. Therefore we agreed to it.

But it only shows one thing, that all taxpayers are continually trying to get in under cover of an advantage, and when we try to take away the advantage from them they cry like a child and say, "It is a vested right."

The gentleman from Maryland [Mr. LINTHICUM], sitting in front of me, spoke to me about that this morning. They had over in the Senate what is known as the Reed amendment. I have had several hundred telegrams about that, mostly from insurance agents, I should think. They probably got telegrams from the insurance lobby here and naturally wired us.

What was the Reed amendment? It provided that all joint-stock companies engaged in the insurance business of whatever kind——

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. We have plenty of time to-day. What are you going to do this afternoon? [Laughter.]

Mr. HAWLEY. I have three minutes left. I will give the gentleman that.

Mr. GARNER of Texas. I ask unanimous consent, Mr. Speaker, to speak for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. I want to speak about the Reed amendment, offered by Mr. REED of Pennsylvania. Some of the Members here may want to ask me questions about that amendment. Many of these mutual insurance companies are now exempt from taxes under the law. The joint-stock companies are not exempt. Is that correct? It is the joint-stock companies that this amendment applies to.

Now, suppose one of you gentlemen has got a million dollars, and you are going into the banking business, and you, over there, have got a million, and you are going into the manufacturing business, and I have got a million dollars and I put mine into an insurance company, a joint-stock company, to buy and sell securities.

In the course of trade we buy United States Steel and General Motors, put it in our treasury, and before the year is over we sell it, and thereby make money. You over there have to pay on your profits, and you have to pay on yours over there, but I do not have to pay on mine, and now, because I have to pay on mine, why, it is an awful thing! I say, "I have had this privilege all this time, and now you are going to take it away from me."

Mr. LINTHICUM. They are assessments, and under the laws of the State they are set aside for the security of the bond.

Mr. GARNER of Texas. Oh, certainly. The mutual companies are subject to it. Do you want an advantage for the mutuals?

Mr. LINTHICUM. Mutual companies do not figure largely in these matters.

Mr. TREADWAY. The Reed amendment puts joint-stock insurance companies on a parity with mutual insurance companies?

Mr. GARNER of Texas. Yes; so that they all stand on the same bottom.

Mr. LINTHICUM. I do not think the gentleman realizes the fact that these are investment companies and those funds are largely set aside under the laws of the various States for the security of their bonds.

Mr. GARNER of Texas. That is all right. If you do not make any money out of that investment and set it aside, you are not going to pay any taxes, but if you make money you ought to pay taxes like everybody else. Do not tell me that men join together and form an insurance corporation for any other purpose than to make money, and when they make money they ought to pay taxes like everybody else. [Applause.]

Mr. FORT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. FORT. I quite agree with the gentleman, from some knowledge of the question, that the insurance companies should pay on their losses and profits, the same as anyone else, but I do not quite agree with the gentleman that mutual companies under this bill do so pay.

Mr. GARNER of Texas. I agree with the gentleman; but wait a minute——

Mr. FORT (interposing). I just want to ask the gentleman one question. In the drafting of any subsequent tax bill the gentleman will be prepared to consider putting mutual companies on an absolute parity with stock companies in this respect?

Mr. GARNER of Texas. I surely will, sir. I think they ought to be on the same parity, and I will say this: That so far as some other provisions of the law are concerned, mutual companies do get some advantages which stock companies do not get.

Mr. FORT. As long as that is going to be cured the next time it is all right.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WAINWRIGHT. Has the gentleman informed the House about how much in revenue this Reed amendment will produce? It is a large amount.

Mr. GARNER of Texas. No; but I know it is hard to estimate.

Mr. WAINWRIGHT. It runs into many millions of dollars.

Mr. GARNER of Texas. Well, the Treasury Department declined to make an estimate because it is so uncertain, and unless they have some kind of a measuring stick they decline to give us an estimate.

Mr. WAINWRIGHT. My recollection is that Senator REED said on the floor of the Senate that it would amount to $30,000,000 or $40,000,000.

Mr. GARNER of Texas. Oh, no. That was his original amendment. Gentlemen, we did another thing that all of you will be delighted with that I do not think my colleague called your attention to. We backed up on section 115, so you can write to all of your lumber people and all of your mining people and tell them we backed up, and over the next 50 years they will probably get an advantage of $35,000,000 in their business as compared with other businesses. We figured that was the best we could do on account of the pressure that has been brought to bear, the Senate having passed the amendment and all of you having been importuned about it. So we did the best we could, and in the first place I think we put it in for the purpose of a trade anyway, and we got along pretty well with that amendment.

I want to say this in concluding, that I never served on a conference that was more agreeable than this one. I want to commend the gentleman from Oregon [Mr. HAWLEY] for his fairness as well as the fairness of other members of the conference. We got together before we went over to the Senate and tried to iron out our differences, and we did that to a remarkable extent. I gave up everything to the extent of about 90 per cent, while HAWLEY, TREADWAY, and the other conferees gave up about 10 per cent, so we got along as well as you could possibly imagine.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. FULBRIGHT. I would like to ask the gentleman if the deductible item in this bill with reference to the taxes levied by some districts for reclamation purposes is in the bill?

Mr. GARNER of Texas. Yes; we agreed to the Senate amendment, and those taxes are deductible. If there are no other questions I want to thank the House for its patience. [Applause.]

Mr. HAWLEY. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, a conference report is always the result of compromise. While, of course, I did not sit in this conference, I have studied the conference report quite carefully, and I want to congratulate the House conferees upon the result of their work. There are details in every situation of this kind which will not be satisfactory to any of us, but the House conferees brought back a bill which conforms more nearly to the views of the House Committee on Ways and Means and of the House itself than did the bill which was sent to conference.

I want to add just one word in respect to what my good friend from Texas [Mr. GARNER] said with reference to the tax reductions in this bill. He said the administration has been overruled in its recommendations. I do not think the administration will find much fault with this bill—and I have no reason whatever to say that except upon my own opinion—but the administration achieved its principal purpose; it kept down the reduction to a reasonable amount and within the resources of the Government, so that there is, I think we may all feel sure, no real danger of any deficit occurring hereafter. [Applause.]

The gentleman from Texas and his party associates, both in this body and in another body, started out to get a bill providing for tax reductions of $400,000,000. We have here a total tax reduction in schedules and rates amounting to $222,450,000, and the Treasury originally recommended a reduction of $225,000,000, so that we have even cut that amount $2,500,000.

Mr. Speaker, I shall later avail myself of the leave to extend my remarks upon the general subject of tax reduction and the financial operations of the Government during recent years.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

WORLD WAR ADJUSTED COMPENSATION

Mr. HAWLEY. Mr. Speaker, by direction of the Committee on Ways and Means I call up the bill (H. R. 10487) to amend the World War adjusted compensation act as amended, with Senate amendments, and move to concur in the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments were read.

The Senate amendments were agreed to.

POSTAL RATES

Mr. GRIEST. Mr. Speaker, I call up the conference report on the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, and 7, with amendments as follows:

Page 3, line 12, strike out "1¾" and insert "1½."

Page 3, line 13, strike out "2½" and insert "2."

Page 3, line 14, strike out "4" and insert "3."

Page 3, line 15, strike out "4¾" and insert "4."

Page 3, line 16, strike out "5½" and insert "5."

Page 3, line 17, strike out "7" and insert "6."

Page 3, line 21, strike out "7¾" and insert "7."

And the House agrees to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8 with amendments so as to make the amendment read as follows:

"That section 202, Title II, act of February 28, 1925, is amended by the addition of a paragraph 4 to read as follows:

"'(4) *Provided*, That in the case of publications entered as second-class matter where the number of individual addressed copies or packages to the pound is more than 32 and not in excess of 48, the rates of postage thereon shall be double the rates prescribed in paragraphs (1), (2), and (3-a) of the act of February 28, 1925; where the number of individual addressed copies or packages to the pound is more than 48 and not exceeding 64, the rates of postage shall be three times the regular rates, and for each additional 16 individually addressed copies or packages or fractional part of such number of copies or packages there may be to the pound the rates of postage shall be correspondingly increased over the regular rates.'"

And the Senate agree to the same.

That the Senate recede from its amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 21, 22, and 23.

That the House recede from its disagreement to the amendment of the Senate numbered 24 with amendments so as to make the amendment read as follows:

"SEC. 9. The Postmaster General is authorized to appoint a director of parcels post."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25.

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

GEO. H. MOSES,
L. C. PHIPPS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The House bill as agreed upon by the conferees remains substantially intact, except in second-class matter, where the House conferees agreed that the so-called 1921 rates in the House bill should be amended so as to fix rates midway between the 1921 rates of the House bill and the 1920 rates of the Senate bill. This compromise effects a reduction in second-class rates officially estimated at about $2,700,000.

The bill as it now stands, therefore, effects a reduction in postal revenues of about $16,285,000, or $2,700,000 more than the original House bill. As it passed the House the bill effected a reduction in postal revenues of $13,585,000; as it passed the Senate, a reduction in postal revenues of $38,550,000.

The bill includes provisions as follows:

To restore the 1-cent postage rate on post cards.

To provide for accepting business reply cards and letters in business reply envelopes for transmission in the mails without prepayment of postage.

To provide for collecting 1 cent additional an ounce on first-class matter when mailed with postage deficient more than one rate.

To reduce the postage on advertising portions of second-class matter.

To reduce the postage on magazines and newspapers when sent by others than the publisher or news agent.

To effect a minimum charge per piece on second-class matter when there are more than 32 pieces to the pound.

To provide for bulk pound rates on third-class matter.

To reduce the postage on fourth-class matter.

To provide for a special rate of postage on library books.

To provide for special handling and special delivery, combined, at reduced rates. This service is extended to all classes of mail.

To authorize the appointment of a director of parcel post by the Postmaster General.

RECAPITULATION

	Net increase in revenue	Net decrease in revenue
Sec. 1. Post cards, reduction in rate from 2 cents to 1 cent each		$1,200,000
Sec. 2. Business reply cards and envelopes, collect on delivery	$4,000,000	
Sec. 3. Deficient postage, penalty for	75,000	
Sec. 4. Second-class matter, between 1920 and 1921 rates		6,600,000
Sec. 4. Minimum charge per piece on second class		100,000
Sec. 5. Second-class matter, transient rates reduced		10,500,000
Sec. 6. Third-class matter, bulk pound rates		2,200,000
Sec. 7. Fourth-class matter, reduction in rates to distant zones		600,000
Sec. 8. Special delivery combined with special handling	800,000	
Special handling exclusively		21,200,000
Total	4,875,000	

W. W. GRIEST,
C. W. RAMSEYER,
THOS. M. BELL,
Managers on the part of the House.

Mr. GRIEST. Mr. Speaker, the conferees have reached an agreement that must be gratifying to the House which originally passed the bill H. R. 12030 unanimously. Of the 10 provisions in the House bill, 8 of them come out of conference intact, just as the House agreed to them.

Mr. GARNER of Texas. Has the gentleman from Pennsylvania observed what the President has said concerning this bill in the veto of another bill?

Mr. GRIEST. If the gentleman will permit, let me first make my statement and then I will yield to the gentleman.

Of the two provisions in the House bill that have been changed, one is with regard to second-class rates on newspapers and periodicals and the other is with regard to library books. The rate on library books as passed by the House was reduced slightly by unanimous consent of the conferees after the Senate had amended the bill accordingly. On second-class rates, you will recall that the House contended for the 1921 rates and the Senate for the so-called 1920 rates. A compromise was effected by agreeing on a new rate midway between the 1920 rates and the 1921 rates, effecting a further reduction of the revenues officially estimated at $2,700,000, but thought by many, by reason of the new business which will probably come along, to mean a reduction of not more than $1,000,000 over the provision of the House bill.

The other two amendments by the Senate that were important were the amendments on fourth-class rates and on third-

class rates, and on these the Senate conferees receded, so that the only important amendment in the bill is with respect to second-class rates, as previously stated.

The bill as it passed the House originally called for a reduction in rates of about $13,000,000. As it passed the Senate it called for a reduction in rates of about $38,000,000. As it comes out of conference it calls for a reduction of rates of perhaps $16,000,000—not more than that—and if new business comes in from the reduction of these rates the loss in revenue will not be nearly so great.

I now yield to the gentleman from Texas for a question.

Mr. GARNER of Texas. I wanted to ask the gentleman if he had in mind or had noticed what the President said of this proposed legislation in a veto message on another bill that came here?

Mr. GRIEST. The gentleman means the vetoed postal bills?

Mr. GARNER of Texas. Yes; the President refers to this proposed legislation and intimates that this is a reduction that is a little too heavy on the Post Office Department, and that in view of the proposed expenditures under the two bills he vetoed he would be compelled to return this bill to the House of Representatives.

Mr. GRIEST. My understanding is that the President favored the bill as it originally passed the House; that he was opposed to the bill as it passed the Senate; and the conference report gives us a bill so nearly like the House bill that we are very hopeful he will approve the bill.

Mr. KINCHELOE. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. KINCHELOE. Was the agreement that the conferees arrived at the Moses amendment?

Mr. GRIEST. Yes.

Mr. KINCHELOE. Did it provide that the 1920 rates should apply to and include the fourth zone?

Mr. GRIEST. It applies to all the zones, but there are different rates on each zone.

Mr. KINCHELOE. I understood that the Moses amendment provided for the 1920 rates up to and including the fourth zone, and for the other zones the 1921 rates applied.

Mr. GRIEST. That is correct.

Mr. KINCHELOE. And that is what the conferees agreed on?

Mr. GRIEST. Yes. The amount of reduction is about split in half between the 1920 rates and the 1921 rates. It was a 50-50 compromise.

Mr. KINCHELOE. I understand that; but the conferees did agree to the Moses amendment?

Mr. GRIEST. Certainly; I have so stated.

Mr. GREEN. Will the gentleman yield?

Mr. GRIEST. Certainly.

Mr. GREEN. The conference report does not carry any higher rates to the people than the measure we passed?

Mr. GRIEST. Oh, no; they are lower on second-class and library books and the same elsewhere, but lower everywhere than under existing law.

Mr. DAVIS. Will the gentleman yield?

Mr. GRIEST. Yes.

Mr. DAVIS. What is the estimate of the Post Office Department as to the loss that would be sustained to the Post Office Department under this bill?

Mr. GRIEST. I have stated that, but I will be pleased to restate it. The estimate of the Post Office Department on the loss under the bill as it now stands is $16,000,000 or thereabouts, and the department approves the measure.

Mr. DAVIS. Is it that much more than the present loss or that much in the aggregate?

Mr. GRIEST. It is that much more than under the existing law.

Mr. DAVIS. And how much is there under existing law with respect to the loss on second-class matter?

Mr. GRIEST. There is a great variety of opinion about that. The cost ascertainment issued by the Post Office Department made that loss over $84,000,000.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. GRIEST, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE APPLICATION OF THE REVENUE LAWS TO HAWAII

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 1, the revenue bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, in connection with H. R. 1 may I not invite attention to the fact that by the adoption of the conference report the Territories of Alaska and Hawaii will continue to labor under what we consider inequitable and inconsistent application of the tax laws? Our officers and employees will have to pay Federal income tax on the salaries received from the Territories and their political subsidiaries. All State officers and employees are exempt from such taxation by decision of the United States Supreme Court. The House remedied this in this bill to exempt school-teachers; the Senate committee tried to cure the situation, but the amendment was so loaded on the floor of the Senate that the conferees struck out the Senate amendment. And now, Mr. Speaker, I want to express here my sincere appreciation for the wide and generous sympathy that has been accorded to the Territory of Hawaii in our efforts at obtaining legislation that will put us on a parity with the other parts of these United States, to which we are proud to be bound by ties which we have always felt made us part and parcel of the Union.

For 30 years Hawaii has been in the legal status of full and complete political union with and incorporated into the United States as an integral part thereof.

Many people since our union, even down to the present day, fail to realize just what Hawaii is, where we are, what language we speak, and, above all, do they fail to realize that what is good for the States must be good for the Territory of Hawaii.

This misunderstanding of our status had, in 1923, become so marked, involving as it did the provision of various and sundry financial aids for the States and extending back for a period of seven years at least, that the legislature of the Territory viewed the continuance of this misunderstanding with so much concern that it passed a resolution on the subject, copy of which I will ask to have here inserted in the RECORD:

BILL OF RIGHTS

An act to define and declare the claims of the Territory of Hawaii concerning its status in the American Union, and to provide for the appointment of a commission to secure more complete recognition of such claims by the Federal Government

(L. 1923, c. 86, approved April 26, 1923)

Whereas for a quarter of a century Hawaii has occupied the legal status of full and complete political union with and incorporation into the United States as an integral part thereof, and for half a century prior thereto negotiations and dealings between the two countries looked to such status as the basis for annexation, when effected; and

Whereas a misunderstanding appears to exist in the Congress and in some of the executive departments of the Federal Government as to the status of Hawaii in the American Union, and its rights therein, which misunderstanding has at times resulted in the classification or treatment of Hawaii by the Congress and some of the said executive departments as if it were an "insular possession," in a manner derogatory to the dignity of this Territory; and

Whereas such misunderstanding has led to the exclusion of Hawaii from participating in certain appropriations made to all the States, for education, good roads, farm loans, and for other purposes, which exclusion is inconsistent with the rights, and to the material loss of this Territory; and

Whereas the Legislature of the Territory of Hawaii views with concern the continuance of said misunderstanding, fearing that it may settle into a permanent discrimination against the Territory of Hawaii; and

Whereas it is in the interest of all concerned that such misunderstanding be removed and the status of Hawaii in the Union definitely and authoritatively established: Therefore

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Hawaii's claims concerning its status in the American Union: That the Legislature of the Territory of Hawaii hereby makes formal assertion and declaration of the claims of said Territory concerning its status in the American Union, as follows:

1. That the Territory of Hawaii is an "integral part of the United States."

2. That as such "integral part," Hawaii can not legally, equitably, or morally, be discriminated against in respect of legislation applying to the Union as a whole.

3. That Hawaii is a unit within the American scheme of government, with rights and powers differing from those of the States, in so far as certain features of a Territorial government differ from those of a State; but Hawaii carries all the financial responsibilities and burdens of a State, so far as the Federal Government is concerned, and functions practically as a State in nearly every other respect. It should, therefore, be accorded all of the benefits and privileges enjoyed by States, in respect of matters wherein its functions and responsibilities are the same as those of a State.

REASON FOR THIS DECLARATION

This declaration, and its method of promulgation, are extraordinary—unique in the history of legislation.

The reason for this procedure is that an extraordinary and critical situation faces Hawaii—one unique in history.

This extraordinary and critical condition arises out of the following facts:

HAWAII ANNEXED BY AGREEMENT WITH A SOVEREIGN NATION AND NOT BY PURCHASE OR CONQUEST

1. Of all the many acquisitions of territory by the United States, with the exception of Texas, which came into the Union as a State, by exactly the same procedure as did these islands, Hawaii alone became a part of the Union by voluntary agreement as an independent nation, having sovereign powers coequal with those of the United States.

All other annexations of territory were by purchase or conquest, by virtue of which such territories, respectively, became the property or "possessions" of the United States, subject to be dealt with as "property," with no limitation upon their treatment by the Federal Government save that of humanity.

HAWAII POSSESSED OF INALIENABLE RIGHTS TO MAINTENANCE OF WHICH GOOD FAITH OF UNITED STATES IS PLEDGED

2. That under said circumstances and the terms of the agreement of annexation, Hawaii is in no sense the "property" or a "possession" of the United States, but became incorporated into and is an "integral part" of the Union, and thereby acquired certain inalienable rights, contractual, equitable, and moral, to the maintenance of which the good faith of the United States is pledged.

HAWAII'S RIGHTS DENIED OR IGNORED

That, notwithstanding the foregoing facts, although Hawaii has been held by the Congress and the Executive to the observance and fulfillment of all the responsibilities and burdens incident to its status as an "integral part of the United States," being the same as those imposed upon the several States, the rights of Hawaii, as aforesaid, have, in a growing degree and an increasing number of instances been denied or ignored by the Congress and some of the Executive Departments of the Federal Government, to her serious injury and loss.

That examples of such denial or ignoring have been the enactment of laws by the Congress extending financial aid to all of the States for education, good roads, farm loans, maternity, and for other purposes, from the benefit of which Hawaii has been excluded, either directly or by the wording of such acts.

That in addition to the specific exclusion of Hawaii from participation in said appropriation bills, it has become a practice to classify Hawaii as one of the "insular possessions" of the United States, and to officially refer to and treat her as though she were such.

DANGER OF ESTABLISHMENT OF A PRECEDENT

That in view of said policy of excluding Hawaii from said benefits as aforesaid and said classification, there is danger that Hawaii may be held guilty of "laches," and as having, by acquiescence, waived her rights.

DECLARATION ON PART OF THE TERRITORY OF HAWAII

This declaration is therefore made in order to assert and place on record the claims of the Territory of Hawaii to its status in the Union and to its rights under and arising out of the facts herein set forth, in the strongest and most formal method possible, viz: By an act passed by its legislature and approved by its governor.

DIFFERENCES BETWEEN THE STATUS OF HAWAII AND THE STATUS OF THE SEVERAL STATES

That this legislature conceives and understands that the principal and material differences between the status of Hawaii and the status of the several States are as follows

(1) That certain officers of the Territory are appointed by the President;

(2) That the Territory of Hawaii does not vote for President or Vice President;

(3) That the Territory of Hawaii is represented in Congress by a nonvoting Delegate instead of by Senators and Representatives;

(4) That the Territory of Hawaii operates under a constitution (the organic act) enacted by Congress;

(5) That the enactments of its legislature are subject to be repealed or amended by the Congress. (In the 23 years since the organization of the Territory of Hawaii, this power has never been exercised by Congress.)

Otherwise than as hereinabove last enumerated, it is hereby claimed that the status of the Territory of Hawaii is coequal with that of the several States.

The Territory of Hawaii therefore claims that it is, and of right ought to be, entitled to participate in the benefits of general legislation, particularly financial legislation and appropriations extended to or made for all the States.

SEC. 2. BASIS OF CLAIM.—The claims of Hawaii, herein set forth, are based upon the following:

(a) The history of the annexation of Hawaii; the negotiations and procedure in connection therewith; the declarations of American officials conducting such negotiations made during the progress of the same, constituting a part of the res gestæ, and tending to show the intent of the parties.

(b) The treaties and legislation effectuating the annexation of Hawaii.

(c) The interpretation of and construction placed on the treaty of annexation and legislation supplemental thereto, relating to the status and rights of Hawaii as a part of the Union, made by American executive officers in pursuance of their official duties.

(d) The acts of Congress organizing Hawaii into a Territory of the United States and subsequent legislation defining the rights and status of Hawaii in the Union.

(e) The decision of the Supreme Court of the United States relating to the status of Hawaii in the Union.

STATEMENT OF FACTS TENDING TO SUBSTANTIATE HAWAII'S CLAIMS

The following is an enumeration of the principal facts tending to substantiate the claims of the Territory of Hawaii herein set forth:

I

ANNEXATION TREATY OF 1854

The annexation of Hawaii was first formally considered between the Governments of Hawaii and of the United States in 1853–54.

At that time President Pierce, of the United States, instructed Secretary of State Marcy to commission D. L. Gregg to represent the United States in Hawaii to negotiate with Kamehameha III, King of Hawaii, for the annexation of Hawaii to the United States.

The treaty was negotiated upon the basis of Hawaii coming into the Union as a State, "enjoying the same degree of sovereignty as other States, and admitted as such to all the rights, privileges, and immunities of a State, on a perfect equality with other States of the Union."

II

STATEMENT OF UNITED STATES COMMISSIONER GREGG

Commissioner Gregg reported to the United States State Department that the Hawaiians would agree to annexation on no other basis than that of full statehood.

He said also:

"The Hawaiian authorities are especially desirous of cultivating friendly relations with the United States, and look forward to the time when their country may constitute an integral portion of the great North American Republic."

This is the first time in the history of the annexation of Hawaii that the phrase concerning Hawaii becoming "an integral portion" (or part) of the United States was used.

The treaty was approved by the King and was completed, so far as Hawaii was concerned, awaiting only the King's signature, when his sudden death terminated further consideration of the subject for the time being.

Especial attention is hereby invited to the fact that from this time forward, at every stage and in nearly every official document bearing upon the subject of the annexation of Hawaii, the corner stone of the Hawaiian position has been that Hawaii should be annexed "as an integral part of the United States," or words to that effect. There is no deviation from this position.

III

STATEMENT OF SECRETARY OF STATE MARCY

In a dispatch to Commissioner Gregg, in connection with the proposed treaty of 1854, Secretary Marcy said:

"It will be the object of the United States, if clothed with the sovereignty of that country [Hawaii], to promote its growth and prosperity. This consideration alone ought to be sufficient assurance to the people that their rights and interests will be duly respected and cherished by this Government."

(This is the first of a series of official references to and pledges of the good faith of the United States to "respect and cherish the rights and interests" of the people of Hawaii. See statements hereunder of Secretary of State Foster, President McKinley, and President Dole.)

IV

DECLARATION CONCERNING ANNEXATION IN THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF HAWAII

Upon the overthrow of the Hawaiian monarchy, January 17, 1893, the principles of the new government were embodied in a proclamation, which constituted the constitution of the new government.

This proclamation announced the abrogation of the monarchy and the establishment of the provisional government * * * "to exist until terms of union with the United States of America have been negotiated and agreed upon."

V

INSTRUCTIONS OF PRESIDENT DOLE TO ANNEXATION COMMISSIONERS

President Sanford B. Dole, of the provisional government of Hawaii, following the overthrow of the monarchy, January, 1893, dispatched commissioners to Washington with instructions to negotiate a treaty with the United States Government, "by the terms of which full and

complete political union may be secured between the United States and the Hawaiian Islands."

VI

STATEMENT OF JOHN W. FOSTER, SECRETARY OF STATE UNDER PRESIDENT HARRISON

Upon arrival of the commissioners at Washington, President Harrison approved of the principle of annexation and designated Secretary of State John W. Foster to act on behalf of the United States in negotiating a treaty.

The Hawaiian commissioners asked for admission to the Union as a State.

Mr. Foster replied that the precise form of government would involve many details which would take much time to work out; that "bringing Hawaii into the Union" was the main object in view; that he was not adverse to statehood; but a treaty providing therefor would occasion debate and delay; that by asking for annexation Hawaii had demonstrated its confidence in the United States, and could be assured that if annexed, that confidence would be justified.

Mr. Foster thereupon proposed that the treaty should provide for the annexation of Hawaii as a Territory of the United States.

This proposition was accepted by the Hawaiian commissioners, who thereupon made formal written request for "Full and complete political union" of Hawaii with the United States "as a Territory of the United States."

Upon proceeding to draft the treaty, Secretary Foster suggested omission of the provision concerning Territorial government, on the ground that the details involved therein might cause delay, and suggested that in place thereof the treaty contain a provision that Hawaii should "be incorporated into the United States as an integral part thereof."

CENTURY DICTIONARY DEFINITION OF "INTEGRAL"

The Hawaiian commissioners were reluctant to accede to the change, but did so after looking up the definition of "integral" in the Century Dictionary, which contains the following:

"Integral * * * relating to a whole composed of parts, spatially distinct (as a human body of head, trunk, and limbs), or of distinct units."

Examples are given:

"The integral parts make perfect the whole and cause the bigness thereof."

"Intrinsic, belonging as a part to the whole, and not a mere appendage to it."

"All the Teutonic states in Britain became, first dependencies of the West Saxon King, then integral parts of the Kingdom."

VII

HARRISON ANNEXATION TREATY OF 1893

The treaty was thereupon completed in the form proposed by Secretary Foster, viz, that Hawaii was annexed "as an integral part of the United States," and in this form the treaty was sent by President Harrison to the Senate for ratification.

No action was taken on the treaty prior to the end of President Harrison's term, and President Cleveland coming into office March 4, 1893, recalled the treaty from the Senate, and no further action was taken concerning it.

VIII

CONSTITUTION OF THE REPUBLIC OF HAWAII PROVIDED FOR ANNEXATION

President Cleveland having declined to consider annexation, the provisional government of Hawaii proceeded to transform itself into the Republic of Hawaii, and on July 4, 1894, adopted a constitution enacted by a constitutional convention.

Article 33 of this constitution provided for the making of "a treaty of political or commercial union between the Republic of Hawaii and the United States, subject to the ratification of the senate"—the senate referred to is that of Hawaii.

(The provision in the constitution concerning a "commercial union" was to make provision for such a treaty if "political union" failed—the administration at Washington being then opposed to the latter. No action was ever taken looking toward a treaty of "commercial union.")

IX

THE M'KINLEY TREATY OF ANNEXATION

Upon the accession of William McKinley to the Presidency of the United States a new annexation commission was accredited to Washington by the Republic of Hawaii.

President McKinley approved of the principle of annexation, and designated Secretary of State John Sherman to represent the United States in negotiating such treaty. Ex-Secretary of State John W. Foster acted as advisory counsel for the United States.

The Hawaiian commissioners requested that annexation be expressed in the terms of the Harrison treaty, viz, that they be annexed to the United States "as an integral part thereof."

The request was complied with, and the preamble of the treaty recites that the Republic of Hawaii has expressed a desire "that those islands shall be incorporated into the United States as an integral part thereof."

"To this end" the treaty was entered into.

Section 1 of the treaty provides that * * * "The Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii."

X

STATEMENT OF SECRETARY OF STATE JOHN SHERMAN

In a letter by John Sherman, Secretary of State, transmitting the treaty when signed by the plenipotentiaries to President McKinley, he said that, other forms of union being impracticable:

"There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit."

XI

STATEMENT OF PRESIDENT M'KINLEY UPON TRANSMISSION TO THE UNITED STATES SENATE OF THE TREATY ANNEXING HAWAII

In his letter transmitting the treaty to the Senate President McKinley said:

"The incorporation of the Hawaiian Islands into the body politic of the United States is a necessary and fitting sequel to the change of events which from a very early period in our history has controlled the intercourse and prescribed the association of the United States and the Hawaiian Islands, the organic and administrative details of incorporation are necessarily left to the wisdom of the Congress; and I can not doubt, when the function of the treaty-making power shall have been accomplished, the duty of the national interests of this rich insular domain and for the welfare of the inhabitants thereof."

XII

RATIFICATION OF THE M'KINLEY TREATY BY THE HAWAIIAN SENATE

In accordance with the constitution of the Republic of Hawaii, the McKinley treaty was thereupon ratified by the Hawaiian Senate, and the cession of Hawaii to the United States provided for, so far as Hawaii could accomplish the same.

The treaty as a whole was embodied in the resolution ratifying it. (Annexation was finally consummated, not by ratification of the treaty by the United States Senate, but by joint resolution of the Congress.)

The wording of the treaty and the action of the Hawaiian Senate are, however, of vital importance to the issue now under discussion, for the treaty states that it is made "to the end that those islands shall be incorporated into the United States as an integral part thereof," and the ratification of such treaty by the Hawaiian Senate is referred to in the joint resolution of annexation as the cession on the part of Hawaii, upon which the joint resolution was based. The joint resolution therefore incorporates into itself the said basis of annexation as much as though the resolution had contained the words "to the end that those islands shall be incorporated into the United States as an integral part thereof."

XIII

ANNEXATION OF HAWAII BY JOINT RESOLUTION OF THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES

The Senate of the United States having failed to act upon the McKinley treaty, a joint resolution of annexation was adopted by both Houses of Congress July 7, 1898, accepting the "cession" provided for by the treaty as ratified by the Hawaiian Senate.

The preamble of the joint resolution recites such "cession" by Hawaii, and in the body of the resolution states that "such cession is accepted, ratified, and confirmed."

XIV

STATEMENT OF HAROLD M. SEWALL, UNITED STATES MINISTER AT HONOLULU, UPON FORMAL TRANSFER OF THE SOVEREIGNTY OF HAWAII TO THE UNITED STATES

Upon the occasion of formal transfer of the sovereignty of Hawaii on August 12, 1898, Harold M. Sewall, minister of the United States to Hawaii, presented to President Dole, of the Republic of Hawaii, a certified copy of the joint resolution, said: "This joint resolution accepts, ratifies, and confirms, on the part of the United States, the cession formally consented to and approved by the Republic of Hawaii."

(The "cession" referred to is the ratification of the McKinley treaty by the Hawaiian Senate, above referred to.)

XV

STATEMENT OF PRESIDENT DOLE UPON THE TRANSFER OF SOVEREIGNTY OF HAWAII TO THE UNITED STATES

In replying to the last above-noted address by Minister Sewall, President Dole said:

"A treaty of political union having been made, and the cession formally consented to and approved by the Republic of Hawaii, having been accepted by the United States of America, I now in the interest of the Hawaiian body politic and with full confidence in the honor, justice, and friendship of the American people, yield up to you as the

representative of the Government of the United States the sovereignty and public property of the Hawaiian Islands."

XVI

ENACTMENT BY CONGRESS OF AN ACT ORGANIZING HAWAII INTO A TERRITORY

On April 30, 1900, the Congress enacted the Hawaiian organic act, creating Hawaii into a Territory of the United States, providing therein, among other things:

"Section 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States."

XVII

DECISION OF THE UNITED STATES SUPREME COURT CONCERNING THE STATUS OF HAWAII IN THE UNION

In 1903 the Supreme Court of the United States decided unanimously in the case of Hawaii v. Mankichi, 190 United States Supreme Court Reports 197, that Hawaii had been incorporated as an "integral part of the United States."

Several opinions were announced, but on this point the only difference of opinion was as to when such incorporation became complete.

Chief Justice White, speaking for himself and Justices Harlan, Brewer, and Peckham, said, among other things, referring to the McKinley treaty and the joint resolution accepting its terms:

"The preamble of this treaty expressed 'the desire of the Government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' and that the governments 'have determined to accomplish by treaty an object so important to their mutual and permanent welfare.'"

(See p. 224; also separate opinion of Justice Harlan, p. 227; also p. 225: "By the resolution the annexation of the Hawaiian Islands became complete and the object of the proposed treaty, that 'those islands should be incorporated into the United States as an integral part thereof and under its sovereignty,' was accomplished.")

XVIII

DECISION BY THE DEPARTMENT OF JUSTICE AND THE BUREAU OF EDUCATION OF THE UNITED STATES UPON THE STATUS OF HAWAII IN THE UNION

After enactment by Congress of the organic act the several executive departments of the United States Government differed in their rulings as to whether general appropriations applying to these States as a whole were applicable to Hawaii, the decisions as a rule being that they did.

In 1907 the Territory of Hawaii established a college of agriculture and mechanic arts (now the University of Hawaii) and applied for Federal assistance under the acts of Congress supplementing the Morrill Act.

The executive officers of the Department of Justice and the Bureau of Education gave formal decisions that Hawaii was not entitled to aid under such acts.

Hawaii applied for a reconsideration and reversal of these decisions and presented a statement of facts and arguments supporting her position.

The said officials upon such reconsideration reversed their previous rulings and extended the aid provided by Congress to the College of Hawaii, and it has ever since shared in the general appropriations made for such colleges throughout the United States.

XIX

ACT OF CONGRESS REVERSING THE RULING OF THE TREASURY DEPARTMENT AND INCLUDING HAWAII IN GENERAL APPROPRIATIONS

After the final rulings in connection with the College of Hawaii, the Territory of Hawaii applied for aid to its topographic and hydrographic survey, under the general appropriations that were made by Congress for the topographic and hydrographic surveys "of the United States."

The executive officials of the United States Treasury Department decided that this appropriation was inapplicable to the Territory of Hawaii, and refused the latter's request.

Application was thereupon made to Congress for remedial legislation to meet this ruling of the Treasury Department, whereupon Congress passed an act on May 27, 1910, amending section 5 of the organic act by inserting therein the words "including laws carrying general appropriations" so that said section now reads as follows:

"SEC. 5. That the Constitution, and except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States."

Upon the passage of this amendment to the organic act, the Treasury Department changed its ruling, and Hawaii has ever since shared in the general appropriations for such surveys.

XX

HAWAII IS SUBJECT TO EVERY TAX, IMPOST, IMPORT DUTY, AND ALL OTHER OBLIGATIONS IMPOSED UPON THE SEVERAL STATES

As examples:

Hawaii Naval Reserve and National Guard called into Federal service.

During the war the naval service and the National Guard of Hawaii were called into the service of the Federal Government and served upon the same basis as those of the several States.

Draft law applied in the Territory of Hawaii: The draft law was applied in the Territory of Hawaii upon the same basis as in the several States, and the men drafted served in the forces of the United States.

Federal internal revenue laws applied to Hawaii: All Federal internal revenue laws are applied in the Territory of Hawaii upon the same basis as the States.

In 1921, Hawaii paid Federal internal revenue taxes amounting to $20,680,103.23, a greater sum than was paid by any one of 17 States.

In 1922, Hawaii paid Federal internal revenue taxes amounting to $15,515,063.03, a greater sum than was paid by any one of 19 States.

Federal import customs duties are imposed upon all foreign merchandise entering Hawaii: In 1921, the Federal Government collected import customs duties in the Territory of Hawaii amounting to $1,426,716.32, besides other charges.

In 1922, the Federal Government collected import customs duties in the Territory of Hawaii amounting to $1,076,163.12, and other charges.

It will be noted that import customs duties collected by the Federal Government in the "insular possessions." are returned to the local government. This is not the case in the Territory of Hawaii. The entire collections are retained in the Federal Treasury.

It will be further noted that merchandise entering ports of the mainland, upon which customs duties are collected, pass on to interior States, the payment of the duties being, therefore, divided among several, if not many, States.

This is not so as to imports into Hawaii, where they are all consumed, and the Territory of Hawaii consequently pays the entire amount of the duties.

XXI

ALL CALLS BY NATIONAL GOVERNMENT AND ORGANIZATIONS FOR FINANCIAL CONTRIBUTIONS ARE APPORTIONED TO THE TERRITORY OF HAWAII UPON THE SAME BASIS AS TO THE SEVERAL STATES

Every call made by the Federal Government for subscriptions to Liberty loans and war-savings stamps was apportioned to the Territory of Hawaii upon the same basis as to the several States, and in every instance the Territory of Hawaii "went over the top" in the front rank with wide margins to spare.

Likewise, all calls by national philanthropic, patriotic, and relief organizations, national, and international, such as the Red Cross, Y. M. C. A., Belgian Relief, Near East Relief, etc., for funds, have been apportioned to the Territory of Hawaii upon the same basis as to the several States.

XXII

INCLUSION OF THE TERRITORY OF HAWAII IN FINANCIAL AND OTHER OBLIGATIONS AND EXCLUSION FROM FINANCIAL BENEFITS, UNJUST, INEQUITABLE, AND INCONSISTENT WITH PLEDGES MADE TO HAWAII AT TIME OF ANNEXATION

It is submitted that the inclusion of Hawaii in all financial and other obligations imposed upon the States, and the exclusion of the Territory from the financial benefits and aids extended to the States as a whole, is unjust and inequitable, and inconsistent with the pledges and assurances of the United States, made through its executive officials during the negotiation of annexation, as above set forth in the statements of Secretary of State Marcy, Secretary of State Foster, and President McKinley; and also constitutes a failure to meet the trust to the good faith of the United States, expressed by President Dole, of Hawaii, upon the occasion of the transfer of the sovereignty of Hawaii to the United States.

SEC. 3. The Legislature of the Territory of Hawaii hereby expresses its sincere confidence in the good faith and intent of the Congress to do full justice to the Territory of Hawaii, and further expresses its earnest belief that the matters and things herein enumerated as inconsistent with the rights of the Territory of Hawaii grow out of inadvertence or misunderstanding, and will be speedily remedied when the Congress is fully informed of the facts.

SEC. 4. To the end, therefore, that removal of all misunderstanding in the premises may be speedily accomplished, and such action taken by the Congress and the Federal Executive as may meet and remedy the conditions herein recited, the governor is hereby authorized and empowered to appoint a commission of three persons, one of whom shall be designated as chairman, and to fill vacancies therein if any occur, to prepare such brief and further evidence and argument as may be necessary or proper, and to proceed to Washington, D. C., and, in association with the Delegate to Congress from Hawaii, present and urge the claims of the Territory of Hawaii above set forth with a

view to securing from Congress and the Executive, recognition in appropriate form, of the claims of Hawaii above set forth; more particularly to secure such legislation from Congress by amendment to existing law or by new legislation as may include Hawaii in all acts in aid of good roads, education, farm loans, maternity, home economics, training in agriculture, trade and industry, and other acts of a like nature which apply to the States as a whole, so that such acts may apply to and include Hawaii in the same manner and upon the same basis as they do to the several States.

SEC. 5. This act shall take effect upon its approval.

As a consequence of that resolution the Federal Congress passed H. R. 4121 in the Sixty-eighth Congress, which belatedly gave to Hawaii some participation in the future in connection with Federal aid that had heretofore been denied.

Even now, after the fight appears to have been won, Hawaii is wholly misunderstood by large masses of our people. That in itself may not be wondered at, but that the Members of Congress and the executive departments here in Washington should continue to exhibit such misunderstanding in the matter of our status is of more serious concern to us.

That we are an integral part of the United States was decided by the United States Supreme Court's decision in 1903, Hawaii *v.* Mankichi (190 U. S. Sup. Ct. Rept. 197).

Besides, section 5 of the organic act passed by the Federal Congress "to provide a government for the Territory of Hawaii" (31 Stat. L. 141), reads:

That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

Yet in every Congress bills of such a general nature are introduced providing for the States but failing to provide for the organized Territories. In the past, and not further back than 1925, a bill of the kind but actually using the words "and Territories" was interpreted by one of the executive departments as not applying to the Territory of Hawaii, but it was held that the words "and Territories" were intended to mean "Territories contiguous to the continental United States." The unsoundness of such an opinion can be understood when it is realized that in 1925 there were no Territories contiguous to the continental United States, and Congress surely could not have intended to use the words to no meaning. On the other hand, the author of the bill just referred to has in writing assured the speaker that it was his intention by the words used to cover the Territory of Hawaii.

Further, in the departments the same failure to understand our position is evidenced by reports and releases to the press where the Territories are quite frequently left out of consideration or else incorrectly classified. The most glaring of such a case was that of the recent United States census of agriculture, where Hawaii was completely left out. More recently the Department of Commerce, in a report on "Foreign investments by American banks," so classed investments in Hawaii. The error evidently arose from a confusion of the terms "Territories and possessions," not recognizing the application of the term "Territory" under our form of government only to "organized Territories." That such was the case is evident from the fact that one of the headings in the report refers to "Territorial possessions." Such confusion, except for the fact that financial institutions themselves correctly understood the situation, would be very embarrassing to us and make it difficult to float our bonds.

The great difference between Territories and possessions may be in a few words characterized as follows: The Territories of the United States, whilst enjoying the benefits of being a part of the United States, also have to bear the burdens and responsibilities consequent upon being an integral part of the United States, hence our people and our corporations are subject to the Federal income tax which is paid into the Federal Treasury and such internal revenue and customs duties that are collected also inure to the Federal Treasury. Whereas the possessions of the United States carry no such responsibilities whilst freely enjoying the benefits accruing by reason of being under the flag. Possessions do not pay Federal income tax and the customs duties collected go into the island treasuries. For instance, to illustrate, the Philippine Islands, whilst producing sugar in competition with American-grown sugar on the mainland and in Hawaii, do not have to pay the corporation tax that to the extent of 13½ per cent bears down heavily on our domestic corporations. That it is a heavy burden is shown by the fact that the Territory of Hawaii in the last year contributed under such tax to the Federal Treasury more than 13 States of this Union.

Because of this confusion as between Territories and possessions we have still another phase of the situation which circumscribes our freedom of action. I refer now to the fact of the limitations upon our local self-government. By the organic act Congress provided, in section 55, as follows:

LEGISLATIVE POWER

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, saving banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of 1,000 acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spiritous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the Government; nor shall the Government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed 1 per cent upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond 7 per cent of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond 3 per cent of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than 5 years and payable in not more than 15 years from the date of the issue thereof; nor shall any such bond of indebtedness be incurred until approved by the President of the United States.

In the exercise of the above functions the legislature has provided the usual laws common to most of the States and has provided an orderly, stable, modern, and wholly American administration. The Territory has under American auspices developed to a high degree, and at present compares with many States. Our population is greater than that of three States and our payment into the Federal Treasury is in excess of that made by each of 13 individual States. During the time of our greatest prosperity we paid in one year more than each of 21 States.

Yet to this American community the Federal Congress has seen fit to address a special chapter in the Criminal Code containing 13 sections governing matters that ordinarily are left to the control of the sovereign States. To be sure the chapter is applicable not only to Territories but also to the District of Columbia, or within or upon any place within the exclusive

jurisdiction of the United States; the questions treated are such as—

Circulating obscene letters, polygamy, unlawful cohabitation, adultery, incest, fornication, recording certificates of marriage, prize fights, and bull fights, train robberies, and discrimination by proprietors of theaters against persons wearing uniform of Army, Navy, etc.

It is possible that because of the inclusion of the District of Columbia in the chapter and places within the exclusive jurisdiction of the United States, for which there are no legislative bodies other than Congress, that these matters were found necessary. But since by the provision in the organic act creating the Territories of the United States, legislative bodies are created which can and have taken care of such matters, the part of wise statesmanship and development of the American theory of self-government would seem to point to the elimination from the application of this chapter to the Territory of Hawaii for which I speak. In this respect at least the possessions of the United States have undoubtedly greater freedom than we who contribute to the fiscal support of this Government.

I would urge the early repeal of the whole of the above chapter of laws, being chapter 13, title 18, of the United States Code. I have, upon request of the legislature of the Territory, attempted to get a modification of one of the above statutes so as to permit of boxing in the Territory, but so far it has only passed the House. Surely a community of three hundred and thirty thousand-odd people can be trusted to enact proper laws on that subject; and if the possessions of the United States may have such a portion of self-government, it is most difficult for us to defend the attitude which will deny us that same measure of freedom. In conclusion, sir, may I not bring to the attention of the Congress and of the people at large that Hawaii is proud of its status under the Union and is not seeking either independence or autonomy. Hawaii, since its union with our great Nation, has prospered to a wonderful degree. Some who are more careless of their statements than of their desires for continuing under the flag have referred to the native Hawaiians and by inference wish to make it appear that the native Hawaiians have suffered exploitations by reason of annexation. The Federal Government has at all times done everything that was within its power to protect the native Hawaiians, and only in this session of Congress passed a law for the further development of the scheme to rehabilitate the native Hawaiians. The damage that was done was unwittingly the result of legislation when the Hawaiian himself was still in full control of political power.

We are a Territory, just like every other State of the Union was one before becoming a State, except the original thirteen Colonies. We are passing through our apprenticeship and look hopefully to the time when we may prove to the country that we are wholly and thoroughly American, stable and dependable, in order that we may be granted the only autonomy that we desire, statehood on equality with the other States of the Union.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. McDUFFIE. Reserving the right to object, is it the intention of the gentleman to call the Private Calendar again?

Mr. TILSON. If we adjourn on Tuesday, it is my intention that we shall sit until a late hour on Monday afternoon and perhaps have an evening session.

Mr. GARNER of Texas. I have heard a number of gentlemen say that they want the Consent Calendar considered to-night. Is there anything objectionable in having an evening session to-night? There are a number of bills on the calendar that we would like to get to the Senate for consideration. Why can not the gentleman have a night session from 8 until 10.30 for bills on the Consent Calendar?

Mr. TILSON. A number of Members interested in bills on the Consent Calendar have said to me they did not wish to go on to-night. We were here last night until 11 o'clock. Unless the adjournment resolution passes the Senate there is no need of our holding night sessions, especially on a Saturday night. If we should adjourn finally on Tuesday, Monday will be a long day, and there is no use in starting any new business that will be contested.

Mr. GARNER of Texas. If you had new business to-night and have over Sunday and Monday, you could get the bills engrossed and up to the White House and signed by the President if not objectionable to him. I think you could accomplish a great deal if you had a night session to-night.

Mr. HASTINGS. Would it not be advisable to have the Consent Calendar on Monday?

Mr. TILSON. That is what I hope to do on Monday and Monday night.

Mr. HASTINGS. And on Tuesday call the remaining bills on the Private Calendar?

Mr. TILSON. Yes. It will not take very long to finish the bills on the Private Calendar. I hope to complete both calendars before we adjourn.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. Is the gentleman going to adhere to the practice in considering the Private Calendar of allowing one Member to block consideration of a bill instead of putting it on an equality with the Calendar for Unanimous Consent requiring three objections? It seems to me it is almost a shame that the Private Calendar should be so considered in the House that one man can hold up the passage of meritorious measures. There is no way of bringing those bills up except by unanimous consent.

Mr. TILSON. The gentleman must realize that the consideration of private bills under the rules of the House, going into Committee of the Whole on each bill would take at least six months to complete the calendar.

Mr. MOORE of Virginia. The gentleman misunderstands me.

Mr. TILSON. Mr. Speaker, for the present I withdraw my request.

MARBLE BUST OF MARTIN B. MADDEN

Mr. BYRNS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the House resolution which I send to the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 226

Resolved, That the sum of $2,500 is authorized to be paid from the contingent fund of the House for the procurement of a marble bust of Martin B. Madden, late a Representative from Illinois. The expenditure of the sum herein authorized shall be made under the direction of the Committee on the Library.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for a minute on this resolution with reference to a sculptor.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Reserving the right to object—and I shall not object—I shall object to any more unanimous-consent requests until the two special orders have been carried out.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MOSES DYKAR

Mr. CELLER. Mr. Speaker and gentlemen of the House, I rise to call the attention of the House to the fact that the resolution just passed is very praiseworthy, and that I hope when the names of sculptors are considered by the Committee on the Library that that committee will take into consideration the ability and artistry of Moses Dykar, a sculptor who has a very fine collection of sculpture in the National Museum, and who has recently completed a bust of President Coolidge, which was presented by his classmates to Amherst College. Mr. Dykar is now at work on the head of Mrs. Longworth and he has finished the bust of Speaker Longworth. The head of the late Vice President Marshall in the Senate is his. He did the busts of Samuel Gompers, James Graham Bell, inventor of the telephone, former Speaker Champ Clark, Mrs. Warren G. Harding, and many others. His work is very distinctive in character and has received wide acclaim. He would make an excellent likeness of the late Mr. Madden.

Mr. LaGUARDIA. Is Mr. Dykar an Amercian citizen?

Mr. CELLER. I believe he is, although I am not certain in that regard. He is thoroughly American in his ideals and work and has made a deep imprint on Amercan sculpture.

HOUR OF MEETING MONDAY

Mr. TILSON. Mr. Speaker, I have been requested to renew my request that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next. Is there objection?

There was no objection.

Mr. FULBRIGHT. Mr. Speaker, will the gentleman yield to me for a question?

Mr. TILSON. Certainly.

Mr. FULBRIGHT. I understood the gentleman from Connecticut to say a moment ago that there would be no new legislation initiated at this session.

Mr. TILSON. I did not mean that. I meant no long-drawn out legislation that may be contested.

Mr. GARNER of Texas. Controversial legislation?

Mr. TILSON. Yes; I mean no controversial legislation.

Mr. FULBRIGHT. Then I understand from the majority leader that there will be no attempt to pass any farm-relief legislation at this session?

Mr. TILSON. That is a rather large order for this stage of the session.

Mr. DYER. Mr. Speaker, I demand the regular order.

GORGAS MEMORIAL LABORATORY

Mr. OLIVER of Alabama. Mr. Speaker, some time ago I made speeches in the House on the subject of civil aviation and also on the Gorgas Memorial. At that time I obtained permission to extend my remarks in the RECORD upon those subjects. Fearful that my rights in the matter have lapsed, I renew the request.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, I can not omit to here express the appreciation and the great and justifiable pride of the people of my State for the further honors which this Congress now seeks to pay the memory of that immortal American, Gen. William Crawford Gorgas, born at Mobile, Ala., and who always claimed his political domicile in my district, at Tuscaloosa, Ala., where a loved sister now lives in the beautiful old Gorgas home, rendering high service to the youth of our country as librarian of the University of Alabama, a position which her greatly beloved and sainted mother held for more than a third of a century next preceding her death.

It is peculiarly fitting that our country should generously cooperate with Central and South America in establishing and maintaining at Panama a memorial of international import to this great American, for certainly no man ever served humanity in a wider, more beneficent, more lasting way than did General Gorgas. This is why he was loved and honored, not alone at home but by the nations of the earth, and though he has passed away from us forever, the fruits of his labor still live and will continue to serve mankind through this memorial laboratory. Standing as it will at the crossroads of the nations, it will ever serve to remind the world that this great American above all brought to the practice of his profession in all its relations the loftiest standards of professional duty and honor. The purity of his life, the nobility and dignity of his character, his scorn of everything sordid, base, or mean, the kindness of his heart, and the grace and charm of his manner, added to the wealth and abundance of his intellectual accomplishments, made him the finest type and model of what a great physician can and should be. As such, the world will not forget, but will ever cherish, his memory, and the generous aspirations of future generations will find in his life and fame a perpetual incentive to noble endeavor.

In conclusion I wish to refer to a memorial service held in the city of Washington on January 16, 1921, under the auspices of the Southern Society, and participated in by high representatives from many nations, in which he was adjudged "Forerunner of canal builders, preserver of life, and pioneer in preventive medicine." (See proceedings of meeting in pamphlet form in Congressional Library.)

At this service tributes were paid to General Gorgas by distinguished officials from many countries, presaging the universal fame which he is accorded to-day. It would seem to be peculiarly appropriate to spread on the records of Congress a single beautiful flower from this bouquet of world-wide praise. Its appropriateness is evidenced by the fact that it was delivered by the ambassador of France, which great country at one time was faced with the problem which later was so successfully solved by General Gorgas. With a gracious gesture toward the one who accomplished where another of merit failed, as a beautiful tribute from a representative of one great nation to the internationally honored son of another great nation, I will here read and append the address of Hon. J. J. Jusserand, ambassador of France:

Madam, ladies, and gentlemen, I consider it a high privilege to bring the homage of France to a great memory. France, whose contribution to medical science goes back to the very Middle Ages, has ever known how to appreciate merit in this line, not only that of her own sons, but that also of the sons of other countries. Our admiration for Gorgas was profound, and I bring here the expression of it. Men of note, who perform during their lives great tasks, are of two sorts: Those who, in the span of their existence, have wanted to serve their country and also themselves, and those who have desired to serve nothing but their country and mankind. Those of the first category usually draw more attention in their lifetime; they have, to be sure, like the others, much merit, but their merit is better advertised. The others have only merit without advertising. When death overtakes both sorts, then it infallibly happens that the fame of the first dwindles and that of the other increases. Of the latter category was among us French Pasteur, and among you Americans Gorgas.

He had throughout life no thought but to serve. The intensity of his desire to help and the magnitude of his work left him no time for personal consideration. That work was of immense import. The discoveries which made it possible began with a son of France, Laveran, and his studies on paludism in 1880 and with those of Finlay in Cuba on yellow fever, in 1881. It seemed an impossible battle to wage, that fight against the innumerable, ever-increasing, omnipresent, intangible enemy—the mosquito. How could one get rid of an inaccessible pest? That means was found by Gorgas. Where there had been pestilence, after he came there was health and prosperity. Where so many Frenchmen died in their effort to dig the Panama Canal, Americans lived in health and security after Gorgas had established his wise regulations. His firm and gentle hand acted as if endowed with a magical power, the magic of good will, kindness, warm-heartedness.

When his public task was finished, his life's task was not, for his duties were not dictated to him by any power above him, but from a power within himself, his ever-increasing conscience. He told me so when I saw him in that city of Panama, which he had caused to be what it now is—the beautiful, radiant capital of the recently born Republic. One of the worst plague spots remaining in the world was Guayaquil, and I remember an entertainment given when we were on the Isthmus, in which took part the handsome young officers of an American destroyer. The ship was ordered the next day to Guayaquil, and we heard three days later that the commander and several of his men were dead of yellow fever. Gorgas has been there since, and provided his regulations are well observed, no one will anymore die of yellow fever in those parts.

He died in full activity, tended by the one who was throughout his life his devoted companion and mainstay, and when he closed his eyes on the world, of which he had been such a useful citizen, he could, with a serene heart, say the nunc dimittis servum tuum; and think, my day is passed, but to the best of my ability it has been well filled.

[Applause.]

ORDER OF BUSINESS

Mr. LUCE. Mr. Speaker, I have four matters from the Committee on the Library, and have consulted with the Speaker about calling them up at this time.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to call up four matters from the Committee on the Library at this time. Is there objection?

Mr. DYER. Mr. Speaker, for the present, I object.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I call up the following Senate bills now on the Speaker's table, and move that they be definitely postponed, similar House bills having been already passed:

S. 2343. An act extending the time for the construction of a bridge across the Mississippi River, in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway;

S. 2496. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River, on the Dover-Clarksville Road, in Stewart County, Tenn.; and

S. 768. An act to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

BATTLE FIELDS OF KINGS MOUNTAIN AND COWPENS

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to have the monograph prepared by the War College on the two battle fields of Kings Mountain and Cowpens, a very valuable historical monograph, not long, printed as a House document.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

COMMERCE BETWEEN THE UNITED STATES AND THE PHILIPPINES

The SPEAKER pro tempore. Under the special order, the Chair recognizes the Commissioner from the Philippines, Mr. GUEVARA.

Mr. GUEVARA. Mr. Speaker and gentlemen of the House, a very important question was placed before the consideration of this House by the gentleman from Colorado [Mr. TIMBERLAKE] in his well-thought-out speech, delivered on March 21, 1928, on the exportation of Philippine sugar to the United States duty free. The gentleman from Colorado suggested the necessity of limiting the export of Philippine sugar to the United States to 500,000 tons for three reasons: To protect the sugar-beet industry from competition of Philippine sugar; to work out in the Philippine Islands the theory of diversified agriculture; and to permit the Filipino people to develop their own oriental sugar market.

Each of the grounds invoked by the gentleman from Colorado [Mr. TIMBERLAKE] merits much consideration, but I will discuss them briefly in view of the limited time that has been so graciously granted me.

I shall begin by recognizing that the first duty of the Congress of the United States is to protect its home industry. In the case of the Philippine Islands this duty appears to be somewhat extreme and doubtful and invited an analysis of the political relationship between the two countries.

There is no necessity of discussing now the reasons why the Philippine Islands are under the American flag. The fact, the plain fact, is that our country is under the American flag, and this Government exercises over it an unrestricted sovereignty. It is necessary at the outset to clarify the meaning of "home industry" or "home affairs." The suggestion was made by the gentleman from Colorado [Mr. TIMBERLAKE] that because the Philippine Islands have not yet acquired the status of a State they can not enjoy economic equality with the United States. Heretical as this is as a political and moral proposition, it nevertheless may become a reality, and it should therefore cause alarm to all peoples living under the American flag and in Territories not enjoying statehood.

This is a new proof of the anomalous political situation in which the Philippine Islands have been placed. Not only do the inhabitants therein enjoy limited political rights but, according to the proposition advanced by the gentleman from Colorado [Mr. TIMBERLAKE], they are also supposed to have limited economic right. The Filipinos have always understood and they have always been led to believe that all those living under the American flag have the right to the pursuit of happiness, prosperity, and life. To accomplish this end it was proclaimed by the United States that equal protection before the law is one of the fundamental rights to be enjoyed by all peoples living within its jurisdiction. Any discrimination against this doctrine is certainly un-American. Besides, it would be contrary to the well-known American principle that "a country can not be foreign for one purpose and domestic for another."

Setting aside this political consideration, let us examine the plan suggested by the gentleman from Colorado [Mr. TIMBERLAKE] in the light of principles which should govern the free trade relations between the United States and the Philippines. May I say that real reciprocity should be its essence. The Philippine Islands do not claim any privilege in its economic relations with the United States, but to my mind it is its natural right to desire for real reciprocity. It is only just and fair that such reciprocity should prevail as long as the Philippine Islands have not definitely severed their political relationship with the United States. Otherwise, adoption of the Timberlake proposition would be tantamount to the oppression of the weaker by the stronger. I will not hesitate to assert now that this is not and could not be the policy of the United States toward the Philippines or anywhere else.

Let us consider for a moment the terms of the free trade now existing between the United States and the Philippine Islands. According to its terms the United States is free to export to the Philippines all her products and goods without exception or limitation. On the other hand, the Philippine Islands are not as free as the United States to export to this country all her products and goods. Rice and all manufactured goods in the Philippines in which a certain percentage of foreign raw materials are used are not admitted duty free in the United States. This House will readily see that this condition is not encouraging to the progress of industry in the Philippine Islands. The Philippines are not producing all the raw materials needed in their present and future industries, and therefore they are compelled to import from foreign countries those raw materials which are not available in the United States or in the Philippine Islands.

It is a well-recognized fact that raw materials in the United States are more expensive than those of the same kind in Japan and China. Conditions of labor and the standard of living make the production of raw materials in the United States more expensive than those of the same kind in such places as Japan or China or Europe. Besides, transportation from the United States to the Philippine Islands is more expensive than from Japan and China, due to distance and freight rates. In discussing this aspect of the question it is far from my purpose to criticize or to make any complaint, for I well understand that the sovereign power must take necessary measures to prevent that any portion of any territory under its flag might be used by foreign countries as the medium through which they may wage competition. It is but fair and right to prevent such competition. The Filipino people are willing to support this protective policy of the United States.

I will now come to the point raised by the gentleman from Colorado [Mr. TIMBERLAKE] that the proposed limitation of the Philippine sugar is based upon the idea that it will protect the American sugar-beet industry in continental United States. On the contrary, it will undoubtedly cause the rise of the price of this commodity, to the prejudice of the consumers. This assertion can be demonstrated by statistical analysis of the domestic sugar grown in continental United States. The estimated production of sugar in continental United States in 1927 is as follows:

	Tons
Beet	780,362
Cane	38,597
Miscellaneous	12,417
Total	831,376

The entire market demand of sugar in the United States is 5,297,049 tons. From these statistics it is obvious that the domestic sugar grown in continental United States meets but 15 53 per cent of the demand of the American market and the total sugar grown under the American flag, including the Philippines, Hawaii, Porto Rico, and Virgin Islands, meets but 44.91 per cent of the demand of the American market. Therefore 55.22 per cent of the demand of the American market comes from foreign sources or sugar grown in foreign nations. The limitation suggested by the gentleman from Colorado [Mr. TIMBERLAKE] will benefit the producers in foreign countries.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. KNUTSON. Do the figures which the gentleman is giving include Hawaii?

Mr. GUEVARA. Hawaii, Porto Rico, the Virgin Islands, and the Philippine Islands.

Mr. KNUTSON. And what are those figures?

Mr. GUEVARA. Forty-four and a fraction per cent of the American sugar market is provided by the States and the Philippine Islands, Hawaii, Porto Rico, and the Virgin Islands and 55 per cent and a fraction of the American sugar demand is supplied from foreign countries.

Mr. KNUTSON. What percentage of our sugar do we import from Cuba?

Mr. GUEVARA. I have not the figures but it is over 50 per cent.

Mr. WOODRUFF. About 50 per cent.

Mr. KNUTSON. Has the gentleman any figures on the difference in the cost of production in Cuba and the Philippines?

Mr. GUEVARA. I have.

Mr. HOUSTON of Hawaii. Mr. Speaker, will the gentleman yield?

Mr. GUEVARA. Yes.

Mr. HOUSTON of Hawaii. It is understood, of course, that in Hawaii the sugar growers pay the Federal income tax.

Mr. GUEVARA. Yes.

Mr. HOUSTON of Hawaii. The corporation tax, which we have just passed on to-day, whereas in the Philippines, in Porto Rico, and in the Virgin Islands they do not pay such a tax.

Mr. GUEVARA. No; they do not. Furthermore, may I say that if the plan proposed by the gentleman from Colorado is converted into law the sugar consumers in the United States, who constitute 100 per cent of the entire population, will be compelled to pay an extravagant price for the sugar that they will consume. The price of sugar in the United States during the war may be cited. It will be unfair on my part to convey the impression to this House that if the importation of Philippine sugar is limited to 500,000 tons its price in the United States will be as high as that which prevailed during the war. But it is undeniably true that it will be higher than it is now. As soon as foreign sugar magnates are assured that the Philippine Islands can not export more than 500,000 tons to the United States the commercial genius of foreign sugar producers

will see to it that they get more profit than they are getting now in return for the quasi monopoly purported to be given them by the gentleman from Colorado [Mr. TIMBERLAKE].

I deeply regret that in the discussion of this question I have to touch a purely domestic American problem. I say purely domestic American problem because some measures enacted by the Congress of the United States and the plan sponsored by the gentleman from Colorado, as well as that presented by the gentleman from California [Mr. WELCH], classify the Filipino people as complete foreigners, or people without country and without flag.

May I again emphasize my recognition of the duty of the Congress of the United States to protect its home industry. If the arguments I have just set forth are not convincing, then I shall say that the United States can not in justice retain the Philippine Islands under its sovereignty and at the same time refuse the admission to its markets of its commercial and industrial products. The best way to protect the sugar-beet industry of the United States from competition with Philippine sugar is to fulfill the pledge of this Nation to grant the Philippine Islands their independence. We will heartily indorse and support a solution of this kind, for it will protect the sugar-beet industry of the United States and will satisfy the sacred aspirations of the Filipino people. This is the only just solution thus far that can be suggested. As years go by it will be found that the economic interests of the United States and the Philippine Islands are entirely conflicting. This relationship can not be prolonged without prejudice to either party. The United States has vast interests to protect, and certainly she will not and must not sacrifice them for the sake of the Philippine Islands. The Filipino people recognize this fact. On the other hand, the Filipino people can not by any means approve the retention of their country by the United States on a basis of unfairness, injustice, and inequality. If the Filipino people are going to live under the American flag, they should be accorded equal treatment. Otherwise they rightfully feel that they are oppressed.

I would be unfair and unjust to myself did I not admit that Philippine sugar may compete with the sugar-beet industry in the next 20 or 30 years if the present political relationship between the two countries is continued. Not only the sugar of the Philippines but also the vegetable oil, tobacco, and lumber. Before such a situation that the two countries may have to face in the future, how can it be solved without prejudice to either? The American people by its history and tradition can not afford to treat the Filipinos in an oppressive way, denying them the right they should enjoy under the American flag. On the other hand, the primary duty of the United States is to protect its own citizens. In this conflicting situation I do not see any solution but the severance of the present political relationship existing between the two countries.

The United States has done enough for us in laying the foundation upon which to build an independent Philippines. America's humanitarian and remarkable leadership in our country during the last 30 years will never be forgotten by the Filipino people, and once independent they will have a glorious opportunity to show to the world their gratitude to America. I will not hesitate to assert that their coasts and seas, their mountains and lakes, even their lives and fortunes, will be at the disposal of this Nation in moments of need. Why, then, prolong the present situation which is not advantageous to either party? The interest of the United States in the Far East could be better served and safeguarded with an independent Philippines.

The continuation of American sovereignty in the Philippine Islands is beginning to be misconstrued and misunderstood. This is entirely human. The nations of the world are prompt to condemn and distort any policy when such a policy does not originate from them. American statesmanship should consider this question very seriously. The political situation of the Philippine Islands ought to be solved in a definite way. All the arguments advanced against Philippine independence can be used against any country enjoying an independent life. This is the reason why I invoke American statesmanship in order that with broad vision it may find a solution for the Philippine problem, and will protect America's interests as well as those of the Philippines.

The SPEAKER pro tempore. The time of the Commissioner from the Philippines has expired.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Commissioner from the Philippines may have permission to extend his remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, does the gentleman want any more time?

Mr. GUEVARA. I would like very much to have four or five minutes.

Mr. GILBERT. The gentleman represents 12,000,000 people here, and I think he should be granted more time.

Mr. WELCH of California. Mr. Speaker, I shall be very glad to yield the gentleman five minutes of my time. [Applause.]

The SPEAKER pro tempore. The Commissioner from the Philippines is recognized for five additional minutes.

Mr. GUEVARA. Now to the plan suggested by the gentleman from Colorado [Mr. TIMBERLAKE], to apply to the Philippines the theory of diversified agriculture. It is worthy of praise as a general proposition. However, considering its economic aspect in the present political situation of the Philippine Islands, I will say that it is uneconomic and unsound. Market is the essential element for industry and agriculture. It is the foundation of commerce. For the present the only available market for Philippine products is the United States, due to its present political situation and the free trade relations between the two countries. The American market needs tropical products, such as sugar, coconut oil, tobacco, lumber, and hemp, which are the major products of the Philippine Islands.

The application of diversified agriculture in the Philippine Islands will necessarily call for the development of cotton, fruits, and other foodstuffs. Is there anyone in this House who can tell me that the United States will be a good market for products, say, grapefruit, grapes, strawberries, apples, oranges, pineapples, and so forth? The distance between the United States and the Philippines, the climate prevailing almost through the year between the latter and the international line, is an unavoidable obstacle for the exportation of these products from the Philippines to the United States. The Philippine Islands produce enough of those products to meet the demand of its local market. Exportation of these products to China, Japan, Java, Siam, or to European markets is absolutely unthinkable. They produce enough to meet the demand of their own markets, and the Philippine Islands is handicapped with the elements of transportation and climate. Therefore, it is folly for them to greatly develop the production of these staples for exportation. Besides, it is necessary to consider that the Philippine Islands is at present without authority to negotiate commercial treaties with other nations. For any nation this authority is very essential for the building of foreign markets for its products. Consequently, the theory of diversified agriculture and of the Philippine Islands having to build its own oriental market is but a dream as an economic proposition under its present status.

Before concluding, may I solemnly say that the Filipino people welcome the approval of the Welch bill barring Filipinos from entering the United States. They are a source of competition to American labor, and it is a well-known fact that they do not have all the opportunity for progress in this country. On the other hand, the Philippine Islands possess vast natural resources and enough tillable and uncultivated soil demanding the touch of the human hand. The Filipinos are better off in their own country than anywhere else, and I sincerely believe it to be my patriotic duty to discourage the desire for emigration by the Filipinos. Were it not for the racial aspect upon which the Welch bill seems to be founded, I would be the first one to support it. But let America fulfill its solemn pledge and return to the Filipino people their own country, and let them work out their own salvation and destiny and I will enlist myself with the supporters of the bill of the gentleman from California.

I say this without any ill feeling, and without any thought of conveying the impression that the Filipino people will forget what the United States has done for them during the last 30 years. Their gratitude, born from the spiritual deeds of the American people, can not be jeopardized by individual schemes of any American citizen. The many things that America has done for my people are eternal. They will remain with us as long as God above is just. I thank you. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from the Philippines has expired.

ADDRESS OF HON. CHARLES L. ABERNETHY

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein the address the gentleman from North Carolina [Mr. ABERNETHY] delivered last evening over the radio.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me to extend my remarks I place in the RECORD the able and interesting address of the distinguished gentleman from North Carolina, Hon. CHARLES L. ABERNETHY, delivered over the radio from Station WTFF last evening, May 25, 1928:

The first session of the Seventieth Congress will soon come to a close. It will be of interest to the public generally, and particularly to my friends in North Carolina, to recount to them a brief résumé of what this Congress has done. Up to this time there have not been many bills of a major nature that have become laws. This situation is due, in my judgment, to the fact that this is a presidential year, and the majority party in power do not seem to care to put many bills of a major nature upon the statute books. The outstanding measures that have become laws are the flood control bill, which was approved by the President on May 15, 1928; the public buildings act, approved February 24, 1928; the American merchant marine act, which has just been signed by the President; and certain veterans' legislation. These, outside of the general appropriation bills which have been passed, are the substantial major bills that have become laws. An amendment to the radio act, approved March 28, 1928, has also become a law.

The tax reduction bill, which passed the House carrying a reduction of approximately $285,000,000, was reduced in the Senate to $205,000,000, and is now in conference between the two bodies, and the conference committee has reported an agreement of a compromise of a reduction of $222,495,000. This bill will become a law at this session of Congress.

The Democratic position on the tax bill has been that there should be the largest possible reduction, so the measure as passed by the House is a Democratic idea.

The administration's idea has been to hold the reduction to around $200,000,000. The Democratic position has been that all war-time emergency taxes, in so far as possible, should be stricken from the statute books, and that these so-called nuisance taxes should be repealed.

The farm-relief measure known as the McNary-Haugen bill has just been vetoed by the President. I spoke to a radio audience from station WTFF on January 25, and I made the following statement:

"For one who has consistently supported the McNary-Haugen bill, I desire to appeal to those who each Congress put this legislation to the forefront to call into conference not only the western Members of Congress but also those Members who come from that great agricultural section—the South. Let us come together this session of Congress and so frame this legislation as to enable the southern Members of Congress and the western Members of Congress to join forces and organize and to pass substantial farm-relief legislation through Congress, and to have enough votes to override the veto of the President in the event of his disapproval. The situation of the farmer is too critical for us to play politics with measures designed for his relief. What is needed is legislation, and this we can not secure at this session of Congress unless we iron out the differences and come together on the substantial principles of the McNary-Haugen proposal, regardless of how it may effect the fortunes of certain statesmen ambitious to become President.

"Those who represent the great farm organizations of the country must realize that the plight of the farmer at this time makes it imperative that those of us who are consistently trying to give relief to him need more votes in Congress than we had at the last session of Congress; and to secure these votes there must be unity among farm leaders and the real friends of the farmer in and out of Congress, and that there must be free, open, and full cooperation and organization to secure genuine farm relief this year. So let us counsel together for the common good."

I do not profess to be a prophet, nor the son of a prophet, but we find ourselves in the position I prophesied. The Senate failed to override the veto of the President, and farm relief is dead for this session of Congress.

It is to be very much regretted that the Republican leadership in both branches of Congress did not get together and settle their differences so as to pass some remedial legislation for the farmers that could have become a law.

The radio legislation which has been enacted into law at this session of Congress was not of a political nature, and the radio situation, as a result of this law, has been greatly improved. Being a member of the Committee on the Merchant Marine and Fisheries, which had to do with this legislation, our committee took the position that the original radio act contemplated that radio broadcasting power should be equally distributed throughout the various sections of the country, and on March 28 there was passed an amendment to section (9) of the radio act, as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio-broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed whenever necessary by changing periods of time for operation and by increasing or decreasing station power when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

As a result of this legislation, radio broadcasting will be distributed equally all over the country. The southern section of the country has been greatly benefited by this legislation. The broadcasting stations in North Carolina have been given increased power as a result thereof, and the Radio Commission, I am sure, are impressed with the idea that Congress intended what it said originally—that the control of the air was not to be centralized in a few of the big centers of the country.

In my judgment, the most constructive legislation that has been enacted into law at this session of Congress is the merchant marine act.

When the war broke out it became the policy and purpose of our Nation to build an adequate merchant marine, and as a result of this policy and purpose the Jones Act of 1920 was enacted into law and our Government became engaged in the construction of the greatest fleet of ships of any nation in the world.

After the armistice was signed, for various reasons, the policy and purpose of the Government has been very sadly neglected. Many of the ships built were tied up, many of them were sold, and others were dismantled. There has been stagnation in shipping throughout the country.

The Senate at this session of Congress passed a bill providing that the policy and primary purpose of the merchant marine act as declared in that act of 1920 was thereby confirmed, and provided further that the United States Shipping Board should not sell any vessel or line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative and unanimous vote of the Shipping Board.

The Senate bill also provided that the Shipping Board could recondition and improve vessels owned by the United States, and in its possession, or under its control, so as to equip them adequately for competition in the foreign trade of the United States, and leaving largely the question of the building of a merchant marine to the discretion of the Shipping Board.

When the bill came to the House and was referred to the Committee on Merchant Marine and Fisheries, of which I have the honor to be a member, it was the unanimous view of our committee that the Senate enactment was not broad enough, and as a result of extended hearings we reported to the House, and the House passed an act in substance as follows:

Confirming the policy and primary purpose of the merchant marine act of 1920:

Providing that the Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative vote of five members of the board duly recorded.

We also provided that the Shipping Board could remodel and improve vessels owned by the United States and in its possession and under its control so as to equip them adequately for competition in the foreign trade of the United States.

The act further provides that any vessel so remodeled or improved shall be documented under the laws of the United States and shall remain documented under such laws for not less than five years from the date of the completion of the remodeling or improving and so long as there remains due the United States any money or interest on account of such vessel, and during such period it shall be operated only on voyages which are not exclusively coastwise. New ships built under the loan fund must remain documented as American vessels for the life of the loan.

We also provided in the House bill for the replacement of vessels owned by the United States and in its possession or under the control of the board and the construction for the board of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine; and the board was authorized and directed to present to Congress from time to time recommendations setting forth what new vessels are required for permanent operation under the United States flag in foreign trade, and the estimated cost thereof, to the end that Congress may from time to time make provision for replacements and additions. All vessels built for the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

The House bill also provides for a construction loan fund of $250,000,000. It also provided that loans can be made to private concerns to build ships upon as much as 20 years' time and at a rate of interest, if operated exclusively in coastwise trade, of 5¼ per cent per annum, or if operated in foreign trade the rate shall be the lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation outstanding at the time of the loan, and that no loan shall be for a greater sum than three-fourths the cost of the vessels to be constructed or than three-fourths the cost of the reconditioning, remodeling, improving, or equipping hereinbefore authorized for a vessel already built, and that the board shall require such security as it shall deem necessary to secure the completion of the construction, reconditioning, remodeling, improving, or equipping of the vessel within a reasonable length of time, and the repayment of the loan with interest.

The House bill also provided for liberal ocean mail contracts to be given to American ships by the Postmaster General.

The act also provided for an insurance fund to be set up by the Shipping Board for the purpose of insuring vessels belonging to the United States, or the equitable interest of the United States, constructed or under process of construction, or upon the interest of the United States in any vessel in which the Government has loaned money, or in any vessel which is obligated by contract with the owner to perform any service in behalf of the United States, to the extent of the Government's interest therein.

The bill also provided that during war time any of the vessels in which the Government has any interest can be requisitioned under certain conditions.

One of the most important sections of the bill was the reaffirmation of the policy and primary purpose as declared in section 7 of the merchant marine act of 1920; and it further provided that in the allocation and operation of ships that the Shipping Board should distribute them, in so far as possible, and without detriment to the service to the various ports of the country.

This bill as passed by the House was accepted by the Senate with a few modifications, and the bill has been signed by the President and is now a law.

It is my confident prediction that the passage of this act will do much to open up the ports of this country and particularly the neglected ports of the South. Under this law I confidently expect to see the ports of North Carolina opened and great ship lines running into and out of these ports to aid in the development of our wonderful State.

Many other minor bills have been passed at this session of Congress and have been signed by the President, but I do not have the time to go into these in this address.

On May 23, 1928, the President affixed his signature to H. R. 12821, 'A bill to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," which authorizes an appropriation of $15,000,000 for the construction of additional hospital and out-patient dispensary facilities for the United States Veterans' Bureau. This is the only legislation that has finally been approved by Congress and signed by the President at this session of Congress. There are, however, now pending before the Committee on Finance of the Senate two bills, both of which have been approved in the House of Representatives, as follows:

"A bill to amend the World War adjusted compensation act," which proposes to extend the time for filing applications for the benefits of the World War adjusted compensation act two years longer. The amendatory legislation now pending will extend the time for filing until January 1, 1930.

H. R. 13039. "A bill to amend the World War veterans' act, 1924," contains many important provisions which I will not go into at this time.

The House and Senate yesterday overrode the President's veto of the emergency officers' retirement bill, and the officers to be benefited by this legislation were taken from civil life and fought in the first-line trenches during the World War, and this legislation provides for their retirement when 30 per cent disabled, the same as the retirement of officers in the Regular Army. The President, in the name of economy, vetoed this bill after it had passed both the Senate and House overwhelmingly, and it was a great victory yesterday when the friends of these disabled emergency officers were able to pass the bill over his veto.

Another bill which has passed both Houses of Congress, coming from the Committee on the Merchant Marine and Fisheries, provides for a five-year construction and maintenance program for the United States Bureau of Fisheries.

This bill is a very comprehensive one for the whole country, and takes care of many experimental, fish cultural, and other stations to be maintained and operated by the Government in various sections of the country. It provides for a fish-cultural station in eastern North Carolina to cost $35,000, and also an experimental bass and trout station in the Pisgah National Forest or the Great Smoky Mountains National Park, North Carolina, upon the acquisition of said park by the United States, this station to cost $35,000.

The bill also means much to the State of North Carolina and the country for its commercial fisheries, providing adequate maintenance, costs, and personnel for the division of fish culture, Bureau of Fisheries, authorizing an appropriation for the year 1928 of $100,000; for the year 1929, $200,000; for 1930, an appropriation of $300,000; for the year 1931, $400,000; and for 1932, $500,000.

The bill also makes provisions which are of particular importance to North Carolina, as follows: "To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond, cultural, and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes. There is authorized for the year 1928, $50,000; for 1929, $100,000; 1930, $150,000; 1931, $200,000; 1932, $250,000."

Another provision which is of particular importance to the people of North Carolina and the country is the item which provides for proper husbandry of our fisheries, improvements in the methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products and other operations of the Bureau of Fisheries. There is authorized for this work for the year 1928, $35,000; for 1929, $70,000; for 1930, $105,000; for 1931, $140,000; for 1932, $175,000.

North Carolina has received very favorable consideration in its Federal building program, provisions having been made for the construction of a new Federal building at Asheville, approximately $1,000,000 having been appropriated for this purpose; an appropriation of approximately $1,000,000 being made for the construction of a new building at Greensboro; the enlargement of the one at Salisbury, the appropriation approximately $25,000; one at Wilson, about $250,000; Goldsboro, $40,000; and $210,000 for New Bern for the enlargement of the present building.

Fort Bragg has received a very liberal appropriation, $262,000 having been allocated for construction work for the fiscal year 1929.

I was able to secure an appropriation for the study of the eradication of the salt-marsh mosquito.

I was also able to have passed by both branches of Congress with the aid of Senator OVERMAN in the Senate the authorization of $2,500 for the erection of a monument in commemoration of William Rufus King at his birthplace in Clinton, N. C. William Rufus King was Vice President of the United States under the Pierce administration, and was a man of great parts.

I was successful also in getting the continuation of the appropriation for the maintenance and care of the Moores Creek Battle Ground National Park.

Congress also has appropriated money to take care of Guilford Court House National Military Park.

An appropriation of $65,000 has been secured for the survey of the Great Smoky Mountains National Park.

Probably North Carolina has been favored more in the liberal appropriations for river and harbor work (waterway improvements) than in any other manner. Allocations for this year for this work are itemized as follows:

Norfolk to Beaufort Inlet (inland waterway), $537,000.
Scuppernong River, N. C., $3,000.
Beaufort Harbor, N. C., $14,000.
Beaufort Inlet, N. C., $26,000.
Cape Fear River below Wilmington, $184,000.
Pamlico and Tar Rivers, $25,600.
Neuse River, $51,800.
Trent River, $4,200.
Waterway between Core Sound and Beaufort Harbor, $6,000.

The estimated cost of the intracoastal waterway from Beaufort to the Cape Fear River is $5,800,000, $800,000 of which amount will be available this year.

Cape Fear River above Wilmington, $9,600.
Shallotte River, $12,000.
Waccamaw River, $2,000.

Appropriations allocated for surveys of the various rivers looking to the development of power, flood control, and navigation are itemized as follows:

Santee River, which is in North and South Carolina, $3,000.
Yadkin River, $3,000.
Cape Fear River, $7,000.
Tar River, $1,000.
Neuse River, $4,500.
Meherrin River, $1,300.
Roanoke River (Virginia and North Carolina), $6,200.

North Carolina has been able to carry on very effectively in Congress by virtue of the fact that the Members of the delegation in both branches have worked in harmony.

Another matter passed at this session is the claim of the State of North Carolina against the Government amounting to $118,$35.16. This amount is due the State by the Government on account of cotton

seized during the Civil War, and on account of certain amounts of money advanced by the State during the War of 1812. The Federal Government had certain claims against the State, but when the Comptroller General of the United States was requested to set up the account between North Carolina and the Federal Government, he found that while the State of North Carolina owed money to the Federal Government that the Government also owed the State, the difference being $118,035.69 due the State.

North Carolina is taking its place along with other great States of the Union, and I can say to the people of my State that it is our purpose here in Washington to carry on, not only for the good of our State but for the common good of the whole country.

Mr. ABERNETHY. Mr. Speaker, since the delivery of the above speech the following has happened:

The bill providing for the five-year construction and maintenance program for the United States Bureau of Fisheries was not signed by the President. It will no doubt become a law in December session.

Extra veterans' legislation has been passed in substance as follows:

The President has approved an amendment to the World War veterans' act, as amended, which liberalizes in many respects the present provisions thereof.

The first section of the act provides a Federal statute of limitations on suits brought under policies of insurance issued by the Government fixing the time allowed as six years after the right accrues, with an additional year from the date of passage of the act for all suits. In computing the limitation period it is provided the time from the date of filing claim for insurance benefits to the date of disallowance of the claim by the director shall not be included. The amended section is made applicable to suits which have been heretofore reviewed under State statutes of limitation, pending suits as well as future suits.

The second section of the act provides authority in the bureau for payment of expenses of original appointments of guardians, curators, and conservators of incompetent beneficiaries. At the present time the law provides for the payment of such expenses incident to such investigation or court proceeding for the removal of a guardian, curator, or conservator who has not properly executed the duties of his trust, and the appointment of a new guardian, curator, or conservator; but it is not within the power of the director to secure the appointment of such fiduciary in the first instance and pay the expenses of the proceeding.

The section of the statute which now permits waiver of recovery from any beneficiary who, without fault on his part, receives an erroneous payment from the bureau, to permit such waivers in favor of any person, irrespective of whether the person is a beneficiary within the legal meaning of the term.

The act provides for the payment of an allowance of $107 for burial expenses where the director, in his discretion and with due regard to the circumstances of each case, may decide that such sum should be allowed, thus repealing the present language permitting the payment of burial expenses only in cases where the veteran dies indigent, unless he is receiving compensation or hospital treatment from the bureau.

Another important provision of this act authorizes the director to make contracts for the burial of veterans without advertisement for bids, and to accept the most advantageous bid even though it is not the lowest bid submitted.

A new and very liberal feature of the legislation is a provision under which compensation shall be paid to children after the age of 18 years and until completion of education or training where they are pursuing courses of instruction at schools or colleges. This allowance is to be continued until the children reach the age of 21 years or terminate their attendance at school.

The provision which now requires apportionment of compensation wherever the veteran is for any reason separated from his wife and child is amended to make the apportionment discretionary in the director rather than mandatory, as at the present time. The object is to permit the director to inquire into the reasons for the separation and to make apportionments only in those cases where the facts warrant.

A very important feature of this legislation is the extension of the present provisions in the statute limiting the time for filing claim and proof thereof. The time limits have been extended to April 6, 1930.

Widows and children of veterans who are now being paid compensation by virtue of an accrued right under the war risk insurance act, as amended, which was repealed by the World War veterans' act of June 7, 1924, are placed on a parity with widows and children of veterans who are receiving compensation under the World War veterans' act.

The amendments to the insurance provisions of the statute are very interesting and may be summarized as follows:

First. The removal of the restriction on the designation of beneficiaries for converted insurance. There will be no longer any restriction as to the class of persons who may be designated beneficiary of converted insurance, the veteran being entitled to designate or change the beneficiary in the same manner as is followed under commercial insurance policies. This will permit the naming of a trustee to take the proceeds of Government insurance.

Second. Provision is also made for the exchange of one policy for another at a lower rate of premium provided the insured is in good health, the five-year-level premium term insurance policy excepted.

Third. A very important feature of this legislation is the provision regarding the availability of uncollected compensation which may be used to revive insurance. This provision authorizes the use of compensation uncollected because of the failure to file claim within the time limit prescribed in the war risk insurance act, as amended, and the World War veterans' act, as amended, for the purpose of reviving insurance. This overrules a decision of the Comptroller General to the effect that such compensation is not available for the purpose of reviving insurance.

Fourth. A provision for direct application for converted insurance by any person who served in the military or naval service in the course of the World War, provided he is now in good health and submits evidence to that effect. Under the war risk insurance act and the World War veterans' act, applications for insurance must be made within 120 days after entrance into the military service. This amendment will permit any person who was in the military service during the World War to apply directly for United States Government life (converted) insurance irrespective of whether or not he ever has made application.

Fifth. Provision for including in the United States Government life (converted) insurance policy a provision whereby an insured who is totally disabled for a period of 12 consecutive months shall be paid disability benefits under the contract as though he were permanently and totally disabled, provided application is made by the insured for such benefits any time during the life of the contract upon proof of good health satisfactory to the director and upon payment of monthly premium necessary to cover the risk involved.

REVIEW OF CONGRESSIONAL SERVICE, SEVENTIETH CONGRESS, FIRST SESSION

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on my own record in the present Congress.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HASTINGS. Mr. Speaker, the gavel falls and the curtain goes down upon this session of Congress on the 29th day of May, 1928, when Congress, by resolution adopted, will adjourn.

Much legislation of great importance, locally and nationally, has been considered and enacted. It is a great responsibility to represent the people of one of the splendid districts of Oklahoma and I greatly appreciate the privilege.

I regard a public office as a public trust. I desire, briefly, to enumerate some of my efforts and submit the same to the people of my district for their approval.

To properly represent my district attention must of necessity be given to the consideration of much local legislation and to many departmental matters not required of Members of Congress of some of the other States. The State is new, necessitating much attention being given to rural mail matters, road legislation, and legislation affecting agriculture. We have 33 Indian tribes in Oklahoma and about one-third of the Indians of the United States live in Oklahoma.

I have given special consideration to many matters peculiarly affecting Oklahoma, and through speeches, correspondence, and the press I am sure the people of my district are familiar with the efforts I have made in their behalf and the attention I have given to correspondence, to departmental work, to local legislation, as well as the larger questions affecting the people of the Nation as a whole.

Our State is rich in natural resources and with its citizenship drawn from every State in the Union. I have done everything possible during my service in Congress to encourage and further its development.

THE THREE MAJOR QUESTIONS

While a great deal of legislation has been enacted, the three major questions that engaged the attention of Congress during the present session were as follows:

1. Farm legislation.
2. Flood control.
3. Reduction of taxes.

AGRICULTURE—EFFORTS AT FARM LEGISLATION

Farming is the basic industry of the country. There are 6,500,000 farms, upon which approximately one-third of the entire population of the Nation live. All are dependent upon their prosperity. We have 197,000 farms in my State of Oklahoma. Every person in whatever business he may be engaged is dependent upon the prosperity of the farmer.

Farmers through the years following the World War, and more particularly those in the South and the Middle West, are in a depressed condition and should be favored with helpful and sympathetic legislation. They have lost $30,000,000,000 during the past five years in exchange values of their farm products and in the shrinkage of farm-land values. This was more than we spent in the World War. The purchasing power of the farmer's dollar in exchange value has declined to 60.3 cents. Mortgages have been foreclosed and farms sold for taxes in large numbers.

In my district in Oklahoma, in 1927, cotton was practically all destroyed by the boll weevil. The farmers pay excessive freight rates, and being a consuming class pay excessive tolls to the eastern manufacturers, because of discriminating tariff legislation.

I come into intimate touch with the farmers, and believe that from personal knowledge I know their problems. I was born and reared on a farm. I own farm land. Farming is the principal industry of my constituents. While not a member of the Committee on Agriculture, I have kept in close touch with the bill affecting agriculture, while it was pending before that committee, and joined in every effort to secure beneficial legislation for the farmers during the present session. I made an extended speech, in which I invited attention to the problems of the farmers and urged the enactment of remedial farm legislation. I called attention to the fact that the farmers needed financial assistance. They should have lower freight rates. The tariff should be reduced on necessities, so that they will not be compelled to pay such high prices for everything they buy. In my judgment the farmers are urgently in need of assistance in the control and marketing of their surplus farm products, so that they will not be compelled to dump them upon a depressed market and thereby reduce local prices to a ruinously low level.

Additional appropriations for Federal warehouses should be made and cooperative associations should be encouraged.

The efforts that I have made, through speeches on the floor, in behalf of farm legislation must be well known throughout my district.

I supported all items in the agricultural appropriation bill, and other bills, to assist either in the extermination or control of pests of various kinds, including items aggregating $5,777,800 for the extermination of the pink bollworm and $280,000 on account of insects affecting cotton, of which $10,000 is to be spent for demonstration work in Oklahoma.

I supported increased appropriations for farm bulletins, through which farmers are assisted by helpful suggestions of experts on how to produce, care for, and market their products, and advised in combating all diseases of both plant and animal life.

I supported the bill for the utilization of the plant at Muscle Shoals. Our Government during and before the war spent large sums of money on this plant, and it should be used in such a way as to compel the manufacture of the maximum quantity of fertilizer for distribution to the farmers at a low cost to aid in increasing production.

Unfortunately, because of the opposition of the Fertilizer Trust, the full use of this plant could not be secured for the manufacture of fertilizer, but it has been enlarged and experimental work authorized which, I am sure, will result in legislation at an early date directing its full use in time of peace for the manufacture of fertilizer.

The Washington Post in its leading editorial May 26, 1928, the morning after the Senate voted to sustain the President's veto of farm legislation, admitted that it would enable the producers to secure more for their farm products by saying:

> The farm-relief issue—the bill designed to rob the consumers of the United States for the benefit of the producers—has died the death.

This is the crux of the opposition to this legislation.

Four Senators who previously supported the legislation changed their votes, otherwise the Senate would have voted to override the President's veto, the final vote being 50 for and 31 against. The vote upon the passage of the bill in the House was 204 for and 117 against.

FARMERS SHOULD MARCH TO THE POLLS

Dispatches from the Middle West advise of meetings being held by farmers protesting against the presidential veto of farm legislation and of preparations being made to march upon the Kansas City convention to demand both a sympathetic nominee and a favorable platform declaration. Their enthusiasm should be maintained and not be diverted by side questions and they should march to the polls in November and vote as straight for their own best interests as the ex-service men shot during the World War.

FLOOD CONTROL

No question is of greater interest to the entire Nation nor to the State of Oklahoma than flood control.

Congress enacted comprehensive flood-control legislation during the present session and provided not only for flood control on the lower reaches of the Mississippi River but for surveys of all of the tributaries, including the Arkansas River and its tributaries.

The Arkansas River flows through the eastern part of Oklahoma and its tributaries—Illinois, Grand, Verdigris, Cimarron, Canadian, Deep Fork, and others—drain practically every county in Oklahoma.

We are vitally interested in the prevention of disastrous floods overflowing the land and rendering valueless great areas of land and at the same time destroying property of great value. The property loss from the 1927 flood, in Oklahoma, including damage to roads, bridges, crops, personal property, farm lands, and so forth, is estimated at from twenty-five to forty million dollars.

The bill passed by the present Congress authorizes the use of $5,000,000 in making a survey of the tributaries of the Mississippi, including the Arkansas and its tributaries, and directs that reports be made with the view of ascertaining the best method of flood control. We have urged the reservoir plan of flood control, which, if adopted, would result in the retention of waters in reservoirs. By impounding the water in reservoirs at strategic points it would be gradually released for water power, irrigation, and navigation purposes. This would check the ravages of disastrous floods, save millions of dollars in property from destruction and make certain the cultivation of large areas of productive land.

The survey of the Arkansas and its tributaries is soon to be begun and our hope is that reports to be made will justify a sufficient expenditure upon this river as to restore navigation and reduce freight rates, through competitive water rates, and thereby invite the location of factories and greatly add to the prosperity and population of the Arkansas Valley and the contiguous territory.

TAX-REDUCTION LEGISLATION

The first subject to engage the attention of Congress in December, 1927, was that of tax reduction. I voted for this bill. The revenues collected and the payment of interest and part of the principal due on our foreign debts were in excess of our expenditures and a reduction is justified. The money absolutely necessary to maintain the Government with rigid economy should be collected from the people, taking into consideration their wealth and their ability to pay. With this in view I favor a graduated income tax, in the first place granting liberal exemptions to the man of small wealth and beginning with a lower tax upon the man of moderate income and exacting a greater percentage from the larger incomes.

Two years ago I voted for the tax reduction bill and made a speech upon it outlining my views on the principles of taxation. I voted to increase exemptions in income-tax returns from $1,000 to $1,500 upon single persons and from $2,500 to $3,500 for heads of families and to repeal most of the excise or so-called nuisance and stamp taxes.

I supported an amendment to graduate the tax on incomes in excess of $100,000. If the theory of a graduated income tax is sound, there can be no good reason why incomes in excess of $100,000 should not contribute a larger share to the support of the Government.

The principal changes in the new tax reduction bill passed by Congress during the present session were a reduction from 13½ per cent to 12 per cent on corporation taxes, repeal of the automobile tax, and exemption of taxes on theater admissions to $3. There were also many administrative changes.

ECONOMY IN PUBLIC EXPENDITURES

Rigid economy in all public expenditures, local, State, and Federal, is one of the most important subjects before the people. A large part of our taxes are local. Comparatively few people pay any direct Federal taxes, but everyone pays a tariff tax. To reduce expenditures to a minimum is the surest way to reduce taxes. I have insistently voted against all unnecessary tax burdens. I have favored appropriations that yield returns, such as for agriculture, rural mail service, good roads, and like purposes, which I regard as investments, whereas I regard the excessive appropriations for the Army and Navy, and for like purposes, as nonproductive, and they should be closely scrutinized and reduced to the minimum.

The total expenditures of the Government during the first 15 months of Washington's administration amounted to $4,269,027. The expenditures for the coming fiscal year will aggregate $4,642,293,897.57.

We spend a thousand times as much now for the expenses of the Government in one year as during the administration of Washington.

The appropriations for the coming fiscal year for agriculture amount to $56,638,793.88, not including, of course, the $82,500,000 appropriated as Federal aid to roads, which will aggregate $139,138,793.88.

The appropriations for the coming fiscal year are as follows:

For the Interior Department	$272,656,039.00
Treasury and Post Office Departments	1,061,342,060.00
Navy Department	362,445,812.00
Agricultural Department	$139,138,793.88
First deficiency, 1928	200,936,668.02
War Department	398,517,221.50
Independent offices	527,593,111.00
State, Justice, Commerce, and Labor Departments	89,820,597.60
District of Columbia	37,625,208.00
Legislative establishment	17,746,893.26
Second deficiency, 1928	146,017,757.74

To this amount should be added $1,388,753,735.53 estimated amount of permanent and indefinite appropriations for interest on the public debt, sinking-fund requirements, and other miscellaneous permanent and fixed purposes for which annual appropriations are not required or necessary.

In addition to the direct appropriations, other expenditures have been authorized in large sums for which Congress is obligated to make future appropriations.

Contrary to the general impression gained through newspaper propaganda, intended to show that Congress is extravagant, the records show that Congress has reduced the estimates of the Bureau of the Budget on every appropriation bill, and since the Budget was created has reduced the amounts estimated or recommended for appropriation in the sum of approximately $360,000,000.

In my judgment economy does not consist in denying small increases for light and fuel to fourth-class postmasters, for appropriations to build roads where there are large areas of nontaxable Indian and public lands, and for assisting depressed farmers in the marketing of their products, and then remit $10,705,618,006.90 war debts to foreign Governments because of their alleged inability to pay.

FOREIGN DEBT SETTLEMENTS

We authorized, during the World War, loans to foreign Governments in large sums and pledged the people that these amounts should be collected in full.

I voted against all settlements with foreign Governments which canceled or remitted any part of them, principal or interest. I made an extended speech against the Italian debt settlement, which, calculated upon a 4¼ per cent interest basis, the amount we pay on our Liberty bonds, canceled $3,413,874,500, and I also made a speech against and vigorously protested the French debt settlement, not yet ratified by the French Government, which, based upon a 4¼ per cent interest basis, lost to us, or canceled, or remitted $4,527,225,895.83.

On the settlements with the 13 foreign governments, calculated upon a 4¼ per cent interest basis, according to figures prepared by the Treasury Department, we lost $10,705,618,006.90.

The following table shows (1) countries which have funded debts, (2) date of agreement, (3) amount of funded principal, (4) interest to be received, (5) total to be received including both principal and interest, (6) total that would be received if settlement had been on British basis (3–3½ per cent basis), (7) total that would be received calculated on a 4¼ per cent interest basis, (8) total canceled on 4¼ per cent interest basis, and (9) the bottom line shows (a) the aggregate amount we are to receive from all 13 countries with which settlements have been made, principal and interest, being the sum of $22,143,539,993.10, (b) the amount we should have received based on the British settlement (3–3½ per cent interest basis) being $27,819,134,000, (c) and on a 4¼ per cent interest basis, the amount of interest which our Government pays on its Liberty bonds sold to the people, the proceeds of which were loaned to the foreign governments, we should have received $32,849,158,000, (d) and that we therefore lose on a 4¼ per cent interest basis the sum of $10,705,618,006.90:

Countries	Date of agreement	Funded principal	Interest to be received	Total	Total that would be received on British basis (3–3½ per cent interest basis)	Total that would be received on 4¼ per cent interest basis	Total canceled on a 4¼ per cent interest basis
Belgium	Aug. 18, 1925	$417,780,000.00	$310,050,500.00	$727,830,500.00	$1,041,597,000.00	$1,191,052,000.00	$463,221,500.00
Czechoslovakia	Oct. 13, 1925	115,000,000.00	[1] 197,811,433.88	312,811,433.88	252,890,000.00	327,854,000.00	15,042,566.12
Estonia	Oct. 28, 1925	13,830,000.00	19,501,140.00	33,331,140.00	[1] 33,331,000.00	39,428,000.00	6,096,860.00
Finland	May 1, 1923	9,000,000.00	12,695,055.00	21,695,055.00	[1] 21,695,000.00	25,658,000.00	3,962,945.00
France	Apr. 29, 1926	4,025,000,000.00	2,822,674,104.17	6,847,674,104.17	9,708,825,000.00	11,474,900,000.00	4,627,225,895.83
Great Britain	June 19, 1923	4,600,000,000.00	6,505,965,000.00	11,105,965,000.00	[1] 11,105,965,000.00	13,114,172,000.00	2,008,207,000.00
Hungary	Apr. 25, 1924	1,939,000.00	2,754,240.00	4,693,240.00	[1] 4,693,000.00	5,538,000.00	834,760.00
Italy	Nov. 14, 1925	2,042,000,000.00	365,677,500.00	2,407,677,500.00	4,923,820,000.00	5,821,552,000.00	3,413,874,500.00
Latvia	Sept. 24, 1925	5,775,000.00	8,183,635.00	13,958,635.00	[1] 13,959,000.00	16,464,000.00	2,505,365.00
Lithuania	Sept. 22, 1924	6,030,000.00	8,501,940.00	14,531,940.00	[1] 14,532,000.00	17,191,000.00	2,659,060.00
Poland	Nov. 14, 1924	178,560,000.00	257,127,550.00	435,687,550.00	[1] 435,688,000.00	509,058,000.00	73,360,450.00
Rumania	Dec. 4, 1924	44,590,000.00	[1] 77,916,260.00	122,506,260.05	107,488,000.00	127,122,000.00	4,615,739.95
Yugoslavia	May 3, 1926	62,850,000.00	32,327,635.00	95,177,635.00	154,651,000.00	179,179,000.00	84,001,365.00
Total		11,522,354,000.00	10,621,185,993.10	22,143,539,993.10	27,819,134,000.00	32,849,158,000.00	10,705,618,006.90

[1] Settlement made on British basis.

SOLDIER LEGISLATION

I have always given sympathetic consideration to all legislation in the interest of the ex-service men. I favored an extension of time for the filing of disability claims, and supported the provision making it conclusive that the contracting of tuberculosis within six years was of service origin.

Congress enacted some additional legislation during the past session, making provision for hospitalization, extending the time for conversion of insurance, and extending the time for vocational training and liberalizing the law with reference to filing of claims for compensation. All of such legislation has been considered under suspension of the rules when it could not be amended nor could it be discussed in detail and we were compelled to vote for it without change.

I supported the bill which liberalized the law and gave increased pensions to Spanish-American War veterans. They had been discriminated against in all of the pension legislation. I voted for the increase of pensions for widows of Civil War veterans. I have endeavored, through correspondence, and by personal calls, to render every assistance and to secure expeditious action upon all claims of ex-service men of my district and many of them have been adjusted and compensation allowed. There are many inequalities in the law which should be corrected by legislation and Congress, if an opportunity is given to discuss and amend bills affecting ex-service men, not under suspension of the rules, but under the general rules of the House, where the same may be amended and discussed in detail, will correct all inequalities.

Legislation was enacted authorizing additional appropriations for hospital purposes and the time was extended for filing claims for compensation to April 6, 1930. Under this legislation insurance may be converted and lapsed insurance may be reinstated.

HOSPITAL AT MUSKOGEE

The United States Veterans' Bureau Hospital No. 90 at Muskogee was purchased from the State, and later the municipal hospital was purchased from the city of Muskogee. I actively assisted in securing appropriations for these purchases. This hospital is ideally located, is adequate and well equipped to care for the needs of the ex-service men and others eligible to admission from the area which it serves.

PUBLIC BUILDING AT OKMULGEE

I cooperated in securing a public building for Okmulgee. An appropriation is carried in the second deficiency bill to purchase a site and to begin its construction.

An amendment which I offered to a pending court bill approved February 16, 1925, secured to Okmulgee a place for holding Federal court.

In the division of the Federal court district in eastern Oklahoma we were successful in having an equal division of the busi-

ness and area made. With the recent addition of Okfuskee County to the Eastern Judicial District it now embraces 31 counties.

ROAD LEGISLATION

The enactment of the act of July 11, 1916, authorizing Federal cooperation in the building of roads has greatly added to the enthusiasm for building roads throughout the country. I made a speech in favor of it and have supported all subsequent appropriations for Federal aid to roads.

Oklahoma was admitted to statehood November 16, 1907. The eastern half was composed of lands formerly occupied by the Five Civilized Tribes of Indians. The land had only recently been surveyed and allotted to the Indians. The roads had not been improved, but since then we have had a revolution in road building.

I introduced the original bill, H. R. 4971, which provided that "the nontaxable Indian lands, individual and tribal," should be placed in the same class with the nontaxable unappropriated lands in the western States. This bill finally became section 4 of the act of February 12, 1925, which is as follows:

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and June 30, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur, the words "and nontaxable Indian lands, individual and tribal."

This provision is important to Oklahoma because it authorizes the Government to pay a larger proportionate share of the costs of road construction where more than 5 per cent of its lands are either public or nontaxable Indian lands. The appropriation to carry this provision into effect was vetoed by the President, although he favored and signed an appropriation bill carrying items aggregating $5,197,294 for the repair of the roads in Vermont, New Hampshire, and Kentucky. One was for the benefit of the East, the other for the West.

RURAL MAIL SERVICE

The farmers are rendered no more important service than by rural mail. This service was started in an experimental way in 1896. It has been extended to the most remote parts of the country and on May 1, 1928, there were 44,370 rural mail routes. I have communicated with the postmasters and rural carriers in my district offering assistance and cooperation in bettering the mail facilities of the district.

I voted for the bill to provide for a 10 per cent increase of compensation for night work by postal employees and also for the bill granting allowances for rent, fuel, light, and equipment for fourth-class postmasters. I voted for the bill to reduce postal rates.

As roads are improved and all the smaller streams bridged I hope to see rural routes gridiron the second district so as to afford complete mail facilities to every rural community.

The item in the Post Office Department appropriation bill for the coming fiscal year for the rural mail service amounts to $106,000,000.

When I first came to Congress it was $53,000,000. I voted for every increase and this service has been greatly extended and expanded.

In addition I have been active in helping to secure the installation of village delivery in the smaller cities of my district.

RURAL CREDITS

I was a member of the Banking and Currency Committee of the House in 1916 and assisted in the preparation and passage of the rural credits bill of July 17, 1916. This was a great piece of constructive legislation.

I prepared and introduced a bill during the present session, H. R. 6068, as an amendment to section 15 of the act of Congress of 1916 authorizing the appointment of local agents to represent farm-land banks in initiating and supervising loans to farmers in those localities where local associations have not been organized, or if organized, are not functioning properly.

This is a very important amendment. At the last session the members of the Farm Loan Board, in a written report, and in a hearing before the subcommittee of the Banking and Currency Committee approved it. It has been recommended by the presidents of all 12 of the farm-land banks. Its enactment would greatly expedite action upon applications for loans, popularize the law, enable loans to be made direct, through agents, having about the same authority as the secretary-treasurer of a local loan association now has, and about the same authority that an agent for a mortgage company has and will permit farmers to borrow money at 5 per cent interest payable upon the amortization plan, by adding 1 per cent interest applied to the reduction of the principal, which would pay the principal in 36 years. This would enable the farmers to liquidate their present indebtedness and greatly assist them in acquiring homes.

Under the 1916 law $1,463,918,114 has been loaned to the farmers of the country.

I made a speech emphasizing the importance of this amendment and again submitted it to the Banking and Currency Committee.

In my judgment, with the adoption of this amendment the law would be made more workable and would enable many more farmers to take advantage of its provisions and would greatly reduce the number of tenant farmers.

SURETY BONDS TO PROTECT INDIVIDUAL DEPOSITORS

I introduced and made a speech in favor of a bill (H. R. 11119) to require all banks, national and State, members of the Federal reserve system, to furnish bonds for the protection of their general depositors.

Three thousand nine hundred and forty-one banks failed in the past eight years, with a deposit liability of $1,185,503,104. Two-thirds of these failures, or 2,818, were in 12 agricultural States, due largely to depressed condition of the farmers.

If it is necessary or desirable to require banks to protect public deposits—Federal, State, school, Indian, and municipal—why should not protection be required for the individual depositor? You can not satisfactorily answer that question in the negative.

IMMIGRATION

During the consideration of the immigration bill four years ago I earnestly supported the bill and made a speech in favor of its enactment. The number of immigrants thereby admitted was reduced to 164,000. In 1907 about 1,285,349 immigrants were admitted. No person should be admitted who is not desirous or capable of becoming a patriotic American citizen, obedient to the laws of our country, and loyal to our flag.

During the last session I supported amendments designed to strengthen the immigration laws and expedite the deportation of those undesirable aliens guilty of violations of the law amounting to a felony. During the present session provision was made giving a preference of admission in the quota class of very near relatives of American citizens, including husband or wife and father and mother.

INDIAN LEGISLATION

Congress has enacted much legislation during the past few years affecting the Indians in Oklahoma, and I have supported all measures looking to the winding up of their affairs at an early date. No additional legislation is necessary, and it is now a question of administration. The Five Civilized Tribes had 101,506 allottees. A recent enumeration shows that of these 9,841 restricted allottees, either in whole or in part, are living.

A. APPROPRIATIONS FOR THE INDIAN SERVICE

The appropriations for the Indian Service are carried in the Interior Department appropriation bill. That for the superintendent for the Five Civilized Tribes is found in a lump-sum appropriation of $820,000. Approximately $2,129,272.58 is annually expended, in the aggregate, in Oklahoma from Federal and tribal funds for all purposes; for administration, schools and hospitals. Of this amount, $1,085,337 is for schools and hospitals. From the Choctaw and Chickasaw tribal funds for boarding schools $165,387, from the Seminole tribal funds $22,706, from the Federal Treasury for the Sequoyah Orphan Training School $105,000, for the Eufaula Indian School $39,500, for the Euchee (Creek) Indian School $35,900, for the Indian school at Chilocco $286,500, for the Seneca Indian School, central heating plant, $35,000, and maintenance $53,344, total $88,344, for the Haskell Institute $247,500—40 per cent of the attendance being from Oklahoma—$99,000, and $150,000 in aid of rural public schools, for Claremore Hospital $50,000, and for the Choctaw and Chickasaw Hospital at Talihina $43,000.

I have favored these appropriations and assisted in securing a larger annual appropriation of $300,000 for rural schools for a number of years. We hope to make such a showing as will justify a larger contribution out of the Federal Treasury in aid of public schools.

B. JURISDICTIONAL BILLS

During my service Congress has enacted legislation to permit each of the Five Civilized Tribes to bring suit in the Court of Claims, with the right of appeal by either party, on all claims that each tribe may have against the Government. I prepared and reported the jurisdictional bills for the Cherokees and Creeks and assisted in the enactment of the bills for the other tribes. These cases are now being filed and are in process of adjudication.

C. CHOCTAW AND CHICKASAW PER CAPITA PAYMENTS AUTHORIZED

I assisted in securing an amendment to the Indian appropriation bill, approved February 14, 1920, authorizing the Secretary of the Interior to make per capita payments to the Choctaw and Chickasaw Indians out of their tribal funds. No further legislation is necessary when funds are available for that purpose.

D. LEGISLATION TO QUIET TITLE TO INDIAN LANDS

Congress passed the act of April 12, 1926, commonly known as one to quiet title to Indian lands of the Five Civilized Tribes in Oklahoma, which bill I prepared and reported. It makes conclusive the jurisdiction of the county courts invoked by full-blood heirs of deceased allottees in the approval of conveyances and will prevent much litigation as to these lands.

After a period of two years it put in force the statutes of limitations in all matters where restricted Indians are interested. The law is now in full operation. It also provides for notice and makes the Government a party in all suits pending in the State courts where restricted Indians are parties and makes the final judgment binding upon the Government. It is of great importance to eastern Oklahoma, and will have the effect of quieting title, preventing vexatious lawsuits, result in greater devolpment of these lands and, as a consequence, add value to the lands of eastern Oklahoma.

CONSTITUTIONAL AMENDMENT

I introduced in the House House Joint Resolution 70 proposing an amendment to the Constitution of the United States empowering the President to veto separate items of any appropriation bill passed by Congress.

Many of the States have such amendments in their constitutions. I wrote the governors of all the States and, without exception, they commended this proposed amendment. I made a speech in the House in support of it.

The necessity for the submission of this amendment grows out of the abuse of either holding up consideration of appropriation bills in the Senate during the closing hours of Congress or of forcing the acceptance of riders of doubtful merit. This would disarm any Member of the Senate from filibustering in the closing days of a session because this amendment would give the President power to veto any separate item in a bill.

This amendment is in the interest of economy. No objections have been expressed to it in the House except the general reluctance to amend the Constitution.

RULES AMENDED

When I first came to Congress it was with great difficulty that consideration could be secured of purely local bills after they had been favorably reported by committees and placed upon the calendar. Oklahoma required much local legislation. I prepared, introduced, and assisted in having an amendment adopted to this rule, requiring three objections upon the second call of such bills upon the Consent Calendar. This has worked a revolution in the House. It is the most important rule adopted in years. It has resulted in the House being able to consider and act upon much local legislation. Everyone now approves the change in the rules. Prior to the adoption of this change in the rule, consideration of a purely local bill could not be obtained except by unanimous consent or by call of the committee which reported the bill on Calendar Wednesday, and many of these committees are not reached for Calendar Wednesday call during an entire session.

SPEECHES

It is almost a physical impossibility for a Member of Congress to keep up with all the bills introduced in Congress. He, of course, is expected to be familiar with those reported by the committees of which he is a member, and every Member attempts to familiarize himself with bills of general importance throughout the entire country and especially with those which affect his district and State.

I promised my constituents that I would do this, and I have tried to keep that pledge.

In addition to participating in general debate upon a large number of matters, I have made a study of and have made speeches in the House upon the following subjects:

1. Speech analyzing and discussing in detail farm problems, showing loss in exchange value of farm products, shrinkage in value of farm lands, and discussing and analyzing remedies.

2. Flood control: (a) Speech emphasizing the necessity for flood control; (b) urging legislation for the Arkansas River and its tributaries; (c) inviting attention to the reservoir plan; (d) advantages of navigation in lowering freight rates.

3. Tax-reduction legislation: (a) Views outlined on principles of taxation; (b) increased exemptions upon the small-income taxpayers, and advocating the collection of a larger percentage from those having the ability to pay.

4. Constitutional amendment: (a) Speech urging, in the interest of economy, constitutional amendment authorizing the President to veto separate items of appropriation bills; (b) citing letters from governors of many States indorsing the proposed amendment.

5. Post Office appropriation bill: Showing increase in appropriation for rural mail service and its importance emphasized.

6. Interior Department appropriation bill: (a) Items affecting the Indian Service and schools in Oklahoma analyzed; (b) expedition in winding up of affairs of Five Civilized Tribes urged.

7. Tariff legislation: (a) Showing it is of no benefit to the farmers; (b) showing Tariff Commission political football; (c) principles analyzed and discussed.

8. Civil service evaded and merit system disregarded through the Southern States, common in Oklahoma.

9. Speech in support of bill urging surety bonds to protect depositors.

10. Speech in support of amendment to rural credits bill, providing for appointment of local agents for farm land banks.

11. Speech in support of increases of pensions for Spanish-American War veterans, and bill to increase pensions of widows of soldiers of the Civil War.

12. Speech in support of Federal aid to roads: (a) Road building and financing in Oklahoma explained; (b) nontaxable Indian lands considered, and showing discrimination in appropriation for repair of roads in Vermont, New Hampshire, and Kentucky, which is not applied to all States.

13. Speech urging sympathetic legislation in behalf of ex-service men.

14. Many speeches and remarks on various bills and pending amendments.

DEPARTMENTAL WORK AND CORRESPONDENCE

We feel justified in inviting attention to our familiarity with departmental work and have made an effort to give diligent attention to all such matters. Our rule is to answer every letter and telegram the day it is received unless delay is occasioned in getting information from or action by the departments. There are many requests and inquiries with reference to the approval and assignment of oil and gas leases forwarded to the department here, the removal of restrictions on Indian lands, letters from ex-service men with reference to applications for compensation and hospitalization, applications for pensions and increases of pensions for soldiers of all wars, petitions for the establishment of rural mail routes and changes in existing routes, and letters, petitions, and telegrams with reference to innumerable bills pending in Congress, some favoring legislation and others protesting against it.

NUMBER OF BILLS INTRODUCED

In order that my constituents may know something of the number of bills pending in Congress with which a Member must keep in touch and with which he must familiarize himself, there were introduced in the Senate during this session 4,600 bills and in the House 14,143 bills. In addition to these bills a large number of resolutions were introduced. Of these 993 bills were enacted into law.

These bills and resolutions are referred to appropriate committees, and by the committees referred to the various departments affected for report. Later they are returned to the committees for consideration and report and a great many of them placed upon the calendars of the House. Each Member must make some examination and study of them and of the hearings and reports on the more important bills. Inquiries are made of us, however, on many bills which are introduced which have not been reported upon by the committees.

A large number of private pension bills were passed in omnibus bills, which would greatly increase the number of bills enacted into law during the present session.

COMMITTEE ASSIGNMENTS—APPROPRIATIONS

Since coming to Congress I have had the experience of service on the following committees of the House:

Banking and Currency; Indian Affairs; Accounts; chairman of Committee on Expenditures in the Interior Department; and Education.

I am now promoted to a place on the Committee on Appropriations, which prepares and recommends all of the appropriations for the Federal Government. Many regard this as the leading committee of Congress.

I was assigned as a member of the subcommittee to prepare and report the Interior Department appropriation bill, which carries all the appropriations for the activities of that department, including public lands, pensions, the Indian service, irrigation and reclamation, national parks, education, the geological survey, and other miscellaneous items expended under the supervision of the Interior Department.

CONCLUSION

(1) The individual record of each candidate should be studied, and (2) the right of franchise exercised by every eligible voter.

I invite attention to and make this record of some of my activities during the present session of Congress, peculiarly affecting the people of my district as well as the Nation as a whole, for two reasons: First, because the people who commissioned me to represent them are entitled to know what their Representative has accomplished and his position on all public questions; and second, in order to afford no opportunity for anyone to misstate my position on public questions.

I have worked in entire harmony with the other members of the Oklahoma delegation in both the House and the Senate and have had their hearty cooperation, assistance, and active support.

I submit this record to the people of my district for their information and consideration with the confident hope that it will meet with their approval.

Let me emphasize that every citizen of the Nation should carefully study the individual record of each Member of Congress in order to form a correct opinion as to his knowledge of conditions, his sympathy with the needs of the people, his ability, experience, and fitness to represent them and should not fail or hesitate to exercise the right of franchise both in the primary and general election. When every citizen—not 51 per cent of them—goes to the polls and votes for his best interests and that of his children, and not his prejudices, his views will be reflected in Congress.

RECORD IN CONGRESS

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks concerning my own record.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BOX. Mr. Speaker, the CONGRESSIONAL RECORD and the official journals which preceded it in the early days of the Republic have been published and distributed since the beginning of the Government in order to help the people know what their Representatives and Senators have been doing in Congress, but the number of copies of the RECORD printed at public expense is limited to about 60 for the people of each congressional district. The second district of Texas contains at least 400,000 people and about 75,000 voters. In order that more of them may read from the RECORD itself something of the part which I as their Representative have had in the work of Congress while serving them, I present a collection of portions of official statements and reports of House committees and the record of Congress dealing with important questions which have been before Congress:

EIGHTEENTH AMENDMENT AND PROHIBITION STATUTES

Wednesday, January 20, 1926

Mr. BOX. Mr. Chairman and gentlemen, last Saturday was, I believe, the sixth anniversary of the issuance of the certificate of the Secretary of State showing the adoption of the eighteenth amendment to the Constitution of the United States. As an individual Member of this House and one of its Committee on the Alcoholic Liquor Traffic, I am glad to join others in some reflections pertinent thereto.

The eighteenth amendment and the statutes based thereon officially declare the national will. The conflict of that purpose with the intent of those who are resisting and violating this part of the Constitution and laws presents a subject worthy of thoughtful discussion. The determination declared by these provisions was and is neither sudden nor transitory. I doubt if there is a statute in our code or a clause in our Nation's charter which was longer in the process of consideration and formation or more maturely and thoroughly fixed in the intent of the people. Few, if any, amendments were ratified by so nearly all of the States.

The will they express is especially democratic and American in spirit because it did not proceed from the Government down toward the people, but from the people up to the Government. Congress and the State legislatures did not force this on the people. The public will drove it through the State capitals and Washington. It began in the country townships, school districts, precincts, and counties, extended to the smaller towns and cities, and on upward through the larger centers of population. It covered State after State. This is a people's movement, not in any buncombe sense, but truly.

The present issue between the Constitution and law on one part and insubordination and lawlessness on the other was not created by prohibition. Constitutional and statutory prohibition developed as a defensive measure, adopted by American society for the purpose of protecting itself from violence to its welfare which was old and ever grew worse. The traffic in intoxicants and the promiscuous use of them have been a menace to individual and collective mankind since order and organization began to be established among men. The first serious disturbance after the adoption of our country's Constitution arose when the young Nation's great fiscal needs required that Congress levy a small tax on distilled liquors, whereupon the "whisky insurrection" burst out, and General Washington had to send an army to quell the sedition. Since then there have been hosts of moonshiners in the mountains, in the blackjack brush, and in the cities.

The saloon at the crossroads, in the country town, and in the metropolis has been the center where gamblers, criminals, and tough men and women of every sort gathered to find congenial surroundings, companions, and cooperation. All who hated and dreaded wholesome police law found a haven and stimulation there. Political corruption, miscellaneous crime, and their devotees gathered in and about them and went out upon the community, until the people, having, with restrained indignation endured much, determined that these depots and rendezvous of indecency, debauchery, and crime should no longer exist among them. No change in the name or form of the traffic would alter its malignant character or check its baleful work.

As our numbers and wealth increased, as our cities enlarged, as the complication and speed of our living were intensified, this lawlessness, always too strong in America, grew worse. This was augmented by the coming of many who had never learned, and therefore never loved, the orderly ways of the best American life. Therefore, under continued and increasing provocation and necessity, American public opinion fixed itself in substantial form, decreeing that the traffic's shameful course shall end.

The measure adopted is a valid one. The contention that the eighteenth amendment is unconstitutional never embodied anything but the absurd proposition that it is unconstitutional to amend the Constitution in a way provided by the Constitution and usually followed from the first in adopting amendments. But whatever excuse for haggling might have been hatched up at first, that same constitutional and nation-tried usage provided a forum for the settlement of all controversies. Whether flimsy or bona fide, they can be presented, heard, and settled for all who are willing to stop short of sedition or revolution. When the Supreme Court spoke, the question whether the national will thus sustained should be obeyed was no longer an open one among good Americans.

That stage being reached, what are the parties to this conflict of purpose to do? Let me ask another question: If the statute, the Constitution, and the adjudication of the Supreme Court are not to be obeyed or enforced, what next? Sedition is next, banditry, irregular warfare; a condition in which low-browed criminals with high-powered cars and rapid-fire guns and the unfortunate victims of appetite as patrons will disturb the peace and disgrace this period of our history; a condition such as they often have in Mexico and Haiti and other regions where disorder rules, where property and life are not safe, and where violence and chaos reign.

If violence breaks down the Constitution at one point, all its friends and all interests protected by it know that it can be broken at other points, and that each successive breaking will be easier. It will need only aggressive, persistent, numerous enemies. The collective public will, being once enervated and overcome, will not sustain it. It is our barrier against chaos. It restrains the enemies of property, the destroyers of life, the disturbers of society's peace. Think of our joining or acquiescing in the destruction of the mainstay of all our worthwhile institutions! Think of wealthy people outraging and weakening the sole defender of their property! Think of the poor tearing up the charter of their liberty! Think of native Americans demolishing the tallest and noblest monument of the patriotism and wisdom of their fathers! Think of newcomers wrecking the framework and the underpinning of the house which shelters them after their escape from the wretchedness of Europe!

We are at present in a state of conflict between the will of American society, expressed in its Constitution and law, and the purpose of those who, "with hearts regardless of social duties," are "fatally bent on mischief." The conflict is not new. This is merely the latest and most acute stage of an old and progressive antagonism between the legally declared will of American society and those who, for unworthy ends, resist their country's will as embodied in its Constitution and laws.

What of the future? Those who have resisted must obey or confess their sedition and expect to feel the country's heavy hand upon them.

What of the attitude of the great majority, whose will, expressed in a valid, constitutional, American way, is become the law of the land? That law will prevail if the land is to be ruled by law. The majority knows that all efforts at restraint have failed to control this spiteful, aggressive, defiant social evil. We know that to return to the long-tried and discarded efforts to regulate the traffic is impossible. We know that crime is in its very nature and can not be separated from it, and that the only way to avoid an unending, sickening conflict with this ugly social and political menace, so long as it lives, is to let its sway be undisturbed. A thing unthinkable. [Applause.]

There is no common ground on which these antagonistic purposes can be compromised. No repeal or modification of these statutes to meet the views of those who oppose their purpose—to accommodate the law to the views and interests of distillers, brewers, moonshiners, rum runners, bootleggers, and their patrons and defenders—will harmonize with the national purpose declared in the eighteenth amendment to the Constitution.

The present acute, disquieting state of society's effort to protect itself is but a stage of an antagonism which will continue so long as the evil exists in any form and society has any will to protect itself.

Mr. LOWERY. Mr. Chairman, will the gentleman yield for a question?

Mr. BOX. Yes.

Mr. LOWERY. Has not prohibition, since it has been adopted, prohibited better than attempted regulation succeeded in regulating?

Mr. BOX. Yes; I think so. But there is difficulty enough in connection with both. I believe the gentleman is correct; but I would, if I could, remind those who are at war with the Constitution that they have no right to engage in such war.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. May I have a little more time; say, five minutes?

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes additional.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. BOX. In spite of a sinister and misleading propaganda, the American purpose is unshaken. This is shown in many ways. Among them is the election of the personnel of this House. From three out of every four of the congressional districts of the United States there come, and will continue to come, men whose votes sustain the American purpose. There are about three dry districts for every wet one. Hear it; you who oppose your country's Constitution and laws and seek to set them at naught! A minority of constituencies of a certain type, and many individuals of a certain type in all of them, hope that America will abandon its struggle with the social enemy. It will not!

How can any man in official position, here or elsewhere, who is under heart allegiance or oath-fixed obligation to the Constitution encourage sedition against it? I hope we shall hear less and less of that; but whether we have more or less of it, the purpose of America is fixed, and sooner or later it will be accomplished. If I could make my suggestion reach over the Nation, I would call upon it to speed the accomplishment of that purpose by measures which are characteristic of the country's vigor. [Applause.]

Mr. HASTINGS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. HASTINGS. Does not the gentleman think that when the Prohibition Enforcement Unit adopts the policy of appointing men throughout the country in real sympathy with this legislation instead of making political appointments we shall have a better enforcement of the prohibition law?

Mr. BOX. I think there is great force in the suggestion the gentleman makes. The ends of political patronage often seem to be uppermost in the minds of the administration in making these appointments. The politicians dictating them are not usually in either branch of Congress; but in the executive department and in the national and State machines, outside of Congress.

Mr. HASTINGS. Does not the gentleman know that the civil service law is disregarded in every branch of this Government and particularly in the Post Office Department, and does not the gentleman know that there is no regard whatever paid to the civil service law in the appointment of postmasters or rural carriers throughout the country?

Mr. BOX. The gentleman has some suspicion in that direction; indeed he knows that to a great extent it is true.

Mr. HASTINGS. I will say, without fear of successful contradiction, that every appointment made in my district is a political appointment.

Mr. GREEN of Florida. Will the gentleman yield to me?

Mr. BOX. Yes.

Mr. GREEN of Florida. Does not the gentleman believe that foreign diplomats and any other foreigners who come to America should have to abide by the American Constitution while they are here?

Mr. BOX. Yes; and I believe that we, native born and newcomers, must ourselves obey or be forced to obey. [Applause.]

The difficulties are great, but the salutary purpose which prompted prohibition, respect for the Constitution as the mainstay of order, and the dignity and self-respect of the Nation, require vigorous enforcement of this law against the present wholesale violation of it. The United States Government has the power to enforce it. If the Government fails to enforce it, the failure will be due to unwillingness or weakness. (CONGRESSIOAL RECORD, January 20, 1926, pp. 2443–2444.)

OPPOSING PROPOSITION TO EXEMPT LARGE BODIES OF CUT-OVER LANDS FROM STATE, COUNTY, AND OTHER TAXATION

Mr. BOX. I believe in reforestation by letting nature reproduce timber, unhindered by forest fires and other destructive forces turned loose by carelessness and disregard for the future; but to exempt from county, State, and other local taxes large bodies of land owned mainly by nonresidents and let them stand for decades, used by private owners for grazing, mineral, and other valuable uses, leaving the share of taxes which should be paid on such lands to be paid by small farmers, merchants, business men and others, is unsound and oppressive.

Section 7 of the bill pending in the House at the time the following discussion occurred provided:

SEC. 7. That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies * * * subject to such reservations by the donor of the present stand of merchantable timber or of mineral, grazing, or other rights as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section * * *. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, * * *

and contained other provisions in harmony with those quoted.

These provisions opened a way for the establishment of such a system by passing the apparent title to such lands to the United States Government while the owners retained many beneficial interests and had other advantages which space will not permit me to explain. For these reasons I moved to strike section 7 from the bill then pending. I quote from the CONGRESSIONAL RECORD, showing a part of the discussion of this proposition:

Mr. BOX. Mr. Chairman, I move to strike out section 7.

Mr. OLIVER of Alabama. Mr. Chairman, I have a perfecting amendment.

The CHAIRMAN. That will be considered as pending. The perfecting amendments will have the preference.

Mr. WATKINS. I have a perfecting amendment.

The CHAIRMAN. There is an amendment pending, that of the gentleman from Utah [Mr. LEATHERWOOD].

Mr. WATKINS. I have a substitute at the Clerk's desk.

The CHAIRMAN. The gentleman from Texas [Mr. BOX] is entitled to recognition if he desires it.

Mr. BOX. Mr. Chairman, I want to discuss the amendment and let it be pending.

I call the attention of the House to what appears to me to be a very serious element in this paragraph. With the purposes of the bill I am in full accord. The effect of this paragraph, however, seems to be to enable the owner of privately owned lands to denude them and then convey them to the Government, retaining the grazing, mineral, and timber rights, and thereafter have the Government reforest them. I think the effect of the paragraph as it is now written would be to let the Government be the owner of the timber reproduced by it. I am not sure about that. But the effect, I think, necessarily results that these bodies of land, that have been constituting half or three-fourths of the lands in some of the counties in the timber belt now subject to taxation, would thereby be withdrawn from the power of the State and local authorities to tax them, and correspondingly burden the small farms and all other taxable property in the counties. The men who own other small farms and small bits of property would have to pay the taxes necessary for the construction and maintenance of roads, bridges, and for all other municipal purposes. The financial effect on those counties having a great part of their property consisting of cut-over lands, many of them valuable for purposes of cultivation, would be that all those lands would be withdrawn from taxation and the local authorities left without power to tax them, forcing a corresponding increase in the taxes on other taxable property in the counties.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. MOORE of Virginia. Does the gentleman know of anybody who ever made an investigation for the purpose of forecasting to what extent the privately owned lands of the country will be put in the position you indicate in case this section should be adopted?

Mr. BOX. I have no accurate information on that subject. I know that the amount of such land is very large. I think I know that there are counties in my State where three-fourths of the lands in a county are thus owned. I think the effect would be to bankrupt all counties in timber belts such as that or burden other taxpayers ruinously.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. LEAVITT. Has the gentleman noticed at the beginning of section 7 that these lands must be chiefly valuable for the growing of timber crops? They would not include agricultural lands.

Mr. BOX. It would include many. Whether or not a particular parcel of land would or would not be included will depend upon what estimate men may make of present and future values. One man might think the chief value would be to put the land under cultivation now, whereas another might prefer to let the timber grow for a hundred years. While I believe in reforestation, and that the purposes of this bill are wise, I hope it will be put in such shape that we can all vote for it. I believe we are guilty of a crime against posterity in the manner in which we are allowing our forests to go to ruin. That is an unpardonable blunder. But I insist that this section contains a serious vice which should be eliminated.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. CLARKE of New York. I suggest that if these lands are worthless, nobody would pay taxes on them, would they?

Mr. BOX. They are not worthless. They are the source from which much of the revenue of some counties now comes to the small counties in the timber belt. If the timber is cut off, many of the big companies will not sell their lands after the timber is cut off. They hold them for speculative purposes or for their families during succeeding generations.

Mr. CLARKE of New York. If the State or Government promotes the growth of timber there, under the policy of the Government 25 per cent of the gross revenue derived from the receipts of the national forests will go back to those States.

Mr. BOX. There will be no revenue, as I see it, from these lands. The private owner retains the grazing rights and the mineral rights, which are in many cases prospective, so that they can not now be taxed to any substantial extent, but they may in the future become very valuable. For instance, in my territory we are finding great oil fields. Individuals or corporations will pay no taxes on oil undiscovered.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. May I have five additional minutes?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BLANTON. Is it not a fact that most of these owners are nonresidents who sometimes live several thousand miles away from the land?

Mr. BOX. A great many of them are, and few of them live in the counties where the lands are located. Some are unwilling to help bear the burden of the cost of improving the roads, which add value to their land. They allow a scattered, growing population to make these improvements for them and thereby increase the values of their property. Under the provisions of section 7 it is possible for them to hold all substantial value in the lands without paying tax on them.

I insist that the Members of this House consider this proposition before they vote to retain section 7 as it now is.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BOX. Yes.

Mr. KINCHELOE. If those lands are as valuable as the gentleman says they are—and I am sure they are—they would not donate them to the Government.

Mr. BOX. They will donate the land to the Government where they have cut away the timber, worth $50 or $100 per acre. The land is now worth from $5 to $10, but in 20 or 30 years it may be worth much more because of the timber, which will grow; and oil or other mineral may be found and the land made vastly more valuable. They hold them now. Under this clause they may escape taxation and speculate on what the future may develop without carrying a burden they now carry. These large landowners are not given to making donations for the interest of Uncle Sam. He gets the worst of his dealing with them. "Beware of Greeks bearing gifts."

Mr. BLANTON. And because of the oil and minerals.

Mr. KINCHELOE. If that be true, I do not believe these people would give the land to the Government.

Mr. BOX. The Government is to grow timber on these same lands, and the present owners are to retain the present timber—that is, the young timber which is good for piling, for mine props, and for wood and every other purpose. That will all be mixed up with the other timber which the Government is to grow on the same lands, which are to be thus exempted from taxation. It is a very serious matter for some of my people and for other sections. This proposition should be given serious consideration by the Members of the House.

Mr. CARTER. Will the gentleman yield?

Mr. BOX. Yes.

Mr. CARTER. As a matter of fact, is it not a fact that under section 7 practically everything of value in connection with the land that may be devised is retained in the owner by this reservation in the bill, and there is nothing of value to be transferred to the Federal Government?

Mr. BOX. Nothing of present productive value.

Mr. CARTER. That is it. The grazing and mineral, or other rights, as the Secretary of Agriculture may find to be reasonable, are all retained, so that the effect of it would be, it seems to me, that the owners of the land would be permitted to shift the burden of taxation over on the Federal Government and yet retain everything of value in the land. In other words, they would keep everything the hen laid except the shell?

Mr. BOX. Yes; and they would hold the land for speculative purposes, for the growth and development of these elements which now have little or no taxable value, but which have great prospective value, and the local authorities will be unable to derive any considerable amount of revenue from timber that is to be merchantable 50 years hence, or from oil that is to be discovered 25 years hence. They will be deprived of the right to tax the land, and counties thus made up will be deprived of a great portion of the revenue which now supports the local government. (CONGRESSIONAL RECORD, April 23, 1924, pp. 6987–6988.)

My motion to strike out section 7 and my criticism of the effect of it was followed by an amendment by supporters of the section which tended, inadequately, to remedy the evil pointed out.

Senator SHEPPARD afterwards made exactly the same fight in the Senate on exactly the same grounds on which I based my objection to section 7. (CONGRESSIONAL RECORD, June 6, 1924, pp. 10958–10959.)

Feeling that notwithstanding the amendment mentioned the law was still dangerous to our people, I took up with the Secretary of Agriculture the manner in which it was to be administered in eastern Texas and pointed out to him the bad results which such a system would produce in counties having large bodies of such lands if administered in the manner I believed to be contemplated, and had his assurance that if an effort was made to establish such a system there I and others representing the State would be given a chance to present the views and interests of our people. Apparently no effort has thus far been made to establish this system in our section, though it is said to be in vogue elsewhere.

The ownership by the Government of the United States of extensive bodies of land in many Western States has very greatly increased the tax burden resting on privately owned lands and other private property.

APPROPRIATIONS FOR NECESSARY FEDERAL ACTIVITIES IN THE SECOND TEXAS DISTRICT

PUBLIC BUILDINGS FOR POST OFFICES AND OTHER FEDERAL ACTIVITIES

Orange, Tex., post office: For completion, $10,000.

The construction of the Federal building at Orange was authorized in 1913—six years before the termination of the service of the late Hon. Martin Dies—but, like many other buildings authorized in 1913, it was not contracted or erected because of the war and because of insufficiency of appropriations. The additional appropriation quoted above was made by the Sixty-sixth Congress, the first in which I served, and the building later erected.

BEAUMONT, TEX., POST OFFICE AND COURTHOUSE

A report on proposed public buildings made by Secretary Mellon and Postmaster General New to the House Committee on Public Buildings and Grounds in 1927 outlining the present six-year public building program, based largely upon data presented and argument and insistence made by me, contained the following:

We recommend that an extension be provided to meet all needs at Beaumont; also the purchase of additional land if same is necessary.

Concurrent with the above report was another, made about the same time, carrying an estimate of expenses in which the following appeared:

Beaumont (Tex.)	$220,000
Sabine Pass, quarantine station	350,000

At the recent session of Congress the initial appropriation was made for Beaumont in the following language:

Beaumont, Tex., post office and courthouse: For acquisition of additional land and expenses preliminary to commencement of construction, $40,000.

These provisions for public buildings substantially exceed the average for the same period for Texas congressional districts and the country over.

APPROPRIATIONS FOR RIVER AND HARBOR IMPROVEMENTS

Under acts of Congress apportionments to our district for river and harbor work, beginning in 1921, have been as follows:

Year:	Amount
1921	$344,400
1922	355,000
1923	930,000
1924	690,000
1925	1,000,000
1926	1,100,000
1927	740,000
1928	1,025,000

In addition to the above are the sums of $800,000 for 1926, $74,030 for 1927, and $584,100 for 1928, apportioned for work on the intracoastal canal to cross the district I have the honor to represent, each and west, connecting with the ports of Orange, Beaumont, and Port Arthur.

The second Texas district, which I represent, has during the last five years, considered as a whole, been a larger beneficiary of national river and harbor appropriations than any other Texas district.

WORK OF THE CLAIMS COMMITTEE OF NATIONAL CONGRESS

I wish that my constituents all might know the nature and extent of the work done by this important committee and the

connection of their Representative as the ranking Democratic member of that committee, which has jurisdiction over thousands of claim bills, involving many millions of dollars in just and unjust demands against the Federal Treasury, funds of which are, of course, raised by taxation. The 21 members of the Claims Committee are divided into subcommittees for the purpose of considering its business. These subcommittees frequently have to pass on claims involving hundreds of thousands, or even millions, of dollars. The subcommittee of three of which I serve as chairman has considered a number of such bills, requiring great labor and the exercise of the best judgment in determining the rights of claimants and protecting the interests of the Government. As indicating something of the character of my own service on this committee I quote the following statement by Hon. CHARLES L. UNDERHILL, chairman of the Claims Committee, made in discussing an important general bill reported by the committee:

Mr. UNDERHILL. Before I close I want to pay a tribute of recognition to the men, the lawyers, on my committee. You all know I am a layman; I could not possibly have gotten this bill out and have met with its legal requirements if it had not been for such men as the gentleman from Texas [Mr. BOX], the ranking man of the minority on the committee; * * * (CONGRESSIONAL RECORD, January 30, 1928, p. 2187.)

Hon. THOMAS L. BLANTON, once a member of this committee and familiar with its work, recently said:

Mr. BLANTON. There is not a man here who appreciates more the splendid work of my colleague from Texas [Mr. BOX] than I do. I appreciate the splendid work which he has done on this committee. For the work he has already done the people of his district ought to keep him here for the next 10 years. [Applause.] I will say that without equivocation. (CONGRESSIONAL RECORD, January 30, 1928, p. 2190.)

In a letter written May 1, 1928, about some very important business being handled by this committee and acknowledging receipt of papers pertaining thereto prepared by me, Hon. JOHN Q. TILSON, Republican leader of the House, said:

Many thanks for your letter of the 30th ultimo, inclosing report and minority views regarding certain bills emanating from the Claims Committee.

You and Mr. UNDERHILL (the chairman) have done fine work on your committee, and I for one appreciate it. You may, therefore, count upon me to cooperate with you as far as I reasonably can.

During recent years when the settlement of damages caused by German depredations upon our shipping and commerce (German spoliations) were under discussion, and when the suggestion was made that such German spoliation claims might continue to harass Congress for a long time, as the French spoliation claims have done, Hon. FINIS J. GARRETT, Democratic leader of the House, said:

Mr. GARRETT of Tennessee. If there is a hangover like there has been in connection with the (French) spoliation claims, I hope the gentleman from Texas [Mr. BOX] will be here to deal with them. (CONGRESSIONAL RECORD, December 16, 1926, p. 621.)

The expense to me of reprinting any considerable portion of the CONGRESSIONAL RECORD relative to my service here would be prohibitive. All of the matter would be too voluminous to be generally read, but these limited selections will suggest to citizens at least some of the facts they should know.

BUSY SESSION OF CONGRESS

Mr. JOHNSON of Washington. Mr. Speaker, the first session of the Seventieth Congress, now about to adjourn, has been a busy and important session, lasting almost six months and handling many subjects of far-reaching importance.

The flood control act was brought about without partisan feeling, and in my opinion this great act for the salvation of the Mississippi Valley and its tributaries will lead on to other great acts of internal improvement in all parts of the country.

Other important accomplishments include tax reduction, postal rate reduction, German-American war claims settlement, a $100,000,000 public-building program, increased appropriations for agricultural extension work and reforestation, a merchant marine act, and a $20,000,000 salary increase for underpaid Government employees.

Efforts were made to meet the farmers' demand for relief by offering the McNary-Haugen bill, but with its revolving fund and equalization fee the bill had the same objections that had caused it to be vetoed in a previous Congress. In fact, its defects became more apparent, even to many of its strongest supporters. I think that a plan will be found to give relief to the farmers through the debenture plan.

Other great problems before the Congress are in process of solution. For instance, the power situation, the adjustment of the coal situation, and unemployment resulting from increasing use of mechanical and labor-saving devices.

This session failed to pass a reapportionment bill—a great disappointment to many growing States. A deadlock exists between Representatives of States which have lost population and those which have gained. Neither side desires increase of membership in the House beyond the present number—435.

For me this session just closed has been an extremely busy one. As the third congressional district of Washington is large in area and increasing rapidly in population, I feel that I should make a statement as to bills passed by me of interest to the district and the State. I make this statement because, after almost 16 years in the Congress of the United States, my work as Representative increases more and more, and the time necessary for personal campaigning for reelection is limited.

VANCOUVER HIGHWAY RIGHT OF WAY ACT PASSED

The first bill introduced by me to become law in the Seventieth Congress was the one which granted to the city of Vancouver a perpetual easement for the construction and maintenance of a public highway, not exceeding 60 feet in width, paralleling the Columbia River on the Vancouver Barracks Military Reservation. Enactment of special legislation was necessary in this case for the reason that the general law on the subject of easements for highway rights of way permits the Secretary of War to make grants only to States and counties; not to cities. The city of Vancouver needed the roadway in order to give the port of Vancouver access to valuable industrial property owned by it, which without highway facilities could not be utilized. After passing House and Senate the bill was signed by the President February 13, 1928.

BILL FOR PUYALLUP INDIAN CEMETERY FUND ENACTED

Next in order among my successful bills was one introduced upon the informal suggestion of the Commissioner of Indian Affairs. The trustees of the Puyallup Tribe of Indians submitted to the Department of the Interior a formal request that funds for the upkeep of their ancestral cemetery in the city of Tacoma be provided by the deposit of $15,000 in a local bank at 6 per cent interest. The department was agreeable, but was without legal authority to set aside a fund, and further was of opinion that it would be better to invest $25,000 at 4 per cent interest. The tribe had to its credit in the Federal Treasury some $68,000 which, under the law, could be used only for school purposes. Accordingly, my bill proposed to invest $25,000 at 4 per cent for permanent upkeep of the cemetery. The measure won approval all down the line and became a law March 28, 1928.

BOARD OF STEAMBOAT INSPECTORS AT HOQUIAM CREATED

A bill of considerable interest to people of Grays Harbor and Willapa Harbor was the measure introduced by me to authorize appointment of a board of steamboat inspectors at Hoquiam. This proposition came to me from the chamber of commerce of that thriving city—which, by the way, is as wide-awake and capable a civic organization as I have ever met—and immediately won the support of the Supervising Inspector General of the Steamboat Inspection Service, Hon. Dickerson N. Hoover. Captain Hoover visited the north Pacific coast in 1927, and after his return to Washington, D. C., assisted me in preparation of the bill which has now become law. His report on the measure, submitted to Chairman WALLACE H. WHITE, of the House Committee on the Merchant Marine and Fisheries, stated that more than 800 vessels, with a total net registered tonnage of over a million, now sail annually from Grays Harbor, as against 400 vessels, with a total net registered tonnage of 233,000 in 1920. The purpose of the bill is to provide closer and better facilities for handling the shipping business in the Grays Harbor and Willapa Harbor districts. While the new board will cost the Government a small additional sum, the benefits to be derived through closer and more direct supervision of shipping, and the elimination of expense and lost motion in transportation of inspectors from the Seattle office to the two harbors, will more than justify the increase. The board will consist of an inspector of hulls and an inspector of boilers. The act was approved May 22, 1928.

RIVER AND HARBOR AUTHORIZATION BILL REPORTED

It is to be doubted that any congressional district in the United States has more navigable water at its borders than has the third district of Washington. With more than 100 miles of Pacific coast, nearly 200 miles of the Columbia River, and all the arms of Puget Sound south of Kitsap County, southwestern Washington is perpetually interested in Federal improvement of rivers and harbors. The last authorization bill for rivers and harbors was that of January 29, 1927. The next one, which should be passed before March 4, 1929, was

reported by the House committee May 28, 1928, the day before adjournment.

CHEHALIS RIVER IMPROVEMENT

I am pleased to report that the third district of Washington fares well in this bill. The project for the improvement of the Chehalis River between Cosmopolis and Montesano so as to provide a channel 16 feet deep and 150 feet wide is recommended for adoption. The total estimated cost of the work is $423,000, of which one half, or $211,500, is to be borne by the Government and the other half by local interests. Two hearings on this proposition were had before the Board of Engineers for Rivers and Harbors, the final result being a favorable recommendation, concurred in by the Chief of Engineers of the War Department and the House Committee on Rivers and Harbors.

COLUMBIA RIVER CHANNEL AT VANCOUVER

Modification of the project for the improvement of the Columbia River at Vancouver is also recommended. Under the project adopted about four years ago local interests were called upon to put up $30,000 a year until completion of the work at a total cost of $93,000. As the burden upon the port district was too heavy, I took the matter up with the Chief of Engineers, securing a reduction of the local contribution to $20,000 per annum. The Chief of Engineers reports a gratifying development of commerce at Vancouver, which port handled only 3,295 tons of shipping in 1921, but in 1926 handled 117,204 tons. In 1926, 90 steam schooners and tramp steamers called there, while in 1927 the total number of vessels was 137.

In addition to modification of the local contribution, I have had incorporated in the river and harbor bill a provision for a new survey looking to the improvement of the Columbia River for a distance of 1 mile above the city limits of Vancouver. This is with a view toward providing deeper water for new industries which, it is hoped, will be located above that enterprising city. This may mean eventually a further modification of the existing improvement project, but action will depend upon the sort of showing that may be made as to the necessity for inauguration of the work.

TACOMA HARBOR AND ITS WATERWAYS

One of the most important surveys in the river and harbor bill is that which will provide a preliminary investigation of all the waterways and channels of Tacoma Harbor. Because of its splendid depth and magnificent spaciousness Tacoma Harbor has needed little expenditure of Federal funds. The last project affecting it was that for the deepening of the city waterway, adopted in 1916. Several years ago I made a strenuous effort to secure cooperation of the National Government in the control of the floods of the Puyallup River. The engineers of the War Department reported adversely, however, and the matter has since been pending before the Board of Engineers for Rivers and Harbors, awaiting a time when involved and difficult local interests could be brought into harmony. I am in hopes that the new survey will touch this problem and bring out facts which will move toward solution of Puyallup flood control, at the same time recommending any waterway or channel improvements that may be necessary.

GRAYS HARBOR BAR CHANNEL

Another important survey is that of Grays Harbor Bar Channel. This channel has been under Federal improvement since 1896, and more than $4,000,000 has been spent on the bar, inner harbor, and Chehalis River, including the cost of north and south jetties. Until the act of January 29, 1927, the Government engineers had no authority to dig the channel deeper than 24 feet at low water, but under that act they now have authority to dig as deep as they can. I am now informed that continuous dredging has provided a depth of 30 feet, and that 36 feet or more will be available by the close of the dredging season this fall. The new survey, which will be made if the pending bill becomes law, will reinvestigate the need for improvement of the bar channel by reconstruction and extension of the jetties.

This is an important engineering problem, involving also the economic possibilities of the entire Grays Harbor country, and determining whether or not the Government will be justified in spending one and one-half times as much on new jetty work as has been spent on jetties and dredging in the more than 30 years the bar has had Federal attention. It is difficult to predict what will be done, but I am of opinion that if continuous dredging, as now authorized by the act of January 29, 1927, does not provide adequate bar-channel depths the Government will adopt a jetty-construction program.

OLYMPIA HARBOR

I had expected to bring about the incorporation in the river and harbor bill of a provision affecting Olympia Harbor, the project for which was adopted in the last bill. It turned out, however, that the Chief of Engineers was willing to reinvestigate that harbor, with a view toward approving a wider channel, on a mere committee resolution. Such a resolution was adopted at my request last winter, thus gaining a year or more of time.

WILLAPA HARBOR

The last report I had on Willapa Harbor improvement, authorized by the act of January, 1927, was that dredging work is to go forward steadily this summer. The dredge *Oregon* has been working in the inner harbor, and the big ocean-going hopper dredge *Culebra* is to work on the bar in July. An allotment of $40,000 has been made out of available funds, which will be spent in addition to funds belonging to the work heretofore made available. Willapa Harbor is another splendid haven which has required little improvement work. It is expected that the project now in progress will make it able to take care of its shipping better than ever before.

FORT LEWIS'S NEW BUILDINGS MAKE GREAT PROGRESS

I am gratified to report splendid progress on the program of building construction at Fort Lewis. Without doubt nothing so grieved the good people of southwestern Washington over a long period of years as the Government's delay in providing adequate shelter for troops stationed at this famous post. Even by the time of the armistice the hastily constructed barracks erected for training of overseas troops in 1917 had begun to deteriorate. Despite my earnest appeals, the War Department moved at a snail-like pace in formulating its plans for reconstruction. With the cooperation of Representative MILLER, of the Seattle district, and Senator W. L. JONES, I had the honor to take the initial steps looking to erection of permanent buildings at Fort Lewis when, in the spring of 1924, I had incorporated in the Army appropriation bill—act of June 7, 1924—the following amendment:

> * * * and the Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes.

In pursuance of this instruction the War Department did submit a plan for new construction in December, 1924, but by reason of the illness and death of Hon. Julius Kahn, then chairman of the House Committee on Military Affairs, the retirement of Hon. John C. McKenzie, ranking member of that committee, and the death of Secretary of War John W. Weeks, it was not until March 12, 1926, that the military post construction act was approved by the President.

The progress of the matter since that time has been remarkable. Millions of dollars recovered from the sale of surplus War Department property have been spent at permanent establishments in various parts of the country, and Fort Lewis has gotten a generous share.

The friends of Fort Lewis are grateful to that sterling American, Hon. W. FRANK JAMES, of Michigan, who as chairman of the real estate subcommittee of the House Committee on Military Affairs has handled all construction authorizations, both in the committee and in the House. Representative JAMES'S devotion to his duties moved him to make an airplane journey across the country in 1927, in the course of which he accepted my invitation to visit Fort Lewis. His personal view of the post on that occasion has given him a keen interest in the building project, and has brought assurances that the work will go on to a satisfactory conclusion.

Money actually appropriated for Fort Lewis thus far includes $1,300,000 for barracks for enlisted men, $30,000 for quarters for noncommissioned officers, $72,000 for officers' quarters, and $350,000 for the post hospital, or a total of $1,752,000.

In addition there have been authorizations for which appropriations will shortly be made covering $350,000 for more barracks for enlisted men, $68,000 for additional quarters for noncommissioned officers, $50,000 more for officers' quarters, and $32,000 for nurses' quarters, making a total of authorizations of $500,000.

In the last days of the session just closed the House passed still another authorization of $308,000, including $93,000 more for noncommissioned officers' quarters and $215,000 for officers' quarters.

Summarized, the Fort Lewis appropriations and authorizations, including the last authorization passed by the House, but not yet passed by the Senate, total $2,560,000. My understanding is that the War Department expects to spend between four and five million dollars on this big job and will make Fort Lewis at last one of the most beautiful and useful establishments in the country. Those who have seen the first of the

handsome new brick buildings being erected there can have but a faint idea of what the post will be when all are completed and when the distinguished landscape artists engaged by the Government have finished their labors. Instead of tumbledown shacks, an eyesore to the public and an abomination to the unfortunate officers and men forced to inhabit them, Fort Lewis will present modern, permanent, fireproof buildings. It is a matter of pride to me that I had a part in initiating this great improvement, and I hope the time will soon come when through its completion there will be stationed in the new structures a full complement of officers and men in continuous training.

DEVELOPMENT OF AMERICAN LAKE HOSPITAL

Another great improvement in the Fort Lewis locality will be the new $220,000 building for the accommodation of 100 additional patients at the American Lake Veterans' Bureau hospital. Appropriation for this structure has not yet been passed, but the authorization is carried in the hospital building program bill approved by the President May 23, 1928. The 100 additional beds authorized is in addition to a previously made 100-bed authorization, besides which General Hines, Director of the Veterans' Bureau, plans to use a lump-sum authorization for such further accommodations as may be needed. American Lake Hospital is recognized as one of the most successful and most economical Government institutions. It fills a most important need and renders a most valuable service. It is an asset to the State of Washington, and I was glad to appear before the Committee on World War Veterans' Legislation to urge that its facilities be enlarged.

FISH CONSERVATION BILL ENACTED

In its far-reaching importance the bill introduced and passed by the joint efforts of Senator JONES and myself, to authorize investigation of devices for protection of fish in irrigation ditches, is outranked only by a few great national measures considered by Congress during the past session. Although it provides for an appropriation of only $25,000, this measure is the first step in a most important effort to conserve the food supply of the people.

Fishermen have long known the importance of protecting spawn and young fish at the headwaters of our western streams. It was not realized until lately, however, that the greatest loss of fish is occurring in the upper reaches of streams on which irrigation works have been installed. The immature fish, more particularly young salmon pursuing their natural course downstream toward the ocean, as well as trout and other game species, are swept into the irrigation canals and ditches, from which they can not escape. When the canals and ditches are drained at the close of each irrigation season the fish are killed and wasted. The problem involved is that of preventing, if possible, the admission of fish to irrigation works. It is a problem vitally affecting the food supply of the entire Nation, and arising as it does in structures erected by the Federal Government, it is proper that the Federal Government should employ all proper means looking to its solution. The Jones-Johnson Act authorizes and directs the Department of Commerce to study, investigate, and determine the best means and methods to accomplish this end. It is assumed that Federal officials will begin their work where the fisheries departments of Washington and Oregon have left off, and will undertake to invent or perfect a satisfactory device which will screen an irrigation ditch effectually against fish of all sizes entering it and still not hamper or hinder the flow of water, which is the all-important concern of the user or owner of the ditch.

The gravity of this problem has been shown by investigations which found as many as 20 fish lost for each acre of ground irrigated. At this rate, figuring 250,000 acres under irrigation, one year's destruction amounts to 5,000,000 fish, 4,500,000 being salmon in their first and second years. If the United States Bureau of Fisheries, in cooperation with the Reclamation Service, can devise a means to stop this tremendous wastage, it is reasonable to assume that from 100,000 to 200,000 cases will be added to the annual salmon pack in the Northwest. It is doubtful if anything could contribute more to the prosperity of our part of the country.

RELIEF FOR VETERANS OF THE WORLD WAR

Early last spring veterans of the World War in the Pacific Northwest called to my attention the need for legislation for the relief of disabled soldiers and sailors filing suits against the Government for settlement of their war-risk insurance policies. Several cases had been brought to trial and dismissed because of different and conflicting rulings interpreting statutes of limitation. I believe my bill to correct this difficulty was the first of several introduced in the House. The subject matter was given thorough consideration in the Committee on World War Veterans' Legislation, which reported out a remedial bill, which was passed and approved. The committee bill adopted the suggestion of mine fixing six years as the uniform statute of limitation. Suits heretofore filed and dismissed are revived under this law, and various technicalities perplexing even to the legal profession are adjusted to the advantage of disabled insurance claimants.

CARE OF INSANE ALASKANS

A bill on which I have labored for several years, which, I am sorry to say, did not get through the House of Representatives during the recent session, is one to relieve the State of Washington and other Western States of the care of insane citizens of Alaska. This proposition first came to me from Hon. Frank C. Morse, former member of the board of control, who for some years has been in charge of deportation of aliens committed to the insane hospitals of our State. The first bill on the subject prepared by me was indorsed by the then Governor of Alaska, Hon. Thomas Riggs. It was later indorsed by Gov. Scott C. Bone, Delegate DAN SUTHERLAND, and various Secretaries of the Interior.

My bill on this subject has two purposes. First, it would relieve any State of the care of any insane citizen of Alaska, if adjudged insane within one year after leaving that Territory, and authorize his treatment in Morningside Hospital, Portland, Oreg., which for many years has cared for Alaska insane under contract with the United States Interior Department. Second, it would relieve Morningside Hospital of the care of homicidal or otherwise dangerous Alaskan insane, providing for their transportation to and treatment in St. Elizabeths Hospital, Washington, D. C., which is perhaps the best-equipped asylum in the world.

Although this proposition has failed twice to pass the House by unanimous consent, I am still hopeful that it can be enacted, as Chairman GEORGE S. GRAHAM, of the House Committee on the Judiciary, has promised to bring it up on the first calendar day next session. Meantime, in order to direct attention to the importance of providing adequately for insane persons who should properly be charges upon the Federal Government and not the States, I have introduced a bill for establishment of a Federal insane hospital on McNeil Island. Such an institution may be needed in time. I shall urge investigation of the proposition with all energy.

OLYMPIC NATIONAL FOREST LAND EXCHANGES

Upon the suggestion of the Olympic Peninsula Development League, and after consultation with the United States Forest Service, I introduced early in the last session a bill to permit extension of the boundaries of Olympic National Forest by land exchanges. This bill is similar to, if not identical with, several measures affecting other national forests enacted in recent years, and is in line with the policy of the Government under which several worthy purposes are sought to be carried out, namely, the acquisition by the Government of denuded land suitable for reforestation, the disposal by the Government of mature timber suitable for logging, and the extension of Federal forest fire protection. Several years ago, by the act of March 20, 1922, the basic policy of the Government on this subject was laid down. It is that land outside the forest reserves suitable for reforestation may be acquired by the Government, and in exchange the Government can give an equal value of land or timber within the reserve. The law requires every proposed exchange to be publicly advertised in the newspapers.

There was some variance among suggestions given me as to the appropriate distance from the existing boundaries of Olympic National Forest to which the Government might go to acquire lands by such exchanges. One suggestion said 3 miles, another 6, another 11, and one 12. As I introduced the bill, the limit was fixed at 6 miles. When the Committee on the Public Lands of the House took up the measure it noted a recommendation submitted by the United States Department of Agriculture, and amended the bill in accordance therewith so as to permit exchanges up to 3 miles on the northern and eastern boundaries, and up to 12 miles on the southern boundary. In this form the measure passed the House by unanimous consent only a short time after a similar bill authorizing exchanges affecting Crater Lake National Forest in Oregon had passed.

Since the House acted in this matter I have learned of some objections to the bill originating in western Washington, which objections seem to be founded upon the belief that enactment of the measure would immediately remove from the tax rolls a large area of logged-off land. This is a misunderstanding. The bill, if enacted, would not of itself remove a dollar's worth of property from the tax rolls. It is not mandatory in its provisions, but permissive. It authorizes exchanges which, when consummated, after due public notice by advertisement, would

amount to mere transfers of taxable property. For every dollar's worth of logged-off land removed from the tax rolls there would be exchanged a dollar's worth of national forest timber, which would be equally taxable.

If it is thought that the bill reaches out too far from the existing boundaries of the national forest, amendments can easily be made in the Senate next winter. My interest in the matter is solely to enact a measure which will best serve the people of southwestern Washington, and whether a broad or narrow class of exchanges is to be permitted is of slight importance. The proposition is merely to give Federal forest-fire protection to a larger area, thus encouraging reforestation and hastening the day when a good second growth will be available, and at the same time to utilize ripe timber under the strict supervision of the Forest Service while logging operations near by are in progress and before decay sets in. My experience with Forest Service officials assures me that the interests of the Government and the people will be amply conserved in every step that may be taken in the event of the enactment of this bill.

MEMORIAL TO GENERAL GREENE AT FORT LEWIS

Early in the past spring officers of Henry A. Greene Lodge, No. 250, F. and A. M., Fort Lewis, informed me of their desire to erect a memorial lodge building within the confines of Fort Lewis Military Reservation. I took the matter up with the War Department, ascertained that the Secretary of War has no authority to permit construction of such a building, and at once introduced a bill to grant such authority. The bill was drafted to conform to a provision enacted several years ago to permit construction of a memorial building at Fort Leavenworth, Kans. The Secretary of War has made a favorable recommendation, and the Committee on Military Affairs of the House was all ready to submit a favorable report when, in the closing days of the session, Chairman MORIN of that committee could not get a quorum together to approve this and several other minor propositions. I am reasonably sure that the committee will act favorably and the bill will be enacted early next winter. If the measure becomes law, the memorial lodge building will be erected by the Henry A. Greene Memorial Association, numbering some of the most prominent and public-spirited Masons of Tacoma and vicinity, and space within it will be reserved for the Fort Lewis post office free of cost to the Government.

DAMAGES PAID ANTON ANDERSON

Anton Anderson, a fisherman of Chinook, has received by this time a small sum of Government money for which he has waited more than eight years, by reason of the enactment of a special bill introduced by me which became a law May 3, 1928. On April 8, 1920, the United States launch *Vigilant*, while operating in fortification construction work at the mouth of the Columbia River, accidentally ran into Mr. Anderson's fish trap, causing damages which cost him $170 to repair. After investigation the War Department was all ready to reimburse him directly, under authority of general law, when it was discovered that the *Vigilant* was not engaged in connection with river and harbor works. It became necessary to introduce special legislation, but on account of the overwhelming mass of bills in the Committee on Claims of the House the proposition was not reached until this year, when it received prompt and favorable action and was approved by the President.

PENITENTIARY WARDEN RELIEVED OF LIABILITY

Another settlement, long delayed by congestion in the House Committee on Claims, is that provided by the act of May 14, 1928, introduced by me for the relief of Finch R. Archer, warden at McNeil Island Penitentiary. Warden Archer was charged on Government books with the loss of $1,608.54, representing the value of money and personalty stolen by escaping prisoners, Turner and Peronto, September 26, 1922. Turner and Peronto were in the penitentiary serving three-year terms—one for forgery and the other for embezzlement. Turner was made a stenographer and Peronto a clerk-typist in the penitentiary office. Peronto was granted parole, won the confidence of the warden and other officers, had the run of the prison grounds, and was treated as a civilian employee. As Turner slept in the prison office and Peronto had practically complete liberty, it was an easy matter for the pair to rob the prison safe and escape with $594.79 belonging to other prisoners, $121.75 from the meal fund, and $892 worth of jewelry and effects belonging to inmates. Neither was apprehended. The bill introduced by me, which is now a law, makes settlement with Warden Archer in the amount charged against him on account of the robbery.

RELIEF OF DAVID J. WILLIAMS

Still another settlement, involving a case which was a cause célèbre in the Pacific Northwest a few years ago, was that crediting the accounts of David J. Williams, former collector of internal revenue at Tacoma, in the amount of $22,160.78, the sum stolen from the internal-revenue office at Seattle in a holdup which occurred March 16, 1920. The day before had been a heavy tax collection, as it was the last day for filing 1919 income-tax returns.

While Deputy Cashier R. E. Stafford was working on his reports early on the morning of March 16 two men, unmasked, but unknown, entered the office and covered him with revolvers. They forced him to enter the vault and unlock the burglar-proof safe, from which they took packages of currency amounting to $22,000. When Collector Williams was checked up by Government officers a shortage of $24,734.78 was found. The sum of $2,574, however, was reported to represent defalcations of employees of the office. So by the act just passed, approved April 27, 1928, credit is allowed for only $22,160.78, the amount of the robbery, plus some unidentified collections which could not be traced. Former Collector Williams is now living in Beverly Hills, Calif., but his many friends in Tacoma and other western Washington cities will be pleased to know that the burden under which he has been laboring more than eight years has been removed.

CASE OF JOHN P. PENCE

The House of Representatives on January 11, 1928, passed my bill to reappoint Lieut. John P. Pence, of Tacoma, an officer in the Signal Corps, United States Army, but the Senate Committee on Military Affairs rejected the measure. The case of Pence was a most unusual one. He was stationed at the isolated military telegraph post, Fort Gibbon, Alaska, in 1922. With him were his wife and 2-year-old son. Another child was expected. The post had been ordered abandoned, but decision with respect to removal to another location was delayed. During the period of delay Pence made repeated efforts to find a way safely to provide for his wife during approaching childbirth. It was impossible for her to take the trail unaccompanied. It was impossible for him to obtain either transfer or leave of absence. No other appropriate means could be found. Orders for removal to another situation, expected daily, were not received. At the time most critical in his domestic affairs, Lieutenant Pence was discharged as first lieutenant and tendered appointment as second lieutenant. This by reason of reduction of the Army. To protect his wife and son, and for the safety of his unborn child, he chose to decline demotion, accepting an honorable discharge from the Army. Thereafter he transported his family by sled, train, and boat to Tacoma, where the expected child was born February 8, 1923.

The House Committee on Military Affairs saw the desirability of reappointing this man to the Army and acted favorably on my bill. The House passed the measure. So much time has passed since the matter was first presented by me, and so many new officers have entered the Army, that in view of the Senate Committee's action there is no hope that my bill can be revived.

MRS. SPENCE'S BILL PASSED THE HOUSE

On July 23, 1926, shell fire from Reserve Officers' Training Corps artillery practice started a fire on the Fort Lewis artillery range. The flames, fanned by a strong wind, became uncontrollable, swept outside the reservation, and burned over 120 acres of pasturage and 20 acres of sown meadow owned and used by Mrs. Letitia Spence. An old straw barn, a manure spreader, 100 loads of manure, and part of the boundary fence belonging to Mrs. Spence were destroyed. In her behalf I introduced a special bill to reimburse her for the loss. The matter was taken up in the House Committee on War Claims, which committee reported that, although the damage was not due to the fault or neglect of any person, the Government should pay Mrs. Spence $966.20. The case was taken care of in an omnibus war claims bill which passed the House, but did not pass the Senate in the last session. I am hopeful that it will become a law before adjournment of the winter session on March 4, 1929.

PRESIDENT VETOES COWLITZ INDIAN CLAIM BILL

One of the disappointments of the past session was the veto message of the President which checked my effort to provide authority for the Cowlitz Tribe of Indians to file suits against the Government in the Court of Claims. Almost everybody in southwestern Washington knows of the long and patient efforts of the members of this tribe to present their claim on account of rich and fertile lands taken without compensation by white people in the early days. The Cowlitz bands made no treaties with the Federal Government, as did some Indian tribes, but they have always believed themselves entitled to relief. Bills to permit them to file suit in the Court of Claims have been introduced by me for a dozen years or more. Twice before this matter has come very near to a conclusion; once when the Hadley bill, giving the Claims Court authority to hear other western Washington Indian cases, was under consideration, and another time when the Cowlitz proposition passed the House independently. My advice to the Cowlitz people was that they

join with other western Indians to secure relief under the Hadley bill. This they declined to do at that time, but later they agreed, so that the bill which has now been vetoed is a mere amendment of the Hadley bill which should have been a part of it originally. I am very sorry about the veto, as the bill passed both House and Senate without question or debate, but I am in hopes that the measure can be passed over the veto when Congress assembles again next winter. I shall do all I can in the matter.

A 22-YEAR-OLD CLAIM SETTLED

A claim nearly 22 years old was disposed of when Congress passed and the President approved my bill for the relief of Thomas Huggins, of Tacoma. Mr. Huggins was a lessee of the du Pont Powder Co. on certain lands near American Lake in 1906. In July and August of that year the Army carried on extensive maneuvers in that locality, necessarily working damage to considerable property. Mr. Huggins declined to sign a lease presented him by Army officers, so when the time came for settlement of damages the War Department was without authority to pay. The law does not permit payment for the use of land, except a formal lease is in existence. The matter hung on for years. Senator JONES introduced bills to provide settlement in 1913 and 1915. Finally in 1927 Mr. Huggins appealed to me, and my bill received prompt and favorable attention, with the result that payment of $750 has been authorized.

CIVIL WAR WIDOWS' PENSION INCREASED

In this Congress as in the previous one I introduced a bill to increase pensions of widows of Civil War veterans, and I am pleased to report that something has been done by Congress along this line, although the action taken is not so generous as I had hoped. For several years widows of Civil War veterans have been entitled to pensions of $30 per month, except in the case of a widow married to a soldier before the expiration of his Civil War service, in which case—since July 3, 1926—the pension is $50 per month. The bill introduced by me would have paid all Civil War widows $50 monthly pension, but the Committee on Invalid Pensions reported, both House and Senate passed, and the President approved a bill granting $40 monthly to widows reaching the age of 75 years. The $30 rate still stands for those under 75, and the $50 rate for those married before or during the Civil War.

I have always been a supporter of liberal pension legislation, as I believe this rich and powerful Government can well afford to be generous to those who have fought on the field of battle and to their dependents.

During the session just closed I have brought about enactment of nearly a score of special pension bills to take care of exceptionally worthy cases. Several of these have been for widows married since the time limit of the general law, June 27, 1905. One was for a widow whose title under the general law could not be established because of a divorce record. Another was for the helpless, speechless son of a recently deceased Civil War veteran, a well-known and highly respected citizen of Tacoma, the son having been an invalid since infancy. He is now past 50 years of age, and his pension beyond the age of 16 years could not have been provided except by special act.

It has been a pleasure to work for special pensions for Spanish War veterans and Civil War veterans and to secure results. Hundreds of these special pension bills are to my credit. Space limitation prevents enumeration. Also I have been glad to help in making compensation and hospital adjustments for World War veterans, whether from the third district or not. Successes with these alone this year run into the hundreds.

I receive, and am glad I do receive, a very heavy mail. All—on every conceivable subject—receives prompt attention. I invite letters from constituents. In handling their letters I am assisted by two faithful secretaries—P. F. Snyder and Mrs. Virginia Davis—each of whom has been with me more than 14 years. Other clerks handle the committee mail, documents, and so forth. I have on hand quantities of good farmers' bulletins on all important branches of agriculture and shall be glad to mail them out liberally. Incidentally, let me say that nearly 1,000 bills became laws during this session. If each of the 435 Members of the House and 96 Members of the Senate had passed as many as I did, the total number would have been 7,000 or more. It is not easy to pass even a little bill through both branches of Congress.

CASE OF MRS. ANNIE M. LIZENBY, OF TACOMA

The bill introduced by me for the relief of Mrs. Annie M. Lizenby, of Tacoma, unfortunately was not reached in the mass of work before the House Claims Committee during the past session, but I have the promise of Chairman CHARLES L. UNDERHILL, of that committee, that it will be put on the calendar early next winter. Mrs. Lizenby was struck down and seriously injured by an Army truck in December, 1922. The War Department ever since has disclaimed responsibility, saying that the icy streets on the day of the accident should have been roped off by the city and traffic detoured. The evidence shows, however, that the truck which struck Mrs. Lizenby was driven by an inexperienced man. I am confident that upon consideration of all the facts the Congress will not hesitate to remunerate this worthy woman, who has been so well beloved by a wide group of friends in Tacoma, and whose sufferings and privations due to the accident have been almost more than human strength could bear.

BILL FOR DAVID F. RICHARDS PASSED THE HOUSE

One of the measures that appealed to the sensibilities as well as the sympathies of the House in the last session was my bill to hold and consider David F. Richards, of Tacoma, honorably discharged from the Army. Mr. Richards, when an unsophisticated country boy of 18 years, enlisted in the Army and was sent to the Philippines. There he encountered a hard-boiled top sergeant who borrowed his money and when required to pay it back retaliated by impositions which only a "top-kick" can devise. Richards got a series of summary court-martials, and when the order came to reduce the strength of the Army he got a dishonorable discharge. The House Committee on Military Affairs, reporting my bill for his relief, said that he committed no offense serious enough in itself to warrant discharge without honor. The committee took cognizance of evidence showing the extent to which the former soldier had won the respect of his associates in civil life, gladly reported the bill, and passed it in the House. I am hopeful that it will pass the Senate and be approved by the President next session.

FEDERAL COURT BAILIFFS AND CRIERS

At the beginning of the last session my attention was called to the unfortunate situation of bailiffs and criers in the Federal courts, who, although required to be available for duty at all times, were being paid on a per diem basis and receiving a pitifully small wage. When I took the matter up with the Attorney General he expressed the opinion that the separate position of court crier ought to be abolished, and said the bailiffs should be placed on a salary basis. He called my attention to a provision in the Code of Laws of the District of Columbia authorizing appointment of deputy marshals to perform the duties of bailiffs and criers. Accordingly I introduced a bill making this change effective in respect of all Federal courts and providing salaries of $150 monthly for such deputy marshals. The matter was taken up in the Committee on the Judiciary of the House, which reported a committee bill instead of mine. It is now known as the Dyer bill and is on the calendar of the House with good prospect of enactment in the session to convene next December.

ARMY TENTS FOR CENTRALIA CONVENTION, AMERICAN LEGION

Despite objections of the War Department, the House Committee on Military Affairs reported and the House itself passed my bill to authorize a loan of tents and camp equipment to the housing committee for the American Legion convention to be held at Centralia, Wash., August 8, 9, and 10, 1928. The War Department insists that such loans ought to be made only to the national conventions of service men's organizations. The House committee expressed the opinion that such a limitation would force all State conventions to be held in the larger cities, where ample hotel accommodations are available, thus depriving the smaller cities of the inspiration which such gatherings provide. The Senate Committee on Military Affairs, however, stood with the War Department in this matter and, although Senator JONES made strong representations to members of that committee, the matter fell by the wayside. With reference to the Centralia convention, it is not out of place for me to say that the Secretary of War has promised me that airplanes from Pearson Field, Vancouver, will be in attendance, and Assistant Secretary of War F. Trubee Davison, who has charge of aviation matters, will make a strong effort to be present.

EMPLOYMENT OF AMERICAN CITIZENS ON BOULDER DAM CONSTRUCTION

Although it does not relate directly to the affairs of southwestern Washington, citizens generally will be interested in knowing that when the Boulder Canyon Dam bill passed the House of Representatives it contained an amendment presented by me reading as follows:

Provided, That the laws of any State in which any part of the construction work herein authorized is performed, in respect of the employment of laborers and mechanics on State, county, or municipal works, shall apply to the employment of laborers and mechanics upon any part of the construction work herein authorized.

Inasmuch as all the States in which the Boulder Canyon Dam works are to be built have laws or constitutional provisions giving preference to American citizens in employment on their public works, this amendment means that Americans will

have first call on all jobs when the construction of this great project begins. As St. Paul says:

He that provideth not for his own, and specially for those of his own house, hath denied the faith and is worse than an infidel.

Let us always provide first for Americans!

IMPORTANT IMMIGRATION LEGISLATION ENACTED

I have written and spoken so much on the subject of immigration that perhaps a reference to the subject in this extended report of local affairs will be out of place. Yet it has been my experience that people of southwestern Washington, being earnest students of national affairs, abreast of the times, and thoroughly American in their feelings, are ever ready to learn of the efforts I have made for the protection of the country through immigration restriction.

Those who have followed the subject will be gratified to know that four important measures have been put on the statute books during the past session.

IMMIGRANT INSPECTORS' SALARIES INCREASED

Although they are perhaps of equal moment, I want to mention first the bill introduced in the Senate by Senator REED of Pennsylvania and in the House by Representatives THOMAS A. JENKINS, of Ohio, increasing the pay of immigrant inspectors. These faithful servants of the Government have long been underpaid and handicapped by no uniform scheme of promotion. The Reed-Jenkins bill, to which I was glad to give much assistance in committee, on the floor, before the Bureau of the Budget, and at the White House, increases the salaries of all the lower-paid inspectors, classifies the entire inspector force, and authorizes the first promotion scheme the service has had. Further, it authorizes the payment of travel expense when an immigrant inspector is sent overseas to serve as a technical adviser at an American consulate.

I do not know of anything more important to the enforcement of immigration restriction than this. Immigrant inspectors are the real guardians of our gates. Many of them have to know several foreign languages. They have to be thoroughly acquainted with the laws, fair and courteous in their enforcement, and available for duty at all times and in all conditions of weather. It is a matter of gratification to me that at last we have been able to give them better salaries and more generous working conditions through the passage of this act.

REUNION OF IMMIGRANT FAMILIES PROVIDED FOR

Another and a most valuable enactment is the Copeland-Jenkins bill to amend the nonquota and preference provisions of the Johnson Act of 1924. Under the original statute exemption or nonquota status was available only to the wives and unmarried children under 18 years of age of citizens of the United States. Under the new law, approved by the President May 29, 1928, nonquota status is available to the American-born woman who lost her citizenship by marriage to an alien prior to September 22, 1922, if she has since been widowed; also, to the husband of an American woman citizen, if married before June 1, 1928; also, to the wife and the unmarried child under 21 years of age of an American citizen. These additional exemptions will authorize the admission of an accumulation of less than 4,000 deserving cases, and in future years will add about 1,000 annually to our immigration.

The new law further alters the preference provisions of the immigration act of 1924 and in part satisfies the clamor that has been heard for the past four years with reference to the separation of alien families. Beginning July 1, 1928, the first half of each quota will be reserved for fathers and mothers of citizens, husbands of citizens (if married after May 31, 1928), and agriculturists (from countries having quotas of more than 300). The second half of each quota will be reserved for the wives and unmarried children under 21 of aliens who have been lawfully admitted to the United States for permanent residence.

In this amendment of the preference provision a double purpose is served. First, we shorten the waiting time abroad of persons entitled to preference; second, we defer (perhaps indefinitely in some cases) those whose coming would amount to the planting of new seed in this country. Brothers, sisters, aunts, uncles, cousins, nieces, nephews, and aliens of no relationship desiring to come to the United States are set aside in favor of the wives and minor children of those already here. The whole quota, if demand therefor exists, is to be made up of those on whose account alien organizations in the United States have been setting up a cry for relief since the act of 1924 was put on the statute books.

I am sure it will be recognized immediately that the new act is a distinctly restrictionist measure. When we give preference to the wives and minor children of aliens we expedite their immigration. Once here they are not available to come in nonquota status after their husbands or fathers acquire citizenship. This means eventually a lessening of the total of nonquota admissions. Further, the deferment of brothers, sisters, and so forth, means the postponement of the day when newcomers plead for admission of another crop of wives and minor children, either as preference or nonquota cases.

A FURTHER RESTRICTION OF IMMIGRATION IS IMPERATIVE

The problem of immigration to-day is not the allocation of the European quotas, either among nationalities or among classes of relationship, but the lessening of the number of nonquota admissions. This is emphasized when we consider the thousands entering the United States across our southern border, all of whom come exempt from quota restriction. The Committee on Immigration and Naturalization of the House, of which I have been chairman more than nine years, devoted several weeks to a study of this problem, and doubtless will pursue it further hereafter. My own opinion is that sooner or later a limitation upon Western Hemisphere immigration is inevitable. The problem is to find an appropriate, fair, and equitable basis upon which to build it. In this, as in every other legislative proposition, we want to employ a rule of reason which will do no one, citizen or alien, irremediable injury, but will work to the advantage of the people of the United States, tending to homogeneity, and advancing the interests most especially of those who labor with their hands.

ADMISSION OF CANADIAN INDIANS

A third legislative accomplishment in immigration was a small bill over which there was much discussion, namely, the measure to admit in nonquota status American Indians born in Canada. When the immigration act of 1924 was passed no one dreamed that its exclusion provisions, referring to orientals, would be construed to apply to Canadian Indians. Such a construction was had, however, and remedial legislation became necessary. The crossing of the northern boundary of New York and adjoining States by these people has been thought to be a right since colonial times. It is now restored by the recent statute.

THE NATIONAL-ORIGIN PROVISION OF THE IMMIGRATION ACT OF 1924

The last immigration act to be mentioned, which was really the first to be enacted, is the resolution postponing for another year the operation of the national-origin provision of the immigration act of 1924. This is an involved and technical matter concerning which many earnest and conscientious supporters of immigration restriction are in disagreement. The House of Representatives did not favor the national-origin proposition at the outset, and, in my opinion, the House would repeal it instanter if given an opportunity. The Senate, on the other hand, has been convinced of its merit. In view of this disagreement the best that could be done was to afford the scientists of the State, Commerce, and Labor Departments another year in which to study its workings. The matter will come up again next winter. I believe that a plan can be worked out by which none of the countries whose present immigration quotas are 10,000 or less will be cut down; that immigrants from these countries, which include Sweden, Norway, Finland, Denmark, Italy, and some others, will be permitted to come as family units. This adjustment and the restriction from Mexico will round out and make complete the immigration act of 1924, which is now generally conceded to have been a great blessing to the United States.

EMERGENCY OFFICERS' RETIREMENT BILL

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, on day before yesterday the enlisted men of the World War—those millions of brave, patriotic boys who constituted the rank and file of the American forces during that conflict—received a most cruel slap from the Congress of the United States, when it passed over the President's veto the Tyson-Fitzgerald so-called emergency officers' retirement bill, which reverses one of the most sacred and time-honored of American policies, and pensions ex-service men according to rank and not according to their disabilities.

President Coolidge is not of my political party. I differ from him on the great fundamental principles of government which separate the two major parties in America. But I must con-

fess that the American people, and especially the ex-service men, owe him a lasting debt of gratitude for his patriotic attempt, through the exercise of his veto power, to save this most sacred policy of American institutions.

The private soldier who went to war inspired by a desire to do his patriotic duty toward "making the world safe for democracy," who did not pause to ask for a commission, who was interested more in fighting for his country than he was in promoting his own personal welfare, must turn sick at heart when he realizes what this bill means to him.

By the inspired propaganda, put out by a little group of selfish ex-officers, the American Legion has been misled, the ex-service men from the rank and file have been betrayed, and Congressmen have been deceived into capitulating, surrendering their convictions, and voting for one of the most pernicious measures that a well-organized, selfish lobby has ever been enabled to place upon the statute books of this Republic.

If every Member of Congress had voted his convictions, as expressed by him in private and in the cloakroom, instead of overriding the President's veto it would have been sustained by a vote of at least three or four to one. It has been one of the saddest experiences of my official career to hear men, not just one or two, but dozens of them, admit the viciousness of this legislation, condemn it in the most positive terms, and then show their lack of moral courage to oppose it and vote their convictions on it. In the face of the record, with the facts known, we saw men vote on the floor of the House to override the veto and then walk into the cloakroom and there admit that they were ashamed of their votes.

But they gave as their reasons that they had promised somebody, sometime, somewhere, to vote for this measure, about which they admitted they had been deceived and the contents of which they did not know, until it came to the floor of the House, where for the first time the opponents of the measure were given a public hearing.

The American Legion posts with which we took this measure up and asked them to study it, discuss it, and then vote upon it, and which complied with our request, came back and repudiated it in no uncertain terms. Yet, a few alleged leaders in the Legion have brought this pressure to bear through propaganda, distorted the very fundamental purpose for which the Legion was organized, and have done the country more harm at one blow than they could do it good for the next 50 years unless they should get behind a movement to repeal this iniquitous law and restore to the statute books of this country those fundamental principles of equality and justice which have actuated and inspired our soldiers in every conflict from the beginning to the present time.

What does this bill do? It creates a military aristocracy in times of peace. It marks the beginning in America of that European autocracy which it almost exhausted the manhood and resources of the world to destroy. It gives the lie to the statement that we fought the war to make the world safe for democracy. With all of the brazen affrontery of an act of the old German Reichstag, it pensions men according to rank instead of according to disability—thus beginning a military autocracy in times of peace.

This bill was voted out of the Veterans' Affairs Committee of the House, as the record will show, by a vote of 8 to 7. One of those eight men, who cast the deciding vote, goes on the pension roll under this bill at $187.50 a month or $2,250 a year for life, although he is now drawing a salary from the Government of $10,000 a year.

Under this bill, while a private soldier with a 30 per cent disability will get $30 a month, or $360 a year so long as he can prove his disability exists—

A second lieutenant with a 30 per cent disability will get $93.75 a month, or $1,125 a year, for life, whether he recovers from his disability or not.

A first lieutenant with a 30 per cent disability will get $125 a month, or $1,500 a year, for life, whether he recovers or not.

A captain with a 30 per cent disability will get $150 a month, or $1,800 a year, for life, whether he recovers or not.

A major with a 30 per cent disability will get $187.50 a month, or $2,250 a year, for life, whether he recovers or not.

A lieutenant colonel with a 30 per cent disability will get $218.75 a month, or $2,525 a year, for life, whether he recovers or not.

A colonel with a 30 per cent disability will get $250 a month, or $3,000 a year, for life, whether he recovers or not.

A brigadier general with a 30 per cent disability will get $375 a month, or $4,500 a year, for life, whether he recovers or not.

While the enlisted man with the same disability of 30 per cent will get only $30 a month, or $360 a year, and that only as long as he can prove that his disability exists.

Read those figures to the enlisted men who sacrificed just as much, who are just as worthy, just as patriotic, just as brave, and just as intelligent as the men who secured commissions and for the pecuniary benefits of a small group of whom this unjust legislation has been enacted.

But here is the "most unkindest cut of all." It discriminates against the sacred dead, who, as Lincoln said, "gave the last full measure of devotion" upon the field of battle, or who have died since the war closed.

It ignores the widows and orphans of those officers, as well as enlisted men, who were killed at the battle front and leaves them to secure their compensations on the basis of the compensation now allowed for the dependents of enlisted men. If we are going to compensate men according to their disabilities, surely we can not justify in reason, common sense, or common honesty the pensioning of a captain at $1,800 a year, a major at $2,250 a year, or a colonel at $3,000 a year with an alleged 30 per cent disability and at the same time deny any pittance of those benefits to the widows and orphans of men of the same rank or of enlisted men who died on the firing line in France.

In order that the ex-service men who chance to read this RECORD may understand what this bill does, I am inserting a list of its beneficiaries now employed by the Veterans' Bureau, showing the salaries they are now drawing, the pensions they are receiving, and the pensions to be received by them under this bill.

I am also inserting a list of the beneficiaries in the State of Mississippi, which is typical of all the States. These lists were prepared by the Veterans' Bureau and were inserted in the CONGRESSIONAL RECORD, along with the lists of all the other States, by Senator BINGHAM, of Connecticut, himself an ex-service man of the World War and an ex-officer in the Aviation Corps.

Our Government is getting too far from the people; and unless they wake up and make their influence felt in Washington I fear that our sacred American institutions can not long endure.

All of the ex-officers of the World War are not in favor of this bill. In fact, a vast majority of them are opposed to it. Some of the best speeches made in opposition to it in the debate on the floor of the House were made by ex-officers, some of whom were wounded on the battle front. Those ex-officers who believe in the fundamental principles of Americanism and American institutions must shudder with disgust when they understand this legislation and realize that it was put over in their names. Those enlisted men who patriotically responded to the call must feel a pang of sorrowful disappointment at the treatment which they have received at the hands of the American Congress. They must derive little satisfaction indeed from a realization of the fact that they have thus been misrepresented and mistreated at the hands of the Members of Congress, who are supposed to protect them against the very violent and unjust discriminations which this bill imposes.

The widows and orphans of those who died in the cause must turn their sorrow-stricken faces to the chair made vacant by the family fireside and weep the tears of broken hearts when they come to realize that Congress has thus ignored them, discounted the sacrifices their loved ones made, repudiated the very principles for which they fought, in order to yield to the penurious demands of a small group of survivors who are already being taken care of infinitely better than are the loved ones of those heroes who made the supreme sacrifice.

Last, but not least, as I pointed out on the floor the other day, the broken-hearted mother, clothed in the weeds of mourning, who stands by the tomb of the Unknown Soldier, weeping for one who never returned but who made the supreme sacrifice in a moment of his country's peril, sorrowing for that loved one upon whose shoulders she had hoped to lean for support and protection in her declining days, must have the bitter consciousness of knowing that this Congress, in this bill, has violently discriminated against him and against her. Whether he was an officer or an enlisted man, he and his loved ones are ignored and discriminated against by the provisions of this unjust legislation.

God grant that it may be the cause of the awakening of our people, and especially of our ex-service men, to a realization of the grave dangers into which our Government is drifting, and that it may arouse them to a demand for its repeal, and bring about a revival of that spirit which has actuated them in every great crisis of our country's history, that they may redeem our endangered institutions and restore our sound American policies.

EXHIBIT

Beneficiaries of the Tyson-Fitzgerald bill employed by the Veterans' Bureau, together with their rank, salary, extent of disability, amount of monthly compensation now received, and amount of monthly compensation if Tyson-Fitzgerald bill becomes a law

Number	Name and address	Rank	Salary	Extent of disability (partial permanent)	Amount of monthly compensation	Amount of monthly compensation if Tyson-Fitzgerald bill becomes law	Yearly pension under Tyson-Fitzgerald bill
				Per cent			
165794	Ale, John H., U. S. Veterans' Bureau, regional office, Indianapolis, Ind	First lieutenant	$4,200.00	85	$85.00	$125.00	$1,500.00
1009817	Aten, Everett Maxwell, Hospital No. 103, Aspinwall, Pa	Captain	2,500.00	40	40.00	150.00	1,800.00
1264597	Barnes, Geo., Hospital No. 102, Livermore, Calif	Second lieutenant	1,680.00	35	35.00	93.75	1,125.00
293958	Bittner, Earl Robt., U. S. Veterans' Bureau, regional office, Baltimore, Md	do	2,200.00	35	35.00	93.75	1,125.00
317876	Blackburn, John D., U. S. Veterans' Bureau, regional office, Atlanta, Ga	First lieutenant	[1] 3,142.00	50	50.00	125.00	1,500.00
1271880	Borden, Archibald D., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	Major	3,800.00	55	55.00	187.50	2,250.00
411008	Boyd, Benj. D., Hospital No. 91, Tuskegee, Ala	First lieutenant	3,500.00	40	40.00	125.00	1,500.00
685146	Burstein, Louis L., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	3,800.00	63	63.00	125.00	1,500.00
1321023	Campbell, Novel W., U. S. Veterans' Bureau, regional office, San Francisco, Calif	Captain	3,800.00	40	40.00	150.00	1,800.00
479058	Carling, John, Dr., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,307.00	36	50.00	150.00	1,800.00
470804	Coumbe, Arthur G., Hospital No. 55, Fort Bayard, N. Mex	Major	3,900.00	64	64.00	187.50	2,250.00
487651	Diodati, Vincent M., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	4,200.00	30	30.00	150.00	1,800.00
113746	Duncan, Miles J., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,007.00	75	75.00	150.00	1,800.00
1123681	Durham, R. B., U. S. Veterans' Bureau, regional office, Columbia, S. C	do	4,200.00	32	50.00	150.00	1,800.00
1275983	Earnest, F. James Mahon, Portland, Oreg	Major	4,200.00	50	50.00	187.50	2,250.00
327132	Ellis, Luther E., U. S. Veterans' Bureau, regional office, Detroit, Mich	Captain	4,200.00	(1)	100.00	150.00	1,800.00
319963	Essenson, Oscar S., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	4,000.00	45	50.00	150.00	1,800.00
380828	Eyerle, Sema Le Clere, U. S. Veterans' Bureau, regional office, Denver, Colo	Lieutenant, U. S. N. R. F.	3,900.00	30	50.00	150.00	1,800.00
369813	Feltham, Percy M., Central Office, Washington, D. C	Captain	4,200.00	67	67.00	150.00	1,800.00
452345	Ferguson, Jo. Marvin, Hospital No. 74, Gulfport, Miss	do	6,200.00	33	33.00	150.00	1,800.00
567006	Fitzgerald, Wm. Thos., U. S. Veterans' Bureau, regional office, New York, N. Y	Second lieutenant	3,900.00	71	71.00	93.75	1,125.00
1360619	Given, Ellis E. W., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Lieutenant colonel	[1] 3,000.00	68	68.00	218.75	2,625.00
583944	Grant, Harold R., U. S. Veterans' Bureau, regional office, Detroit, Mich	First lieutenant	2,700.00	74	74.00	125.00	1,500.00
416834	Greene, Fred B., U. S. Veterans' Bureau, regional office, Portland, Oreg	Captain	2,000.00	40	40.00	150.00	1,800.00
609646	Harrison, Edmund L., U. S. Veterans' Bureau, regional office, Charleston, W. Va	First lieutenant	3,300.00	55	55.00	125.00	1,500.00
328104	Hindman, Samuel, U. S. Veterans' Bureau, regional office, Cleveland, Ohio	Captain	4,000.00	59	59.00	150.00	1,800.00
603154	Howard, John F., U. S. Veterans' Bureau, regional office, Denver, Colo	do	4,200.00	55	55.00	150.00	1,800.00
1094334	Johnson, Edwin M., U. S. Veterans' Bureau, regional office, Washington, D. C	do	4,400.00	44	44.00	150.00	1,800.00
309568	Johnson, Erik St. John, U. S. Veterans' Bureau, regional office, Boston, Mass	do	4,200.00	44	44.00	150.00	1,800.00
528515	Keeler, Claude C., Hospital No. 106, Fort Snelling, Minn	do	5,000.00	88	88.00	150.00	1,800.00
617221	Kendall, William Eugene, U. S. Veterans' Bureau, regional office, Chicago, Ill	Major	5,200.00	60	40.00	187.50	2,250.00
1090136	Lazenby, Earl K., U. S. Veterans' Bureau, regional office, Charlotte, N. C	Captain	3,918.00	40	67.00	150.00	1,800.00
318761	Loewy, Ignatz D., U. S. Veterans' Bureau, regional office, Phoenix, Ariz	Major	5,800.00	(1)	100.00	187.50	2,250.00
1230898	Maher, Harry E., U. S. Veterans' Bureau, regional office, Fargo, N. Dak	First lieutenant	2,900.00	50	50.00	125.00	1,500.00
860177	Malone, Will H., jr., U. S. Veterans' Bureau, regional office, Atlanta, Ga	do	4,200.00	61	61.00	125.00	1,500.00
472152	McCulloch, David Coyle, U. S. Veterans' Bureau, regional office, Los Angeles, Calif	Captain	4,000.00	30	50.00	150.00	1,800.00
445400	McKnight, James L., Hospital No. 51, Tucson, Ariz	First lieutentant	4,200.00	50	50.00	125.00	1,500.00
1242952	Mollison, Wm. T., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Colonel	3,000.00	31	31.00	250.00	3,000.00
364656	Newquist, Daniel C., U. S. Veterans' Bureau, regional office, Des Moines, Iowa	Captain	2,740.00	79	79.00	150.00	1,800.00
403973	Partington, Cyrus B., U. S. Veterans' Bureau, regional office, Denver, Colo	First lieutenant	4,500.00	37	50.00	125.00	1,500.00
1405707	Patton, John R., U. S. Veterans' Bureau, regional office, Boston, Mass	Captain	3,900.00	65	65.00	150.00	1,800.00
313793	Penrose, Thos. Wm., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Major	3,600.00	47	47.00	187.50	2,250.00
296969	Richeson, Austin B., U. S. Veterans' Bureau, regional office, Portland, Oreg	do	2,700.00	51	51.00	187.50	2,250.00
436813	Ruth, Lloyd A., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Second lieutenant	2,750.00	70	70.00	93.75	1,125.00
1231432	Sansing, Campbell, U. S. Veterans' Bureau, regional office, Dallas, Tex	First lieutenant	3,900.00	36	36.00	125.00	1,500.00
338718	Schwarz, Theodore E., Hospital No. 103, Aspinwall, Pa	Major	4,000.00	44	44.00	187.50	2,250.00
365002	Seibert, David A., U. S. Veterans' Bureau, regional office, Seattle, Wash	First lieutenant	3,600.00	68	68.00	125.00	1,500.00
528920	Sherry, Cameron B., U. S. Veterans' Bureau, regional office, San Antonio, Tex	Second lieutenant	3,000.00	54	54.00	93.75	1,125.00
467751	Small, John Jos., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	3,600.00	70	70.00	150.00	1,800.00
223707	Smith, Dallas B., Central Office Insurance Division	Lieutenant colonel	6,000.00	56	56.00	218.75	2,625.00
313817	Steindler, Leo F., U. S. Veterans' Bureau, regional office, Baltimore, Md	Captain	3,800.00	77	77.00	150.00	1,800.00
1124621	Sullivan, Claude H., U. S. Veterans' Bureau, regional office, Charlotte, N. C	First lieutenant	4,000.00	48	48.00	125.00	1,500.00
1339479	Von Dahn, Howard C., Hospital No. 63, Lake City, Fla	Captain	6,200.00	35	35.00	150.00	1,800.00
283048	Wakefield, John D., U. S. Veterans' Bureau, regional office, Cincinnati, Ohio	do	3,900.00	35	35.00	150.00	1,500.00
274034	Weltner, Fred P., U. S. Veterans' Bureau, regional office, Charleston, W. Va	Major	[1] 2,400.00	42	42.00	187.50	2,250.00
322616	Wheeler, William D., U. S. Veterans' Bureau, regional office, Newark, N. J	Captain	2,600.00	61	61.00	150.00	1,800.00
405430	Whitledge, Herbert E., Hospital No. 79, Outwood, Ky	do	6,278.00	63	63.00	150.00	1,800.00
1069534	Woods, Phillip H., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	do	4,200.00	35	35.00	150.00	1,800.00
349167	Wyatt, Frederick L., U. S. Veterans' Bureau, regional office, Birmingham, Ala. (mobile station).	do	3,200.00	60	60.00	150.00	1,800.00

[1] Partial temporary.

Beneficiaries, by States, showing names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the passage of the Tyson-Fitzgerald bill

MISSISSIPPI

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill	Yearly pension under Tyson-Fitzgerald bill
Adams, Winfred	1110 Jackson St., Corinth, Miss	No occupation given	1888	Permanent partial, 35 per cent	$35.00	$150.00	$1,800.00
Akin, Laurence R	U. S. veterans' hospital, Gulfport, Miss	Sales clerk, heavy commodities.	1888	Permanent total	100.00	125.00	1,500.00
Austin, Barnett D	400 Elm St., Greenwood, Miss	Physician	1864	do	100.00	150.00	1,800.00
Aycock, Wm. J	Box 5, Derma, Miss	do	1888	Permanent partial, 58 per cent	58.00	125.00	1,500.00
Beams, Douglas E	210 Hunt Ave., Greenville, Miss	Lawyer	1880	Permanent total	100.00	150.00	1,800.00
Bennett, Harvey E	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Mining engineer	1886	do	100.00	125.00	1,500.00
Blank, Guy B	Red Lick, Miss	Foreman construction	1890	Permanent partial, 45 per cent	45.00	93.75	1,125.00
Burns, Joseph S	23 Orange St., Natchez, Miss	Carpenter	1877	Permanent total	100.00	187.50	2,250.00
Coker, Perry A	Brookhaven, Miss	Barber	1887	Permanent partial, 35 per cent	35.00	125.00	1,500.00
Crawley, David E	Kosciusko, Miss	Lawyer	1886	Permanent partial, 56 per cent	56.00	150.00	1,800.00
Curtis, Thomas M	600 Walnut St., Hattiesburg, Miss	Salesman	1862	Permanent partial, 65 per cent	65.00	150.00	1,800.00
Ferguson, Jo. Marvin	U. S. veterans' hospital, Gulfport, Miss	Physician	1877	Permanent partial, 33 per cent	33.00	150.00	1,800.00
Gray, Robert E	Rt. No. 2, Box 46, Gulfport, Miss	do	1880	Permanent total	100.00	125.00	1,500.00
Griffin, Garnett W	1009 33d Ave., Gulfport, Miss	Salesman, light samples	1893	Permanent partial, 56 per cent	56.00	150.00	1,800.00
Hall, Rolland D	181 Glen Mary St., Jackson, Miss	Student	1897	Permanent partial, 50 per cent	50.00	125.00	1,500.00
Hassley, Dennis	1215 Main St., Vicksburg, Miss	No occupation given	1876	Permanent total	150.00	150.00	1,800.00
Henson, Edward N	Philadelphia, Miss	Student	1893	Permanent partial, 79 per cent	79.00	125.00	1,500.00

Beneficiaries, by States, showing names, addresses, occupations, dates of birth, extent of disability, monthly compensation now paid by the Government, and the proposed monthly payment under the passage of the Tyson-Fitzgerald bill—Continued

MISSISSIPPI—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill	Yearly pension under Tyson-Fitzgerald bill
Houtz, Burmond C	Canton, Miss	Not given	1895	Permanent total	$100.00	$93.75	$1,125.00
Howell, Henry	Hospital No. 74, Gulfport, Miss	No occupation	1889	do	100.00	125.00	1,500.00
Johnson, John H	Brookhaven, Miss	Physician	1856	Permanent partial, 62 per cent	62.00	187.50	2,250.00
Kellis, John H	Shuquabak, Miss	do	1892	Permanent partial, 40 per cent	40.00	125.00	1,500.00
Lofton, Albert C	Lucien, Miss	do	1878	Permanent partial, 42 per cent	42.00	125.00	1,500.00
McHenry, Wiley E	R. F. D. No. 3, Box 74, Soso, Miss	Farmer	1876	Permanent total	100.00	93.75	1,125.00
McKinley, Walter	Columbus, Miss	Physician and surgeon	1872	do	150.00	150.00	1,800.00
McVey, Eric A	Lambert, Miss	Physician	1889	Permanent partial, 50 per cent	50.00	150.00	1,800.00
Miller, Francis L	Box 192, Hattiesburg, Miss	Student	1895	Permanent partial, 64 per cent	64.00	93.75	1,125.00
Moore, John S	Magnolia, Miss	Physician, surgeon	1879	Permanent partial, 61 per cent	61.00	125.00	1,500.00
Moore, William M	604 Jackson Ave., Yazoo City, Miss	Retail dealer, general stores.	1887	Permanent partial, 75 per cent	75.00	150.00	1,800.00
Murphy, James B	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Not given	1889	Permanent total	60.00	93.75	1,125.00
Onsley, Benjamin L	Tougaloo, Miss	No occupation	1892	do	100.00	93.75	1,125.00
Powell, Henry B	Ocean Springs, Miss	Physician	1865	Permanent partial, 42 per cent	42.00	150.00	1,900.00
Roberts, Curt E	Tutwiler, Miss	Student	1895	Permanent partial, 79 per cent	79.00	93.75	1,125.00
Rolla, Oliver E	214 Morgan Lane, Pascagoula, Miss	Proprietor of barber shop	1892	Permanent partial, 34 per cent	34.00	125.00	1,500.00
Schwam, Walter M	U. S. veterans' hospital, Gulfport, Miss	Stenographer	1898	Permanent total	20.00	93.75	1,125.00
Schwartz, Grover C	Iuka, Miss	Clergyman	1886	Permanent partial, 79 per cent	79.00	125.00	1,500.00
Sellers, Wm. LeR	U. S. veterans' hospital, Gulfport, Miss	Student	1892	Permanent total	100.00	125.00	1,500.00
Varnado, Samuel R	do	No occupation	1888	do	100.00	150.00	1,900.00
Wooton, Chancellor	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Instaward sanitary inspector.	1880	do	100.00	125.00	1,500.00
Worrell, Magners L	Vicksburg, Miss	Civil engineer	1871	do	100.00	150.00	1,800.00
Yates, Riley B	Care of Milsap College, Jackson, Miss	Physician	1888	Permanent partial, 30 per cent	30.00	150.00	1,800.00

SAN FRANCISCO AND THE HETCH HETCHY

The SPEAKER pro tempore. Under the special order the gentleman from California [Mr. WELCH] is recognized for 30 minutes.

Mr. WELCH of California. Mr. Speaker and Members of the House, the city of San Francisco has recently received some unpleasant publicity and unjust criticism, due chiefly to certain public utterances of Mr. Stephen T. Mather, Director of the National Park Service, and Congressman CRAMTON, of Michigan, concerning the manner of fulfillment by the city of certain requirements of a congressional act, and referred to as the Raker Act.

The gentlemen mentioned have done San Francisco great harm by their public declaration to the effect that San Francisco has failed to live up to the obligations of the Raker Act, and both of them have intimated that unpleasant consequences are in store for the city if these obligations are not promptly carried out in accordance with their own particular ideas.

The temperamental Director of the National Park Service may be excused, as he is far from rational on many things less serious than his silly attempt to make a Coney Island joy land out of San Francisco's $120,000,000 water system.

The gentleman from Michigan [Mr. CRAMTON], at the behest of his friend, Director Mather, on Saturday last made an unjust and unwarranted attack on the city of San Francisco. Were it not for his previous record of maintaining for the rights of the people against private greed, I would be inclined to the belief that his vitriolic and unjust attack was inspired by the Hydroelectric Power Trust, that infamous "octopus," whose slimy tentacles reach into every electric-power producing stream from Maine to California.

For the purpose of making clear the circumstances leading to the passage of the Raker Act, the obligations imposed upon the city and county of San Francisco by the act, the extent to which these obligations have already been complied with by the city and county of San Francisco, and San Francisco's program for compliance with the remaining obligations, I desire to address the House on the subject.

On the 19th day of December, 1913, President Wilson signed the bill which had been passed by both Houses of Congress, and which was vitally necessary to the continued growth and prosperity of the City of San Francisco.

The purpose of this bill was to enable San Francisco to proceed with a great water-supply and electric-power development designed to serve the fast-increasing needs of the city and such of the surrounding metropolitan area as might see fit to join with San Francisco in that development for many years into the future. This bill is commonly known as the Raker Act, after the late Congressman Raker, who introduced it on behalf of San Francisco, and it will be referred to by that name in this discussion.

The title of the act is—

An act granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes.

The primary purpose of the city and county of San Francisco in securing this legislation was to obtain the right to use for reservoir purposes the Hetch Hetchy Valley and Lake Eleanor, both of which are located in the Yosemite National Park.

San Francisco, from the beginning of its history as a large city, has been supplied with water by a private corporation, the Spring Valley Water Co., from sources located on the San Francisco Peninsula and across the bay in Alameda and Santa Clara Counties.

The Hetch Hetchy grant was secured after a long-drawn-out fight between the city of San Francisco and the Hydroelectric Power Trust, fighting in the background, as it always does, and using every trick and device known to corporate greed to defeat the bill by reason of the fact that it gave to San Francisco under section 6 of the act the right to develop hydroelectric power.

In April, 1906, only a few years before the passage of the Raker Act, San Francisco was practically destroyed by earthquake and fire. An area of 5 square miles in the very heart of the city was reduced to ashes, with a property loss of hundreds of millions of dollars. This tremendous loss was largely due to an inadequate water supply. This fact was naturally disregarded by the city's adversaries, the Power Trust, who, in an attempt to break the spirit of San Francisco and send their representatives home without relief from Congress, injected into the bill most absurd restrictions and inequalities such as have never been imposed on any other American city by Congress.

By way of contrast, it is interesting to remember that when the city of Los Angeles decided upon the Owens River as the source of its greater water supply it had no difficulty in obtaining congressional action granting the necessary rights of way, and the Owens River project of the Reclamation Service for irrigation of lands in Inyo County was abandoned in order that the water might be put to a higher use for the benefit of the greatest number of people. No onerous conditions whatever were imposed upon Los Angeles by Congress.

The city of Portland, Oreg., obtains its water supply from a mountain watershed of 102 square miles, nearly all of which is Government land. By an act of Congress approved April 28, 1904, this watershed was absolutely closed to all persons except forest rangers, Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland in the discharge of their duties. No restrictions whatever were imposed upon Portland.

San Francisco has received so much less at the hands of the Government that she well deserves the fullest cooperation of the Government in the utilization and enjoyment of what she has been granted.

San Francisco, under the act, is required to pay to the United States forever and a day, unless relieved by Congress, the sum

of $30,000 per year for the privilege of impounding and using water that was running unharnessed into the Pacific Ocean.

San Francisco under the Raker Act was required to build and maintain a comprehensive system of roads around and through the Hetch Hetchy Valley.

The United States Government has during the past several years appropriated nearly three-quarters of a billion dollars for highway construction. This wise and just policy was adopted to assist States and subdivision States to build just such roads as are provided for in the Raker Act. Congress has also appropriated $71,000,000 to build roads within forest reserves, such as Yosemite Valley and Hetch Hetchy Valley. The Raker Act specified that San Francisco was required to build at her own expense wagon roads and trails. Now, these self-constituted spokesmen for the Government extravagantly demand that San Francisco must shoulder the cost of building boulevards and high-class automobile roads over this extensive area.

Mr. GARBER. Mr. Speaker, will the gentleman yield there?

Mr. WELCH of California. I would rather not.

Mr. GARBER. Was not the construction and completing of the road a desirable thing?

Mr. WELCH of California. My time is limited. I shall be glad to answer questions when I have finished my statement.

In 1913, when the Raker Act was passed, automobiles were not permitted within the Yosemite National Park or the Stanislaus National Forest. San Francisco implored Congress to be allowed to develop a water-storage system in what was then a remote part of the Yosemite National Park.

Mr. CRAMTON. They were permitted in August, 1913.

Mr. WELCH of California. I said prior to August, 1913.

Mr. CRAMTON. The act was not passed until afterwards.

Mr. WELCH of California. That is a close distinction as to time.

The Hetch Hetchy Reservoir, known as the O'Shaughnessy Dam in Hetch Hetchy Valley, is approximately 38 miles from the world-famous Yosemite Valley; and prior to its development by the city of San Francisco was visited by but few people who made the arduous trip over mountain trails with saddle horses, pack horses, and mules. It was imperative for San Francisco to secure this grant in order to provide for the future growth and protection of that great seaport city, which is to-day second only to the great port of New York in foreign trade.

San Francisco in the past has been forced to loan vast sums of money collected from its taxpayers to assist the privately owned Spring Valley Water Co. to increase its water supply in order to meet growing demands for domestic water. San Francisco at a cost of several millions of dollars has installed an auxiliary salt water fire system in order to conserve our limited domestic water supply. San Francisco for years past has restricted the use of fresh water and has installed water meters in the homes and buildings of every consumer in the city.

Immediately on obtaining the rights granted by the Raker Act the city commenced work on its great project. A bond issue of $45,000,000 had been authorized by the voters of the city in 1910 and funds were available from the sale of these bonds. Surveys were completed, many miles of wagon roads and trails were constructed, a standard-gauge railroad 68 miles long was built, and a complete hydroelectric power system for the operation of construction machinery was developed. However, with the increasing difficulties of financing and later of securing labor and material, due to the World War, the progress of construction for several years was slow. This was followed later by a bond issue of $10,000,000, and on the second day of this month a further issue of $24,000,000, to complete new construction, and another of $41,000,000, to buy the Spring Valley Water Co.'s existing storage and distributing systems.

San Francisco proceeded immediately in a businesslike manner to complete first the work necessary for power development in the mountain division, which is 167 miles distant from the city, by the construction of the Hetch Hetchy Reservoir, which has been passed upon and is considered by the most eminent engineers one of the finest pieces of construction of its kind in the world.

This dam planned and built under the supervision of Mr. M. M. O'Shaughnessy, chief engineer of the city and county of San Francisco, is 334 feet high and has a present capacity of 67,000,000,000 gallons of water, equal to 206,000 acre-feet. The city plans to heighten this dam to capacity. It will then contain 113,000,000,000 gallons of water, equal to 348,000 acre-feet. Lake Eleanor, the second mountain reservoir, has a capacity of 9,000,000,000 gallons of water, or 28,000 acre-feet. The mountain division includes 93 miles of tunnels, built through solid granite, of diameters ranging from 10 feet 3 inches to 14 feet; also 73 miles of pipe with intervening small reservoirs.

San Francisco, prior to the earthquake and fire of 1906, had no bonded indebtedness and had the lowest tax rate of any large city in the United States. Since that date San Francisco has, by bond issues and direct taxation, spent over $125,000,000 in public improvements, including some of the finest school buildings in the world. San Francisco has built a city hall and civic center that has won the admiration of the world. In addition to the taxes necessitated by these great civic improvements San Francisco property holders are now paying the second highest water rate in the United States, exceeded only by the water rate in Oakland, our sister city.

San Francisco will get no immediate financial relief as a result of a municipality-owned water system obtained at the enormous cost of $120,000,000. The interest charge alone on the city's capital investment is around $5,000,000, which is approximately the amount of the gross receipts of the Spring Valley Water Co., which at present supplies the city with fresh water.

San Francisco, the richest per capita large city in the country, has been bled white industrially, largely through an inadequate water system, and was confronted with the problem of either providing a water supply for present and future needs, regardless of costs, or give notice to the world that no more people or industries could come within her gates.

The gentleman from Michigan in his castigation of our city charged that San Francisco has violated section 6 of the Raker Act and quoted the section which provides:

> That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided*, That the rights hereby granted shall not be sold, assigned, or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States.

In support of the gentleman's construction of section 6 of the Raker Act he quoted Hon. James Rolph, jr., mayor of San Francisco; Hon. James D. Phelan, former mayor of San Francisco and former United States Senator; the late Hon. William Kent, former Member of Congress; Mr. Allen G. Wright, counsel for the San Francisco Chamber of Commerce; and myself when I was a member of the board of supervisors, the legislative body of the city and county of San Francisco, which resulted in the following colloquy:

> Mr. WELCH of California. Will the gentleman yield?
>
> Mr. CRAMTON. Yes.
>
> Mr. WELCH of California. I want to say that is absolutely correct, and I stand for the same principle and the same policy to-day.
>
> Mr. CRAMTON. I am very glad to know that.

And those who betrayed San Francisco's trust and were responsible for selling the power to the Pacific Gas & Electric Co., which is a part of the Hydroelectric Power Trust of the United States, were driven from office, and I took the platform and helped to drive them from office. [Applause.]

Since that time, three years ago, San Francisco has had the Pacific Gas & Electric Co. and the Great Western Power Co. before the Railroad Commission of the State of California, condemning their properties for the purpose of carrying out the provisions of the Raker Act. Ever since the defeat of these dilatory officials three years ago San Francisco has diligently and faithfully worked to effect the condemnation of the power distributing systems of both the Pacific Gas & Electric Co. and the Great Western Power Co. Hon. John J. O'Toole, city attorney of San Francisco, who is directing these condemnation proceedings, was elected on this very issue, and it is needless to say that he had my hearty support. During the past two years over 300 actual trial days have been occupied before the California Railroad Commission, taking of testimony having closed on March 15, 1928. As soon as the railroad commission fixes the valuation on the properties of these companies the question of their purchase by the city for the purpose of distributing by the city will be submitted to the people. This procedure has been stubbornly contested by the power companies, who are fighting the city every inch of the road. We have every hope that the price that the commission will decide upon will be approved by the people and the city's obligation to the Federal Government under the Raker Act fulfilled.

The gentleman from Michigan has charged that San Francisco has exceeded the authority granted it by the Raker Act in attempting to deny to campers, tourists, and fishermen the use of the storage reservoirs and the properties adjacent thereto. Let me assure the Members of the House that San Francisco

will violate neither the spirit nor the letter of the Raker Act in prohibiting the pollution of these waters now being used by hundreds of mechanics and laborers employed below the dam completing the construction of this great project.

San Francisco has lived and worked in peace and harmony with the numerous departments of the Federal Government ever since California was admitted into the Union. San Francisco, by reason of its strategic position and her great bay, is the scene of great governmental activities. Our officials and citizens have always given unstinted and hearty cooperation to every department of the Federal Government. The great Presidio Military Reservation is located entirely within our city. The children of the numerous officers and men have always enjoyed free and welcome use of our schools and public institutions. The city of San Francisco within the past year has at its own expense reconstructed main arteries of travel within the Presidio Reservation. [Applause.]

The harbor commissioners of the port of San Francisco have cooperated to the fullest extent with the Army and Navy in all their activities on the harbor front. The San Francisco Police Department cooperates whole-heartedly with the Department of Justice in the enforcement of all laws. The sheriff of San Francisco for years past has placed at the disposal of the United States marshal free use of the city's prison vans for transportation of Federal prisoners. The San Francisco Police and Fire Departments guard the United States mint and all other Federal properties with the same care as they protect their own municipal buildings. Every Federal official who has ever been stationed in San Francisco will attest the truth of these statements. [Applause.] This is the first time in the history of San Francisco that a charge has been made on the floor of Congress that San Francisco has failed to cooperate with the Federal Government.

The gentleman from Michigan visited the Hetch Hetchy Valley last summer. He saw with his own eyes the magnitude of this stupendous feat of engineering which has evoked the praises of America's foremost engineers. Yet throughout his long discourse of last Saturday we of San Francisco listened in vain for a single word of commendation, for one inkling of praise for the arduous work we have accomplished in the face of heartbreaking difficulties.

San Francisco, with an unconquerable spirit, arising from the staggering disaster of 1906, was compelled to reach up 167 miles into the Sierra Nevada Mountains for the water necessary to her very existence. Eminent foreigners, gazing upon the Hetch Hetchy Reservoir, have expressed to us their warmest sympathy and enthusiastic admiration. Yet one of our own countrymen, the gentleman from Michigan, regards it only with cynical disapproval. Though the hydroelectric "octopus" will persistently fix its envious glances upon this great fruit of our toil, the Hetch Hetchy project will stand, unconquered by corporate greed, an enduring monument to the collective effort and high ideals of a great American city. [Applause.]

"The mountain labored and brought forth a mouse." The gentleman from Michigan belabored San Francisco for one hour and five minutes and developed the fact that the chief engineer of the city of San Francisco caused an 8 by 10 poster to be placed near the Hetch Hetchy Reservoir notifying nimrods that they were not welcome.

In conclusion, I can assure the gentleman from Michigan that San Francisco will conscientiously conform to every provision of the Raker Act as construed by the Secretary of the Interior. [Applause.]

The SPEAKER pro tempore (Mr. NEWTON). The gentleman from Michigan [Mr. CRAMTON] is recognized under the special order for 10 minutes.

Mr. CRAMTON. Mr. Speaker, the other day, resulting from my responsibility in the last seven years in charge of appropriations for our national parks and the information that has come to me through the discharge of that duty, I made a speech in which I made three charges against the city of San Francisco with reference to its relation to the Raker Act concerning the Hetch Hetchy grant in the Yosemite; first, that the city of San Francisco, through its city engineer, was interfering with the administration of that great park by the Park Service and trying to stop the legitimate use of it by the public.

This notice, which the gentleman from California admits and belittles, and the accompanying press notices, if made effective, would have stopped the use of the Tuolumne watershed, at least half of the total area of the Yosemite National Park, by the public for camping and fishing, and the Raker Act was expressly meant to prevent and does prohibit San Francisco from ever doing that. That was my first charge. It stands admitted, and this thing will not be settled and San Francisco will not be on good terms with the Interior Department and the Government until the city of San Francisco ceases to interfere with the use of that park for the purposes for which it was created.

Secondly, I charged that the city of San Francisco was holding off and failing to build the roads that were expressly provided for in that act, estimated to cost $1,680,000. The gentleman admits they have not been built. In connection with the statement I then made as to the terms of the act and the assurances given Congress at the time it was enacted, I will reinforce what I presented then by inserting a letter written by the Secretary of the Interior to the city and county of San Francisco on May 18, the day before I made my address, and I had not at that time seen it. This letter contains an unanswerable statement of the obligations of the city of San Francisco under that act and an absolute demonstration of the justice of that which the Interior Department has been asking. The letter is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 18, 1928.

The CITY AND COUNTY OF SAN FRANCISCO,
Care of the City Attorney, San Francisco, Calif.

GENTLEMEN: In response to a formal request for compliance with certain obligations imposed by the act of December 19, 1913 (38 Stat. 242), commonly known as the Raker Act, made by letter of July 7, 1927, the city attorney for the city of San Francisco, on October 13, 1927, addressed to this department a statement of the contentions of the city with respect to these obligations.

Full and careful consideration of these contentions was had by the solicitor for this department, whose views are set forth in an opinion, a copy of which is inclosed (Appendix A). These views have been approved by the department.

The conclusion has been reached that the roads and trails required to be built and maintained by the city are such as would have been required had performance of these conditions been tendered by the city in 1913. This raises the question whether the requirements stated in the letter of July 7, 1927, were of roads and trails in excess of those standards.

As stated in the solicitor's opinion, the test is not only as to the kind of roads and trails which were necessary to make Yosemite National Park easily accessible to the public visiting said park in 1913 but includes the kind and quality of roads which would have been required to meet what would then have been regarded as a reasonable future need of the public in the park.

The contention of the city that the main roads leading into the Yosemite National Park and the main roads with which the roads required to be built would connect are to determine the standard of construction required can not be accepted as correct.

Data available indicate that in 1913 the United States owned only 46 miles of road in Yosemite National Park, all of which were in the Yosemite Valley or in the Mariposa big tree grove. There were also within the park approximately 106 miles of wagon road typical mountain roads which in many instances had so fallen into disrepair as to be impassible. The Tioga Road, referred to in the letter of the city attorney, was in that condition and the Big Oak Flat Road, also mentioned, was used to some extent by park visitors, but was not in a satisfactory condition. There was also a road from Groveland via Smith Station or Hamilton to Hog Ranch, which was a typical mountain road. One of the requirements of the Raker Act was that a road be build by the city over this latter route, which requirement necessarily meant that roads of that standard were not regarded as adequate.

During September, October, and November, 1912, the road on the floor of the Yosemite Valley from Pohono Bridge to Yosemite Village was graded and macadamized near Camp Ahwahnee. This road was macadamized to a width of 22 feet and from May to July, 1913, further work was done in that vicinity, the road being macadamized to a width of 16 feet. In May, 1913, work was started toward widening the El Portal Road between El Portal and Yosemite Valley from 10 feet to 25 feet, with a driveway 18 feet in width.

Certain of the foregoing work was of an experimental nature and consisted of covering a water-bound macadam road with a 2-inch bituminous coat. Two grades of bituminous material were tried, i. e., a road oil and also pure asphaltum, the top-wearing coat being 12 feet in width.

The fact that most of the roads within the Yosemite National Park were privately owned prevented much progress until said roads could be acquired by the United States, and limited appropriations for road building also deterred rapid development of roads, the need for which was recognized prior to 1913.

All the roads in and about the park in 1913 had been built long prior to that time, and solely for horse-drawn vehicular travel. It was recognized that these roads were unsafe for automobile travel, and it was not until August, 1913, that automobiles were permitted to enter Yosemite National Park. This was permitted as the result of repeated requests by automobile associations. The State of California built

its first automobile road in 1912, and by 1913 definite progress on such roads was being made.

All these facts were known when the Raker Act was passed, and in leaving to the Secretary of the Interior the right to specify the kind of roads to be built the Congress and the city plainly intended that he should specify roads of a kind which would care for not only present but future travel within the park. It is not believed that the city intends to assert that by the provisions in the Raker Act for roads to be built by it to important points within the park, said roads to be perpetually maintained, travel by a then established and rapidly growing mode was to be excluded from those areas. The purpose of the city, as stated in its brief in sppport of the Raker Act, was to make the park readily accessible to all the people, and the city, of course, now intends to do no less than that.

The notice of July 7, 1927, contemplated roads made of crushed rock with a water-bound macadam surface of 18 feet travelable width. The maximum grade was to be 8 per cent. In the case of the road formerly the bed of the railroad built by the city it was intended that this road be surfaced with asphalt penetration macadam. Should Cherry Valley be opened in the future by a road, then a road from Lake Eleanor to Cherry Valley of the above standards will be required.

The foregoing standards are not in excess of those which in 1912 and 1913 were being considered by the United States for Yosemite National Park.

These requirements are not met by the two roads built by the city for its own use, and its contention that said roads have heretofore been approved as satisfactory in that respect is not supported by the records.

No issue is raised as to trails required to be built.

The department, in view of the foregoing, repeats its request of July 7, 1927, that roads and trails of the kind specified be constructed without delay.

Meeting the request of the city for an extended program for road building, it is concluded that the order in which this work should be carried out is as follows:

1. Construct a trail along the north side of the Hetch Hetchy Reservoir and to Tiltill Valley and Lake Vernon. This work will probably require from 9 to 12 months for completion.

2. Construct the Harden Lake Road, which reasonably might require one year's time.

3. Construct the Hetch Hetchy-Lake Eleanor road. This work may possibly require 18 months.

4. Reconstruct and surface the road from Hog Ranch to the Hetch Hetchy Dam, which will probably require 6 months' time.

The foregoing program covers a period of four years, which is the time estimated by the city as necessary to complete the project so as to place the stored waters in actual use for domestic purposes. The city, however, is annually deriving from power development, revenues estimated at an excess of $2,000,000, which revenue for any one year will more than pay the cost of the roads required by the department.

In view of the foregoing it is concluded that the request for roads and trails heretofore made is a reasonable and proper one which should be met within the time specified.

In the matter of conveying lands to the United States, the contention of the city that it is not required to convey lands acquired by it after the passage of the Raker Act is recognized as correct.

The right of the city to retain for sanitation control or any other purpose lands not actually required for the works of its project, whether adjoining the reservoirs or elsewhere, can not be recognized since the Raker Act and the circumstances under which it was adopted clearly show that all lands then owned and not so required were to be conveyed to the United States as partial consideration for the grant made to the city.

If the city now contemplates the increasing of the heights of the dams at Hetch Hetchy or Lake Eleanor, it should so state, giving information as to the probable time when such work will be done and the need for the same. If such enlargement is approved, the flow lines of the enlarged reservoirs can be readily ascertained and the quantum of upland to be conveyed to the United States can then be determined.

With the exceptions above stated as to after-acquired lands, the request for conveyances of lands, made on July 7, 1927, is hereby repeated.

The city is requested to arrange at once for compliance with the foregoing requests, which are in conformance with an opinion of the Attorney General of the United States, whose duty to enforce the provisions of the Raker Act is created by said statute, rendered under date of May 16, 1928, copy of which is herewith inclosed.

Very truly yours,

HUBERT WORK, *Secretary.*

This letter shows the kind of roads that were contemplated by the department and should have been contemplated by the city at the time the city made its pledges. That matter of roads is going to be disposed of. San Francisco will build those roads, but not gracefully, as it should have done, after it was given a grant that Julius Kahn said saved the city $20,000,000, and is now giving them $2,000,000 in revenues from power. San Francisco does not do it gracefully, but San Francisco will now do it, because the Attorney General of the United States has sustained the position of the Secretary of the Interior and there is nothing left for the city of San Francisco to do but to do what the act promised and what is again demanded in the above letter from the Secretary to the city and county of San Francisco. The importance of these roads in the desired development of Yosemite National Park is emphasized in the following extract from a statement made by Horace M. Albright, field director of the National Park Service, before the Oakdale Dinner Club, at Oakdale, Calif., Wednesday evening May 16, as reported by the Stockton (Calif.) Record of May 17. Mr. Albright said:

The Nation, as a whole, is vitally interested in the general development of Yosemite National Park from the north rim of Yosemite Valley to the south rim of the Grand Canyon of the Tuolumne River. This remarkable scenic country has been dormant for many years in a manner that has limited travel to an area unsurpassed in beauty by any other region of the park. Our major problem now facing the National Park Service is the fulfillment of the obligations of the city and county of San Francisco under the Raker Act. There is little justification for the National Park Service in the eyes of the Nation spending $1,800,000 in the reconstruction of the Big Oak Flat Road if our natural development of the entire area is limited by the refusal of San Francisco to open up one of the greatest recreational regions in the park. We can not proceed with the proposed reconstruction of the new Tioga Road, at an estimated cost of $2,000,000, when our future development program is definitely blocked by San Francisco's refusal to recognize her just obligations to build a modern connecting road from the Tioga to Hetch Hetchy or the failure to provide a high standard automobile road to the wonderful fishing grounds at Lake Eleanor.

In this connection, I feel that the people of Oakdale, Stockton, and this entire region should assist in urging San Francisco's compliance with the Raker Act. If your communities are to reap the full benefits of tourist travel to Yosemite, it should behoove you to move toward the quickest solution of the Hetch Hetchy problem that will sweep away one of the great difficulties facing the National Park Service in the rebuilding of the Bib Oak Flat Road and the whole development of the country lying between Yosemite Valley and the south bank of the Tuolumne River.

The gentleman from California began his address by an attack on Mr. Mather, Director of the National Park Service, that was entirely unworthy of the gentleman from California. Mr. Mather is one of the most generous, zealous, devoted, high-minded, and patriotic men in the Government service, but the gentleman from California saw fit to belittle him most improperly. Then, with a very limited amount of argument in his address, he began by attacking me, first charging that I spoke at the behest of some on else, and second, he did not charge—the gentleman from California knew I was on the floor of the House and Mr. Mather was not—he did not charge that I was controlled by this superhydroelectric Power Trust, but he intimated it. Well, is not that a ridiculous charge to make, in view of the fact that I voted for the Raker Act, which the gentleman himself says was fought by that Power Trust. Secondly, that I am now seeking to put an end to the unlawful contract by which the city of San Francisco has turned over to the Pacific Gas & Electric Co., which the gentleman from California himself says is a branch of that Power Trust—I am seeking to put an end to the contract between the city of San Francisco and that branch of the Power Trust by which that branch of the Power Trust gets all of the power developed at the Hetch Hetchy and resells it to the people of San Francisco at a tremendous advance. Trying to put an end to it, how is that serving the Power Trust? The gentleman is like some of these fish in the water which, when they seek to make their escape, muddy the waters, and so he seeks to divert you from the argument of the case by a suggestion entirely unworthy of him, ringing in talk of the Power Trust that no doubt does very well in San Francisco politics.

Mr. WELCH of California. Will the gentleman yield?

Mr. CRAMTON. Not for a statement, but just for a question.

Mr. WELCH of California. I desire to disabuse the gentleman's mind if possible of the idea that I had any intention of associating the gentleman with the Hydroelectric Power Trust.

Mr. CRAMTON. Then there was no occasion for the gentleman to mention me in connection with the Power Trust. The gentleman has not served here long. If the gentleman had, he would know that I do not speak or act at the behest of anyone, and if the gentleman had been long absent from the Board of Supervisors of San Francisco County he would realize that in this Hall argument instead of besmirching and questioning of methods is necessary.

Now, as to the third matter, the matter of the contract of the power company, the lady from California [Mrs. KAHN] in an admirable address the other day [applause] presented a state-

ment from the city attorney of San Francisco, Mr. O'Toole, that was of importance with reference to this issue. That telegram was as follows:

SAN FRANCISCO, CALIF., *May 19, 1928.*

Hon. FLORENCE P. KAHN,
Representative in Congress,
Fourth Congressional District of California,
House Office Building, Washington, D. C.:

Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co. During past three years these proceedings have been before railroad commission, and during past two years more than 300 actual trial days have been occupied before commission. More than 5,000 folios of oral testimony have been taken, in addition to hundreds of exhibits filed by city and companies. Taking of testimony closed on March 15 and each side allowed 90 days for preparation of briefs, which will be filed by June 15, when matter will be submitted to commission for decision. As soon as railroad commission fixes valuation of properties of these companies question of their purchase by city for the purpose of distribution by city of Hetch Hetchy power will be submitted to people. You can assure the Congress that since the permission granted by the Department of Interior to distribute power through Pacific Gas & Electric Co. city has used every effort to obtain by condemnation local distributing systems. Both companies have resisted to the utmost our plans to acquire their properties, but have every hope that price to be fixed by commission will meet the approval of people and that these distribution systems will be obtained.

JOHN J. O'TOOLE, *City Attorney.*

You will note the direct statement therein concerning this contract, which I charge is unlawful and voids the whole Hetch Hetchy grant:

Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co.

City Attorney O'Toole, who must know the facts or else he is unworthy of his office, wired to his Representative in Congress that distribution through that agency was approved as a temporary expedient by the Department of the Interior in July, 1925, and in good faith the lady from California was led to present this statement to the House.

Mrs. KAHN. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mrs. KAHN. I just want to say that I presented the original telegram which I received.

Mr. CRAMTON. I have not the slightest question but what it was the telegram as sent by the city attorney of San Francisco. I have known the lady long and I know she would not have presented any statement but what she thought was 100 per cent correct.

I intimated that day that I was not sure the statement was correct as to the approval by the Department of the Interior. I brought it to the attention of the Secretary of the Interior and I have a letter which I will put in the RECORD in full, in which the Secretary makes it clear that the statement of O'Toole was an absolute falsehood. I say falsehood because under the responsibility of his position as city attorney of San Francisco he must have known the statement he made was not true. I will only quote a sentence or two of the letter, but will put the entire letter in the RECORD.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I will ask for five minutes more, if I may, in order to complete the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. This is the statement of the Secretary of the Interior:

At no time have I approved the contract referred to in the telegram. My approval was requested but I took no action either by way of approval or disapproval, desiring to have the opinion of the Attorney General before action.

Then he goes on to say that he submitted it to the Attorney General for an opinion. The Attorney General responded with the opinion I put in the RECORD the other day (CONGRESSIONAL RECORD, p. 9247) to the effect that—

It is not thought best that this department undertake to determine the legal controversy in advance should it arise.

Then the Secretary of the Interior wrote, not an approval, as Mr. O'Toole says, but a letter to the mayor of San Francisco, under date of August 19, 1925, in which the Secretary of the Interior expressly declined to express any opinion as to the legality or propriety of the contract in question; saying—

The Secretary should not act at this time, but must await such development of facts as will enable the Secretary to determine.

I am going to put both letters in the RECORD. They will fully substantiate my statement that O'Toole's statement in his telegram to the lady from California was untrue and he must have known it. The letters are as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 22, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: I have your letter of May 22, 1928, calling my attention to the telegram of the city attorney of San Francisco to Hon. FLORENCE P. KAHN, dated May 19, 1928, as the same appears in the CONGRESSIONAL RECORD of Saturday, May 19, 1928, page 9248, in which the following language appears:

"Distribution through the agency of Pacific Gas & Electric Co. to the people in San Francisco was approved as a temporary expedient by Department of Interior in July, 1925. Immediately after this approval my office proceeded to condemn local distribution systems of Pacific Gas & Electric Co. and Great Western Power Co. * * *"

You ask to be advised as to what action, if any, was taken by the Department of the Interior in July, 1925, or at any other time, with reference to the proposed sale of power by the city of San Francisco to the Pacific Gas & Electric Co., or to any other individual or corporation, for resale.

At no time have I approved the contract referred to in the telegram. My approval was requested, but I took no action either by way of approval or disapproval, desiring to have the opinion of the Attorney General before action.

I submitted the question whether the performance of the acts of the city and county of San Francisco under and by virtue of this agreement constitutes a violation of the so-called Raker Act, approved December 19, 1913 (38 Stat. 242), for the opinion of the Attorney General on July 20, 1925. The Attorney General rendered his opinion thereon under date of August 5, 1925, and this opinion is set out in full on pages 9246 and 9247 of the CONGRESSIONAL RECORD of Saturday, May 19, 1928.

Following the receipt by me of the opinion of the Attorney General I addressed a communication on August 19, 1925, to Hon. James Rolph, jr., mayor of San Francisco, a copy of which is hereto attached.

The contract has never been approved or disapproved by this department, and the matter stands as set forth in the letter of August 19, 1925.

Any additional information you may desire I shall be pleased to give to you upon request.

Sincerely yours,

HUBERT WORK.

THE SECRETARY OF THE INTERIOR,
Washington, August 19, 1925.

Hon. JAMES ROLPH, Jr.,
Mayor of San Francisco,
New Willard Hotel, Washington, D. C.

MY DEAR MR. MAYOR: The act approved December 19, 1913 (38 Stat. 242), does not require the Secretary of the Interior to approve or disapprove contracts such as the contract entered into between the city and county of San Francisco and the Pacific Gas & Electric Co., dated July 1, 1925.

It is the duty of the city and county of San Francisco at all times to comply with and observe on its part all the conditions specified in this act; and it is the duty of the Secretary of the Interior, in the event that the conditions specified in the act are not reasonably complied with and carried out, to report the facts, after notifying the city and county of San Francisco in writing, to the Attorney General for such suits or proceedings in the proper courts as the law and the facts in his opinion warrant. The Secretary should not act at this time, but must await such development of facts as will enable the Secretary to determine with a certainty whether or not this act is being reasonably carried out by the city and county of San Francisco.

The violation of the law, if any, is a fact evidenced by acts, and the Secretary must necessarily await a reasonable time until performance shall have indicated whether or not the acts of the parties constitute such a violation of the law as will make action on his part proper.

Very respectfully,

HUBERT WORK, *Secretary.*

Let me now suggest this for your consideration: If the city attorney of San Francisco would send a telegram to the lady from California for her to place before Congress with ref-

erence to this matter a telegram containing a deliberate misstatement of a material fact in the controversy, what confidence are we to have in the city attorney of San Francisco? What confidence shall we have in other statements he made in that telegram wherein he claimed that the city of San Francisco was proceeding in good faith to acquire a distribution system to dispose of their own power?

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. I yield for a question.

Mr. SCHAFER. Perhaps, if the telegram is incorrect, it may have been through an inadvertence and not a deliberate misstatement; and perhaps the statement of the Secretary of the Interior may be just as incorrect as Mr. O'Toole's.

Mr. CRAMTON. These wanderings in the azure blue of the gentleman's mentality have nothing to do with the case. The telegram is explicit. It is a matter that should be within the personal knowledge of the city attorney of San Francisco if he is attending to his job, and the letters I insert from the Secretary of the Interior to me and to the mayor of San Francisco are so clear and positive as to leave no doubt as to the question.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. CRAMTON. Yes; for a short question, if the gentleman has one.

Mr. SCHAFER. Has the gentleman gone down to the Interior Department and inspected all the files so he can be absolutely sure that there is no misstatement in the letter of the Secretary of the Interior?

Mr. CRAMTON. I have the letter, that is a direct and positive statement and also a copy of the letter sent to the mayor of San Francisco, which is said to be the approval but which letter itself shows was not an approval but a definite declination of any action whatever with reference to the matter.

Now, I do not want to take further time. We have important business in another part of the town to-day and I want to be there. I simply desire to close by summarizing the situation.

First. As to sanitation. San Francisco has not a scintilla of authority under the Hetch Hetchy act to administer any part of the Yosemite National Park with a view to protection of the purity of the Hetch Hetchy water. The very limited regulations mentioned in the Raker Act are to be administered by the National Park Service and not by the officials of San Francisco. And those regulations do not prohibit fishing and camping in the Tuolumne watershed, and it was the intention of Congress that they should not. It will be well if San Francisco explain to her O'Shaughnesseys and O'Tooles whose park that is anyway and that they are taking in too much territory in their posting of notices and their press releases warning the public against proper recreational use of half of one of our greatest national parks. San Francisco promised to make the Hetch Hetchy country accessible, not to make it forbidden land.

Second. The roads that San Francisco promised. Those will be built, because Congress wrote the promise in the law and the Secretary of the Interior, under advice of the Attorney General, is requiring San Francisco to keep that promise.

Third. The sale of Hetch Hetchy power to a power company for resale. Section 6 of the Raker Act expressly forbids that and provides for forfeiture of the grant. When San Francisco, in 1925, proposed to make this contract which was disapproved by Mayor Rolph, ex-Mayor Phelan, ex-Congressman Kent, and many others quoted by me in my speech of last Saturday, the Secretary of the Interior was asked to approve such sale as a "temporary expedient." He declined to do so in the letter I have presented, and said to Mayor Rolph:

> It is the duty of the city and county of San Francisco at all times to comply with and observe on its part all the conditions specified in this act; and it is the duty of the Secretary of the Interior, in the event that the conditions specified in the act are not reasonably complied with and carried out, to report the facts, after notifying the city and county of San Francisco in writing, to the Attorney General for such suits or proceedings in the proper courts as the law and the facts in his opinion warrant.

The violation of section 6 is now plain and long continued. The good faith of the officials of San Francisco in their pretended attempts to buy the Pacific Gas & Electric Co. and Great Western Power Co. plants for distribution purposes is open to serious question. Because of the proven misrepresentations by O'Toole, above set forth, I question the good faith of the entire telegram. "The conditions specified in the act are not reasonably complied with and carried out." Therefore I have suggested to the Secretary of the Interior that he call upon the Attorney General to take the proper legal steps to enforce section 6 of the Raker Act.

It is time for San Francisco to realize that the United States still owns the Yosemite National Park, intends that its people shall have unobstructed use of it all, and that the O'Shaughnessy and O'Toole policy of evasion and pretense and procrastination will not succeed.

EXHIBIT A

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, December 14, 1927.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: My opinion has been requested as to the legal correctness of contentions made by the city and county of San Francisco concerning certain of its obligations under the act of December 19, 1913 (38 Stat. 242), generally referred to as the Raker Act.

The contentions of the city and county of San Francisco, which will be hereinafter referred to merely as the city, are set forth in a letter from the city attorney, dated October 13, 1927, and are made in response to a formal request made by you on July 7, 1927, that the city at once proceed with the building of certain specified roads and trails in Yosemite National Park, in California, in compliance with paragraph (p) of section 9 of the Raker Act, and also that said city convey to the United States certain lands owned by it in the Yosemite National Park, as provided by paragraph (t) of section 9 of said act.

The letter of July 7, 1927, recited certain of the requirements of section 9 of the Raker Act, as follows:

Section 9 of the act stated:

"That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated."

By paragraph (p) of section 9 of said act it was provided:

"That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smith Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch, past Harden Lake to a junction with the old Tioga Road, in section 4, township 1 south, range 21 east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions."

Paragraph (q) of said section 9 provides in part:

"That the said grantee * * * shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed."

By paragraph (t) of said section 9 it is provided:

"That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title, free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this act."

The letter then concluded:

"The city and county of San Francisco have not complied with the requirements of the grant hereinbefore set forth and, in accordance with the provisions of the act of December 19, 1913, I hereby make a formal request in writing that the following action be taken at once by the said city and county:

"(a) Widen the present road from Hog Ranch to Hetch Hetchy to a full travelable width of 18 feet and surface said road.

"(b) Build a road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadow, so as to render the route available for motor travel.

"(c) Construct a road of not less than 18 feet in width, and with grades of not to exceed 8 per cent, from Hog Ranch past Harden Lake to the Tioga Road, said road to be suitable for motor travel.

"(d) Construct a wide and serviceable trail along the north side of Hetch Hetchy Reservoir for the full length thereof.

"(e) Construct a trail from the trail along the north side of Hetch Hetchy Reservoir to Tiltill Valley and to Lake Vernon.

"(f) Before proceeding to construction of the works herein required, the city and county must secure approval by the Secretary of the specifications for said works, to be followed by the construction contractor or party, as required by section 9 (p) of the act, and likewise must secure the formal approval and acceptance of the roads and trails constructed.

"(g) The grantee shall make arrangements for the reimbursement of the United States for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed, in accordance with the provisions of section 9 (q) of the act of December 19, 1913.

"The requirements expressed in this notice are not to be construed as in anywise releasing the city and county of San Francisco from constructing, at such future time as may be prescribed by the Secretary, a road or trail from Lake Eleanor into Cherry Valley, nor is this notice and the matters required therein to be construed as an abandonment of the right to require additional trails or roads, pursuant to the provisions of paragraph (p) of section 9, requiring the grantee to construct 'such roads and trails, made necessary by this grant, and as may be prescribed by the Secretary of the Interior.'

"It likewise appears that, as to the lands listed below, the grantee has for more than six months ceased 'to use such lands for the purpose of construction or repair under the provisions of this act' (the Raker Act), and hence that such lands should be conveyed to the United States, as provided by section 9 (t) of said act. The lands which appear to occupy this status are:

"(a) The east half of northwest quarter, the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter of section 32, township 1 north, range 20 east.

"(b) The southeast quarter of section 9.

"The south half of the northeast quarter, the south half of the northwest quarter, the north half of the southwest quarter, and the northwest quarter of the southeast quarter of section 10.

"The southwest quarter of the northwest quarter and east half of the south half of section 11.

"The northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 16, all in township 1 north, range 20 east.

"(c) The south half of the northeast quarter, the north half of the southeast quarter, the southeast quarter of the southeast quarter of section 34.

"The southwest quarter of the northwest quarter, the west half of the southwest quarter, and the southeast quarter of the southeast quarter of section 35.

"And all of section 36, township 2 north, range 19 east.

"(d) The southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter, and the east half of the southwest quarter of section 12, township 1 north, range 19 east.

"(e) The southwest quarter of the northwest quarter and the northwest quarter of southwest quarter of section 19, township 2 north, range 21 east. The southeast quarter of the northeast quarter of section 24, township 2 north, range 20 east.

"(f) The southwest quarter of the northeast quarter, the south half of the northwest quarter of section 5, the southeast quarter of the northeast quarter of section 6, all in township 1 north, range 21 east.

"Under authority of section 9 (t) of the act of December 19, 1913, a formal request is hereby made that 'a good and sufficient title free from all liens and incumbrances of any nature whatever' as to each of the described tracts, and any other lands occupying the same status, be conveyed to the United States.

"The purpose of this letter is to require of the city and county of San Francisco performance by them of all matters required of them by the act of December 19, 1913, and the enumeration herein of certain of those matters is not intended to, and must not be regarded as, waiving performance of any other required acts, or as excepting such other required acts from the operation of this notice."

In the letter of October 13, 1927, the city attorney asserts that the Director of the National Park Service appeared before the board of supervisors of the city and outlined his views as to the kinds of roads and trails which should be constructed by the city in response to the notice of July 7, 1927, and in compliance with the Raker Act. The director's position and the estimated cost of meeting his views were summarized by the city attorney as follows:

Project No. 1: Transfer city-owned lands to United States ---------- acres	2,632.94
Project No. 2: Construct trail north side of Hetch Hetchy Reservoir to Tiltill Valley and Lake Vernon, 21 miles, estimated cost	$43,500
Project No. 3: Construct Harden Lake Road (12 miles); estimated cost	480,000
Project No. 4: Construct Lake Eleanor Road, (14 miles); estimated cost	800,000
Project No. 5: Reconstruction and surfacing Hetch Hetchy Road (9 miles); estimated cost	270,000
Surveys	35,000
Total estimated cost	1,628,500

The letter recited that the board of supervisors disagreed with the views of the director and had referred the matter to the city attorney for negotiations with the department, and the contentions of the city were in substance as follows:

1. The city does not dissent from the requirements that it construct trails along the north side of Hetch Hetchy Reservoir and thence to Tiltill Valley and Lake Vernon.

2. The city recognizes the obligation to build roads over the routes specified in the notice of July 7, 1927, but contends:

(a) That in building roads pursuant to paragraph (p) of section 9 of the Raker Act, the city is not required to build roads of a higher standard than the main traveled roads, with which said roads to be constructed will connect, as said main roads existed or were immediately contemplated at the time of adoption of the Raker Act.

(b) That the city heretofore constructed a road from Hog Ranch to Hetch Hetchy, with a roadbed 22 feet in width and on a 4 per cent grade, at a cost of more than $200,000, which road was originally used as a railroad, but from which rails were temporarily removed, and the surface prepared for vehicular travel, with the understanding that rails might be relaid thereon, in the event of future need by the city for the railroad; that this road has been in satisfactory use, accommodating approximately 35 automobiles per day, and is in excess of the standards of the main traveled road with which it connects, and hence satisfied the requirement of the Raker Act.

(c) As to the road from Hetch Hetchy Reservoir to Lake Eleanor via McGill Meadow, the city in October, 1916, submitted to the department a map outlining the proposed road from Hetch Hetchy to Lake Eleanor, showing the alignment thereof, together with survey notes showing the proposed grades, and the department approved said map on December 30, 1926. The Lake Eleanor Road built by the city over this route was used by the city for handling approximately 6,000 tons of freight to Lake Eleanor, and its grades are superior to those of the Big Oak Flat Road, one of the main roads over which one would travel in reaching the Lake Eleanor Road. This road has been maintained by the city since its construction and was built and approved by the Secretary of the Interior, as one of the roads required to be built under the Raker Act, and the Secretary may not demand improvement of the standard of said road.

(d) The road which the notice of June 7, 1927, would require to be built from the Big Oak Flat Road past Harden Lake to the Tioga Road, is of a higher quality than either of said roads which it connects, and the most which should be asked of the city is to contribute to the cost of a road of modern standards over this route "a sum of money equivalent to the cost of constructing a road along the route indicated, of grades, width, and type of surface as existed on connecting roads at the time of adoption of the Raker Act." This cost would be about $250,000.

3. In the matter of conveying to the United States lands owned by the city and "not actually required for use under the provisions of this act," the city's position is substantially that:

(a) The city will promptly convey to the United States the 160-acre tract known as the Canyon ranch tract, and described as item (a) in the notice of July 7, 1927.

(b) The city will likewise convey to the United States all save the west 40 acres of the 160-acre tract known as the Tiltill Valley tract and described as item (f) in the notice of July 7, 1927, but contends that "the west 40 acres of this land are required for use by the city in connection with its future operations."

(c) The tracts described in items (d) and (e) of the notice of July 7, 1927, known as the McGill Meadow and Lake Vernon tracts, containing, respectively, 160 and 121.49 acres, were privately owned lands acquired by the city by deed in January, 1918, and being acquired after the approval of the Raker Act, are not lands which the city must convey under said act.

(d) The lands described in items (b) and (c) of the notice of July 7, 1927, are known, respectively, as the Hetch Hetchy and the Lake Eleanor Reservoir lands, and were acquired by the city for reservoir purposes. Part of said lands are submerged, a part of them lie between the flow line of the existing reservoirs and what will be the flow lines of the ultimate development of said reservoirs, and the remainder lie along the margins of the reservoirs, and "are required for use by the city for sanitary control of the reservoir." In view of these facts, the city contends that all of these lands are actually required for the purposes of the Raker Act, and the city is not obligated by said act to convey said lands to the United States.

4. The city further asserts that its project is far from complete; that the original appropriation of $45,000,000 for the project has been expended; and that $10,000,000 additional has been authorized, and an additional $24,000,000 must be voted this year for the project, after which possibly four years will elapse before water from the Hetch

Hetchy Valley can be brought into San Francisco. During this period the city has been and will be under a heavy burden of bond interest, and the city desires that a definite program be arranged for the performance of its obligations to the United States so that said obligations "may be carried out in such manner and at such time as will avoid at this time large capital expenditures for any roads which are not at present actually required to link up with the Federal or State road program."

Before considering the separate contentions of the city enumerated above, it is deemed advisable to set forth or state the general provisions of the Raker Act, and especially those portions relating to the Yosemite National Park.

The act of December 19, 1913, "hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, all necessary right of way—width not to exceed 250 feet * * * in, over, and through the public lands * * * and through the Yosemite National Park and the Stanislaus National Forest"—

(1) "For the purpose of constructing, operating, and maintaining aqueducts, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water for domestic purposes and uses to the city and county of San Francisco * * *."

(2) "For the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy * * *."

(3) "For the purpose of constructing, operating, and maintaining telephone and telegraph lines * * *."

(4) "For the purpose of constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, such as may be necessary or proper in the construction and operation of the works constructed by the grantee herein * * *."

There was also granted in said act "such lands in the Hetch Hetchy Valley and Lake Eleanor Basin within the Yosemite National Park, * * * irrespective of the width or extent of said lands, as may be determined by the Secretary of the Interior to be actually necessary for surface or underground reservoirs, diverting and storage dams; together with such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants, telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established * * *."

The grant was required to be accepted by the grantee within a limited time (sec. 9–s), and was to become effective upon approval by the Secretary of the Interior, of maps showing the lands acquired (sec. 2). Construction work was required to proceed with diligence, and the Secretary of the Interior was authorized to declare a forfeiture as to any unconstructed parts of the project for failure of the grantee to proceed diligently or wherever there had been a cessation of construction for a period of three consecutive years. This forfeiture was to be enforced by proceedings to be instituted by the Attorney General in the district courts for that purpose. The following conditions relating specifically to the national park were included in the grant:

Section 4 provided "that the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park * * *"; and also required the grantee to construct and maintain bridges and other practicable crossings over its rights of way within the national park, and to fence the same if required to do so by the Secretary of the Interior, and to permit the free use by officials of the Government of any roads, trails, railroads, telephone and telegraph lines as might be constructed within said park, and further provided that all constructed works and structures "not of a temporary character shall be sightly and of suitable exterior design and finish so as to harmonize with the surrounding landscape and its use as a park; and * * * all plans * * * shall be submitted for approval to the Secretary of the Interior."

By section 5 of said act the enforcement of regulations was provided for as follows:

"That in the exercise of the rights granted by this act, the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior * * * may take such action as may be necessary in the courts or otherwise to enforce such regulations."

Section 7 of the act provided for annual payments to be made to the United States by the grantee in consideration for the grant, said payments to be utilized for national park purposes.

Section 9 of the act was in part as follows:

"That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated:

"(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

"First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within 300 feet thereof.

"Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

"Third: No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within 1 mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the 'Early intake' of the aqueduct, pending the completion of the aqueduct between 'Early intake' and the Hetch Hetchy Dam site.

"Fourth: The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

"Fifth: If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filteration plant or provide other means to guard the purity of the water. No other sanitary rules and restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages."

By paragraph (p) of section 9 the grantee undertook to build and turn over to the United States for park purposes certain roads specified therein and made the subject of the demand of July 7, 1927, as hereinbefore stated, and by paragraph (q) of said section, undertook to maintain such roads in a state of repair as good as when constructed.

By paragraph (t) of section 9, the grantee agreed to convey to the United States title to all lands in the park owned by the grantee and not used for purposes of the project.

The enforcement of the conditions of the grant was authorized in paragraph (u) of section 9, as follows:

"*Provided, however,* That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof, for the purpose of enforcing and carrying out the provisions of this act."

Section 11 of the act declared:

"That this act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State."

The act shows on its face that it was more than a grant upon a condition subsequent. It was a contract, by and in which the United States granted the city certain rights over and to public lands within a national park, and received in return the promise of performance of certain works by the said city, subject to the direction and approval of the Secretary of the Interior and for the benefit of the United States.

The legislative history of the act confirms this and discloses that the grant and contract resulted from opposition to the granting of the rights desired by the city, as to lands within a national park, by legislators, public officials, and private parties, who believed that such a grant would impair the enjoyment of the park by the public. To meet these objections the act was made to contain many restrictions and reservations for the protection of the park not ordinarily placed upon rights of ways for reservoirs and subsidiary works over other public lands. In addition, the city agreed to build and maintain roads and make conveyance of lands owned by it in the park as consideration for the rights granted to it, and was required to accept, and by formal act did accept, the obligations provided for by the act.

The scope and purpose of the act was well stated by the then city attorney of the grantee in a brief filed in support by the then pending bill, which brief was made a part of the reports in favor of the legislation in both houses of the Congress. (H. Rept. No. 41, 63d Cong. 1st sess.; S. Rept. No. 113, 63d Cong. 1st sess.; vol. 50, pt. 6, CONGRESSIONAL RECORD, pp. 5450–5462.) The act was there described as follows:

"The United States in making this grant to the city of San Francisco is not acting in its governmental capacity or exercising governmental powers. It is acting purely as a landowner disposing of its domain upon such conditions as it sees fit to a grantee who accepts those

conditions and is bound by them as a matter of contract—not as a matter of statutory regulation."

The authority of Congress to impose the conditions made in the act was urged by the city upon authority of Gibson *v.* Chouteau (13 Wall. 92, 99), United States *v.* Gratiot (14 Pet. 526, 527), Black *v.* Elkhorn Mining Co. (163 U. S. 445, 448), Butte City Water Co. *v.* Baker (196 U. S. 119, 126), Light *v.* United States (220 U. S. 523), and such authority is not now denied by the city, which merely urges a construction of the act differing from that heretofore made by the department.

The act being in the nature of a contract, it is elementary that the intention of the parties must govern its construction, and that consideration may be given to extraneous matter to explain, but not to vary, the expressed provisions of the agreement. The same right exists as to statutes generally.

Having this view of the act as a whole, consideration will now be given to the points upon which the city and the department are at issue, as disclosed by the demand for performance of July 7, 1927, and the city's response thereto.

"1. The city contends that in building roads pursuant to paragraph (p) of section 9 of the Raker Act, the city is not required to build roads of a higher standard than the main traveled roads, with which said roads to be constructed will connect, as said main roads existed or were immediately contemplated at the time of adoption of the Raker Act."

It is provided in paragraph (p) of section 9 of the Raker Act, following the provisions therein that the city shall build the roads made the subject of the demand of July 9, 1927:

"That all trail and road building and maintenance by the said grantee in the Yosemite National Park shall be done subject to the direction and approval of the Secretary of the Interior."

The plain import of this provision is to vest in the Secretary of the Interior full authority to specify the standard of roads to be built by the city and to require that such roads be so constructed as to meet with his approval. Power to compel performance in accordance with his directions was vested in the Secretary by paragraph (u) of section 9 of the act, as follows:

"* * * *Provided, however,* That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and carrying out the provisions of this act."

The power to designate the standard of roads to be built by the city is plain, unambiguous, and does not conflict with other provisions of the Raker Act. Under familiar principles of statutory construction no extrinsic evidence can be considered to explain this provision. The provision being unambiguous, there is nothing to be explained.

Since, however, the act is a contract, as well as a statute, the Secretary of the Interior, in exercising the supervisory discretion which the Congress and the city agreed that he should have, may and will, of course, seek only to exact performance of the contract to a degree satisfying the intent of the grantor and the grantee existing at the time the grant and the contract were made. This intent is to be derived from circumstances existing at the time of the negotiation of the contract.

The contention of the city as to the standard of roads intended to be required of the city appears to be an inference arrived at without recourse to evidence of the circumstances surrounding the making of the contract. The legislative history of the Raker Act, however, shows what was in the minds of the grantor and grantee, as to road building, and, as in the case of memoranda preceding a formal contract, must take precedence over inferences not based upon antecedent facts. The essence of the road building to be required of the grantee city was expressed in the favorable reports of the legislative committees upon the Raker Act, heretofore referred to. The bill then under consideration became the Raker Act without change as to the road building to be required of the city. In said reports an analysis of the bill by separate sections was had, and as to section 9 it was stated in part (vol. 50, pt. 6, CONGRESSIONAL RECORD, p. 5454):

Paragraph (p), section 9, provides for the building of roads and trails in the Yosemite National Park as designated by the Secretary of the Interior.

"(The routing of these roads and trails was made by Mr. Marshall, of the Geological Survey, who surveyed the Hetch Hetchy Valley and is familiar with all the scenic and topographical conditions there. These roads will cost the city of San Francisco $500,000 to $1,000,000, and are to be turned over, free of charge, to the United States. This is one of the important considerations, and carries compensation to the Government for the rights of way granted. The construction of these roads will make the Hetch Hetchy Valley accessible and will provide a convenient and easy way for mountaineers to reach the higher parts of the Sierra. * * *)"

The brief of the city attorney for San Francisco was also set forth in this report, and the following appeared under the heading:

WHAT SAN FRANCISCO PROPOSES TO DO IN RETURN FOR THIS GRANT

* * * * * * *

"2. To build at its own expense a magnificent system of roads and trails which will make one of the most beautiful scenic parts of the Sierra, now reached only by tedious journeys afoot or on mule back, generally accessible to the public."

Again in this brief it was said, under the heading:

HETCH HETCHY AND THE CONSERVATION POLICY

* * * * * * *

"A comparatively inaccessible portion of the beautiful Yosemite Park will be made easy of access to the nature-loving public."

In debates on the Hetch Hetchy bill proponents of the legislation repeatedly referred to the obligation on the grantee to build "a million dollars' worth of roads" (vol. 50, pt. 4, CONGRESSIONAL RECORD, pp. 3894, 3895, 4000, 4100), or as an obligation to build roads to make the park available for all the people for recreational purposes (vol. 50, pt. 4, CONGRESSIONAL RECORD, pp. 3896, 3890, 3898, 3969, 3982), and in some instances reference was made to roads or boulevards suitable for automobile travel (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 4111, pt. 6, p. 5467).

The road-building requirements described by Representative Raker, author of the act, were as follows:

"I want, Mr. Chairman, to call the attention of the committee further to this fact that this bill provides for roads to be built by the city and county of San Francisco, from the public highway into the valley, the Hetch Hetchy Valley. They say there is a trail around the Hetch Hetchy Valley. The city and county of San Francisco under this grant are to build the road up to the dam, around the lake, and from there north to the Tioga Road, which is a public road leading across the mountains to the State of Nevada. It will also build a trail up to the Tiltill Valley, where the city and county of San Francisco now own 160 acres of land, an ideal place for hotels and camp sites. They will build a road from there through the valley to Smiths Peak, and a trail from the main road around Hetch Hetchy on to Lake Eleanor and then to Cherry Creek. The city and county of San Francisco will keep up these roads from now until the crack of doom. To-day about 25 to 75 people per year visit the Hetch Hetchy Valley. You must go in on the trail and on burro back to get there.

"Instead of that you will have one of the scenic roads of the world built to this valley, and instead of having barren cliffs on either side you will have boulevards around this lake, so that the people may see the wonders of the Hetch Hetchy Valley and also the remainder of this territory that is in the watershed of this valley. They will make it accessible, and make accessible the Tuolumne meadows, which are about 40 miles beyond, where there are about 1,500 acres which will be accessible to campers. That part of the floor of the valley which is now owned by the city and county of San Francisco, about 780 acres in extent, could now be fenced, and the Government could be prevented from using any of that part of the floor of the valley. But instead of that they say they will build roads where people can go and see this beautiful lake, as well as the rest of the park."

Senator PITTMAN, who was in charge of the bill in the Senate, said (vol. 50, pt. 6, CONGRESSIONAL RECORD, p. 5467):

"We want that valley accessible to all people, and this bill provides that it shall be made accessible. It provides that the grantee under this bill shall build such roads and boulevards as will allow the people of all this country to get into the valley with wagons or automobiles, by foot or on horseback; to go up the boulevards to the top of those peaks, which are 8,500 feet high, drive around the border of that lake, and see all the beauties of that great national park, which to-day are reserved for those who have unlimited time and means to participate in such explorations.

"This bill provides for the building of these roads; and, mind you, not only does it provide for the building of roads, but it provides that the grantee shall pay to the Government a specific sum of money to keep these roads in eternal repair. That sum of money will eventually amount to something like a million and odd dollars, if not more. After five years they commence to donate to the Government for 10 years $15,000 a year for this work, for the next 10 years $20,000, and from that time on $30,000 a year for the purpose of keeping these roads in repair and for the purpose of keeping that park protected and in such a condition that it will be accessible to and can be enjoyed by others than mountain climbers."

* * * * * * *

"Eliminating, just for the sake of argument and for the time being, the millions of people who live around San Francisco Bay, but considering all the people of California, considering all the people of this country who have the time and the means to visit that great national park, will they be benefited or will they be injured by the work that is to take place under this bill? At the present time they can never see the Hetch Hetchy Valley; at the present time they can not make their way into any except the Yosemite Valley. When this bill becomes a

law they will have access by great boulevards to every point in that great national forest, and the Government will be given a fund, to be supplied by San Francisco, to keep up those roads and to protect that national forest against forest fires and vandalism. If that is the case, wherein is the objection? Wherein is the wrong?"

The foregoing clearly shows the intention of the parties to be that such roads were to be built over the specified routes as would make the park easily accessible to the public as a park, and for recreational purposes.

The right and duty to decide the kind of roads which should be constructed to make these parks accessible were vested by the Congress and by the city in the Secretary of the Interior.

There is nothing in the legislative history of the act which indicates that the main roads leading into the valley were then satisfactory or that they were to serve as models for the roads inside the park. On the contrary, it appears that the matter of improving the standard of the main roads referred to by the city attorney had been before Congress for a number of years and that the roads were recognized as wholly inadequate to serve the needs of the park (S. Doc. No. 155, 56th Cong., 1st sess.; S. Doc. No. 34, 58th Cong., 3d sess.), and large sums had been appropriated each year for the construction of trails and improvement of roads other than toll roads in the park. These appropriations have since 1913 continued to be made.

It also appears from Senate Resolution 275, Sixty-second Congress, second session, that the Congress, prior to the passage of the Raker Act, contemplated the improvement of existing roads or the building of new roads in national parks to accommodate motor travel. That resolution was as follows:

"*Resolved*, That the Secretary of War be, and he is hereby, directed to submit to the Senate as early as practicable an estimate of the cost of construction of new roads or changes in the present roads in the Yellowstone National Park in order to permit the use of automobiles and motor cycles therein without interfering with the present mode of travel in vehicles drawn by horses or other animals."

It also appears that automobile travel in the Yosemite National Park had been authorized prior to the passage of the Raker Act.

From the foregoing it is clear that the city undertook to build such roads over the designated routes as the United States would have built in order to make the park easily accessible to the public.

The roads were to be of a permanent character and such as would meet future as well as then existing needs. This is the import of the provision of paragraph (q) of section 9 of the act, which required the city to reimburse the United States for the actual cost of maintenance of the said roads "in a condition of repair as good as when constructed." This maintenance is a permanent obligation and requires the conclusion that in specifying the kind of roads to be built by the city the Secretary of the Interior was entitled and obligated to require roads of such permanent character and of such standards as would, when maintained as provided by the act, meet all the needs of the public in its use of the park.

The obligation to build roads as above defined had no necessary relation to the character or quality of roads in or about the park, as said roads existed in 1913. If such roads, as a matter of fact, were of such standard as met the then existing and prospective needs of the public and were such as, if extended into the park, would render the same readily accessible, then such roads might be used as models. The obligation to so use them was not imposed or implied by the act, which left that matter exclusively to the judgment and discretion of the Secretary of the Interior.

Delays have occurred in the performance of the road-building requirements of the act. The city attorney pointed out, in the letter of October 13, 1927, that the notice of July 7, 1927, was the first written or formal request for road building made upon the city, the implied contention being that such a notice was required to be given before the city was obligated to begin road construction.

The Raker Act does not require the Secretary of the Interior to make any demand or request that the city proceed with the discharge of its road-building obligations. The only language in the act with respect to written notice is in paragraph (u) of section 9, in which it is provided:

"That the grantee shall at all times comply with and observe on its part all the conditions specified in this act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General * * * to commence all necessary suits or proceedings * * * for the purpose of enforcing and carrying out the provisions of this act."

The requirement of a written request following a clause dealing with failure of compliance with the act by the grantee clearly relates to the matter which follows; i. e., action by the Attorney General to compel performance, and is not a necessary condition precedent to a default. This interpretation was given the act by its author in a debate in the Congress (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 406).

Although no specific time for compliance with the road-building requirements of the Raker Act were expressed, the act required the city to file maps of its project within a specified time and to carry on work with diligence, and authorized the Secretary to declare a forfeiture of the grant as to sites for unconstructed works in case of defaults which were not occasioned by matters beyond the control of the city. (Secs. 2 and 5 of act.) The act did not provide that road construction should follow construction of the city's project, and it seems certain that such road construction was regarded as a part of said project, and hence, also, was to be performed with reasonable diligence.

It is probable and, in fact, almost certain that road construction to-day will cost more than it would have in 1913, and the question arises whether the city is now entitled to object to road-building specifications on that ground.

The city's obligation was unchanging and is unchanged. It agreed to build and maintain such roads or trails as the Secretary of the Interior might prescribe. In prescribing roads the Secretary was expected to require permanent roads for present and future needs. There was no limitation as to the cost of such road building to the city. References in the Congress to roads and trails costing from one-half million to a million dollars were preliminary estimates based upon 1913 costs, and subject to the paramount obligation which was to make the park permanently accessible to the public. The specifications were left to be made by the Secretary of the Interior.

The city failed to act when it might have fulfilled its obligations at less cost than present performance will entail, but is no more entitled to insist upon partial or inadequate performance of its obligation on that ground than would any contractor who agreed to build to fixed specifications, but neglected to perform his obligation until after the costs of materials and labor rendered the obligation less profitable than he had anticipated. This case is even stronger in that the city has already acquired and enjoyed the consideration for its undertaking, and has for 14 years enjoyed the use of funds which might have been required for prompt compliance with the act.

I therefore conclude and advise you that the city and county of San Francisco is obligated to construct and maintain, in the manner prescribed by the Raker Act and subject to your direction and approval, such roads and trails over the routes specified in the act as will render those portions of Yosemite National Park adjacent thereto easily accessible to the public under such conditions of travel as existed or could reasonably have been foreseen in 1913. In requiring construction of roads of that character you will be exercising the discretion vested in you by the Congress and the city, in the manner intended by those bodies when the Raker Act was passed and the grant accepted.

The city has not contended that the requirements set forth in the notice of July 7, 1927, are for roads or trails of a standard in excess of that which might reasonably have been made in 1913 to meet the then existing and reasonably foreseen needs of the public in this park. Unless said requirements are in excess of those conditions, the demand made is clearly authorized and required by the Raker Act.

"2. That roads heretofore constructed from Hog Ranch to Hetch Hetchy Reservoir site and thence to Lake Eleanor were approved by the Secretary of the Interior before being constructed, and are sufficient compliance with the Raker Act as to roads over these routes."

The records show that these roads were built over rights of way granted pursuant to section 1 of the Raker Act as transportation roads. The rights of way were approved for that purpose, and it nowhere appears of record that your predecessors have ever regarded these roads as roads built for the use of the public. The roads were used for transporting building material and supplies to the Lake Eleanor and Hetch Hetchy Dam sites, and the city, although agreeing to the use of these roads temporarily by the public, insists upon a right to reassume full possession thereof if it decides to enlarge either of the reservoirs, to which said roads lead. The city has a present interest in the right of way, and if it desired to supply these roads in satisfaction of the requirements of section 9 of the Raker Act could only do so upon your approval of said roads for that purpose and by assigning such roads to the United States "free of cost" as required by section 7 of the act.

It also appears that in securing the right of the public to travel over these roads and in taking over the repair of the road to the Hetch Hetchy Reservoir the department expressly declared that said roads were not acceptable as in full compliance with the terms of the Raker Act.

From the matters of record it would appear that the roads heretofore constructed have never been considered or approved as meeting the ultimate obligation of the Raker Act, and I have to advise that you are entitled to require that said roads be put into such condition as to make them the kind of roads which would have been required to make the park areas easily accessible for public use as such use was required or might reasonably have been anticipated in 1913.

In this connection it may be added that, unless the city has an actual future need for these roads in connection with its project, it is obligated, under section 7 of the Raker Act, to assign said roads to the United States. If it has such need and desires ultimately to improve the roads to meet the requirements of section 9 of the act, and in compliance therewith, the matter of deferring the time for compliance with the act as to these roads is a matter within your discretion and may be allowed upon such conditions as you may prescribe.

"3. The city is not required to convey to the United States lands acquired in the Yosemite National Park after the passage of the Raker Act."

The provision in the act of December 19, 1913, is that the city shall convey "all tracts of land which are now owned by said grantee," and not actually required for use under said act.

It is clear, therefore, that the city is not bound to convey the two tracts acquired in the Yosemite National Park after December 19, 1913. Whether the city may use said lands as a part of its project without further authority from Congress is a question which need not be decided until an attempt to use said lands is made.

"4. The city is not required to convey to the United States lands adjacent to the Hetch Hetchy and Lake Eleanor Reservoirs."

The lands adjacent to the two reservoirs built by the grantee fall into two classes. First, those lands which are owned by the city and which will be flooded if and when existing dams are raised and the flow lines of the reservoirs are enlarged, and, second, lands owned by the city above any possible enlargement of the reservoir but which the city desires to retain "for sanitary control" of the reservoir.

As to lands below the flow lines of the reservoirs, as they may be enlarged by future works by the city, it is clear that no obligation exists upon the city to convey such lands to the United States. Such an obligation would arise, however, upon a denial in the manner provided by the act of any right in the city to enlarge its present reservoirs, unless the city is entitled to retain lands owned by it above the flow line of its reservoirs for sanitary control of the reservoirs.

One of the restrictions placed in the Raker Act, upon the rights of the city within the Yosemite National Park, was a set of sanitary regulations appearing at subsection (a) of section 9 of said act, as to which it was provided that: (Fifth)

"If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages."

These provisions clearly indicate that the city was to have no right to other restraints upon the public in their use of the park than were provided for in the regulations made a part of the grant. As the city undertook, by accepting the grant, to "convey to the United States any and all tracts of land now owned by said grantee within the Yosemite National Park not actually required for use under the provisions of this act"—it obligated itself to convey for the use of the public all lands above the flow line of its reservoirs not occupied by a filtration plant or other works erected by the city to purify the waters of the reservoir.

The report on the Raker bill in Congress and the statements of the proponents of the bill during its consideration all show that the city only intended to retain ownership of lands actually occupied by reservoir or subsidiary works. Illustrative of this is the statement of Representative Raker (vol. 50, pt. 4, CONGRESSIONAL RECORD, p. 3902):

"They will turn over the 160 acres of land which they now own at the Tiltill Valley for camping purposes—they will turn over the Cherry Valley in the same way, all that they do not use for reservoir purposes, and there is a good deal of it."

As the city owned only lands around Lake Eleanor, near the Cherry Valley, it is clear that the lands described in item (c) of the request of July 7, 1927, were those referred to in the above statement.

In this connection it is noted that, during the past season, the city assumed to prohibit boating and fishing in the Hetch Hetchy and Lake Eleanor Reservoirs by publishing notices to that effect. It is probable that it was asserting authority to do so on the ground heretofore asserted by the city that it owns a portion of the land beneath said reservoirs, and upon their banks. The city has also, informally, at least, opposed the establishing of camps, hotels, or cottages adjacent to these reservoirs, on the ground that such usages might pollute the city's water supply.

It is assumed that the desire of the city to retain ownership of the lands about these reservoirs is to support its policy of restricting activities of the public users of the park in and about these reservoirs.

What has heretofore been shown relative to the intent and purpose of the Raker Act discloses the fallacy of the present policy of the city, which is opposed to its promises made in the said act. The public uses of the park were to be increased by the city, and the sanitary regulations stipulated were the only restraints on account of said city which were to be imposed upon "campers, tourists, or the occupants of hotels and cottages." Even those restrictions were not required to be imposed until "the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee," which the city now asserts will be four or more years in the future.

The same is true as to fishing and boating, and it is not believed that the city has any power, either in its capacity of proprietor of part of the beds of these artificial bodies of water, or through the exercise of police power, as a municipality, to prohibit or regulate fishing or boating under such regulations as the department may prescribe. The city is an agency of the State of California and is bound by the cession of jurisdiction over the park made by the State (ch. 51, Sess. Laws 1919, p. 74) and accepted by the Congress (act of June 2, 1920, 41 Stat. 731), in which the State retained only a right to fix and collect license fees for fishing in the park, and as to which the Congress expressly placed the matter of fishing within the jurisdiction of the Secretary of the Interior.

I therefore conclude and advise that the city is required to convey to the United States all lands owned by it in the park in 1913 which are not actually flooded or used for works of the city's project, including all lands which have not been used for those purposes for more than six months past.

"5. The city's project is far from completion and the things required of the city should be arranged for in such a manner as to require only such immediate expenditures as the present needs of the park require."

This request is primarily a matter of policy, but it seems proper to point out that almost 15 years have elapsed since the city assumed the obligation to improve the Yosemite National Park; that four or more years will probably elapse before water is carried into the city; that cities whose need for water was urged as a reason for future enlargement of the present reservoirs have now secured water from other sources; that for a number of years the city has sold power developed by the project; and that the present lack of visitors in large numbers to the Hetch Hetchy Valley and to Lake Eleanor may be largely due to failure of the city to provide adequate roads, and acquiescence in the past by the department in the requests by the city that recreational activities at these reservoir sites be not encouraged.

In view of the matters it is respectfully recommended that the city be asked to submit its views as to what would constitute a reasonable program for the performance of the obligations herein defined. The city should also be required to show cause why a forfeiture should not be declared and enforced as to all rights of way, including reservoir areas which are not actually flooded and capable of being used by the city if its conduits were completed and the waters stored in the park were in actual use by its inhabitants.

Respectfully submitted.

E. O. PATTERSON, *Solicitor.*

Approved December 14, 1927.

JOHN H. EDWARDS, *Assistant Secretary.*

RELIGIOUS CENSUS

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. KVALE], under the previous order of the House, is recognized for 10 minutes.

Mr. KVALE. Mr. Speaker, we have just passed a bill providing for the taking of the fifteenth decennial census of our United States in 1930. Because the bill was brought up under suspension of House rules there was no opportunity to discuss the provisions of the bill or to offer amendments thereto.

In fact, in view of the policy laid down in the bill we passed, the amendment I had in mind might well have been ruled as not in order, for authority to select the specific questions to be included in the schedules and to define the scope of the census is left to the Director of the Bureau of the Census, subject to the approval of the Secretary of Commerce.

Evidently anticipating enactment of the bill and assuming such authority already to exist, the director has within the past few days, after conferences with his advisory commission from the American Statistical Association and the American Economic Association, delayed until a time not yet determined his decision on a large number of requests which have come to him with reference to particular questions to be included in the next census.

Among these, and, I hold, by far the most important to our Nation of any of them, is the request that the present religious statistics which are assembled be enlarged through the addition of one question. Just one question. And I want to show the House just what the addition of that one question would mean to us as a Nation, and to the accuracy and significance of the Government data on religions and the country's religious status.

PRESENT CENSUS IS INADEQUATE

Our present census aims at the collection and compilation in convenient form of all facts and figures, all statistical information that will be of value in promoting the national welfare. It provides for collection of complete data on population and distribution, on manufactures, on agriculture, on irrigation and drainage, on mines, on religious bodies. Note the last-named subject, that of religious bodies; it is just that and no more. The census covers the general adult membership in the various denominations of religions, and is secured largely through correspondence with the leaders in those denominations.

This work, it is true, covers the history, description, and statistics for each religious body that exists and operates in

this country, and yet it touches only an approximate half of the population of the Nation. And it is largely a duplication of the work that the churches themselves perform voluntarily each year. It is strictly a census of bodies and not of individuals. As such the statistics are of very limited value to the churches themselves, as well as to social and moral workers, statistical scholars, and others who seek reliable data on social and criminal problems.

The data compiled by them are valuable, and are used extensively, are quoted throughout the world. And yet the bureau's official statistics are so misleading and have such glaring omissions that their usefulness is seriously marred, and their publication places our Nation in a wrongfully unfavorable light.

COVERS ONLY HALF OF POPULATION

The statistics take no account of the millions of unchurched citizens of the United States who maintain some sort of religious affiliation and who have religious beliefs and preferences, even though they are not listed as active, supporting members of church organizations. Thus the bureau has no record of the religious character of an approximate one-half of our population. Nearly all other nations have a complete record of such information. Canada and Mexico, our nearest neighbors, have such censuses. The countries of Europe and South America almost without exception do likewise, as do Egypt, Australia, and others.

But we have an example within our own United States that may be applied. It is not generally known, perhaps, that the State of South Dakota takes a regular five-year census of its State population, and that it includes in its questionnaire just one question with reference to religion, and that is, "Church affiliation?"

Here, then, is a fair and accurate comparison between our National census and their State census, taken of the same group of peoples. Note, then, that the Federal census reported about 33 per cent of the State's population as members of some church body, and that the State's census found 75 per cent to be church people, 9 per cent not, and 16 per cent that for some reason failed to make any declaration. Distributing this 16 per cent on a proportional basis, we find that only 10.6 per cent of the population of South Dakota are not affiliated with some church, instead of the 67 per cent the Federal census statistics reported.

COMPARED WITH OTHER NATIONS

Canada conducts a similar census, and finds that her population is 98.4 per cent church affiliating, and less than 1 per cent have no religion or refuse to disclose their affiliation. Mexico, also conducting a census along such lines, finds that her population is 96.9 per cent Christian. But our United States, in its last published census reports, shows a church-affiliating citizenship of about 41 per cent of our total population. Is that a fair comparison? Certainly we should feel that there is some error in a system that permits us to be designated as a Nation so far inferior to other nations in religious progress. It does not fall far short of slander.

We need not be members of any church to recognize the indisputable fact that religion is the world's greatest moral force to-day. No one will deny that stark disaster would accompany a cessation of its influence. And yet our information on the country's religious status is woefully incomplete and unreliable. Not once in our history have the citizens been asked for a direct statement of their religious preferences, if any, so that in that way there might be made available the exact status of this activity.

At once we would have a definite basis for studies in problems that vitally affect our national welfare and progress. At present all statistics on crime, on social work, on police work, are based on estimates and on guesswork in so far as the religious influence is concerned. Church bodies would know exactly the scope of their work and the opportunities before them; and I think it may be stated that there is not one of them which would not approve this addition to our census work and sense the tremendous importance of it. Nor would we longer be cited to the world as a Nation that is only about half religious, when in reality we are a Christian Nation, and the official statistics should show it.

"CHURCH AFFILIATION" SHOULD BE ASKED

A demand should come from every intelligent citizen of the United States to the Director of the Census and the Secretary of Commerce insisting that there be embodied in the next population schedule the one question establishing the religious preference that each citizen may have. There need be no additional questions, but the one question, two words in length, will give invaluable statistics on religious affiliation by denominations and by geographical units.

This appeal, I am sure, will result in a demand almost universal if it is only brought to the attention of the church bodies at their annual conventions, and if it only reaches the attention of the students and workers in social and economic research. It is astounding that it has not been done long, long ago; and it should be made a regular part of the census work without further delay.

Is it too much to ask? In the bureau's large number of questions designed to secure information and statistics that will bring beneficial data regarding social and moral progress, regarding economic and business development, regarding industrial problems and their solution, there are many whose extent of usefulness is distinctly limited. There are many questions that serve to develop information used by a relatively small group of the population. Take, for instance, the figures and data regarding the elaborate reports for selected industries in the manufactures schedule. But not so with this one question that is proposed. It would affect everyone, and it should be all important.

When the farmer is asked perhaps 25 questions about his cows and pigs, and his farm property and livestock, might he not be asked one question that vitally affects his own community's moral progress and that of his Nation?

IS OF OUTSTANDING IMPORTANCE

When the Secretary of Commerce, Mr. Hoover, now proposes to expand the bureau's census of distribution to include an elaborate census of distribution of wholesale and retail products that will constitute perhaps the greatest commercial venture this Nation has yet undertaken, is it out of place to suggest that he might well consider the matter of one question—only one question—as to religious affiliations of the population to be of comparable importance at least?

The Director of the Census, in a letter to me dated May 5, states that—

* * * as stated at our conference * * * it would be difficult, if not impossible, for the census to include any additional inquiries on the schedule used to enumerate the population without omitting some of those that had been used at prior censuses. In my preliminary talk with the persons that are especially interested in the subjects covered by the schedule, I find that there is a great deal of opposition to the omission of any of the inquiries. * * *

If, then, this question is to be reduced arbitrarily to a simple question of choice between addition of the religious preference question and elimination of one other question—a procedure which I believe can be rightly questioned and challenged—I still insist that it can be settled on its merits, that it can not be denied that this information is of far greater importance to the Nation than some of the questions, of admitted importance and significance, that are now asked of the Nation's inhabitants; and that while the director and his advisers very naturally are reluctant to order any elimination of present questions which bring a series of comparative statistics covering the years of the censuses, this question I have herein discussed is respectfully left with them for their consideration pending their meeting next fall.

Mr. RANKIN. Will the gentleman yield?

Mr. KVALE. Certainly.

Mr. RANKIN. The gentleman did not come before the Census Committee and recommend it?

Mr. KVALE. I have conferred a number of times with the chairman of the Census Committee, the gentleman from Connecticut [Mr. FENN], but he advised me that it was a matter for the Director of the Census to take care of.

Mr. RANKIN. I am the ranking minority member on that committee and this is the first time this has been called to my attention.

Mr. KVALE. The gentleman understands my position, I am sure. I was given to understand that an amendment was not necessary; in fact, that it would not be in place.

Mr. RANKIN. I am not sure about that. We were working out a bill, and we might have had the gentleman's views written into the bill. I rather think he is right about this.

Mr. KVALE. I thank the gentleman for his opinion and I feel sure he will do his utmost to have the question I suggest embodied in the population schedule of our next census.

Mr. Speaker, no question as to the constitutionality of this proposed change can be offered in good faith by those who for some reason may oppose it. The present method is admittedly constitutional; it has been in operation for many years and has never been seriously questioned. If that is in harmony with our Constitution, then a method perfected to remove the glaring inadequacies and the misleading results arrived at in the present procedure would be by that much the more constitutional. That is perfectly apparent to any thinking man, and needs no further comment.

I suggest that all the Members of this House who are interested in the subject get in touch with the Secretary of Commerce and the Director of the Census Bureau and give them their views on the question involved. I further suggest that all the church bodies assembled in their annual conventions this year, in fact, every congregation and religious organization in our country, pass a resolution asking, nay, demanding, of the Secretary of Commerce and the Director of the Bureau of the Census that this one question be included in the next population schedule. [Applause.]

GREETINGS TO THE RURAL CARRIERS OF THE FIFTH DISTRICT OF MISSISSIPPI

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. COLLINS] may be permitted to insert in the RECORD a speech he is going to make on the 30th of May at a convention of rural letter carriers at Louisville, Miss.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, our present rural free-delivery system began in the year 1896 with the establishment of three insignificant routes. It differs from the system of every other country in that foreign delivery-mail systems have been bureaucratic, originating always with the post-office officials and planned on geometrical lines, measured strictly by a tapeline.

Our rural delivery of mails has come from the people themselves and its growth has been in response to petitions from them. Did you know that long before its inception the people of a certain farming community in Mississippi had developed a scheme by which all their mail was delivered to one individual who in turn delivered it to each house and took from each of his patrons any outgoing mail they might have for the postoffice? The system is one of cooperation. Your patrons are working on their side to help the Government in its undertaking by the upbuilding of poor roads, the bridging of unpassable creeks and streams, and the placing of available and appropriate mail boxes at their homes. By thus uniting for one purpose the rural-mail service has expanded almost in the twinkling of an eye until to-day there are approximately 44,370 rural routes, which serve about 7,100,000 families throughout this great land. It is hard to realize that such growth has resulted within 32 years. Uncle Sam never gave a service more appreciated by the people, to my way of thinking, nor derived greater benefits from any one thing, in proportion to the money expended. So we all have a pride and feeling of possession in the rural-delivery system. But it is you carriers who form the basis of its excellence, by keeping its wheels turning. You and your brothers of other States are carrying on in the great prairie lands of the West, in the foothills of the Alleghenies, on the ice-bound lands of the Lake Champlain region, in the sugar plantations of Louisiana, the fruit-orchard lined roads of California, and the rough mining counties of the hills.

Born under difficulties and cared for at first as an orphan "experiment," the rural mail delivery has come to be an established policy of the postal administration. You have the responsibility of seeing that the mail matter is delivered, come what may, letters that mean life and happiness, profit, and the upbuilding of commercial relations with others, and often lasting success itself to those you serve. It is certain that our people have come so to depend on this satisfying service that they would rather pay for such delivery themselves or submit to increased postal rates, if necessary, rather than be without this daily convenience.

There has always been and will always be a thrill connected with the sending and receiving of mail, and there is also an aura of romance about the carriers of these tidings of hope, and love, good luck, news of far-off loved ones, and the countless whisperings of the world. The written or spoken message brought from afar has often turned the tide of history. In the days of the Cæsars the courier afoot or on horse was eagerly looked for and looked up to; the same swift courier of news formed a part of the campaigns of Napoleon; the mail courier has ever played a vital part in the growth of white civilization. From the beginning of our country, through him, colonies were kept in close touch and harmony with each other. Then in the formative years of the country came that most picturesque mail delivery history has ever known, the Pony Express. It did not exist much over a year but served to take the mail across that 2,000 miles unpassed by any railroad, from the west coast across the desert. These riders traversed the roads lined with vast forests and plains where they could be ambushed by the road agents and the Indians of those days. They were fearless men, devoted to the one ideal, "the mails first, then the man." The best of horses were used, and every thought was toward getting the mails through. Oftentimes a rider would have given anything to be able to stop to engage in battle with attacking Indians or road agents, but the mail was first, and many a pouch of mail was delivered to the next rider by a rider mortally wounded. "Buffalo Bill" Cody was one of the most fearless of these mail riders. Over all that long distance, by means of relay riders and horses, for a year and a half the mails went through on schedule, and only one bag of mail was ever lost.

I have taken your time to recall this period in the history of mail delivery, because I feel that the same ideals and loyalty of service that distinguished those men abound in the characters of the rural free postmen of to-day. There is still a thrill about the delivery of mail, there is yet a tinge of romance to the duty of a carrier. You, too, administer unselfishly when you find distress; you surmount the difficulties of your work as you meet them. There are opportunities for the display of courage, and many heroic deeds have been done by your brotherhood. The annals of the Post Office Department show deeds of such courageous character that they rival those of any military hero. In the last several years more than a hundred men have given their lives in line of postal duty. To qualify as a rural carrier means that he is a man of stamina, of intelligence, of good health, of outstanding courage. No youth can stand the work unless he shows the makings of a real man.

In the fifth Mississippi district we do not have the rigorous storms nor the terrific snows that test the hardiest of the carriers in the cold regions, but whether or not your route uncovers danger, your work is vital and you ought to be rewarded for long service and loyalty. I am always proud to be giving aid to anything that helps you, as I am serving not only you, my friends, but the thousands in my district whom you touch.

The friends along your route look on you not only as their postman, but as a general-utility friend; and the things you have done for them, the times you have summoned a doctor, the favors that have been asked of you not always in the strict line of your duty, will all be charged up to your credit as a neighbor and will help to swell the influence you already wield. You have a responsibility to shoulder which is to "be a friend to man."

The latest speeding up of Uncle Sam's mail deliveries has brought the most modern airplane into the service, reducing again the distance from coast to coast. But let me tell you of another spectacular mail service I have heard about, not in our own land, but of a small island in the Tonga group of islands in the South Pacific. This island is completely surrounded by such dangerous coral reefs that no boat can come closer than two miles from shore. Once a month a mail boat from New Zealand appears with mail, two native postmen start swimming toward it, the leading man carrying a short stick with a cleft in the end of it. In this cleft are the outgoing letters which he drops into a bucket let down from the ship. Then a large sealed cracker box is let down in which is the in-going mail; the swimmers tow this back to shore against dangerous currents and the tide. While your job is not so "wet" as this one, from the reports I get from postal headquarters I know that the rural carriers of the fifth district are bravely breasting the breakers and making progress toward perfection in the delivery of the mail to all corners of our district.

There is a monument of stone outside the city of Los Angeles to "Snowshoe" Thompson, a rural carrier who, for 13 years, carried on his back through the snowbound passes of the Sierras the mail business of California to and from the East before the advent of any railroad through that country.

You have no stone monuments erected, and may never have, but I want to assure you that there exists one to each and every one of you in the community heart of those you serve.

EXTENSION OF REMARKS

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an article by General Richardson, of the United States Army, on the subject of Alaska, where he spent a great many years.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. How long is the article?

Mr. THURSTON. About 10 pages.

Mr. CRAMTON. Is it a recent article? I ask that because an article, I think by General Richardson, was inserted in the RECORD at an earlier date this session.

Mr. THURSTON. This is in January.

Mr. CRAMTON. I think it was inserted by the gentleman from Massachusetts [Mr. TREADWAY].

Mr. THURSTON. Then, Mr. Speaker, I shall withdraw my request for the present.

Mr. KIESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article relative

to the limitation of sugar in the Philippines prepared by Mr. Vincente Villamin, a Filipino.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object.

WHAT IT COSTS TO RUN THE UNITED STATES GOVERNMENT

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I propose to make a few remarks about the business side of the United States Government. I like to talk about the business side of the Government that the Congress has to do with because I think it has been well conducted.

Being a member of the Appropriations Committee, I come much in contact with the figures—the big figures—that represent the expenditures of the Government. I know the efforts this committee, led by its late lamented chairman, Mr. Madden, has made to keep the appropriations within reasonable bounds.

This great committee has never had a greater chairman than Martin B. Madden, who died at his desk April 27, 1928. He had a broad vision and understanding, and he knew the various activities and ramifications of the departments for which he was approving appropriations. Having started life as a poor immigrant boy, he knew the value of a dollar and what it would buy. Having made a notable success in big business before coming to Congress, he could understand necessities that run into millions. Mr. Madden was a hard worker; a thorough student of public affairs, sincerely patriotic, generous and kind by nature, helpful where help was deserved, but discriminating always. He never hesitated to push aside or fight his best friends who sought what he considered unnecessary appropriation. He would defend the Public Treasury with his own life, a common-enough saying, but in his case literally true, as was evidenced by his last fight on the floor of the House the day before death called him, hastened no doubt by his aggressiveness to save the Treasury in that instance. I would guess that Mr. Madden during his chairmanship of this great committee saved this country nearly, if not fully, a billion dollars through his insight and insistence upon economy and retrenchment.

Appropriation bills must originate in the House of Representatives.

All bills carrying appropriations must be considered and reported out by the House Appropriations Committee.

All bills reported out by the Appropriations Committee are passed. That sounds rather broad, but I do not recall any bills in recent years that this committee has reported out that have not passed. One or two have been temporarily held up by filibusters in the Senate, but they went through the next session. They usually go through the House very nearly as written. The Senate not infrequently adds on a few millions of dollars.

Since every bill reported out by the Appropriations Committee and practically every dollar in every bill so reported out becomes law, it may be seen how important it is to have a conservative committee that will conserve the public funds. And that you have had for 10 years.

In years past the running expenses of the Government were largely paid from a tax on tobacco, alcohol and liquors, and receipts from customs. That was before it cost a billion dollars a year to run the Government. And it was not so many years back at that.

The World War brought on big expenditures and heavy income taxes. Appropriations jumped from three-quarters of a billion dollars in 1916 to $19,000,000,000 in 1919, then back to $6,000,000,000 in 1920. They have gradually been brought down to about $4,000,000,000 per year.

For eight years the Republican Congress has been trying to bring down expenditures, cut down appropriations, reduce taxes, and pay off the public debt. Federal taxes have been reduced until they are no longer a burden to anybody, and not much paid by the average man, and the public debt has been reduced about $8,000,000,000.

Coming down from war-time expenditures has not been an easy matter. But it has been done. Three agencies have been largely responsible for bringing before the Congress a conservative financial program—the President, the Budget, and the House Appropriations Committee.

The President has set the pace and has urged the departments to economize. He has issued orders that no person employed in the Government shall urge before the Appropriations Committee greater appropriations than the Budget estimates. He has set the figure for the total year's expenditures.

The Budget has suggested how the funds may be allocated to each department and activity of the Government and come within the grand total suggested by the President.

The House Appropriations Committee has reported out and the Congress has passed bills appropriating less money than the Budget has estimated usually.

While the results have been magnificent, few applaud or seem to care.

The demand for appropriations and for new laws requiring appropriations come from many and from everywhere. Every department of the Government wants to expand. The Army and the Navy want more men, more ships, more equipment, better quarters. Every town and city wants public buildings and air mail. Every river and harbor is a possible drain on the Treasury. Every man on the public pay roll would like increased pay. And nearly everybody, everywhere, has something in his mind which he thinks the United States Government ought to buy, build, or pay for.

Every chamber of commerce, with few exceptions possibly, in the United States has indorsed one or more projects that would increase appropriations. Every organization in the United States seems to advocate the spending of public funds somewhere. Millions of dollars are spent every year through organizations, advertising, and propaganda to induce the Congress to pass, or to influence the country to demand that the Congress should pass, one thing or another that would cost much money.

Does anybody protest against any of these expensive laws or appropriations?

Not that any Congressman has heard much about.

Those interested and those who would benefit by legislation and appropriations and many of their friends write, telegraph, and show up in person to advocate their cause. But the great majority who pay the taxes say nothing.

The Appropriations Committee can report out appropriations only for functions or activities for which there is a law. It is expected to and usually does report out appropriations for governmental activities for which there is a law. It uses its judgment as to just how much to report out.

The Appropriations Committee does not initiate laws. If it puts an item in a bill for something for which there is no law, that item can be stricken out of the bill on the floor of the House on a "point of order" raised by any Member.

The Appropriations Committee is not responsible for flood control, rivers and harbors improvement, Muscle Shoals, Boulder Canyon Dam, public highways, naval expansion, adjusted compensation, or any of the many things that cost money. But if the country demands them, and if the Congress passes the laws authorizing them, then the Appropriations Committee must report out bills to cover them.

The Appropriations Committee is not responsible for the big Budget, the growing Budget of the country. The country which demands new and expensive activities and the Congress which passes the laws are responsible for that.

It is the business of this great committee to hold the appropriations for the several departments and the various Government activities down to a minimum and at the same time take care of their actual needs, and it is doing that very well.

WHAT IT COSTS TO RUN THE COUNTRY

Here is a list of appropriations made by this Congress for the fiscal year beginning July 1, 1928, and ending June 30, 1929:

For fiscal year 1929

Agricultural Department	$139,138,793.88
Interior Department	272,656,039.00
Navy Department	362,145,812.00
War Department	398,517,221.50
Treasury Department	296,392,018.00
Post Office Department	764,950,042.00
State Department	13,955,955.14
Department of Justice	26,759,342.50
Department of Commerce	38,136,960.00
Labor Department	10,968,340.00
Legislative	17,746,893.26
Executive and independent offices	527,593,111.00
District of Columbia	37,625,208.00
Deficiency bill, largely held over from last year	200,936,668.02
Second deficiency bill	146,017,757.74
Total	3,253,540,162.04

The above are the items appropriated by this session of Congress. To this must be added the permanent and indefinite appropriations which run along without Congress appropriating them every year. In this item is included the interest on public debt, regular sinking fund for the public debt, and other regular fixed charges, altogether amounting to $1,388,753,735.53. Added to the above, this will make a grand total for the cost of Government for the fiscal year of 1929 of $4,642,293,897.57.

Appropriations do not indicate the exact amounts spent. Expenditures will probably run a little less than appropriations.

The fiscal year ending June 30, 1927, has been closed up and the figures published, so we do know exactly what the Government cost that year. We know what the receipts were, and the surplus. Here is a statement for the year 1927. These figures include the Post Office Department, which is a large item.

For 1927

Total receipts	$4,812,516,429.76
Total expenditures	4,176,706,508.06
Surplus	635,809,921.70

The surplus was later applied on reduction of the public debt.

Three large items in this expenditure are Post Office Department, interest on public debt, and payment on public debt required by law. These were for 1927, as follows:

Post-office service	$712,036,704.71
Interest on public debt	831,937,700.16
Debt retirement required by law	487,376,050.50
Total	2,031,350,455.37

The Post Office Department takes care of itself pretty well, collecting for service nearly as much as it costs. The other two items are on account of the war, of course. Take these items from the total expenditures, and the total cost for all the other functions of government was $2,145,356,052.69.

HOW THE MONEY IS RAISED TO PAY THE BILLS

The receipts you read about which are required to pay the expenses of Government come from several sources. The present tariff produces over $605,000,000 a year. That is a considerable increase over the Democratic tariff of a few years ago. I figured it up once and found that the Democratic tariff for the years of 1917, 1918, and 1919 brought in in customs receipts a total of $713,633,640.

The Republican tariff law brought in in customs receipts for the years 1925, 1926, and 1927 a total of $1,733,740,000, which was something over a billion dollars more than the Democratic tariff produced for three years. Naturally, that billion dollars had the effect of reducing taxes to that extent.

The income tax last year brought in $2,224,992,800. These are the two big items of receipts.

The Appropriations Committee has nothing to do with writing the revenue laws. All bills referring to the tax question and the raising of revenue are considered by the Ways and Means Committee of the House. This is a very important committee. It is made up of 35 members, and as a rule they are the older Members of the House. Hon. CHARLES T. TIMBERLAKE, of Colorado, is a member of this committee.

This summary will show you the sources of the receipts for 1927:

Receipts for 1927

Income tax	$2,224,992,800.25
Miscellaneous internal revenue	644,421,541.56
Customs account tariff laws	605,499,983.44
Miscellaneous receipts	654,480,115.85
Postal Service	683,121,988.66
	4,812,516,429.76
Total expenditures	4,176,706,508.06
Surplus	635,809,921.70

MISCELLANEOUS INTERNAL REVENUE

Taxes raised on specific things and industries have been largely removed. A large item, that on automobiles and motor cycles, goes off this year. Here are the receipts for the principal items under this head for the year 1927:

Estates	$100,339,851.96
Spirits and liquor	21,195,551.96
Tobacco	376,170,205.04
Stamp taxes	37,345,551.43
Autos and motor cycles	66,437,881.32
Admissions to theaters, etc	17,940,636.69

ANOTHER BIG REDUCTION IN FEDERAL TAXES

You would think, with the rapidly growing country and the insistent demand of the country for increased appropriations for many and sundry things, that there would be an end to tax reduction some day—and there certainly will be some day. But the end did not come this year.

This Congress has passed a new revenue bill which cuts about $222,495,000 off the yearly taxes paid by the public.

The revenue act of 1921 reduced the annual Federal taxes by about $663,000,000. These figures are from the Treasury Department and are based on what the collections would have been had the rates and taxes not been reduced. The revenue act passed in 1924 cut off $519,000,000 from the annual collection of taxes. Again in 1926 the revenue act lowered rates and made further exemptions amounting to $422,000,000 annually.

Here is the way it looks

1921: Taxes reduced by	$663,000,000
1924: Taxes reduced by	519,000,000
1926: Taxes reduced by	422,000,000
1928: Taxes reduced by	222,000,000
Total	1,826,000,000

And this is how it works: If the laws had not been changed, reductions in rates of income tax made, and tax on items like the automobile and many other things cut off entirely; if the tax laws of January, 1921, were in force, the people would pay this year just about $1,826,000,000 more than they will have to pay. That certainly is a substantial sum saved to the people and has no doubt added much to the prosperity of the country.

The new revenue bill passed by this Congress in 1928 reduces the flat corporation taxes from 13½ to 12 per cent. This item alone cuts $123,450,000 off collection. The automobile tax is entirely removed, saving purchasers of automobiles about $66,000,000 a year. Tax cut on admissions for tickets up to $3 saves the public $17,000,000 annually. About $185,000 is cut off tax on cereal beverages and about $150,000 off druggists.

Those who patronize prize fights will pay more, rates being raised so that about $750,000 more tax will be collected, and those who buy yachts built in foreign lands will have to pay about $50,000 more in taxes.

WHO PAYS THE FEDERAL TAXES

The Federal taxes have been so reduced and exemptions extended have been so liberal, the average man pays very little of the taxes required to run the Federal Government.

The married man who earns $3,500 per year pays no income tax. If he has three children under 18 he may earn $4,700 and still pays no income tax.

For the calendar year 1924 a total of 4,489,698 persons paid income tax.

For the next year with the exemption increased under the new law only 2,501,166 persons paid income tax, paying in all $734,555,183.

Those who own stock in corporations do contribute, of course, through the corporation tax. For 1925 corporations paid $1,170,331,206.

The miscellaneous taxes used to catch a good many. Through stamp tax and penny collections here and there most people did contribute to the cost of the Government. But most of these have been removed and others reduced. The last big one to go is the tax on automobiles. This tax brought in $138,200,000 for 1926 and $66,400,000 for 1927, but it is entirely cut off by the revenue law passed by this Congress.

The tobacco tax brings in the largest sum under this head—brings in more than half of all the miscellaneous taxes. Last year tobacco users in its various forms paid $376,200,000 taxes to help run the Federal Government. This tobacco tax has always been with us and I suppose always will be. It is easily collected, and I often say that the smoker is the most cheerful taxpayer of them all; and since I have been helping to work up the appropriations bill for the United States Navy I have sometimes remarked that the smokers of the country pay enough tax to run this whole Navy Establishment, which will cost about $352,000,000 for next year.

THE SURPLUS—WHAT IT IS AND WHY

The surplus or the deficit in the Government's affairs is the difference between receipts and expenditures. For a number of years we have been collecting in more money than has been paid out. So we have been having a surplus. It has not always been that way.

I recall when I was quite a lad, back in the Cleveland administration, seeing a good deal of talk in the newspapers about this national surplus question. It seemed that Mr. Cleveland did not believe in a surplus. The tariff rates were cut, the revenues declined, and the surplus was wiped out. The result was that the National Government in times of peace had to sell bonds to meet the running expenses of the Government. This naturally brought out a big holler from business people who do not believe in that sort of thing.

The Government is just like the individual. I know men who spend more than they get. The result is that at the end of each year they have to increase the size of the mortgage on the home. I know men who never spend quite as much as they get in any one year. The result is that they are out of debt, do not pay interest, and are getting ahead in the world.

Mr. Cleveland had a deficit the last three years of his administration. And that was in peace time. The Government had a big deficit in 1918 and 1919—running up to about twenty-four billions of dollars for the two years—but that was on account of the war, of course, and could not be helped.

Mr. Harding was and Mr. Coolidge and Mr. Mellon are the sort of people who do not believe in deficits. The Republican administration started in to wipe out the deficits, to reduce running expenses, to reduce taxes, and pay off the national debt.

So whatever the income, the expenditures have been less and each year there has been a very handsome surplus. In the past eight years this surplus has amounted to over $2,692,000,000.

At the end of each year the Secretary of the Treasury has taken the amount of surplus on hand, all that could be safely spared of it, and has applied it to paying off the debt, just as any good business man would say that he ought to do.

The result is shown in the great reduction of the public debt that has been made.

Another result, too, is the fact that as the debt is reduced the interest is reduced. The interest charges which we pay out are now about $300,000,000 less than they were a few years ago.

Here is a table showing the surplus saved for each year for the past eight years:

Surplus by years

1920	$212,473,197
1921	86,723,771
1922	313,801,651
1923	309,657,460
1924	505,366,986
1925	250,505,238
1926	377,767,817
1927	635,809,922
Total	2,692,106,042

I have no doubt you will hear this surplus criticized as we go along. It is a little large. If the tax rates were on a stable thing, like real estate for instance, the rates could be reduced a little further, which would probably reduce the surplus for the next year. But the income-tax rates are based on income and profits. The country has been very prosperous for a number of years and incomes and profits have been very good and on the increase. So noticeable has this been that some of these tax-rate cuts have produced more income tax the following year—because of increased income and profits in industry and business.

A slight slowing up of industry and business with a slight falling off of income and profits would affect the amount of income tax paid materially. It is estimated that if business and industry suffered a loss of 15 per cent in profits that the income tax paid under present rates would hardly meet the requirements of the Government.

This is one of the reasons why it is not safe to cut taxes so low that there would be no surplus. A tax rate that would produce no surplus in these prosperous days would certainly leave a large deficit in ordinary times.

ANOTHER BILLION DOLLARS PAID ON NATIONAL DEBT

I like to discuss the national debt. These big figures are fascinating to me. And the progress we are making in paying off the national debt is amazing. I recall only a few years back big people were talking about the impossibility of its ever being paid off.

A Democratic United States Senator expressed the opinion that it could never be done. The Liberty bonds sold down as low as 85 cents on the dollar. There was a feeling of uncertainty about their value.

During the first session of the first Congress I attended in 1919 the debt reached its peak. It got up to $26,596,701,648 gross, or after allowing for the net balance in the general fund the net debt owed by the United States on August 31, 1919, was $25,478,592,113.25, a stupendous sum. No wonder people not familiar with big figures and not acquainted with the resources of the United States, and not accustomed to observing economical Government administration, should doubt our ability to pay.

But in less than nine years we have paid off practically a third of it. The net debt of the United States on April 30, 1928, was $17,648,741,409.94.

This shows a reduction of the debt in less than nine years of $7,829,850,708.31.

Be it far from me to intimate that my being in Congress has had a material effect upon this debt reduction. However, I do know that the Republican administration which came in after the war has been responsible for a large part of it. The country had gone through a wave of war-time extravagance. The Republican administration, the President, and the Republican Congress set about adjusting matters, reducing appropriations, cutting down taxation, and paying off the debt.

The Republican Congress has been remarkably successful in all these efforts. Appropriations have been reduced. The income tax has been cut down to a point where most people pay none and few complain. The national debt has been reduced beyond the fondest hope of the most optimistic. America has set a pace for debt reduction never before equaled by any nation.

The figures speak louder than words. So here are the figures brought up to date. They show that in the last year—the year ending April 30, 1928—more than a billion dollars was paid on the debt:

Total debt reduction

Aug. 31, 1919, net debt was	$25,478,592,113.25
Apr. 30, 1928, net debt was	17,648,741,409.94
Total debt reduction	7,829,850,703.31

Debt reduction last year

Apr. 30, 1927, net debt was	18,704,958,219.59
Apr. 30, 1928, net debt was	17,648,741,409.94
Debt paid off last year	1,056,216,809.65

FEDERAL TAXES COMING DOWN—STATE AND LOCAL GOING UP

The National Government, through the United States Congress, has made wonderful strides in tax reduction. The peak of Federal tax was in 1921, when they reached the total of $4,905,000,000. In 1926 they had come down to $3,207,000,000, a reduction of $1,698,000,000.

In 1921 the total tax raised by State and local governments was $3,933,000,000. In 1926 these State and local taxes had gone up to a total of $5,348,000,000, an increase in five years of $1,415,000,000—more than 40 per cent.

These figures are taken from report by the National Industrial Conference Board entitled "Cost of Government in the United States," issued in 1927. This book contains much of interest to any student of the tax question.

I do not complain of the States and local governments. The local taxpayer may know what he wants and be willing to pay for it. But I do commend the Congress for its economical administration of public affairs and its ability to reduce Federal taxation. And I know that the Appropriations Committee of the House of Representatives is largely responsible for the expenditure and financial program which has brought the Federal taxes down so substantially.

Here are the comparisons by years, which shows how the Federal taxes have been reduced and how the taxes by State and local governments have mounted in the past five years:

For 1921:	
Federal tax	$4,905,000,000
State and local	3,933,000,000
For 1926:	
Federal tax	3,207,000,000
State and local	5,348,000,000

Here are the figures exhibited in another way, so that you can see how the Federal taxes have come down and the State and local taxes have gone up in the past five years:

Federal taxes for:	
1921	$4,905,000,000
1926	3,207,000,000
Federal tax reduction	1,698,000,000
State and local taxes for:	
1926	5,348,000,000
1921	3,933,000,000
Increased tax	1,415,000,000

HALF THE LUXURIES OF THE WORLD ARE IN THE UNITED STATES

The United States is a mighty good country in which to live. There is none other half so good for the average man. I have traveled in probably 20 other countries in foreign lands and have observed working conditions and living standards elsewhere. I am going to give you some facts and figures about living conditions in America as compared to the rest of the world.

The population of the United States on July 1, 1928, will be a trifle over 120,000,000 people, according to an estimate of the Census Bureau. The population of the whole world is estimated in the World Almanac at 1,900,000,000 people. So the United States has about one-sixteenth of the population of the world.

I have seen boasting statements of the material wealth of the United States as compared with other nations. How it compares with the whole world I do not know. That question is not so important after all. The material wealth of a nation might be largely in the hands of a few. It is in some countries. It is to a very much larger extent in most countries than in the United States.

The standard of living is higher in the United States than in any other nation. That is plain to any man who travels or reads.

And I shall set down the proposition that while the United States has only one-sixteenth of the population of the globe, these few people, in comparison, are enjoying more of the luxur-

ies, the finer necessities, the modern conveniences of this progressive age, than are all the rest of the people of the world put together.

This does indicate something worth while. It indicates much more, I think, than a comparison of the material wealth; it indicates that wealth and opportunity is pretty well distributed among the people of this country.

Take the automobile. There were registered in 1927 in the United States of cars, trucks, and busses, 23,127,315. And in the rest of the world the total was 6,378,160. Leave out the trucks and busses and measure it on pleasure cars alone. The United States had 20,156,115 cars. All the rest of the world put together had 4,927,485. The United States has over 80 per cent of the automobiles of the world. Load them all up with people and you can carry the whole population of the United States in the cars we have and have an average of less than six persons to the car. Let the trucks follow along and they combined could carry about 75 pounds of personal baggage for every man, woman, and child in the Nation.

Now, the iron, steel, coal, railroads, and big things which are evidence of material wealth might be owned by the few, but not the automobiles. It takes many people to own and operate 20,000,000 cars. There are only about 24,000,000 families in the United States. It can readily be seen that a great proportion of these families have cars.

To me there is a big idea in these figures. They indicate to me that the United States is on an automobile standard of living. No other country is. The more prosperous countries of Europe are still on a bicycle standard of living for the great mass of workingmen. And in many of them the workingman can not afford even a bicycle. He walks.

With this automobile standard of living go many other things which were luxuries a few years ago, but are necessities in America to-day.

There is the telephone. I recall when this new thing was a luxury in the homes of the well to do. To-day it is a household necessity in America. There are in use in the United States 18,523,000 telephones, while in all the rest of the world the total is only 12,477,000.

The typewriter is an indication of business-office standards. The American business men are using 6,000,000 typewriters while only about 5,000,000 are used in all the rest of the world.

The luxury of the table might be told in terms of sugar. Sugar is not used alone. It goes with good feeding. It indicates other grocery bills. It can not be raised or made on the farm generally, but must be purchased by the money earned. Sugar can not be consumed in much larger quantities by the rich than by the fairly well-paid wage earner. John D. Rockefeller probably does not consume as much sugar as does a Washington policeman or street-car conductor. The quantity of sugar used in a country per person in that country indicates fairly accurately the table standards of that country. And fortunately we can obtain pretty reliable information about the quantity of sugar used in various lands.

The average yearly consumption of sugar per person, men, women, and children, in the United States is 110 pounds.

In the rest of the world the average is only 27 pounds.

You know something about the relative standards of wages and living conditions in other countries. Let me give you the sugar consumption of several of them just to show you how nearly it conforms to your general knowledge of these countries. Sugar used yearly per person: United States 110 pounds, Great Britain 84 pounds, Belgium 50 pounds, Germany 49 pounds, France 45 pounds, Poland 22 pounds, Italy 16 pounds, and China 3 pounds.

Surely these few brief sugar facts tell the story of the luxury of the American household table and help to show the advanced standard of living in the United States.

In education the United States outranks the whole world. There are in colleges of all kinds in the United States 1,000,000 students. In the rest of the world about 950,000. It is estimated by the Federal Bureau of Education that the people of the United States are spending more money annually on the education of their youth than is being spent by all the other nations in the world combined.

Imposing facts these when all considered together—facts that show how generally wealth, comfort, luxury, education, and opportunity are distributed among the masses of this country.

These conditions do not just happen to a nation. They do not just grow like the forest nor just come like the weather. They are brought about. America has been fortunate in its system of government and in the character of men in high places.

Much of this spread of luxury through the land—this increased spread of opportunity and high standard of living—has been brought about in the past 10 years, since the Republican Congress was elected in 1918.

I am sure that the Republican policies, a tariff for the benefit of American industry, agriculture, and labor; constant reduction of Federal taxes and the public debt; a higher standard of pay for the postal and public service; the restriction of immigration; liberal provisions for the ex-service men in distress; large appropriation for the extension of national and State highways—I am sure that these and many other wise Government policies of this Republican administration have had much to do with the happy condition America finds herself in to-day.

A SHORT HISTORY OF AN APPROPRIATION BILL

The Appropriations Committee meets in advance of the convening of Congress. It has before it the Budget recommended by the President. The Budget is reported in a big book of over 1,500 pages. It contains the items recommended for each department and activity in greatest detail.

The Appropriations Committee is made up of 35 gentlemen; 21 Republicans and 14 Democrats. The committee is divided up in subcommittees for the consideration of the different bills. There is a subcommittee in the Treasury and Post Office Departments. Subcommittee for the Interior Department, the War Department, the Navy Department, Agricultural Department, and so forth. Six gentlemen serve on the first-named and five gentlemen on each of the others.

I happen to serve on the subcommittee for the Treasury and Post Office Departments. This is the largest bill before Congress, amounting to $1,061,342,060. Also on the subcommittee for the Navy, which bill as passed amounts to $362,145,812. After handling these two big bills very intimately my personal problems of a financial nature back home seem very small indeed.

Skeleton bills are printed for each subcommittee. These bills show the Budget estimate for this year for each different item and covers many pages. They also show the amount recommended by the Budget and the amount actually appropriated by Congress for each of the preceding six years.

These different bills are referred to the appropriate subcommittees for consideration. And the subcommittees begin hearings that may cover several weeks each.

We will follow the Navy bill through. The subcommittee on the Navy is made up of five gentlemen—three Republicans and two Democrats. I will say that politics cuts little figure in this committee. Note the sections from which members of this subcommittee come—Mr. FRENCH, chairman, of Moscow, Idaho; Mr. HARDY, Canon City, Colo.; Mr. TABER, Auburn, N. Y.; Mr. AYRES, Wichita, Kans.; and Mr. OLIVER, Tuscaloosa, Ala. Not a seacoast man on the committee. Object, of course, not to have men on that committee who have local interests to consider.

The subcommittee holds hearings that usually run 6 or 8 weeks, meeting daily from 10.30 to 5 o'clock. Members must do their other work largely at night. The bill is analyzed in minutest detail. The Secretary of the Navy, the Assistant Secretary, the Chief of Operations, heads of bureaus and departments, admirals, captains, commanders, and experts in many lines come before the committee and discuss policies and operations and endeavor to justify the amounts of money estimated for their bureau, service, or activity. Experts on submarines, aircraft, ammunition storage, and many other subjects are called. No employee of the Government can ask the Congress for more money than is suggested by the Budget. He is forbidden to do so by the President. Those representing the department have to make a pretty good showing before the committee to get as much as the Budget suggests. The amounts are frequently cut down. The totals for the departments are usually cut down.

After the subcommittee has heard everybody interested a book of hearings is printed. The hearings on the Navy bill this year made 1,225 pages. It is a pretty good compendium of information relating to the Navy. Each subcommittee is working in the same way. Hearings are printed for each bill.

After the hearings are over the subcommittee takes a few days to write up the bill and arrive at the amounts it will recommend to the House. Then the bill is presented to the whole Appropriation Committee for discussion and approval. It is usually approved and reported out.

The bill then comes up in the House in its regular order. It usually requires from three to six days to pass an appropriation bill in the House. There is much debate and many speeches. Question of policy, number of men, number of ships, number and class of airplanes, pay and allowances, submarines, airplane carriers, guns, and ammunition are discussed.

Some amendments are sometimes offered on the floor, but few amendments are adopted to an appropriation bill. Practically none that the committee does not offer or approve of.

The Navy bill this year was reported out at $359,190,737. The House added $227,500 with approval of committee.

After the bill passed the House at $359,418,237 it went to the Senate. There it was studied by the committee, reported out, and passed the Senate at $363,737,017.69. The Senate had boosted the bill by $4,318,780.69.

The bill comes back to the House as amended and the House refuses to accept amendments and asks for a conference.

For several weeks the subcommittee of the Senate and subcommittee of the House meet in conference occasionally. All the different items the Senate has added are thoroughly discussed. The House accepts a few, the Senate gives up a few, and we stick for some weeks on the big ones. The question of number of men in the Navy is one of the sticking points.

The House provides for 83,250 men. The Senate wants to provide for 86,000 men. It costs upward of $1,000 per year for each man in the Navy. Here is a difference of about $2,250,000 on men alone. After many meetings and much argument an agreement is reached late in the session. Both sides give up some. The Senators agree to 84,000 men. The House conferees accept 84,000 men. The Senate bill is reduced by $1,591,205.69. The House conferees feel that they have done the best they could—that a million and a half dollars is worth saving.

The conference report is signed, reported back to both Senate and House, and adopted. Conference reports are usually adopted.

The Navy bill now stands at $362,145,812 for the coming year, is sent to the President, signed, and becomes law.

With the Post Office bill we had better luck. The subcommittee of six gentlemen wrote up the bill at $764,950,042, which was $3,100,000 less than the Budget recommended. The whole committee reported it out as written. The House passed the bill without a single change. The Senate added $36,000—small item, indeed. Bill went to conference and the conference agreed to cut the $36,000 off. Bill goes back to both Houses and is passed identically as written and originally reported by the small subcommittee of six gentlemen.

This, in brief, is the history of all appropriation bills. The bill as finally adopted reflects the calm judgment of the Bureau of the Budget, two appropriation committees, the two Houses of Congress, and is approved by the President. It is a good deal harder to get items into the appropriation bills for local benefits than it used to be. The Budget system and the big Appropriations Committee of the House are saving the country a lot of money every year.

LIQUID GOLD

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of dairying, and to include also a short article written by Mr. George M. Moreland, an authority on the subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I insert the following article written by Mr. George M. Moreland, which appeared in the Memphis Commercial Appeal recently, entitled Liquid gold:

LIQUID GOLD

By George M. Moreland

When the builders of Mississippi drifted westward from their ancestral homes in Virginia, the Carolinas, and Georgia, possessed of that spirit of wanderlust which has ever been a characteristic of the builders of America, they blazed a trail, known in history as the Natchez Trace, which extended diagonally across Mississippi and extended from Nashville to Natchez. It was but natural that along this early highway of the pioneers settlements would spring up as the tired journeymen, weary of their arduous trek, would find inviting locations by the roadside.

Among the undulating hills of northeastern Mississippi this trail crossed two creeks which had their source among the hills and meandered southward toward the flow of the larger Tombigbee. Only a slight ridge, or backbone, extended between the valleys of these two creeks. When the first white adventurers reached that section they found an Indian settlement upon this ridge about midway between the two creeks, where an Indian chieftain lived and kept a tavern for the entertainment of pale-faced travelers.

Travelers along this historic route not only found an Indian settlement upon this ridge, but traditions among the Indians whispered, and later authenticated history substantiated their statements, that half a century or more before the advent of the American pioneers an adventuresome army under the command of an intrepid Frenchman, Bienville, had explored the surrounding hills and fought upon that selfsame ridge a famous battle known in the history of Mississippi as the Battle of Ackia. Some historians, delving into what must always remain a mooted subject, also insist that De Soto himself marched over that ridge and among those hills when on his famous march through America.

Many of the pioneers became infatuated with this section and unloaded their packs and became the first settlers of the country. They gave a name to one of the creeks which flowed through the inviting country which had so captivated them that they abandoned all desire to reach the goal of so many of the pioneers, Natchez. They called the creek Old Town Creek, while the other creek they permitted to retain its musical Indian name, Coonewah. Nearly a century ago a treaty was signed at Pontotoc Creek, a score of miles northward, which gave the white settlers a legal right to the lands upon which they had settled and sent the Chickasaws on their pathetic journey westward.

I journeyed to that land this week in northeastern Mississippi where these hardy old pioneers settled along the hills that overlook the narrow valleys of Old Town Creek and the bewitching Coonewah. I saw the serried hillslope where the Battle of Ackia was fought and had pointed out to me the location of the Indian village, no longer in existence, where a good old squaw entertained weary and footsore travelers on their way from Nashville to Natchez. I saw historic old homes, redolent with tradition, which were built by these pioneers. This section is ablaze with legend, tradition, and beautiful local history. Old homes, old churches with the glaring tombstones of the pioneers in the churchyards, and other evidences of a land of beautiful traditions I saw upon all sides of me. A battle field where America's manhood was matched in martial array is a hallowed part of the historic background of this interesting section.

Within the heart of this inveigling and historic land, close to the flow of Old Town Creek, with the prattling Coonewah just over the ridge of hills, sits now a beautiful city, built by the industry, intrepidity, and genius of the pioneers themselves and their children who inherited all the virtues brought to Mississippi by their fathers when Mississippi was in the building.

Although not the largest city in Mississippi, there are probably few other municipalities within the borders of the State more widely or more favorably known than this city which sits like a queen upon a regal throne in this inveigling land of tradition and history.

I have been told that half-forgotten traditions and local annals can mean but little in this modern day of hurry and frenzied excitement. I think I understand why this progressive city of which I write has attained to the crowning glory of being one of the most prosperous sections of the Magnolia State, because I know the local traditions and am familiar with the heroic stories of the intrepid pioneers who settled in this beautiful section.

Tupelo! There is music in the very word, and progress seems to echo in the air when the name of this unusual little city is mentioned. I love to write of history. It has been a sore temptation to me to launch into a dissertation on the infatuating and glorious local history of this wonderful section. How much richer and how much more alluring is the enthralling local annals of Mississippi that the annals of the country surrounding Tupelo are a part of it! But sorely as I am tempted to do so this will not be a story of local annals, legends, or traditions, much as I would delight to write them.

I expect there are more people in these United States who know there is a county in Mississippi named Lee than there are people who could name any other county of the Magnolia State. And why? There are other counties in Mississippi with more fertile lands. That fact the people of Lee County themselves will frankly admit. It is not a large county. Only one other county of the State is smaller than Lee, yet it is a famous county.

In recent years newspapers, farm journals, and magazines have carried salutary stories of the progress of Lee County. I have heard of that progress myself and it was therefore with interest that I journeyed toward Lee County. I wanted to see all this progress within the bounds of Lee of which I had been reading. I not only wanted to see it, but I wanted to ascertain why Lee County should attain to such public notice—to see why and how the thing was done. I always like to learn the "why" of the things that I see as well as to learn that the things are so.

I came to Lee County with unprejudiced eyes. Although I spent my youth within sight of its borders I journeyed to Tupelo with but one resolve. Reports have stated that the people of Lee County are prosperous—that they have become prosperous because they learned the secret of extracting a kind of "liquid gold" from the tender grasses that grow upon the sun-kissed hillslopes that overlook the meanderings of Old Town Creek and the rollicking Coonewah. Strange contrast that! In 1849 adventurers journeyed across mountain tops, desert wastes, and savage-infested lands to search for gold along the banks of the San Joaquin and the petulant Sacramento. These Lee County farmers, secure in their own comfortable homes, evolved a plan to extract liquid gold from the pasture lands of their own farms by using gentle and meek-eyed Jersey cows instead of shovels and spades as their tools for working.

It is about that liquid gold that I will write to-day. I hope by writing an impartial, unprejudiced, and accurate account of how these Lee County farmers "performed the trick" I may encourage other

ambitious communities in the tri-States territory (particularly hoping the farmers of my own Arkansas will carefully peruse this story) to emulate Lee County's example.

There are 4,700 farmers in Lee County, slightly more than 3,300 of them being white farmers. About 1,209 of these farmers grow soy beans upon their lands. Within the week before my visit more than $6,000 worth of pasture seeds, such as clovers, alsike, and grass seeds, were sold to the farmers, the supply of seeds being exhausted before all farmers who desired seed were supplied. A year ago there were, by actual count, 9,000 cows in Lee County. The number is estimated now at 15,000. Nearly all these cows are purebred cows, and there is not a scrub bull in Lee County. During the past 18 months 55 purebred bulls have been placed in the county, the average price being $300, though a few are much more expensive. Yet with all these cows last year Lee County produced 26,000 bales of cotton, more than any other year in its history except four,

It was in 1914 that eight progressive men aspired to see established at Tupelo a creamery where the farmers, who even then kept a few cows, might dispose of their surplus milk. These men contributed $50 each to secure this creamery. At first the output of this creamery was small. Tupelo people smile now when they talk about it. But it increased in output every year. That was the beginning. Even the oak, you know, according to the old axiom, began by being a lowly acorn, buried among the leaves. Aspiring communities note that statement.

In 1916 the banks of the county became interested. I would particularly invite the attention of my readers to that fact. Men with money not only assisted the farmers but an educational campaign was started. The farmers were deluged with booklets and literature on diversification and dairying. Two carloads of registered heifers were bought by the banks of Lee County, all the banks of the county working splendidly together and distributed among the farmers. Ceaselessly, like they were waging a battle against an enemy, these wise, patriotic bankers kept doggedly at their job—self-assigned task, mind you—of educating and encouraging the Lee County farmers.

Right here let me state that the bankers in one respect were fortunate. They had a highly intelligent body of students. The farmers of Lee County, many of them owning their own little farms, which had been passed down to them from a prior generation, are as intelligent as any farmers of America. The dauntless spirits of the pioneers who came to Lee County over the old Natchez Trace still survive within the breasts of these sons who are evolving a veritable paradise here along the banks of Old Town Creek and the Coonewah.

Some five years ago the Lee County Bankers' Association, of which S. J. High, of the Peoples Bank & Trust Co., of Tupelo, is president, decided that the program of education had gone beyond their ability to manage. To be exact, the farmers had passed the elementary stage of instruction in dairying and were ready for a university course, which the bankers themselves were not capable of giving. What did they do—these splendid bankers who are building an empire down in beautiful Lee? Did they quit because the farmers had become pretty good dairy farmers? No, indeed. The bankers found a skilled dairy specialist, Sam B. Durham, and employed him at the expense of the Lee County Bankers' Association.

Then things picked up—picked up at a rapid rate. Mr. Durham, if a crude but expressive slang phrase be pardoned, "knew his onions." He continued the course of university instruction among the Lee County farmers. In 1927 the great Carnation Milk Co. came south, seeking a location for one of its plants. Many localities were inspected and the plant, after mature deliberation, was located at Tupelo. Its first day of operation 19,000 pounds of milk were delivered from the farms of Lee County. I visited that plant to-day. The receipts, according to Mr. Newman, the manager, were nearly 65,000 pounds, although this is the "off season" for the production of an abundance of milk.

That, in substance, is a summary of conditions and the manner of their evolution in Lee County, Miss., as a dairy section. That information was given me by an authoritative source in Tupelo. But I always like to see things for myself before I confide to my readers my opinions on any subject. In company with Sam B. Durham, dairy specialist, and C. W. Troy, prominent druggist and influential citizen of Tupelo, I made a journey out through the rural sections of Lee County. First, I would particularly impress the fact that this county has good roads. Three great highways pass through the county and the local roads are nearly all of gravel. Although the second smallest county in the State there are 400 miles of surfaced roads in Lee County, more than in any other county in Mississippi and probably a rival for any similar area in America, broad as the statement may be. To D. W. Robins, one of the State highway commissioners, this distinction should unquestionably be credited.

Lee County is a panorama of beauty. At nearly every farmer's gate I saw from one to half a dozen milk cans. I saw "contented cows," the kind advertised as giving the milk for the great plant which located a branch at Tupelo, grazing in hundreds of emerald-carpeted pastures. I saw neatly painted and handsome farm homes dotting the beautiful and progressive landscape wherever I chose to look. I saw barns, some new, but many converted into milking barns by the use of other building, one ingenious farmer utilizing a woodshed into a convenient and modern dairy barn.

Lee County has a large negro population. Some may wonder what poor old "Uncle Tom" will do for a living now that the cotton fields are passing—if they are passing—which is probably not true. On the farm of Dr. J. T. Alston I saw a herd of cows. These cows are milked by negro tenants "on the shares" exactly as cotton has been grown since the enforcement of the Emancipation Proclamation. Mr. Durham informed me that the negro takes readily to the new kind of farming, especially after he discovered that "Christmas comes the 15th of every month" on pay day, as it formerly came only annually when the cotton crop was sold. He pointed out to me dozens of negro homes, where I saw milk cans at the gate. The herd of 13 cows on the farm of Doctor Alston cleared for their owner and his negro tenants exactly $1,160 over a period of nine months.

O. B. Rogers is another farmer who "works his cows on shares" with his negro tenants at a profit both to the owner and the tenants. I visited his farm and inspected his modern dairy innovations.

A. Reece is a small farmer. He does not keep many cows but his farm home was spick-and-span and each cow he keeps netted him $200 worth of milk last year. Many men who work in factories and other public employment at Tupelo live in the country, easily reached by excellent roads in any direction, and their wives and children keep a few cows to add to the family exchequer. One young man, desiring to have "spending money" to buy gas for his Lizzie without asking "dad" for it, bought him a cow, milks it himself, and is the envy of his less ingenious companions. A teacher at the rural school at Bissell keeps cows and wisely gives a student or two their weekly board to help him do the milking at eventide.

And thus it goes. Even our illustrious Congressman, JOHN E. RANKIN, owns a beautiful expanse of undulating hills upon the former site of the Battle of Harrisburg. While he is in Washington enthralling a Nation with his oratory his "share croppers" with cows place the familiar milk can at the gate every morning, the Congressman receiving 40 per cent of the profits on the venture, the tenant feeding the cows and receiving the other 60 per cent.

Robert Weaver is a young man whom one might select as being anything but a farmer. He looks more like a professional man—probably a lawyer or a physician. He is, incidentally, a grandson of that great genius who first invited the attention of the world to the advantages of Lee County, John Allen. But I was convinced that young Weaver is indeed a farmer when he showed me on one hill slope nearly 800 White Leghorn hens and some 3,000 little chicks, as well as about 2 dozen fine Jersey cows.

Later, I found this same young man, Robert Weaver, at his other farm, where he showed me a herd of about 50 of the finest cows, headed by a bull recently imported, probably in all Lee County. A dapper young man, looking, I nearly tempted to say, like a sheik, this scion of the great "Private" John M. Allen is engaged in the work in which so many of his neighbors are likewise engaged of making Lee County the premier dairy center of Dixie.

Lastly, I visited the Carnation Milk plant, saw truckload after truckload of milk delivered and, through the courtesy of Mr. Newman, the manager, followed that milk from the wagon through the great and immaculately clean plant to the pasteboard cartons and ready for delivery to the jobber or wholesaler. Throughout its interesting journey the product is not touched by human hand, not even when placing the label on the cans or placing the cans in the pasteboard cartons. It is all done by ingeniously made machinery.

But there is even one other reason, I observed, why Tupelo and Lee County have attained to such enviable distinction along agricultural lines, particularly referring to dairying. After Mr. Durham had so splendidly proven to me to my entire satisfaction that Lee County's farmers actually "produce the goods" I returned to Tupelo not yet quite satisfied. I wanted to make certain I had ascertained why the farmers had attained such phenomenal success. I think I did learn why and I believe if this last lesson were applied to any other community in the tri-States similar gratifying results would be obtained.

While I was at Tupelo I purposely talked to all kinds and classes of people. I talked to professional men—doctors, preachers, and lawyers. I talked to business men, farmers—white and colored—and I also sought opportunity to talk to the ladies and even children. Not one of them owns a hammer. None of them had an unkind word to say about Tupelo or Lee County. On the contrary, all were boosters. One young pharmacist touched the keynote of Lee County's progress when he said to me, "I like to boost Lee County and Tupelo; I like to hear everybody else in the world boost Lee County and Tupelo. It is a good place to boost, and I also want you to boose Lee County and Tupelo."

That's it! After all, the bankers, the farmers, the dairy specialists, and all other agencies would have been powerless to put over the great program they have put over if every mothers' son and daughter among Lee County's citizenship had not been as a unit "for Tupelo and Lee County." It is a land of "liquid gold." As the historic Old Town Creek and the bewitching Coonewah flow placidly through this great panorama of prosperity, methinks if the spirits of the dauntless pioneers

who halted here in their trek down the Natchez Trace could look back from that bourne whence long ago their interpid souls have been wafted they would pour out benedictions upon the land, now overflowing with beauty and wealth, where they halted a long time ago and made the first permanent settlements.

DEVELOPMENT OF THE CONSTITUTION

Mr. KENT. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker and gentlemen of the House, some of us in eastern Pennsylvania have been making an exhaustive study of the part played by Pennsylvania in the adoption of the Federal Constitution. My own county in Pennsylvania played a very conspicuous part. Therefore, I ask unanimous consent to extend my remarks in the RECORD upon that subject, and in addition to that, the Hon. Henry J. Steele, who served here with great distinction for three terms from 1914 to 1920, has been a leader in this work, and with the permission of the House I shall use some of his researches in connection with my extension.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. KENT. Mr. Speaker, for a great many years Northampton County, Pa., together with all the other great counties of the State, has taken a leading part in the study of the development of the American Constitution. I wish to say a few words relative to the part which was taken by Northampton County and the Pennsylvania German in the ratification of the Federal Constitution. Under leave to extend my remarks I secured permission also to use the researches of the Hon. Henry J. Steele, who has devoted a great deal of time to the study of this question. Mr. Steele was for three terms a distinguished Member of this body, and in all of his work upon constitutional and congressional questions has applied a wide and varied experience in such way that the public has greatly benefited thereby. I am very happy to insert his researches at this juncture, and I believe that they will be of lasting benefit to the people.

PART TAKEN BY NORTHAMPTON COUNTY AND THE PENNSYLVANIA GERMAN IN THE RATIFICATION OF THE FEDERAL CONSTITUTION

The creation and adoption of the Federal Constitution was the work of men of great ability and the ripest political experience. It turned what had been a confederation or league of states into a federal state or central government. But this central government was not to supersede the government of the States. The problem to be solved was, therefore, twofold: First, to create a central government; and second to determine the relations of this central government to the States. For this central government it created a new frame of government with carefully granted powers, and all powers not so granted to the central government were reserved to the several States. De Tocqueville, the eminent French statesman and philosopher said that this plan rested "in truth upon a wholly novel theory, which may be considered as a great discovery in modern political science." Previous to this time no republics with written constitutions for the government of widely scattered states were in existence. All that had been done, both in ancient and modern times in forming, molding, or modifying constitutions of government, bore little resemblance to the American Constitution. The convention, therefore, which framed this Constitution had not only to create anew, on the most slender basis of preexisting national institutions, a national government, but they had in so doing to respect the fears and jealousies and apparently irreconcilable interests of thirteen separate Commonwealths, to all of whose governments it was necessary to leave a sphere of action wide enough to satisfy a deep-rooted, local sentiment, yet not so wide as to imperil national unity. Well, therefore, might Hamilton exclaim: "The establishment of a constitution in time of profound peace, by the voluntary consent of the whole people, is a prodigy, to the completion of which I look forward with trembling anxiety." The prevailing feeling among the higher statesmen of the country was that the convention was an experiment of doubtful tendency, but one that must nevertheless be tried. Washington, Madison, Jay, Knox, Edmund Randolph have all left upon record the evidence of their doubts and their fears, as well as of their convictions of the necessity for this last effort in favor of the preservation of a republican form of government.

But they builded better than they knew. The Constitution which they framed has not only survived a civil war and almost a century and a half of time, but has been used as a model for the government of republics since created. There were then but few republics. To-day there are but few governments of a different kind. It was created out of bitterness and strife in the convention during the four months of its debates. The majority never had more than 46 votes and the minority never less than 23. It sat with closed doors, which of itself aroused suspicion and gave it the nickname of the dark conclave. The Federalists wished to send the new plan to the States by the undivided vote of Congress. Others wished to send it, if at all, without one word of approval. But this they could not do unless the Federalists were willing. In the end each party gave up something. The Federalists agreed to withhold all words of approval. The anti-Federalists agreed to unanimity in such submission. By this action only was the bitterness of the convention postponed to the ratification period.

The history of the framing of the Federal Constitution has been well covered and is familiar to nearly all historical students, but the complete story of its ratification by the States and the various influences which brought it about remains to be written. I propose to trace briefly the steps leading to its ratification by Pennsylvania, the first State to take up the question, the influence of the so-called Pennsylvania German element as the balance of power, and the part played by Northampton County in the ratification by the State. To do this understandingly a survey of the then existing conditions must first be made.

Previous to the adoption of the Federal Constitution there existed along the eastern coast of the Atlantic thirteen Colonies, the largest of which had not more than half a million free people, and the total population of which did not reach 3,000,000. All owed allegiance to the British Crown. Acts of the British Parliament ran then substantially as they now run in Canada, but practically each colony was a self-governing commonwealth left to manage its own affairs with scarcely any foreign interference. Each had its legislature, its own statutes, adding to or modifying the English common law.

When the oppressive measures of the British Government roused the Colonies, they naturally sought to organize their resistance in common. Singly they would have been an easy prey, for it was long doubtful whether even in combination they could achieve their independence. A congress of delegates from 9 colonies, held at New York in 1765, was followed by another at Philadelphia in 1774, at which 12 were represented, which called itself "Continental," and spoke in the name of "the good people of these Colonies," the first assertion of a sort of national unity among the Colonies. The second congress, and the third, which met in 1775, and in which thereafter all the Colonies were represented, was a revolutionary body called into existence by the war against the British mother country. In 1776 it declared the independence of the Colonies, and in 1777 it gave itself a new legal status by framing the "Articles of Confederation and Perpetual Union," whereby the 13 States entered into a "firm league of friendship" with each other, offensive and defensive, while declaring that "each State retains its sovereignty, freedom, and independence and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled." The confederation which was not ratified by all the States till 1781 was rather a league than a national government, for it possessed no central authority except an assembly in which every State, the largest and smallest alike, had one vote, and this assembly had no jurisdiction over the individual citizens. There was no federal executive, no proper federal judiciary, no means of raising money except by the contribution of the States—contributions which they were slow to render—no power of compelling the obedience to Congress either of States or of individuals. The plan worked badly even while the struggle lasted, and after the immediate danger from England had been removed by the peace of 1783 it worked still worse, and was in fact as Washington said, "No better than anarchy."

Internal difficulties and the contempt with which foreign governments treated them at last produced a feeling that some firmer and closer union was needed. Finally Congress recommended the States to send delegates to a convention which should "revise the articles of confederation and report to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union." The convention thus summoned met at Philadelphia on the 14th of May, 1787. Among its members were found many of the best intellects the United States then contained. It consisted of 55 delegates, 39 of whom signed the Constitution, which it drafted. It sat four months and expended upon its work an amount of labor and thought commensurate with the magnitude of the task and the splendor of the result. One of its first questions was whether its power was limited to a mere revision or whether it could propose a new form of government. It boldly decided in favor of the latter. The debates were secret, for criticism from without might have imperiled a work which seemed repeatedly on the point of breaking down, so great were the difficulties encountered from the divergent sentiments and interests of different parts of the country, as well as of the larger and smaller States. It closed its deliberations on September 17, 1787.

The difficulties incident to the ratification of the proposed Constitution were enormous. The old Congress was still in existence as the National Government, but it was in even lower repute and of less influence than it had been earlier in the decade; and it confessedly had neither the authority nor the power to take effective steps for the establishment of the new form of government. The convention accord-

ingly determined to report its proceedings to the old Congress, which body was to submit the Constitution to each State for acceptance or rejection—the people of each State expressing themselves through a convention called for the purpose. All questions at issue were now revived in the vigorous and protracted discussions and contests which took place in several of these conventions. Two bitterly opposing parties arose—the Federalists and the anti-Federalists—the former favoring the Constitution and the latter rejecting it.

The conflict opened in Pennsylvania. She was the first of the large States to ratify the Constitution, and her prompt action greatly influenced the result. Had this action been less prompt or less decided it would have opened the way to dissensions and amendments that would in all probability have caused the rejection of the Constitution, or have sunk it to the level of the Articles of Confederation. Preceded only by Delaware in taking final action on the Constitution, she was the first to undertake its consideration. But in order to understand the real nature of this conflict it is necessary to recall conditions in Pennsylvania as they existed down to that time.

Great Britain having acquired sovereignty over Pennsylvania by right of discovery and conquest, Charles the Second granted to William Penn, on March 4, 1681, all the territory now within the limits of that State, and in the following year he visited his Province, remaining there almost two years. He established a constitution and formulated a code of laws which guaranteed civil and religious freedom to every inhabitant within the limits of his Province. Lands were offered for sale in blocks of 5,000 acres for £100. This was at the rate of 10 cents an acre, reckoned at the present value of money, for the choicest land in the colony. Such liberal terms upon which to acquire land gave a great stimulus to emigration, and it was not long before a great stream of humanity from the Old World began to flow into the Province and continued to flow with little abatement for upward of three-quarters of a century. About that time the German Palatinate had been devastated by religious and other wars and its people were looking for some spot on earth where they could go and live in peace, freed from their cruel oppressors. Penn made several visits to the Palatinate, when he pointed to his Province in America as the solution of their problem. He spoke the German language fluently and therefore had no difficulty in cultivating the most intimate personal relations with them. He wanted colonists and the Palatines wanted to leave their desolate and ruined homes in the land of their birth. What they most desired was peace, civil and religious freedom, and title to their land by peaceful means, not by conquest. In order to acquire these privileges these German peasants, not united in one nation in their home country, poured streams of their people into a British colony more than 3,000 miles distant across the Atlantic, whose language and government were alike strange to them. At the time of the Revolution Franklin and others estimated that the Germans in Pennsylvania numbered about one-third of the population, or about 110,000; but others estimated it considerably larger. They were settled in the counties of Philadelphia, Bucks, Northampton, Chester, Berks, York, Lancaster, Dauphin, and Cumberland. In 1752, when Northampton County was created, it had a population of about 6,000, of which 600 were Scotch-Irish and the remainder were Germans. The Province had three classes of inhabitants—the Quakers, the Scotch-Irish, and the Germans. The Quakers were by nature and religion peaceful. They were living under a proprietary rule which was practically controlled by themselves. The Scotch-Irish were so well satisfied as to be little tempted until the issue of liberty was clearly defined, when they stood shoulder to shoulder with the Germans. The Germans came to find a home and found it. With this home they were accorded a quite full measure of freedom, which brought with it a large degree of happiness, and a correspondingly kind feeling for their Quaker neighbors and rulers. If they had been given proper popular representation in the governing body, their attitude might have been different. But when the issue in 1776 was suddenly enlarged into a broad demand for final separation from Great Britain and the creation of a Republic all their traditional love of freedom was fully aroused. Bancroft, the historian, says of them: "The Germans, who constituted a large portion of the population of Pennsylvania, were all on the side of freedom."

Under the proprietary rule they were practically without representation in the general assembly and without voice in the government. The qualifications for office were confined to natural-born subjects of England or persons naturalized in England or in the Province, who were 21 years old and freeholders owning property and resident there for at least two years. The delegates to the Colonial Congress were selected by the general assembly. With the Germans disfranchised, the Tories controlled the government. Peaceful efforts in the assembly to enfranchise the Germans by repealing the naturalization laws and oath of allegiance to Great Britain had failed, and this had to be accomplished by revolution, because their enfranchisement would give the friends of liberty and union an overwhelming and aggressive majority. This was resolved on, and on May 15, 1776, Congress adopted a resolution recommending to the Colonies the call of a convention to adopt such government as shall in the opinion of the representatives of the people best tend to the happiness and safety of the people. In consequence of this resolution, a number of gentlemen met at Carpenters' Hall, Philadelphia, on June 18, 1776, having been appointed by committees of safety of the various counties, and issued an address fixing July 8 as the day for election of deputies, who met in convention on July 15, 1776, and adopted the Constitution of 1776, without its being submitted to the people. The adoption of this Constitution not only enfranchised them but made the Declaration of Independence possible. The effect of this new order of things was felt immediately throughout the Colonies. The proprietary government, with its Tory assembly, was overthrown, and when, on July 2, 1776, the Colonial Congress reached a vote on the resolution declaring the Colonies free and independent States the vote of Pennsylvania was changed from that of opposition to a vote cast in its favor. The English people of the Province having been divided, the Germans were the potential factors in securing the essential vote of Pennsylvania for the Declaration of Independence. The English people of the Colony consisted of Quakers and Scotch-Irish, who had emigrated from Ulster, in Ireland, and it was the union of the Ulstermen with the Palatinate stream from Germany that brought about the revolution in Pennsylvania. These are pregnant facts, worthy of marked notice in the story of independence, which hitherto have received scant attention from historians.

It has been stated that the convention which framed the Federal Constitution had reported its proceedings to the old Congress, which body submitted it to the several States for ratification. When formally sent out to the people of the State it at once became the subject of a violent contest, which continued almost to the day when Washington was sworn into office. The convention that framed the Federal Constitution sat in the old statehouse, at Philadelphia, and after a stormy session of four months ended its labors on September 17, 1787. While these things were taking place in a lower room of the statehouse the Legislature of Pennsylvania was in session in a room above, and to it, on the morning of September 18, the Constitution was read. At 11 in the morning of that day Benjamin Franklin, more than fourscore years of age, then President of Pennsylvania, fulfilling his last great public service, was ushered into the hall of the assembly, followed by his seven colleagues of the convention. After expressing in a short address their hope and belief that the measure recommended by that body would produce happy effects to the Commonwealth of Pennsylvania as well as to every other of the United States, he presented the Constitution and accompanying papers.

For the next 10 days the house confined itself to its usual business; but as it had resolved to adjourn sine die on Saturday, the 29th, it was moved, on the morning of the last day but one of the session, to refer the acts of the Federal Convention to a convention of the State. This provoked a long and bitter debate and resulted in a postponement of the question until 4 in the afternoon.

At 4 o'clock the assembly met, with the speaker and every Federal member in his place. But all told they counted only 44, and 46 was necessary for a quorum. Without a quorum the house would be forced to adjourn with the day for the election of delegates unfixed and the manner of choosing delegates unsettled. It was accordingly arranged that not one of the 19 minority should go to the afternoon session, and none did. After waiting a while and no more coming in, the speaker sent out the sergeant at arms to summon the absentees. None would obey, and the House was forced to adjourn to 9 o'clock Saturday morning. When the speaker had taken the chair on Saturday morning a quorum was still lacking, and the sergeant at arms and the assistant clerk were dispatched to hunt up the absentees and summon them to attend. The two officers went first to the house of Major Boyd, where some of the members lodged, and where were James M. Calmant, who sat for Franklin, and Jacob Miley, from Dauphin. They stoutly refused to go. The people, however, decided that they should, broke into their lodgings, seized them, dragged them through the streets to the State House, and thrust them into the assembly room with clothes torn and faces white with rage. The quorum was now complete, and the resolution calling the convention to meet at Philadelphia on the day for holding the general election in November was carried by a vote of 43 to 19. When this vote was made public the editor of a German newspaper at Lancaster pointed with pleasure to the fact that 12 Germans were among the majority. The two assemblymen from Northampton—Messrs. Trexler and Burkhalter—voted with the majority.

While these things were happening in the assembly the minority were busy preparing an address to the people, which 16 of the 19 signed. The objections of these men were 10 in number. The new plan was offensive because it was too costly; because it was to be a government of three branches; because it would ruin State governments or reduce them to corporations; because the power of taxation was vested in Congress; because liberty of the press was not assured; because trial by jury was abolished in civil cases; and because the Federal judiciary was so formed as to destroy the judiciary of the States. There ought to have been a declaration of rights and provision against a standing army. They were at once answered in verse, in squibs, in mock protests, in serious and carefully drawn replies.

The election, however, to which the factions looked forward with most concern was that of delegates to the convention. Four weeks were to come and go before this took place, and during these weeks

the anti-Federalists were all activity. A friend was found in the publisher of a newspaper known as the Independent Gazetteer, and a champion in the unknown author of the letters of "Centinel." Who "Centinel" was is not known, but the letters deserve the same rank in the list of papers opposing the Constitution that has been given to the Federalist in the list of papers supporting the Constitution. To strictures such as these a number of replies were made by the Federalists, the most notable of which was the speech of James Wilson at the statehouse.

Election day was the 6th of November and with it a decisive victory for the supporters of the Constitution. The delegates chosen to the convention met at the statehouse on Wednesday, the 21st of November, when 60 of the 69 members were present. The 60 who answered to their names made up a body as characteristic of the State as has ever been gathered. Scarcely a sect or creed or nationality in the Commonwealth but had at least one representative on the floor of the convention. Some were Moravians, some Lutherans, some Episcopalians, some Quakers; many were Presbyterians. Some were of German descent.

Of the proceedings of the convention no full and satisfactory record is known to exist. For our knowledge of what was said and done we are indebted to the summaries of the debates that appeared in the newspapers and the notes of members.

By a vote of 46 to 23 the convention ratified the Constitution just as it came from the body that framed it. Without waiting to sign it, the convention, with all the State dignitaries, both civil and military, went in procession the following day to the statehouse and read the ratification to a great gathering of the people. On Saturday, the 15th of December, the convention adjourned.

More than half of the votes recorded in favor of ratification came from the German counties and was the balance of power in the convention. At the first meeting of the Pennsylvania German Society, in 1890, Hon. George F. Baer, a former president of the Reading Railroad Co. and father of Mrs. Rolla Knapp, of Easton, in a notable address said: "You see it is absolutely true, as the English people of the Province were divided in 1776, the Germans were the potential factor in securing the essential vote of Pennsylvania for the Declaration of Independence." And at the meeting of that society in 1892 Dr. W. H. Egle, a well-known Pennsylvania historian, said: "The supremacy in the Constitutional Convention of 1789–90 was undoubtedly German, and their acknowledged ascendency resulted in its passage in and out of the convention."

And now the minority published their address and reasons for dissent. Twenty-one of the twenty-three minority signed the address. It is remarkable that these reasons contain the substance of the 10 amendments afterwards added to the Constitution. Similarity so marked can not be accidental. There is much reason, therefore, to believe that when Madison, in 1789, drew up the amendments for the House of Representatives he made use of those offered by the minority of the convention of Pennsylvania. Another matter of historical interest connected with the minority is the fact that in the delegation from Berks County was Abraham Lincoln, who voted with the minority from start to finish. He belonged to a collateral branch of the original ancestry of President Lincoln, who were Quakers and settled in Amity Township, Berks County.

The example of issuing an address to the public thus set by the minority was quickly followed by individual members of the majority. No sooner did they reach their homes than they, too, made appeals to their constituents under the form of reports to county meetings. The earliest of these was made at Easton, December 20, five days after the adjournment of the convention, signed by the four delegates from Northampton County. The report was as follows:

"Friends and fellow citizens of Northampton County:

"The representatives of this county in the late convention of this State think it their duty, as servants of the public, to lay before you, their constituents, the result of their deliberations upon the new Constitution for the United States, submitted to their consideration by a resolve of the legislature for calling a State convention.

"The debates at large we have reason to expect will be published, wherein those whose inclination may lead them to it, will find a detail of all the arguments made use of either for or against the adoption of the Constitution. Our intention, therefore, is not to enter fully into an investigation of the component parts of it but only to inform our constituents that it has been carefully examined in all its parts; that every objection that could be offered to it has been heard and attended to; and that upon mature deliberation, two-thirds of the whole number of deputies from the city and counties of this State, in the name and by the authority of the people of this State, fully ratified it, upon the most clear conviction:

"1st. That the State of America required a concentration and union of the powers of government for all general purposes of the United States.

"2nd. That the Constitution proposed by the late convention of the United States, held at Philadelphia, was the best form that could be devised and agreed upon.

"3rd. That such a constitution will enable the representatives of the different States in the Union to restore the commerce of all the States in general and this in particular to its former prosperity.

"4th. That by a diminution of taxes upon real estates agriculture may be encouraged and the prices of lands, which have of late greatly declined, will be increased to their former value.

"5th. That by imposing duties on foreign luxuries, not only arts and manufactures will be encouraged in our own country but the public creditors of this State and the United States will be rendered secure in their demands without any perceptible burthen on the people.

6th. That all disputes which might otherwise arise concerning territory or jurisdiction between neighboring States will be settled in the ordinary mode of distributing justice without war or bloodshed.

"7th. That the support of government will be less expensive than under the present constitutions of the different States.

"8th. That all partial laws of any particular State for the defeating of contracts between parties or rendering the compliance therewith on one part easier than was originally intended, and fraudulent to the other party, are effectually provided against by a prohibition of paper money and legal tender laws; and

"9th. That peace, liberty, and safety, the great objects for which the late United Colonies, now free independent States, expended so much blood and treasure, can only be secured by such an union of interests as this Constitution has provided for.

"In full confidence that our unanimous conviction and concurrence in favor of this Constitution will meet the entire approbation of our constituents, the freemen and citizens of this county, we have the honor to subscribe ourselves.

"Their devoted servants,

"JOHN ARNDT.
"STEPHEN BALLIET.
"JOS. HORSFIELD.
"DAVID DESHLER.

"EASTON, *December 20, 1787.*"

On the same day there was a meeting at Easton of sundry inhabitants of the county, which took into consideration the report made to the people of the county by their deputies to the State convention. Whereupon it was

"*Resolved unanimously*, First. That we highly approve of the conduct of our deputies in assenting to and ratifying the Constitution of the United States, as proposed by the late Federal Convention.

"Second. That the chairman be requested to return our hearty thanks to the said deputies for the patriotism, public spirit, and faithful discharge of their duty as representatives of this county.

"Third. That their report, together with these resolutions, be transmitted by the chairman to Philadelphia for publication.

"Signed by order of the meeting,

"ALEXANDER PATTERSON, *Chairman.*

"Attest:

"JAMES PETTIGREW, *Secretary.*"

A similar meeting held at Carlisle a week later was the cause of a serious riot. The celebrants secured a cannon and made a great pile of barrels for a bonfire on the public square; but no sooner were they assembled than a mob of Anti-Federalists attacked them, drove them from the ground, spiked the cannon, burned a copy of the Constitution, and went off shouting, "Damnation to the 46; long live the virtuous 23." Thus stirred up, the excitement spread over all the Anti-Federal counties. The country beyond the mountains was wholly in the hands of the Anti-Federalists. Elsewhere the action of the convention was heartily approved. At Lancaster the delegates were received with bell ringing and discharge of cannon.

Having given a history of the chief events that led to the ratification of the Constitution, it may be interesting to give a brief description of the delegates from Northampton County. They were John Arndt, Stephen Balliet, Joseph Horsfield, and David Deshler. At this time Northampton embraced all the land now contained in the counties of Northampton, Lehigh, Carbon, Monroe, Pike, Wayne, and Susquehanna and parts of Wyoming, Luzerne, Schuylkill, Bradford, and Columbia. Most of this territory was then unsettled, outside of what is now Northampton and Lehigh Counties, and from this section the four delegates were chosen.

John Arndt was born in Bucks County in 1748. His father removed to Northampton County in 1760, where he erected what was long known as Arndt's mill, later Walter's mill, on the Bushkill, where he spent most of his life. At the outset of the War of the Revolution he became one of the leading spirits in that struggle. He was captain of a company in Colonel Baxter's battalion of Northampton County, of the "Flying Camp," and in the Battle of Long Island was wounded and taken prisoner. He was soon after exchanged and on March 25, 1777, was commissioned as register of wills and was an elector at the first Presidential election. In 1796 he was nominated for Congress, but was defeated by 90 votes. He died at Easton in May, 1814. It is said that as a mineralogist and botanist he held no mean rank.

Stephen Balliet was born in Whitehall Township, now Lehigh County. His father, Paul Balliet, was of Huguenot ancestry and a native of

Alsace, who came to Pennsylvania in 1738. His mother was a native of Lorraine. He was brought up to mercantile life under his father. During the War of the Revolution he commanded one of the battalions of Northampton Associators in 1777 and 1778, and was in active service at the Battles of Brandywine and Germantown. He served as a member of the General Assembly, and in 1797 he filled the office of revenue collector. Colonel Balliet died in 1821.

David Deshler was born at Egypta, in the upper part of North Whitehall Township, now Lehigh County, in 1734, where his father, Adam Deshler, was among the first settlers. In 1764 he was a shopkeeper in Allentown, but two years later sold out and removed to his grist mills, which he continued to operate until almost the close of his life. During the Revolutionary War he became colonel of a military company and was one of the most influential personages in Northampton County; acted as commissioner of supplies, and with his colleague and neighbor, Capt. John Arndt, of Easton, advanced money out of his private means at a time when the public treasury was empty. He died at Catasauqua in December, 1796.

Joseph Horsfield was born at Bethlehem in 1750. His father, Timothy Horsfield, was an early Moravian settler at Bethlehem, and quite prominent in the history of that settlement. Timothy Horsfield married a daughter of William Parsons, the founder of Easton. But little is known of the son's early history, save that he was a man of good education and of influence in the community. He was appointed by President Washington, in 1792, the first postmaster at Bethlehem, which office he held until 1802. He died at Bethlehem in 1834.

The Anti-Federalists, however, did not permit the report of the delegates from Northampton and the meeting at Easton, or the riot at Carlisle to pass unnoticed. In the Independent Gazetter or Chronicle of Freedom of January 8 following there appeared, over the signature of "Centinel," a strong attack on the methods of the supporters of the Constitution, of which the following is an excerpt:

"The parasites and tools of power in Northampton County ought to take warning from the fate of the Carlisle Junto, lest like them, they experience the resentment of an injured people. I would advise them not to repeat the imposition of a set of fallacious resolutions as the sense of that county, when in fact, it was the act of a despicable few, with Alexander Paterson at their head, whose achievements at Wyoming, as the meaner instrument of unfeeling avarice, have rendered infamously notorious; but yet, like the election of a Mr. Sedgwick for the little town of Stockbridge, which has been adduced as evidence of the unanimity of the western counties of Massachusetts State in favor of the new Constitution, when the fact is far otherwise, this act of a few individuals will be sounded forth over the continent as a testimony of the zealous attachment of the county of Northampton to the new Constitution. By such wretched and momentary deceptions do these harpies of power endeavor to give the complexion of strength to their cause. To prevent the detection of such impositions, to prevent the reflection of the rays of light from State to State, which, producing general illumination, would dissipate the mist of deception, and thereby prove fatal to the new Constitution, all intercourse between the patriots of America is as far as possible cut off; whilst on the other hand, the conspirators have the most exact information, a common concert is everywhere evident; they move in unison. There is so much mystery in the conduct of these men, such systematic deception and fraud characterizes all their measures, such extraordinary solicitude shown by them to precipitate and surprise the people into a blind and implicit adoption of this Government, that it ought to excite the most alarming apprehensions in the minds of all those who think their privileges, property, and welfare worth securing."

This excerpt shows the bitterness which prevailed between the supporters and opponents of the Constitution. As stated, the real authorship of the letters signed "Centinel" is shrouded in mystery. One of the leading figures in the political history of Pennsylvania at that time was George Bryan, who was charged with the authorship of these letters, but his son, Samuel Bryan, writing to Governor George Clinton, of New York, says: "I flatter myself that in the character of Centinel I have been honored with your approbation." The late Paul Leicester Ford is authority for this statement.

The result of this conflict throughout all of the 13 States was that before the close of the year 1788 the Constitution was ratified by 11 States; so that it went into operation between the States ratifying in 1789. The other two, North Carolina and Rhode Island, adopted and ratified it in less than two years afterwards, the last of which was Rhode Island.

From the commencement of the struggle by the Colonies for independence down to the present time Northhampton County has been intensely patriotic. At the outset its territory extended from the Bucks County line northward to the New York State line and westward to Berks and Northumberland Counties. It immediately joined with the other forces favoring freedom. Its committee of safety was formed December 21, 1774, and was in constant communication with a similar committee in Philadelphia—then the first city in the Union in refinement and wealth, and the scene of great political events of the utmost importance to the whole country. In May, 1775, the county had a volunteer force of 2,000 men, preparing for duty at the front when called for under the direction of the committee. In June, 1775, General Washington was appointed commander in chief of the American Army, and in July, 1775, the county adopted the project of equipping a company of riflemen. At a meeting of the committee, on July 9, 1776, it was resolved to form a Flying Camp, constituting part of Colonel Baxter's division, which took part in the Battle of Long Island. This activity continued to the end of the struggle. It joined with the other counties in framing the Constitution of 1776, which emancipated the German citizens of the county, and assisted in forcing the vote of Pennsylvania in the Continental Congress to favor separation and the Declaration of Independence.

Easton, located at the confluence of the Delaware and Lehigh Rivers, was the county seat of the then vast territory within Northampton County. It was then a frontier town and the most important town in northeastern Pennsylvania. It was convenient of access to both New York and Pennsylvania, and yet safe from attack by British and Indian forces. The colonial records and Pennsylvania archives show that it was the center of revolutionary activity in that section. News of the adoption of the Declaration of Independence was received here on July 8 and was hailed by the citizens by a public demonstration at the courthouse, where the immortal document was read to the public. After the defeat of the American forces at the Battle of the Brandywine, September 11, 1777, Philadelphia was abandoned by them and Easton was chosen by Congress as the place for depositing the public moneys and records and for collecting military stores. Here also the boats were collected to transport Washington's army across the Delaware after the Battle of Trenton, and here lived George Taylor, one of the signers of the Declaration of Independence. Bethlehem, then, as now, located in Northampton County, furnished, with Easton, hospitals for the care of sick and wounded Revolutionary soldiers. Allentown, now the county seat of Lehigh County, then a part of Northampton, received the Liberty Bell when the American forces were compelled to abandon Philadelphia.

Probably the greatest cause of opposition to the adoption of the Federal Constitution was that it did not contain a bill of rights and failed, as contended, to adequately protect local self-government. It must be admitted that these rights, so far as they are consistent with national safety, are indispensable to the long-continued existence of a republican government on a large scale. A republic in a great nation demands these separate institutions which imply in different portions of the nation some rights and powers with which no other portions of the nation can interfere. Let us suppose, for instance, that the States of this Union from the Atlantic to the Pacific were obliterated to-day and that the people of this whole country, 3,000 miles in extent, with 120,000,000 people, were a consolidated democracy, "one and indivisible." No laws would then be made, no justice administered, no order maintained, no institutions upheld, save in the name and by the authority of the Nation. What sort of a republic would that be? If it started with the name and semblance, how long would it preserve the substance of republican institutions? In order to act at all in discharge of the vast duties devolving upon it, the government of such a Republic, extending over a country so enormous, must more and more be made the depositary of the irresistible force of the Nation; and the theory that the will of the Government expresses in all cases the will of the ruling majority must soon confer upon it that omnipotent power beneath which minorities and individuals have no rights. This is no mere speculation. It is the lesson of history. Every reflecting man in this country knows that he has some civil rights which he does not hold at the will and pleasure of a majority of the people of the United States. He knows that he holds these rights by a tenure which can not be lawfully touched by all the residue of the Nation. This is republican liberty, and without this principle in some form of active and secure operation no valuable republican liberty is possible in any great democratc country on the face of the earth. Fortunately much of this opposition was swept away by the adoption of the first 10 amendments. The question of local self-government or State rights remains with us. As the fathers frame the Constitution the checks and balances between the National and State Governments were adequate, but recently there has been a tendency to write into that great document a code of police regulations, which, as said by a judge of the Supreme Court, "has placed a strain on all law." If persisted in, it may undermine the whole structure of our Government.

Gladstone declared that "the American Constitution was the most wonderful work ever struck off at a given time by the brain and purpose of man." It had, however, its forerunners. The men who framed it followed the lead of no theoretical writer of their own or preceding times. They harbored no desire of revolution, no craving after untried experiments. They wrought from the elements which were at hand and shaped them to meet new exigencies which had arisen. The least possible reference was made by them to abstract doctrines; they molded their design by a creative power of their own, but nothing was introduced that did not already exist or was not a natural development of a well-known principle. The materials used by the fathers for building the American Constitution were the gifts of the ages.

ORDER OF BUSINESS—THE CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Monday next it may be in order to call the Consent Calendar under the rules of the House.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that on Monday next it may be in order to call the Consent Calendar. Is there objection?

Mr. KINCHELOE. Does the gentleman mean that it will be the first thing on Monday?

Mr. TILSON. It will be in order to do so.

Mr. SCHAFER. If we complete the Consent Calendar, will we be able to go on with the Private Calendar?

Mr. TILSON. I hope so. At any rate that is my intention.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SURVEY OF INDIAN AFFAIRS BY THE INSTITUTE FOR GOVERNMENTAL RESEARCH

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a press summary of the recent report of the Institute for Governmental Research in respect to the Indian problem of the country. A very careful study was made. The report is voluminous, but I desire to print only the press summary of that report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, one of our most important national problems, and one which probably excites as widespread interest among those who are informed and those who are not as any of our great problems, is the Indian question and the administration of Indian affairs. We are now at a very important stage in the development of our Indian policy. There is much in the past that is unpleasant, unfortunate, and undesirable. There is a great deal also of real accomplishment and much that has been altruistic and generous as well as constructive and effective in the treatment of the Indians by our Government and our people. The administration of Indian affairs to-day is honest and creditable. The maximum of efficiency has not been attained, although there have been material gains under the present administration of the Bureau of Indian Affairs, with the interested and effective cooperation of the Committee on Appropriations and of Congress itself. This work has gone on in the face of the carping criticisms mouthed so constantly in Washington by lobbyists who profess to be the only friends of the Indians but whose criticism has been always destructive and never constructive and whose real aim would seem to be to tear down those charged with official responsibility in the administration of the Government's Indian policies rather than to build up the welfare of the Indians. During the session that has just closed I have on several occasions spoken by name of such destructive lobbyists in connection with Indian matters. It is highly regrettable that by reason of their selfish prostitution of support so generously given them by many well-meaning and influential people a large part of the public sentiment voiced in connection with this problem has not been so directed as to promote that which is really constructive.

As I stated in my speech in the House January 12, when presenting the Interior Department appropriation bill, the work of the Indian Bureau is proceeding along safe and sane lines with special emphasis upon three things: First, education; second, health; and third, industrial assistance. In the Bureau of Indian Affairs and in Congress special emphasis has been given to those aims and material advances have been made. Much remains to be done, and those who are sincerely interested in the proper development and advancement of the Indian race should give thought to the problem and familiarize themselves with the facts from every available reliable source.

During the past year there has been a very important survey of Indian problems by a private agency upon invitation of the Secretary of the Interior, Hubert Work. This survey has resulted in a very important report recently published by the Institute for Government Research. Without necessarily agreeing at all points with their conclusions or suggestions, I am highly appreciative of the care with which the survey has been made, the disinterestedness and ability which appears to have characterized the work of the survey, and believe the more generally their report is studied by those interested in this problem the more rapid will be the development of the constructive program for advancement that is sought by all sincere wellwishers for the Indians. It has semeed to me desirable, therefore, to present through the RECORD the press release from the Department of the Interior, which summarizes the results of this survey, these statements being as follows:

THE PROBLEM OF INDIAN ADMINISTRATION

1. ANNOUNCEMENT OF REPORT

Social and economic conditions at present prevailing among the American Indians constitute a national emergency that demands immediate attention, increased appropriations by Congress making possible the employment of a more competent personnel, and an increased attention to social and economic problems as contrasted with those that are administrative.

Thus is summarized the report of a comprehensive survey of Indian affairs made by the Institute for Government Research at the request of Secretary Hubert Work, of the Department of the Interior. The report of the institute was submitted to the Secretary by W. F. Willoughby, director of the institute, late in February, and the Secretary immediately authorized the institute to print it in full. It is now released to the public.

The majority of the Indians, the survey shows, are poor and are not yet adjusted to the dominant white civilization. Their vitality is low and their death rate high. Tuberculosis and trachoma are prevalent. Living conditions among the majority of them are conducive to the development and spread of disease. The income of the typical Indian family is so low as to place them little above actual want. The earned income is low. General conditions, in fact, are such as to call for vigorous and immediate expansion of the Indian Service.

The theory of the American people has heretofore been that the Indian Service is an administrative agency, the chief purpose of which was the control and conservation of Indian property and the care of dependent Indians. The report holds that too little attention has been given to their social and economic advancement. It states that the Indian Service has been unable to employ adequate and properly qualified personnel to perform this ultra administrative work. The present staff is insufficient in numbers and, in many cases, without sufficient technical and professional training to accomplish the broader purpose.

Because of these limitations the Indian Service as a whole has not developed a well considered and broadly educational program for the development and advancement of a primitive people. Such a program, the report says, should include not only school training for children but also activities for adults to aid them in adjusting themselves to the dominant social and economic life which confronts them. It should emphasize education in economic production and in living standards high enough for the maintenance of health and decency.

The survey which resulted in these findings is the most comprehensive study of the social and economic conditions of the Indians that has ever been made. It was conducted under the immediate direction of Lewis Meriam, of the regular staff of the Institute for Government Research in cooperation with nine specialists selected for this particular project by the institute. None of these specialists were from the Indian Office or the Department of the Interior. The staff was in the Indian country almost continuously for seven months. One or more members of the staff visited 95 different jurisdictions, either reservations, agencies, hospitals, or schools, and also many communities to which Indians have migrated.

Neither the Indian Service nor the Department of the Interior exercised any control or supervision over the survey. The Institute for Government Research is not a Government agency. The survey was entirely financed from private funds, mainly the gift of Mr. John D. Rockefeller, jr. Secretary Work requested a private organization to make the survey because he wished an entirely impartial report on the conditions of the Indians and the conduct of work in their behalf.

Mr. Meriam, as technical director of the survey, selected the staff. The members were: Indian adviser, Henry Roe Cloud, of the Winnebago Tribe, president of the American Indian Institute; specialist in health, Dr. Herbert R. Edwards, medical field secretary of the National Tuberculosis Association; specialist in education, W. Carson Ryan, jr., professor of education, Swarthmore College; specialist in general economic conditions, Edward Everett Dale, head of the department of history, University of Oklahoma; specialist in agriculture, Dr. W. J. Spillman, of the Bureau of Agricultural Economics, United States Department of Agriculture; specialist in community and family life and the activities of women, Mary Louise Mark, professsor of sociology, Ohio State University; specialist on migrated Indians in cities, Miss Emma Duke, of the staff of the American Public Health Association; specialist in legal aspects, Ray A. Brown, assistant professor of law, University of Wisconsin; specialist in existing material, F. A. McKenzie, professor of sociology, Juniata College.

The full report, entitled "The Problem of Indian Administration," is over 800 pages long and covers general administration, health, education, general economic conditions, family and community life, and the activities of women, Indians migrated to cities, legal aspects, and missionary activities.

2. HEALTH

The vitality of the American Indians is so low and various diseases are so prevalent that their condition becomes a serious national problem, in the opinion of the Institute for Government Research after a

comprehensive two-year survey of conditions in the Indian country, made at the request of Secretary Work, of the Department of the Interior. These findings are set forth in a comprehensive publication entitled "The problem of Indian administration," which has just come from the press.

Tuberculosis, trachoma, the diseases of early infancy, says this report, are the major complaints most prevalent among the Indians, due chiefly to the low standard of living which they maintain. The Indians are caught in the vicious circle of poverty with low incomes, poor and overcrowded houses, lack of sanitary facilities, and, above all, bad diet, resulting in poor health, often producing physical inability to work.

Tuberculosis and high infant mortality are associated with improper and insufficient diet and bad living conditions. The conviction is growing that the same is true of trachoma, that highly communicable disease that results in blindness and is a constant menace both to the Indians and the white population. It was as a result of cooperation between medical officers of the Indian Service and the Rockefeller Foundation, working among Indians of the Southwest, that what is thought to be the trachoma germ was isolated.

The report points out that the great preventive foods in combating these diseases are milk, fresh green vegetables, and fruit, all of which are lacking in the Indian diet. Few Indians keep milk cows. Milk is generally not available even for Indian babies, so that when they are weaned they are immediately placed on the same diet as adults—a diet deficient in preventive foods and consisting too much of ill-cooked starches and meat.

The survey finds that health is not what it should be even in some of the schools operated by the Government. An effort has been made to feed these children on a low per capita allowance plus what can be raised on the school farm and produced in the school dairy. In a few cases it has been possible to keep at the low salaries offered employees capable of getting the most out of these farms and dairies and thus supplementing the basic allowances. They are important factors in improving the diet, but even at the best schools these sources do not fully meet the requirements of the health and development of children.

The Government has failed to develop an adequate program of public health administration and preventive medicine for its Indian wards, the staff concludes, although it commends the progress in that direction made under the present administration of the Interior Department. It particularly commends the action of Secretary Work in securing as chief medical officer of the Indian Service a trained public health officer from the United States Public Health Service, and of the Indian Office in its determination to substitute trained public health nurses for the untrained, inexperienced field matrons employed for years at salaries almost always too low to secure a person fitted for the task. It recommends increased appropriations to carry out this program, the development of public health clinics to detect communicable diseases in their incipiency, and the collection of adequate morbidity and vital statistics already started by the Indian Office.

The number of doctors, dentists, and nurses is insufficient, and because of low salaries some of those at present employed are below proper standard in qualifications. In the case of field nurses the salaries have been insufficient to attract a sufficient number of persons who can meet the reasonable civil-service requirements.

In his report for 1927 the Secretary of the Interior called to the attention of Congress the inadequate appropriations available for Indian administration, stating that the Indian Service has not kept pace with progress elsewhere along health, educational, industrial, and social lines. He said that years of financial neglect demands larger appropriations if the Government is to perform its full duty to the American Indian. As early as 1925, also, after conferences with the Civil Service Commission, he set the standards for the appointment only of physicians who are graduates from class A medical schools.

Neither the hospitals nor the sanatoria maintained by the Indian Service meet the minimum standards for institutions of that class concludes the institute. They are generally defective in personnel, design, equipment, and maintenance. The effort has been made to operate them on a per diem cost materially below that for similar institutions serving other classes of the population.

"Because of the small appropriations," says the report, "the salaries for the personnel in health work are materially below those paid by the Government in its other activities concerned with public health and medical relief, as well as below those paid by private organizations for similar services. Since its salaries are substandard, the Indian Service has not been able to set reasonably high entrance qualifications and to adhere to them. For general nursing positions it has often been necessary to substitute for properly trained nurses, practical nurses, some of whom possess few qualifications for the work."

The medical specialist on the special survey staff of the institute was Dr. Herbert R. Edwards, on appointment medical field secretary of the National Tuberculosis Association, now director, bureau of tuberculosis control of the New Haven Department of Health.

3. EDUCATION

The American Indian is capable of acquiring an education that, under proper conditions, will convert him into a useful and productive citizen. He needs education that is less institutional than that which he is at present getting, one that will tend more strongly to develop his initiative. The boarding school should be played down and the day school which he can attend while at home should be further developed.

A more highly trained and better paid educational personnel is indispensable to a proper administration of Indian education.

These are among the findings of the Institute for Government Research which, at the request of the Department of the Interior, has had a corps of specialists in the field gathering facts and which is now ready to issue its findings in an 800-page report entitled "The problem of Indian administration." The section on "Education" may be summarized as follows:

The first questions that many people ask are these: "Can the Indian be educated? Is it worth while to do anything or are the Indians an inferior race?" The answer of the Institute for Government Research is that unquestionably the Indian is capable of education. Many individual Indians have made marked progress and compare favorably with successful white men. The testimony of teachers who have taught both white and Indian children is overwhelmingly to the effect that Indians do reasonably well in school, and that the few difficulties in their instruction are mainly the result of the economic and social conditions of the Indian families and not of any mental deficiencies on their part. The survey staff has reviewed the results of modern mental tests which have been given Indian children, and this evidence bears out the testimony of the teachers that Indian children have the mental capacity for education. The tests show that the Indian children are only slightly below white children in intelligence and the slight difference found may be due in part to the handicaps under which the race has labored.

The Institute for Government Research emphasizes the fact that the traditional school system of the whites is not immediately applicable to the needs of Indian children. For years to come it will be necessary for the National Government to provide schools for them, and even when the Indians are placed in local public schools it will be necessary for the National Government to render special service to them. The institute commends the recent movement on the part of the Indian Service toward placing Indians in public schools, provided this necessary supplemental service is furnished adequately. Because of the great importance of this supplemental service it recommends caution and conservation in placing Indian children in public schools.

The great need of the Federal Indian school system is a marked improvement in the personnel. Because of the low salaries and the unfavorable working conditions, the Indian Service has, as a rule, been unable to attract the best of the younger teachers. Although it has some good teachers, the general level is below that in the schools of progressive white communities. Low salaries have made it necessary for the Indian Service to adopt low entrance qualifications.

In an effort to maintain educational standards with an inadequate personnel the Indian Service resorted some years ago to a uniform course of study for all Government Indian schools, even going so far as to send out uniform examination questions from Washington. In place of attempting to maintain standards through a uniform course of study the institute recommends that the Indian Service adopt the only device that has been found successful by progressive white communities, namely, that of maintaining high entrance qualifications for teachers and supervisors so that the local staff will be qualified to adapt the educational system to the needs of the particular Indians being taught. It recognizes frankly that this course can not be followed unless the Government is prepared to adopt a salary scale for Indian school-teachers and supervisors comparable with those in progressive white communities.

A movement away from boarding schools has been in progress in the Indian Service for several years. The institute recommends that this movement be expedited. To get young children out of boarding schools in so far as possible, the institute recommends increasing the number of grades in existing day schools, developing new day schools wherever possible, and a judicious placing of Indian children in local public schools with necessary supplemental service. Thus a far larger number of Indian children can remain with their families and the families will be educated along with their children, whereas the boarding schools tend to educate the children away from their families and create a serious problem when, after several years away at school, the child returns to its home entirely out of touch with its family and its mode of life.

For some years to come boarding schools will be necessary to supply educational facilities for the older children who are ready for higher grades and for special training which can not be supplied locally, and to a limited extent for the younger children who can not reach any local school. The institute recommends changes in the boarding schools, which will require an increase in the qualifications of the personnel.

Broadly speaking, the position of the institute on the education of the Indians is that their primary need is development of initiative and responsibility in the individual. The schools should give maximum opportunity for the development of these qualities. The present tendency of the boarding schools is toward mass handling of the pupils, with individuality suppressed by the institutional routine. Almost everything is done according to schedule on signal and the pupils have almost no

experience in directing their own efforts and managing their own affairs. Even in the highest grades they are subject to the same discipline and routine until the day of their graduation, when they find themselves free from all control, with no guided experience in directing their own activities. The institute takes the position that if the schools are to be effective the routinization must be largely eliminated and that attention to the individual must be stressed.

4. PRODUCTIVE LABOR

An increase in productive labor on the part of the Indian is a fundamental necessity if he is to live on a basis that will provide even the minimum standard of health and decency required by civilization.

Such is the conclusion reached by the Institute for Government Research which, through funds provided by John D. Rockefeller, jr., recently completed an exhaustive, two-year study of the Indian problem. The findings and recommendations are given out by Secretary Hubert Work, of the Department of the Interior, at whose request the study was made. The section on Indian industrial activities may be summarized as follows:

The income of the typical Indian family is low and the earned income approaches the vanishing point. The Indian has not become a worker. From the standpoint of the white man the typical Indian is not industrious, nor is he an effective worker when he does work. He generally ekes out an existence through unearned income from leases of his land, the sale of land, per capita payments from tribal funds, or, in exceptional cases, through rations given him by the Government. The number of Indians who are supporting themselves through their own efforts, according to what a white man would regard as the minimum standard of health and decency, is small. What little they secure from their own efforts or from other sources is rarely effectively used.

The economic basis of the primitive culture of the Indians has been largely destroyed by the encroachment of white civilization. The Indians can no longer make a living as they did in the past by hunting, fishing, gathering wild products, and the limited practice of primitive agriculture. The social system that has evolved from their past economic life is not suited to the conditions that now confront them, notably in the matter of the division of labor between men and women.

Several past policies in dealing with the Indians were of a type which, if long continued, would tend to pauperize any race, notably the practice, now abandoned except under special circumstances, of issuing rations to able-bodied Indians. The policy of giving their lands to Indians in individual ownership often has worked out in such a way that the Indians have been able to eke out a scanty existence without labor by selling or leasing the land allotted to them or inherited from Indians to whom it has been allotted. The distribution of tribal funds has also encouraged life without work.

On a few reservations energetic and resourceful superintendents with a real faculty for leadership have demonstrated that the economic education of the Indian is possible. On the whole, however, the problem of converting the Indian into a productive worker has presented so many difficulties that they have not been generally met. By and large he remains a purposeless idler on the reservation who by his own efforts contributes little to the support of himself and to his family. Even under the best conditions it is doubtful whether a well-rounded program of economic advancement planned with due consideration of the natural resources of the individual reservation has anywhere been thoroughly tried out.

The Institute for Government Research stresses the need for an employment service for Indians, particularly vocational guidance for the boys and girls leaving Indian school, some of whom have been recently placed in this way. It says that although the problem of the returned student has been much discussed, the Indian Service has lacked the funds to aid the children when they leave school either to find employment away from the reservation or to return to their homes and work out their own salvation there. It has not subjected its schools to the test of having to show how far they have actually fitted the Indian children for life. Such a test would undoubtedly have resulted in a radical revision of the industrial training offered in the schools. Several of the industries taught may be called vanishing trades and others can not be followed in a white community in competition with white workers without a period of apprenticeship. No adequate arrangements have been made to secure the opportunity of apprenticeship.

Little has been done on the reservations toward finding profitable employment for Indians. In a few jurisdictions labor services are maintained chiefly engaged in recruiting Indians for temporary unskilled labor. This employment service is largely mass work, not individualized, and it does not often seek to find the Indian an opportunity for a permanent position that offers him a chance to work up or one that will arouse his interest.

The study made by the institute of the Indians who have migrated to industrial communities shows that most Indians make satisfactory employees. The reports of their employers are almost invariably favorable. Little race prejudice against them was encountered, and they generally can get employment and secure living conditions commensurate with their earning capacity. They are not skilled or experienced in bargaining and in finding positions. Once they get a position they are generally steady and reliable and possibly too willing to work on at the initial rate of pay.

The majority of Indians who work are engaged in some form of agriculture, and the survey recommends that both at the schools and on the reservations the work of preparation along these lines be strengthened. The Indian Service has long had positions for "farmers" to help the Indians in agriculture, but the majority of these employees would be more accurately termed field clerks or agricultural laborers. They are not trained as agricultural teachers or demonstrators and their qualifications are markedly below those of agricultural demonstrators supplied to white communities. The salaries paid are too low generally to attract men competent to do the work. The salaries of these employees should be raised and competent people obtained, which can not be done at present rates of pay.

The work of investigating the economic conditions of the Indians was done mainly by Prof. E. E. Dale, of the University of Oklahoma; Dr. W. J. Spillman, of the United States Department of Agriculture; Miss Mary Louise Mark, professor of sociology of Ohio State University; and Lewis Meriam, of the regular staff of the institute, the technical director of the survey. The study of migrated Indians was made by Miss Emma Duke, a widely experienced investigator of the economic and social conditions of working people.

5. FAMILY AND COMMUNITY LIFE

The aboriginal Indian family has not adjusted itself to the requirements of life in contact with the white race and is failing to contribute as it should to the well-being of its members. Community activities that existed before the white man came have largely disappeared, but little of a helpful nature has been introduced to take their place. Home and community life among the Indians has become worse instead of better.

These are the facts as set down by the Institute for Government Research in its 800-page report of a study initiated two years ago by Secretary Work, of the Department of the Interior, which is issued this week. The section on family and community life may be summarized as follows:

Conditions have tended toward the weakening of Indian family life and community activities rather than toward strengthening them. Removing Indian children from their homes and placing them in boarding schools tends to disintegrate the family and interferes with developing normal family life. The belief has apparently been that the shortest road to civilization is to take children away from their parents and in so far as possible to stamp out the old Indian life.

The Indian community activities particularly have tended to disappear. The fact has been appreciated that both the old Indian family life and the community activities have many objectionable features in a modern civilized setting. There may have been justification for breaking them up but, unfortunately, nothing has been provided to take their place. Thus, the Indian has been left adrift.

The Indian Service lacks a personnel trained and experienced in educational work with families and communities. The result is the almost total absence of well-developed programs for the several jurisdictions specially adapted to meet local conditions. For many years the service has had positions for "field matrons" employed especially to work with families, but the salaries and the entrance qualifications have been so low that the competent field matron able to plan and apply a reasonably good constructive program is the rare exception. Superintendents are also as a rule weak in this branch of their work, and the central office is not adequately equipped to direct and supervise these highly important activities.

The majority of Indian homes are characterized by dirt and confusion, although on every reservation exceptions are found, and among some Indians the exceptions are many. The Hopis, Zunis, and especially the Rio Grande Pueblos, value neatness and order and make much of their walls and floors. They are, broadly speaking, the best of the Indian housekeepers. Some homes reflect the beneficial results of good home economics training in Government and mission schools and the work of the exceptional field employees. In justice to the Indian housewives it must be said that the conditions under which most of them live make cleanliness and order difficult to achieve. Poor housing conditions are in many cases the result of extreme poverty and are beyond the control of the Indians.

Sanitary facilities are generally lacking. Except among the relatively few well-to-do Indians the homes seldom have a private water supply or any toilet facilities whatever. Even privies are exceptional. Water is ordinarily carried considerable distances from natural springs or streams or occasionally from wells. In many sections the supply is inadequate, although in some jurisdictions the Government has materially improved the situation, an activity that is appreciated by the Indians.

A tremendous obstacle to the economic and social development of the Indians lies in the fact that the division of labor between men and women, under which the women do most of the work, is inapplicable under the economic system of to-day. The duties of the men were hunting, fishing, and fighting; the women generally made and

kept the houses, prepared the food and clothing, and did such agricultural work as was done. To-day, in some jurisdictions, the Government encounters difficulty in getting the men to do productive work in agriculture because they regard it as the women's work. The men rarely do work in maintaining and improving their homes, probably for the same reason.

The institute takes the position that the effective approach to the problem of advancing the social and economic condition of the Indians is through the family and the Indian community, and that the work must be done by a trained, competent personnel, materially better qualified than most of the employees in the Indian Service now engaged in such activities.

The situation with respect to marriage and divorce among the Indians is in general highly unsatisfactory. The restricted Indians are not subject to State law in this matter and no national law is applicable, except that children born to marriages made according to Indian custom are by law declared legitimate for purposes of inheritance. Many of the cases that come before the courts of Indian offenses maintained by the Government at certain agencies involve domestic relations, and ofter superintendents at other agencies are seriously perplexed by what in white communities would be serious breaches of the law. The institute believes that among the more primitive tribes for many years to come it will be impracticable to apply and enforce State laws governing domestic relations. Among the tribes that are far advanced and are living in close proximity to white communities it believes that the Indians should be made subject to the State laws respecting marriage and divorce. It recommends legislation permitting the President or the Secretary of the Interior to classify jurisdictions and where the Indians are sufficiently advanced to make them subject by proclamation to the State laws respecting marriage and divorce.

The breaking off of marital relationship does not cause as many difficulties for children among the Indians as it does among the whites, because other relatives are generally quick to assume the responsibilities and it is not at all unusual to find fathers and mothers supporting their daughters and their daughters' children, while many of the group have those the others do not want. Frequently the energetic progressive Indian is feeding and maintaining his less progressive neighbors.

The specialist on the survey staff studying family and community life and the activities of Indian women was Mary Louise Mark, professor of sociology at Ohio State University. R. A. Brown, assistant professor of law at the University of Wisconsin, was the specialist on the legal aspects of the Indian survey.

6. PERSONNEL

An improved personnel in the field, made possible by more adequate appropriations, in accordance with the recommendations being made by Secretary Work in his last annual report, is the key to the Indian problem, according to the report of the Institute for Government Research recently submitted to Secretary Work of the Department of the Interior. The section on personnel may be summarized as follows:

The chief explanation of the deficiency in the work of the service lies in the fact that not enough money has been provided to permit the service to employ an adequate personnel properly qualified for the task before it. The service has been held too closely to a mere administration of Indian affairs and the central staff consists mainly of persons with administrative experience rather than technical and scientific training for planning and developing a broad educational program made up of persons properly trained to render the special services required. The Indian Service has not been able, because of lack of sufficient funds, to keep abreast of the progress made by other agencies concerned with education, the promotion of health, and the advancement of the social and economic condition of a people.

The Institute for Government Research specially recommends the development of cooperative relationships with other organizations, public and private, which can be of material aid in educational work for Indians. It commends the action of Secretary Work in enlisting the cooperation of the United States Public Health Service and in calling upon the Department of Agriculture for a representative on his fact-finding committee to study irrigation. It believes that this idea of cooperation with other agencies of Government should be further developed.

Cooperation with State and local governments offers outstanding possibilities, because the Indians will ultimately merge with the population of the States wherein they reside, and every forward step taken cooperatively will simplify and expedite the transition. Considerable progress has been made by the Bureau of Indian Affairs in getting Indian children into public schools. Progress has been made in cooperation with the States of California, Minnesota, Oregon, Washington, and Wisconsin during the past two years. Had the Indian Service the funds and the personnel to devote to effective cooperation with the governments of these States it could go a long way toward writing the closing chapters of Federal administration of the affairs of the Indians.

To make such cooperation effective the service will require trained and experienced specialists whose standing in their fields will enable them to plan and develop such cooperative relationship.

The Indian Service can not expect to secure the necessary specialists or properly trained field workers for the salaries it is now able to pay, nor can it expect well-trained, competent employees to remain in the Indian country unless better working conditions are provided for them. The Government, the report says, must appreciate that at best the conditions will be hard, especially for employees with families. The living quarters furnished should be reasonably comfortable. Few field employees outside of the office can hope to restrict their activities to an 8-hour day or secure regularly and uniformly one day's rest in seven. The effort should be made to approximate these standards through an increase in personnel and definite provisions for relief from duty. Special effort should be made to see that employees take vacation leave each year and that they have opportunity to maintain the contacts necessary to keep abreast of developments in their special lines of work.

Those employees who are required to drive about the reservations in all kinds of weather should be provided with closed cars in good condition or they should be permitted to use their own cars and charge the Government for mileage at a reasonably liberal rate, with due consideration of the nature of the service required of the car. The survey found no evidence to substantiate the charge that the employees are furnished with fine cars at Government expense. The cars used are instead the subject of severe criticism.

The Institute for Government Research particularly stresses the importance of character and personality for positions that involve direct contact with the Indians. Persons who are to remain in the Indian Service must respect the Indians and have confidence in them, for, as the report says, "To lift a people up and look down on them at the same time is not possible, nor can one without respect for a people and faith in their future inspire them to self-respect and faith in themselves."

A better grade of employees can be secured only by providing more adequate pay, which will require larger appropriations by Congress. A better staff in the field can be maintained only by providing comforts comparable with those its members would find in similar employment elsewhere. Many of the stations are in isolated regions, which call for certain sacrifices. Every effort should be made to compensate employees for these sacrifices by making the isolated posts attractive. Quite the contrary is usually the fact.

Last year the Secretary of the Interior called the attention of Congress to the "turnover" of employees in the Indian field service for the fiscal year 1927. For physicians it was 56 per cent, for nurses 122 per cent, for teachers 48 per cent. The average turnover for all permanent employees in the Indian field service during that year was 67 per cent. "These figures," the Secretary stated, "can not be ignored. They are a definite expression of the conditions underlying the so-called Indian problem and have their origin in shortage of funds. The constant capitulation between necessities and means brings despair to those engaged in the work, because the necessities of the human element in the Indian Service should dominate."

7. RECOMMENDATIONS

The task of the Indian Service should for the future be primarily educational rather than administrative. It should devote its main energies to the social and economic advancement of the Indians. It should fit them to be absorbed into the prevailing civilization. The organization of the Indian Service should be so changed that its efforts are directed to those ends. These are the recommendations of the Institute for Government Research, which, at the request of Secretary Work, of the Department of the Interior, has just completed the most exhaustive study of the Indian problem ever made. The recommendations of the institute may be further summarized as follows:

The service should lay down a comprehensive, well-rounded educational program, adequately supported, which will place it at the forefront of organizations devoted to the advancement of a people. This program must provide for the promotion of health, the advancement of productive efficiency, the acquisition of reasonable ability in the utilization of income and property, and the maintenance of reasonably high standards of family and community life. It must extend to adults as well as to children, and must place special emphasis on the family and the community.

Since the majority of the Indians are ultimately to merge into the general population, the program should cover the transitional period and should endeavor to instruct the Indians in the utilization of the services provided by public and quasi-public agencies for the people at large, in exercising the privileges of citizenship and in making their contribution in service and taxes for the maintenance of the Government. By improving the health of the Indian, increasing his productive efficiency, raising his standard of living, and teaching him the necessity for paying taxes, it will remove the main objections now advanced against permitting Indians to receive the full benefit of services rendered by progressive State and local governments for their populations. By actively seeking cooperation with State and local governments and by making a fair contribution in payment for services rendered by them to untaxed Indians, the National Government can expedite the transition and hasten the day when there will no longer

be a distinctive Indian problem and when the necessary governmental services are rendered alike to whites and Indians by the same organization without discrimination.

To plan and develop such a broad educational program obviously requires the services of a considerable number of persons expert in the special fields of activity which are involved in it. The Indian Service as it is at present organized does not possess such a staff. The present staff consists mainly, but not entirely, of persons with administrative experience rather than technical and scientific training for planning and developing a program in specialized fields. The institute, therefore, recommends that the Secretary of the Interior ask Congress for an appropriation of at least $250,000 a year to establish in connection with the central office, but with many duties in the field, a scientific division of planning and development.

The functions of the division should be—

First. To advise the Commissioner of Indian Affairs in matters requiring technical or scientific knowledge of particular problems.

Second. At the request of the commissioner and subject to his approval, to formulate programs and develop policies to be carried out by administrative officers or to assist in planning cooperative programs with State and local authorities or with missionary organizations or other private agencies.

Third. To visit schools and agencies and to report to the commissioner upon the effectiveness of the administration in those branches of the work that are professional, technical, or scientific in character.

Fourth. To visit schools and agencies to advise and counsel with superintendents and other employees regarding the development and improvement of these specialized activities.

Fifth. Upon direction of the commissioner to investigate and hold hearings upon matters of special complaint that involves technical or scientific subjects.

The division would operate on the project or assignment basis. For the development of fundamental programs for important jurisdictions committees would be organized, primarily from this division, but often including administrative officers, and these committees would together formulate the recommendations after thorough field surveys.

The establishment of the division of planning and development is the first need of the Indian Service. The second is the enormous strengthening of the personnel in immediate contact with the Indians. The Indian Service, because of low salaries and low appropriations, has been attempting to conduct its activities with a personnel inadequate in number and as a rule not possessed of the requisite for the efficient performance of their duties. Little progress can be expected until this situation has been remedied. Salaries in the Indian Service, especially the field service, must at least be fairly comparable with those paid by other branches of the Government service. Not only should entrance salaries be sufficiently high to attract a reasonable number of properly qualified applicants, but a fairly liberal scale of salary advancements should be adopted to reward efficiency and to hold competent employees. A high turnover among the field employees of the Indian Service will jeopardize the success of any program however well designed.

An appropriation of approximately a million dollars is urged by the institute to improve the quantity, quality, and variety of diet available for Indian children in boarding schools.

The institute appreciates that its detailed recommendations designed to make the Indian Service an efficient educational organization will involve a material increase in the Federal appropriation for the Indians. The present appropriations total approximately $15,000,000. For several years to come the additional amount required will be almost as much as the present appropriation. The position taken is that it is a sound policy of national economy to make generous expenditures in the next few decades with the object of winding up the national administration of Indian affairs. The people of the United States have the opportunity, says the institute, if they will, to write the closing chapters of the history of the relationship of the National Government and the Indians. The early chapters contain little of which the country may be proud. It would be something of a national atonement to the Indians if the closing chapters should disclose the National Government supplying the Indians with an Indian Service which would be a model for all governments concerned with the development and advancement of a retarded race.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12030) entitled "An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 374. An act for the relief of Lulu Chaplin;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1434. An act for the relief of Mattie Holcomb; and

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes.

BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.:

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in field services";

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex.;

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 13446. An act to amend the national defense act;

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth, or parentage, from liability to military service in such nations; and

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2227. An act for the relief of F. L. Campbell;

S. 2306. An act for the relief of William E. Thackrey;

S. 2519. An act for the relief of Robert W. Miller;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4*;

S. 2733. An act for the relief of Joseph Cunningham;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 4376. An act for the relief of Harry M. King;

S. J. Res. 46. Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the

vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2.

AGRICULTURE AND THE TARIFF

Mr. GARBER. Mr. Speaker, I ask unanimous consent to address the House for a short time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, also to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, the story goes that once upon a time a traveler journeyed from Jerusalem down to Jericho. While on his way, he was assaulted, robbed, wounded, and left for dead. A good Samaritan came along, picked him up, took him to a wayside inn, and paid the landlord for his lodging.

Financially speaking, in the fall of 1920, the farmer was found in the condition of the traveler on that ancient journey. Likewise he was the victim, left by the wayside, wounded and helpless, and so nearly dead that when the good Samaritan came along in 1921 he did not know whether to call an undertaker or an ambulance! But "where there is life there is hope," and so the pulmotor and first-aid remedies were applied. Uncle Sam, the good Samaritan, himself a little wobbly from similar treatment, resorted to every approved remedy until finally the patient revived and has been convalescing ever since—not fully restored, but coming strong!

There is just one danger of a backset before complete recovery. The quack doctors are camping in his barnyard. They say: "You are not improving. You have 'chronic surplus.' You ought to have been well long ago. Try our remedy. We guarantee a cure."

But they are the same fellows who held him up in the first instance and left him by the wayside. They gave him expansion to win the war with restriction on price, McAdoo freight rates to market, free trade in foreign farm products, and deflation—a concoction of quack remedies that would kill anybody except the farmer!

EFFECT OF UNDERWOOD ACT

Free trade in foreign farm products was embodied in the Underwood Act of 1913, and immediately the devastating tides of foreign produce poured into our markets. The following comparative table, showing rates on principal agricultural commodities under the Underwood Act and under the Fordney-McCumber Act, emphasizes the extent to which foreign competition with American farmers in our home market was fostered and encouraged under a Democratic administration:

Comparison of tariff rates on agricultural products under the Underwood and the Fordney-McCumber laws

Commodity	Underwood Act	Fordney-McCumber Act
Cattle	Free	1½ cents to 2 cents per pound.
Sheep and goats	do	$2 per head.
Fresh lamb	do	4 cents per pound.
Fresh mutton	do	2½ cents per pound.
Fresh beef and veal	do	3 cents per pound.
Fresh pork	do	¾ cent per pound.
Hogs	do	½ cent per pound.
Bacon, hams, etc.	do	2 cents per pound.
Lard	do	1 cent per pound.
Butter	2½ cents per pound	8 cents per pound (increased to 12 cents per pound under flexible provisions of the act).
Oleomargarine and other butter substitutes.	do	8 cents per pound.
Cheese and substitutes	20 per cent	5 cents per pound but not less than 25 per cent. (Under flexible provisions of the act, duty on Emmenthaler type of Swiss cheese increased to 7½ cents per pound, but not less than 37½ per cent.)
Cream	Free	20 cents per gallon.
Milk	do	2½ cents per gallon.
Poultry, live	1 cent per pound	3 cents per pound.
Poultry, dead, dressed or undressed.	2 cents per pound	6 cents per pound.
Eggs	Free	8 cents per dozen.
Corn	do	15 cents per bushel.
Oats	6 cents per bushel	15 cents per bushel.
Rye	Free	Do.
Wheat	Free (except to countries imposing duty on similar importations from United States).	30 cents per bushel (increased to 42 cents per bushel under flexible provisions of the act).
Rice:		
Brown (hulls removed)	5/8 cent per pound	1¼ cents per pound.
Broken, and meal, flour, polish, and bran.	¼ cent per pound	½ cent per pound.
Milled (bran removed)	1 cent per pound	2 cents per pound.
Paddy or rough	3/8 cent per pound	1 cent per pound.
Peanuts:		
Not shelled	do	3 cents per pound.
Shelled	¾ cent per pound	4 cents per pound.
Walnuts:		
Not shelled	2 cents per pound	4 cents per pound.
Shelled	4 cents per pound	12 cents per pound.
Cottonseed	Free	¼ cent per pound.
Flaxseed	20 cents per bushel	40 cents per bushel.
Potatoes	Free (except to countries imposing duty on similar importations from United States).	½ cent per pound.
Hay	$2 per ton	$4 per ton.
96 per cent sugar, Cuban	1.0048 cents per pound	1.7648 cents per pound.
96 per cent sugar, other	1.256 cents per pound	2.206 cents per pound.
Wool (other than carpet wool)	Free	31 cents per pound (clean compent).

The "tariff for revenue only" policy opened our gates wide to foreign products. Fundamentally it was free trade, with an incidental duty now and then for "revenue only," and it plunged us into a period of economic depression almost unequaled in our entire history.

In the first 12 months of the Underwood tariff law there was imported $350,000,000 worth of grain, potatoes, hay, butter, cheese, eggs, poultry, meat, cattle, horses, sheep, wool, and hides, more than the aggregate importations of like products during the entire preceding Republican administration.

WAR TEMPORARILY AVERTED ECONOMIC DISASTER

It was in the midst of such an alarming influx of foreign products that war plunged the world into chaos and in this greater confusion, our own was temporarily eclipsed. The tremendous requirements of the European countries that entered war in August, 1914, diverted consignments from our ports and absorbed most of the surplus food and clothing products of the world.

But the aversion of disaster was only temporary. The close of the war came abruptly. Foreign nations began to cast about for markets for the vast accumulation of agricultural products which filled their storehouses. The gates into the most prosperous country in the world, the only Nation which could afford to buy these accumulations and pay for them, were still open. The deluge began again. Already loaded with the accumulations from our own farms, our markets collapsed under the burden of increased foreign farm products and the whole country was inundated with the wreckage. The purchasing power or exchange value of agricultural commodities as a whole compared with the exchange value of other commodities fell from 108 per cent of pre-war values in the spring of 1920 to 69 per cent in 1921.

In two short years the value of farm products depreciated 107 per cent, and that at the very time our exports of farm products were the largest in our history. With all basic farm products on the free list of the Underwood Act, foreign farm products flooded our markets and farm prices here hit the rock bottom of the much-vaunted world market prices. As a consequence the gross wealth produced by farmers dropped from $23,783,000,000 in 1919 to $12,366,000,000 in 1921. The farmers received just about half as much for the big crops of 1921 as they received for the big crops of 1919. Factories shut down and bread lines came back with 5,000,000 men out of employment representing a population of 15,000,000. At the local markets wheat sold for 65 and 68 cents per bushel; corn, 10 and 12 cents per bushel; hogs, $2 and $2.50 to $3 per head; cows, $8 per head; and all other products in proportion.

The emergency tariff act which became effective in May, 1921, was hurriedly enacted, but the damage had been done. American agriculture lay prostrate. In a report of the United States Tariff Commission on the emergency tariff act, the commission found that it was passed in the midst of the greatest decline of prices that had occurred in many years.

DESCRIPTION OF CONDITIONS UNDER UNDERWOOD ACT

Representative JAMES W. COLLIER, a Democratic leader in the House of Representatives, presented to that body on July 11, 1921, a stirring picture of the times:

Here at home our troubles are economic rather than social or political. Our agricultural products are selling below the cost of their production. The purchasing power of our people is also greatly curtailed. Railroad

rates are an embargo on business. Thousands are out of employment. Wages are being continually lowered. Bank credits are restricted. Our surplus products and manufactured articles are piling high for export, but there is no place for them to go. Our factories are idle and many of them closing down, for there are no purchasers to buy. Our foreign market is decreasing, because the foreigner is unable to pay for what he wants. Our warehouses are full to overflowing with cotton, wool, and other products for lack of both a home and a foreign market.

MEANING OF "TARIFF FOR REVENUE ONLY" OR "COMPETITIVE TARIFF"

The foregoing is a realistic description of the actual conditions resulting from the policy of a "tariff for revenue only" or a "competitive tariff." It brought us world competition at home, and that is what the terms mean. It is why they use the word "only" when they say they stand for a tariff for revenue. It is tariff for revenue without protection and for revenue "only." It means the same thing as a "competitive tariff," which is a rate so low that it does not include any protection or any advantage to the home producer. It admits the foreign producer with his cheap labor to our market upon a dead level with our own producers, so that the foreign producer stands upon an equality in competition with our home producers. The foreign producer pays no taxes here. Why should he be granted such privilege?

REPUBLICAN RECONSTRUCTION UNDER PROTECTIVE TARIFF

In the collapse of agriculture the entire economic structure trembled and chaos and commercial disruption reared its black head over the land. The emergency tariff kept our farmers from being trampled after they were down; it was powerless to raise them at once from their stricken condition.

The Fordney-McCumber law became effective in September, 1922. It embodied the farm schedules and rates in the emergency act of the year before. The recommendations of the farm organizations as to rates were again incorporated in the law. At that time they appeared to be sufficiently high to afford ample protection. In fact, they were so high that the Democrats said they were prohibitive. They denounced the act as a "prohibitive tariff" and maintained that it would kill our foreign trade, deprive us of needed revenues, and force the Government to issue bonds to pay its running expenses.

In his speech of July 9, 1921, opposing the passage of the Fordney-McCumber bill in the House, WILLIAM OLDFIELD, present chairman of the Democratic national congressional committee, said:

> If this bill becomes a law the Atlantic and Pacific Oceans had just as well be oceans of fire instead of great highways of commerce as God intended.

Did these prophecies come true? Just the reverse.

M'CUMBER TARIFF LAW AS A REVENUE PRODUCER

The present tariff rates yield annually about $600,000,000, an enormous sum, which marks the McCumber Tariff Act as the greatest revenue producer in our tariff annals. Instead of voting bonds to pay the running expenses of the Government, we have been paying our outstanding bonds at the rate of a billion dollars per year, cutting down interest and taxes to directly benefit every citizen.

COMPETITION IN HOME MARKET

After its enactment, the flood of foreign goods was partially stayed for a time, but as production increased abroad foreign products gradually increased each year in our home market and depressed our home prices, continuing the problem of the surplus through the years.

In the fiscal year ending June 30, 1926, foreign producers, after paying the duties, flooded our home market with a total of more than $3,500,000,000 worth of raw and manufactured animal and vegetable products, of which about $1,000,000,000 represented imports of tea, coffee, cocoa, rubber, and other farm products that America can not raise or for which we can not provide workable substitutes, leaving a balance of $2,500,000,000 worth of agricultural and animal imports in actual competition with the products of our farms, a drain of $2,500,000,000 on the potential prosperity of our agricultural population.

The total duties collected on all importations in 1926 amounted to $590,045,299, or 39.34 per cent of the value of all dutiable importations, and the revenue derived from imports of agricultural products for the same year was approximately $289,623,534, or about 44.49 per cent of the value of dutiable agricultural imports.

The one redeeming feature about such a trade was the revenue flowing directly into the United States Treasury and being applied to the reduction of our national debt, the benefits going directly to all the citizens of our country. Under the policy of free trade in farm products, such revenues would not have been received and the rapid reduction on our national debt would not have been made. In other words, from the standpoint of the national revenues alone, if the Underwood Act had been in effect during that year, it would have deprived us of approximately $289,623,534, which amount would have been but small compared to the disastrous consequences to our home market in flooding it with foreign goods and depressing still further the price of home products.

THE FLOOD OF FOREIGN FARM PRODUCTS

In 1927 there was imported into the United States $21,018,804 worth of cattle; $8,769,819 worth of fresh beef, veal, mutton, lamb, and pork; $1,372,649 worth of poultry, dead and prepared; $8,324,595 worth of canned and prepared meats; $5,174,376 worth of eggs and egg products; dairy products valued at $36,964,435; $2,414,429 worth of rice, rice flour, and meal; $15,389,918 worth of wheat and wheat flour; fodders and feeds valued at $11,239,429; onions worth $2,661,648; $5,247,293 worth of potatoes; $4,544,277 worth of tomatoes; canned tomatoes and tomato paste valued at $6,794,697; $1,632,472 worth of lemons; peanuts worth $1,830,121; walnuts with a valuation of $7,942,430; oil seeds worth $64,283,214; $270,870,997 worth of sugar and related products; tobacco and manufactures worth $82,984,193; $82,932,956 worth of unmanufactured wool; unmanufactured flax valued at $2,153,960; unmanufactured cotton to the value of $45,668,726; and $66,195,850 worth of cotton manufactures and semimanufactures.

From Canada our importations of cattle and fresh meats skyrocketed in 1927 at a dizzying rate. From that country we imported nearly three times as much fresh beef as we did in 1926, more than twice as much fresh veal, nearly seven times as much mutton, and increased our importation of fresh pork nearly 70 per cent.

Wool from Australia and the United Kingdom; sugar from Cuba and the Philippines; cotton from Egypt, China, and Mexico; tobacco and manufactures from Cuba, the Netherlands, Greece, and Turkey; meat from Canada; cheese from Italy and Switzerland; butter from New Zealand, Denmark, and the United Kingdom; peanut oil and low-grade eggs from China; coconut oil from the Philippines; and flax, fruit, vegetables, rice, nuts, vegetable oils, and many other products from up and down the wide earth enter our markets annually to compete with our home products, diverting a veritable stream of gold into the pockets of foreign producers.

Last year we sold to foreign countries a slice in our dairy market worth $36,964,435 for the sum of $8,782,556 in duties collected. We imported hundreds of millions of pounds of vegetable oils. Add our enormous cheese imports to the portion of these oils that is made into butter and it means the displacement of about 800,000 cows that might be making a home market for alfalfa, corn, and other feeds. In addition, we imported more than 8,000,000,000 pounds of sugar, the wool clip of 26,000,000 sheep, and the egg yield of several million hens, ruthlessly narrowing the home market for these products to our own farmers and cutting down the opportunity for diversification on the farm.

Under the protection of the Fordney-McCumber Act, the sheep-raising industry has developed rapidly, affording as it does a dependable source of revenue to the average small farmer, and the pockets of the wool producers are enriched by approximately $150,000,000 annually. The consumption of mutton and lamb is increasing and tending to displace beef and veal in our dietary systems and with the expansion of this market, increased protection is imperative for our own farmers. Last year we shared this market with foreign nations to the extent of 267,209,564 pounds of unmanufactured wool and 2,645,677 pounds of mutton and lamb, worth a total of $83,368,709. American farmers are entitled to these outlets; the enormous profits gorged by foreign interests in our agricultural markets are theirs by every right of heritage. Our tariff rates must be raised to shut out these foreign surpluses which congest our markets and every avenue and channel of trade.

VALUE OF HOME MARKET

Our farmers must be protected in their own rights, their rights in the home market, worth more to them than the entire markets of the world. In 1926 we exported $4,808,660,000 worth of goods and imported goods to the value of $4,430,900,000, roughly about 16 per cent of the total international trade, which amounted to $58,758,800,000 for the same year. But the annual productivity of the United States approximates $70,000,000,000, an amount greater than the total trade of the markets of the world.

The trading in this home market in 1927 amounted to $68,173,200,000, while our trading in foreign countries amounted to $4,758,314,014. Which market is the more important? Which should have prior and preferential consideration? Do we want to give up the home market, amounting to $68,173,200,000 annually, and take a chance on the foreign market, worth to us not to exceed $5,000,000,000?

During 1927 we sold to foreign countries $4,758,314,014 worth of domestic merchandise, representing about 6 per cent of our

total production. Where did we sell the rest? In what market did we sell 94 per cent? Who bought it? Who had the money to pay for it? Whom did they pay? We sold the 94 per cent at home. Our own people purchased it, used it, enjoyed it. They paid for it. It was trading among ourselves, with each other, working for each other, patronizing each other, giving each other the job, helping each other along, giving each other the opportunity to live and enjoy this great country with its glorious institutions.

THE SOUTH NEEDS PROTECTION

The doctrine of protection has become so essential to the development of all sections of the country that it is being recognized even in the southern districts, where they are feeling the pinch of competition in cotton, tobacco, rice, peanuts, peanut oil, citrus fruits, and other products. The South has made amazing industrial progress during recent years in the rapid expansion of the textile industry in the Carolinas, the remarkable growth of the tobacco industry in North Carolina and Virginia, and the development of a diversified system of manufactures throughout the whole southern Appalachian area. There are now more cotton mills located in the South than in New England. Raise the tariff rates so as to exclude the importation of cotton and its manufactures, valued at $111,864,576 in 1927, shut out the imports of tobacco and its manufactures, worth $82,984,193 in the same year, and give to the South this market, worth $200,000,000 annually! This section of the country is directly and vitally concerned as never before in protection, which will keep out the influx of foreign raw and manufactured commodities and stimulate the expansion of its own industries.

OBJECTIONS NOT WELL FOUNDED

No presentation of the relationship of the tariff to agriculture would be complete without answering the chief attacks against it by those who profess to have the best interests of the farmer at heart.

The attempt to misrepresent the tariff as a form of tribute exacted from the farmer for the benefit of industry is a distortion of the truth. In the first place, the present tariff act especially exempts all agricultural implements from the payment of any tariff. There is no tariff on agricultural implements of any kind or character, except on cream separators exceeding in value $50 and on harness exceeding $40 in value. Neither is there any tariff on building material the farmer uses—for instance, on lumber, shingles, paint, barbed wire, nails, cement, brick. In other words, practically everything that the farmer uses on the farm is on the free list, and therefore it can not be said that he pays a higher price for such material because of any tariff.

But it is said in answer to this that while there is not any tariff on farming implements, there is a tariff on the iron and steel that enter into their manufacture and that force up the price on agricultural implements. Let us see.

TARIFF ON IRON AND STEEL DOES NOT AFFECT PRICE OF FARM IMPLEMENTS

It is true that there is a tariff of $1.12½ per long ton—2,240 pounds—on pig iron, but the freight rate from New York to Chicago, near which the manufacture of agricultural implements is localized, is $9 per ton. Pig iron, on the other hand, can be shipped from the mines in Minnesota to the Chicago district for less than $4 a long ton. If the tariff were removed, the freight cost would still act as a barrier to any great importation of pig iron.

The same considerations apply to steel and like heavy commodities. Transportation is the vital element in determining costs to the consumer and to lay the blame at the door of the tariff is a misapprehension of the facts or a misrepresentation of them. A limited amount of foreign steel enters the seacoast markets. But the item of transportation to inland points is so high that even though the duty were materially changed, penetration of imported steel products would still be limited.

The truth of the matter is that no foreign steel or pig iron is used in the manufacture of farm implements, the high freight rates prohibiting.

The following table shows the average quantity of iron and steel used in the manufacture of certain farm implements, their foreign value, and the approximate duty on the iron and steel used if imported:

Implement	Average quantity of iron and steel used	Foreign value	Approximate duty on iron and steel, if imported
2-row corn cultivator	874	$13.95	$3.28
7-foot grain binder	1,474	16.98	4.44
2-furrow riding plow	739	12.65	3.04
6-section peg-tooth harrow	525	12.23	2.83
12-foot grain header	2,436	27.53	6.81

Answering the arguments that the tariff on steel increases the prices of farm implements, the research department of the National Association of Farm Equipment Manufacturers of the United States, in its statement issued December 15, 1927, said:

It has been frequently stated that about half the steel production of the United States is used by American farmers. Though no source or proof has been cited, statements to this effect have been generally accepted as true by speakers and writers on tariff matters who have given them wide circulation.

With such statements as a basis, it is asserted that while the farmer is not directly burdened by a tariff on farm implements, he bears an indirect and heavy burden due to the tariff on the steel used in making them. The assumption is that the farmer, thus pictured as purchasing half the United States steel output, pays the huge sum obtained by multiplying this consumption by the tariff rate on steel. Some of those dealing with this subject have declared that the tariff on steel alone costs the American farmer $100,000,000 a year.

It is not difficult to find trustworthy evidence which conclusively shows how far these assertions and assumptions are from the truth. A leading authority on all questions relating to iron and steel is the Iron Age, a magazine of the highest standing. On January 6, 1927, this magazine printed the following table:

Where steel went in 1926

	Per cent
Farm operating equipment	4
Machinery	4
Food containers	4
Export	5
Oil, gas, water, and mining	9½
Automotive	14½
Building and construction	19½
Railroads	23⅛
All other	16

In 1918 the war emergency committee of the National Association of Farm Equipment Manufacturers (then known as the National Implement and Vehicle Association) prepared a careful report on the amounts of various materials necessary to manufacture each year the machines and implements required to maintain production of the crops of the United States. This report was accepted by the Government and was the basis on which priority allotments of such materials were made to the farm-implement industry during the continuance of the war. This report showed a total of 1,200,000 tons of steel.

The foregoing estimate can be checked and brought up to date by taking as a basis the Government's 1926 census report of total aggregate production of farm machines and implements in the United States and figuring out the kind and weight of materials in them. This computation shows that the manufacture of these machines and implements required 1,400,000 tons of steel, of which about 250,000 tons was required for implements sold to the farmers of other countries.

The total United States output of steel in 1926, as shown by the report of the American Iron and Steel Institute, was about 35,500,000 long tons. If it were true that the farmers of the United States used half the country's steel output, then for 1926 the 6,000,000 or more farmers in our country would have had to consume about 17,750,000 long tons of steel. As a matter of fact, the total amount of steel required for the entire domestic consumption of farm operating equipment, for the production of the automotive industry, and for all the uses of the railroads during that year, was less than 15,000,000 long tons.

Obviously the steel tariff can not have any great effect upon American farm-implement prices; and whether or not it has any effect at all is entirely a matter of theory. It seems significant, however, that with a substantial import duty on steel and no import duty at all on farm implements, European implement manufacturers can not—or, at least, they do not—send their machines into the United States and compete for the American farmer's trade.

There is scarcely any steel or iron in a wagon, yet the increase in the price of wagons is greater than that of any other farm implement. The ordinary wagon which was selling for $50 in 1897 is now selling for $150. The difference in price is caused by the increase in price of labor in the forests, the lumber mills, the manufacturing plants, in the selling agency, and by increase in wages on the railroads and increased freight rates.

TARIFF ROBBERY ON WOOLEN SUIT

But, it is insisted, the farmer is robbed when he buys a suit of clothes; he has to pay the tariff cost on the wool that goes into its manufacture. The average suit of clothes contains 3½ yards of cloth. Three and a half pounds of clean wool are required to make 3½ yards of 14-ounce cloth. Tariff at 31 cents per pound would amount to $1.08½ cents; subtracting 5 cents, the approximate salvage value of card waste, the tariff cost on wool used in this suit would be $1.03½ net. A 10-ounce cloth would require 2½ pounds of wool, and figuring the tariff cost on the same basis of 31 cents, less 3 cents, the approximate value of card waste, the tariff cost on the wool would amount to 74 cents net.

The most cursory examination of the profits of clothiers will show the absurdity of the contention that the tariff on raw products determines the price to the consumer. Last year we

imported from Italy about $3,000,000 worth of women's hat bodies of wool felt. The invoice price on these articles was about 29 cents apiece and the duty averages about 24 cents a pound. The entire cost of these hat bodies, including the tariff collected, is about 36 cents apiece, yet in our fashionable shops these same bodies, turned up on one side perhaps or slashed up the back, with a small ornament in the front, retail at anywhere from $5 to $25 apiece, depending upon how much the patronage of the particular shop will bear.

PROTECTION FOR ALL

The American doctrine of protection is the cardinal principle of the Republican Party—the solid rock upon which it stands. It has the courage of its convictions. No need to cite platforms as to where it stands; its legislation speaks for itself. Rates must be high enough to measure the difference in the cost of production at home and abroad, with every doubt resolved in favor of the American laborer and the American farmer. It says to the workingmen of the East and the farmers of the West:

Protection for all. Whatever work there is to do should be given to our home people. With everyone working for prosperity it will come. We will stop the flood of foreign farm products by raising the rates.

WE IMPORT OUR SURPLUS

While we have been quarreling among ourselves over the disposition of the surplus, foreign farmers have been adding to that surplus—in fact, creating it—and depressing the price of the home market at the rate of two and a half billion dollars' worth of competitive farm products per year! Why should they, with their cheap land and cheap labor, be permitted to compete with our American farmers? The American farmers should have the full benefit of the American market for farm products. The tariff should be raised on farm products so as to exclude the competition of foreign farmers. What advantage is there in being able to buy foreign farm products cheap if to do so will depress the prices of the farm products of our own farmers and decrease their buying capacity? In what way would it benefit us to permit foreign farmers to take our market in exchange for a larger share in theirs?

THE COOLIDGE RECOMMENDATION

With the flood of foreign products stopped, additional corrective legislation will remedy the price depression of seasonal surplus and glutted markets. The intelligent control and orderly merchandising of farm products is the problem. Its solution requires marketing machinery, storage facilities, and credit through the advisory supervision of a Federal agency created for that purpose. Such was the recommendation of President Coolidge to the Sixty-eighth, Sixty-ninth, and Seventieth Congresses, and would have been provided had it not been for the determination to have "the equalization fee or nothing!"

WHERE DOES THE DEMOCRATIC PARTY STAND?

As we approach the national election, the demand becomes more insistent to raise the rates on farm products. Where does the Democratic Party stand on this question?

In his speech in the House on July 9, 1921, in opposition to the Fordney-McCumber bill, WILLIAM OLDFIELD, chairman of the National Democratic Congressional Committee, in defining the position of his party on the tariff question said:

In other words, we believe this Government has no right to tax its citizens or a group of its citizens for the benefit of another group of its citizens. That is the position of the Democratic Party, gentlemen, and I believe it ought to be the position of the country.

We declared in the platform of 1892 that a protective tariff was robbery of the many in the interests of the few. We declared for a tariff for revenue only in 1908, and again in 1912 we declared for a tariff for revenue only.

In a speech in the House on July 21, 1921, in opposition to the Fordney-McCumber bill, the Hon. JOHN GARNER, ranking Democratic member of the House Ways and Means Committee, said:

I admire the candor of the gentleman from Arkansas [Mr. OLDFIELD], who will tell you frankly that he would not levy one copper of duty on any industry in the United States because he is for free trade with all the nations of the earth.

In its national platform of 1920 the Democratic Party said:

We reaffirm the traditional policy of the Democratic Party in favor of a tariff for revenue only.

In its platform of 1924, its latest authoritative declaration, it said:

We declare our party's position to be in favor of a tax on commodities entering the customhouses that will promote effective competition.

The latter declaration is the stronger, more clean-cut, and aggressive. It voices the true position of the party. The "tax on commodities entering the customhouses" must be laid not only so as to permit of world competition in our home market but so as to "promote" competition, to foster, to nourish, to encourage, to develop, to impel such competition, not only competition in the ordinary sense of the word but "effective competition," competition that will compete and lower prices. The Democratic Party believes in a lower price level!

LOW PRICES MEAN LESS WAGES

The Democratic Party says to the laboring men of the East:

Your trouble is high prices, the high cost of living. We will put the rates so low on foreign farm products as to "promote effective competition" in our home market and we will thus reduce the cost of living. You will be able to purchase your food supplies cheaper.

To the farmers in the West it says:

Your trouble is the high prices you have to pay for everything you buy. We will reduce those prices. We will revise the tariff downward, reduce the rates on manufactured articles so as to "promote effective competition"—that is, competition that will actually compete—and reduce prices so you can buy cheaper.

What does this mean? It means a flood of foreign farm products and foreign manufactured products in our home market. The foreign producer will be placed upon a dead level with the home producer, and so an era of low prices and cheap labor will be ushered in, leaving the farmers stranded high and dry with their indebtedness unpaid, contracted under an era of high prices, and the American laborer out of employment. Could anything be more calamitous to the farmer and the laborer and the country? The Democratic national refrain before the election may be "From the Sidewalks of New York," but when this is thoroughly understood by the American people the post-election anthem will be "Nearer, My God, to Thee." [Applause.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 20 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, May 28, 1928, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

543. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To clarify section 12 of the act approved June 10, 1922, as amended"; to the Committee on Naval Affairs.

544. A letter from the chairman of Joint Committee on Internal Revenue Taxation, transmitting report of the Joint Committee on Internal Revenue Taxation relating to taxes and penalties paid consequent upon disclosures before the Committee on Public Lands and Surveys of the Senate in the course of the investigation by it pursuant to said Senate Resolution 101, and related matters; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 13694. A bill to authorize the Secretary of the Treasury to prepare and strike a medal, with appropriate emblems, devices, and inscriptions thereon, commemorative of the enactment of the act of Congress, approved by the President on May 25, 1926, providing for the establishment, in the State of Kentucky, of the Mammoth Cave National Park; without amendment (Rept. No. 1897). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 13976. A bill granting the consent of Congress to the International Business Co. (Inc.), its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky.; with amendment (Rept. No. 1898). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 13996. A bill granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi; with amendment (Rept. No. 1899). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 14034. A bill to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming; without amendment (Rept. No. 1900). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 2360. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes"; with amendment (Rept. No. 1901). Referred to the House Calendar.

Mr. BROWNING: Committee on World War Veterans' Legislation. H. R. 13199. A bill authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.; without amendment (Rept. No. 1902). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 14039. A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; without amendment (Rept. No. 1903). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 1794. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada; without amendment (Rept. No. 1904). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on the Public Lands. H. R. 13744. A bill to provide for the acquisition by Parker I-See-O Post, No. 12, All American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.; without amendment (Rept. No. 1905). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 14058) to amend the second paragraph of section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. BLAND: Concurrent resolution (H. Con. Res. 43) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; to the Committee on the Library.

By Mr. NEWTON: Resolution (H. Res. 227) to appoint a special committee of five to investigate campaign expenditures of various presidential and other candidates of both political parties, and for other purposes; to the Committee on Rules.

By Mr. BEEDY: Resolution (H. Res. 228) to appoint a committee of five members of the Committee on Banking and Currency to investigate the Federal reserve system relative to the listing of foreign loans, and for other purposes; to the Committee on Rules.

By Mr. COLE of Iowa: Resolution (H. Res. 229) to print 5,000 copies of Report No. 1124, Seventieth Congress, first session, accompanied by Spanish translation; to the Committee on Printing.

By Mr. STEVENSON: Resolution (H. Res. 230) to provide for the printing of certain historical statements relative to the Battle of Cowpens and the Battle of Kings Mountain, S. C.; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 14059) granting an increase of pension to Diana Wright; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 14060) granting an increase of pension to Matilda D. Mason; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 14061) for the relief of John T. Steel; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 14062) to authorize the President to present the distinguished-service cross to Pvt. Wilton E. Kilmer; to the Committee on Military Affairs.

By Mr. EATON: A bill (H. R. 14063) granting a pension to Rachel Caroline Pardoe; to the Committee on Pensions.

By Mr. KORELL: A bill (H. R. 14064) granting a pension to Elizabeth Gibson; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 14065) for the relief of William H. Shelby; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7789. By Mr. ARNOLD: Petition from citizens of Richland, Lawrence, and Wabash Counties, Ill., urging more liberal pensions for all Civil War widows; to the Committee on Invalid Pensions.

7790. By Mr. BLOOM: Petition of the National Council of the Steuben Society of America, urging the adoption of the Shipstead bill (S. 1481); to the Committee on Immigration and Naturalization.

7791. By Mr. BOYLAN: Petition adopted at sixteenth annual meeting of Chamber of Congress on Educational Orders; to the Committee on Military Affairs.

7792. Also, petition of National League of Women Voters, favoring adoption of conference report on Muscle Shoals; to the Committee on Military Affairs.

7793. By Mr. BUSHONG: Petition of citizens of Pennsylvania, urging Congress to bring to vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7794. By Mr. CANFIELD: Petition of W. S. Cook and 19 other grocers of Columbus, Ind., urging the passage of House bill 13148; to the Committee on Interstate and Foreign Commerce.

7795. By Mr. CARTER: Petition of M. K. Bartl and many others, urging the passage of bill granting an old-age pension; to the Committee on Pensions.

7796. By Mr. CULLEN: Resolutions of Brooklyn Chamber of Commerce, in re foreign trade zone and House bill 8557; to the Committee on Interstate and Foreign Commerce.

7797. By Mr. GARBER: Petition of residents of Ringwood, Okla., in support of Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7798. By Mr. HILL of Washington: Petition of Frank Starling, of Wenatchee, Wash., and 624 other persons, protesting against House bill 78, and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7799. Also, petition of Mrs. J. A. Hodgins, of Greenacres, Wash., and 55 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7800. Also, petition of Louis de Gero, of Spokane, Wash., and 153 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7801. Also, petition of Mrs. A. P. Howey, of Chewelah, Wash., and 51 other persons, protesting against House bill 78 and all other compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7802. Also, petition of A. Zeller, of Riverside, Wash., and 22 other persons, protesting against House bill 78 and all other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7803. Also, petition of Frank E. Ledbetter, of Spokane, Wash., and 266 other persons, protesting against House bill 78 and any other proposed compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7804. By Mr. LAMPERT: Petition of J. J. Hildebrand, Omro, Wis., secretary, and members of the Winnebago County (Wis.) Grange, unanimously urging enactment at this session of House Joint Resolution 22, by Mr. GARBER, and Senate Joint Resolution 61, by Mr. CAPPER, providing for National Agriculture Day; to the Committee on Agriculture.

7805. By Mr. MAAS: Resolution by the Veterans of Foreign Wars of the United States, in support of House Resolution 143, authorizing the Speaker to appoint a select committee to conduct an investigation relative to protests against the military and naval defense program of the United States; to the Committee on Rules.

7806. By Mr. QUAYLE: Petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of Senate bill 724 and House bill 8557 to provide for foreign trade zones; to the Committee on Interstate and Foreign Commerce.

7807. Also, petition of Brooklyn Chamber of Commerce, Brooklyn, N. Y., opposing the passage of House bill 8127, providing for the transfer of all river and harbor work from the War Department to the Interior Department; to the Committee on Expenditures in the Executive Departments.

7808. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill, 11886 and Senate bill 3721 to establish the office of captain of the port

of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

7809. By Mr. PARKS: Petition of citizens and residents of Ashley County, Ark., protesting against any change being made as to Ashley County being put into the eastern Federal court district of Arkansas; to the Committee on the Judiciary.

SENATE

MONDAY, *May 28, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God, who deckest Thyself with the garments of light, shine on us with the radiance of Thy dawning, pierce the earth-born clouds that hide Thee from us, and lead us through the deeps of our own nature into Thy holy presence. Remove from us all prejudice and narrowness of thought, that we may rejoice in whatever Thou revealest. Guide us in all perplexities of life and conduct, that we may hold fast that which is true, regardless of the praise or blame of men. In the deliberations of this day let duty reign supreme. Make reverent our thought. Rekindle altar fires and hallow our work by devotion to the tasks of our high calling. Grant this for the sake of Him who for us endured to the uttermost, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the legislative day of Thursday, May 3, 1928, commencing with the calendar day of Wednesday, May 16, 1928, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINAL ADJOURNMENT

Mr. CURTIS. Mr. President, in order that we may settle the question of final adjournment I desire to submit a unanimous-consent request. I have talked with the Senator from California [Mr. JOHNSON], and he is perfectly agreeable to this procedure. I ask unanimous consent that the Senate take up the privileged question of the concurrent resolution (H. Con. Res. 41) providing for final adjournment and dispose of it.

The VICE PRESIDENT. Is there objection? Without objection, the Chair lays before the Senate the concurrent resolution, which will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 41), as follows:

Resolved, etc., That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McLean	Simmons
Bayard	Fletcher	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Metcalf	Steck
Blaine	Gillett	Moses	Steiwer
Blease	Glass	Norris	Stephens
Borah	Greene	Nye	Swanson
Bratton	Hale	Oddie	Thomas
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hawes	Pine	Vandenberg
Capper	Hayden	Pittman	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ark.	Waterman
Dale	Keyes	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Sheppard	
Edge	Locher	Shipstead	

Mr. NYE. Mr. President, I desire to announce the unavoidable absence, on account of illness, of the senior Senator from South Dakota [Mr. NORBECK].

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. JOHNSON. Mr. President, as I understand it, the concurrent resolution has been laid before the Senate?

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution which will be again read.

The Chief Clerk again read House Concurrent Resolution 41.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, strike out the words "29th day of May" and insert in lieu thereof "5th day of June," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 5th day of June, 1928, at 5 o'clock postmeridian.

Mr. JOHNSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. RANSDELL. I have a pair with the junior Senator from Maine [Mr. GOULD]. In his absence, I withhold my vote.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is detained at home because of illness. If present, he would vote "yea."

Mr. CURTIS. I desire to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Florida [Mr. TRAMMELL] with the Senator from South Dakota [Mr. NORBECK];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Arkansas [Mr. CARAWAY].

If present, Senators NEELY, NORBECK, MAYFIELD, and FRAZIER would vote "yea" and Senators DU PONT, TRAMMELL, GOFF, and CARAWAY would vote "nay."

The result was announced—yeas 39, nays 41, as follows:

YEAS—39

Barkley	George	Locher	Shortridge
Black	Glass	McMaster	Steiwer
Blaine	Hale	McNary	Stephens
Borah	Harris	Norris	Thomas
Bratton	Hawes	Nye	Vandenberg
Brookhart	Heflin	Oddie	Wagner
Capper	Howell	Pittman	Walsh, Mass.
Copeland	Johnson	Reed, Mo.	Walsh, Mont.
Dale	Kendrick	Sheppard	Wheeler
Dill	La Follette	Shipstead	

NAYS—41

Ashurst	Edwards	McLean	Smith
Bayard	Fess	Metcalf	Smoot
Bingham	Fletcher	Moses	Steck
Blease	Gerry	Overman	Tydings
Broussard	Gillett	Phipps	Tyson
Bruce	Greene	Pine	Warren
Couzens	Harrison	Reed, Pa.	Waterman
Curtis	Hayden	Robinson, Ark.	Watson
Cutting	Keyes	Robinson, Ind.	
Deneen	King	Sackett	
Edge	McKellar	Simmons	

NOT VOTING—14

Caraway	Gooding	Neely	Swanson
du Pont	Gould	Norbeck	Trammell
Frazier	Jones	Ransdell	
Goff	Mayfield	Schall	

So Mr. JOHNSON's amendment was rejected.

Mr. JOHNSON. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, it is proposed to strike out the words "29th day of May" and insert in lieu thereof "2d day of June."

Mr. ASHURST and Mr. JOHNSON asked for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. RANSDELL (when his name was called). Repeating the announcement as to my pair with the junior Senator from Maine [Mr. GOULD], I withhold my vote.

Mr. SWANSON (when his name was called). Repeating the announcement with reference to my pair with the Senator from Washington [Mr. JONES], I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Florida [Mr. TRAMMELL] with the Senator from South Dakota [Mr. NORBECK];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Arkansas [Mr. CARAWAY].

If present, the Senator from Delaware [Mr. DU PONT], the Senator from Florida [Mr. TRAMMELL], the Senator from West Virginia [Mr. GOFF], and the Senator from Arkansas [Mr. CARAWAY] would vote "nay," and the Senator from West Virginia [Mr. NEELY], the Senator from South Dakota [Mr. NORBECK], the Senator from Texas [Mr. MAYFIELD], and the Senator from North Dakota [Mr. FRAZIER] would vote "yea."

The result was announced—yeas 38, nays 42, as follows:

YEAS—38

Barkley	George	McMaster	Steiwer
Black	Hale	McNary	Stephens
Blaine	Harris	Norris	Thomas
Borah	Hawes	Nye	Vandenberg
Bratton	Heflin	Oddie	Wagner
Brookhart	Howell	Pittman	Walsh, Mass.
Capper	Johnson	Reed, Mo.	Walsh, Mont.
Copeland	Kendrick	Sheppard	Wheeler
Dale	La Follette	Shipstead	
Fletcher	Locher	Shortridge	

NAYS—42

Ashurst	Edge	McKellar	Simmons
Bayard	Edwards	McLean	Smith
Bingham	Fess	Metcalf	Smoot
Blease	Gerry	Moses	Steck
Broussard	Gillett	Overman	Tydings
Bruce	Glass	Phipps	Tyson
Couzens	Greene	Pine	Warren
Curtis	Harrison	Reed, Pa.	Waterman
Cutting	Hayden	Robinson, Ark.	Watson
Deneen	Keyes	Robinson, Ind.	
Dill	King	Sackett	

NOT VOTING—14

Caraway	Gooding	Neely	Swanson
du Pont	Gould	Norbeck	Trammell
Frazier	Jones	Ransdell	
Goff	Mayfield	Schall	

So the amendment of Mr. JOHNSON was rejected.

Mr. JOHNSON. I now ask unanimous consent that Order of Business 660, being the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, be made the unfinished business for the first Monday in December next.

Mr. ASHURST. I object.

Mr. KING. Do not do that.

Mr. ASHURST. I do object. There is a way for the Senator to do it without making that request.

Mr. ROBINSON of Arkansas. Mr. President, the Senate can make the bill to which the Senator from California refers, or any other bill, the order of business, and by retaining it as the order of business can leave it as the unfinished business. If a majority vote of the Senate choose to do that, it can be done by a majority vote.

Mr. JOHNSON. It was my intention first to ask that it be done by unanimous consent and then subsequently to proceed in the fashion suggested by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I suggest to the Senator from California that his end may be accomplished—and I think he is entitled to that consideration—by simply requesting to lay the unfinished business aside for the consideration of such business as the Senate may desire to undertake. That will retain his bill before the Senate until the hour of adjournment, and when adjournment occurs his bill will remain the unfinished business without a vote. In other words he can proceed in such a way as to require the bill to remain the unfinished business.

Mr. JOHNSON. I thank the Senator for his suggestion. May I ask then, in view of the votes which have been taken, in order that I may not impede any business which the Senate may wish to transact, that the unfinished business be temporarily laid aside until the close of the session, thereafter to be taken up when the Senate shall reconvene.

Mr. ROBINSON of Arkansas. I suggest to the Senator that he request that the unfinished business be laid aside temporarily until one minute before 5 o'clock to-morrow, granting that the concurrent resolution pending shall be adopted, shall arrive, whereupon it shall be the duty of the Chair to lay the unfinished business before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON. Mr. President, with that understanding——

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry——

Mr. BRUCE. I object.

Mr. CURTIS. Let us have a vote on the concurrent resolution.

Mr. McKELLAR. Yes; let us have a vote on the pending concurrent resolution.

The VICE PRESIDENT. The question is on agreeing to House Concurrent Resolution 41.

Mr. LA FOLLETTE and Mr. ODDIE asked for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. WATSON. Mr. President, a parliamentary inquiry. What are we about to vote on?

The VICE PRESIDENT. On the original concurrent resolution.

Mr. WATSON. For final adjournment?

The VICE PRESIDENT. For final adjournment to-morrow evening.

Mr. TYSON. Mr. President, what are we voting on, please?

The VICE PRESIDENT. On the concurrent resolution to adjourn to-morrow evening. The Secretary will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (H. Con. Res. 41), as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

The Chief Clerk proceeded to call the roll.

Mr. RANSDELL (when his name was called). Again announcing my pair with the junior Senator from Maine [Mr. GOULD], I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement I made on the previous roll call, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from Florida [Mr. TRAMMELL] with the Senator from South Dakota [Mr. NORBECK];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from Arkansas [Mr. CARAWAY] with the Senator from North Dakota [Mr. FRAZIER].

If present, Senators DU PONT, TRAMMELL, GOFF, and CARAWAY would vote "yea," and Senators NEELY, NORBECK, MAYFIELD, and FRAZIER would vote "nay."

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK], if present, would vote "nay."

The roll call resulted—yeas 40, nays 40, as follows:

YEAS—40

Ashurst	Fess	McKellar	Sackett
Bayard	Fletcher	McLean	Simmons
Bingham	Gerry	Metcalf	Smith
Blease	Gillett	Moses	Smoot
Broussard	Glass	Overman	Steck
Bruce	Greene	Phipps	Tydings
Curtis	Harrison	Pine	Tyson
Deneen	Hayden	Reed, Pa.	Warren
Edge	Keyes	Robinson, Ark.	Waterman
Edwards	King	Robinson, Ind.	Watson

NAYS—40

Barkley	Dale	La Follette	Shipstead
Black	Dill	Locher	Shortridge
Blaine	George	McMaster	Steiwer
Borah	Hale	McNary	Stephens
Bratton	Harris	Norris	Thomas
Brookhart	Hawes	Nye	Vandenberg
Capper	Heflin	Oddie	Wagner
Copeland	Howell	Pittman	Walsh, Mass.
Couzens	Johnson	Reed, Mo.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Wheeler

NOT VOTING—14

Caraway	Gooding	Neely	Swanson
du Pont	Gould	Norbeck	Trammell
Frazier	Jones	Ransdell	
Goff	Mayfield	Schall	

The VICE PRESIDENT. On this question the yeas are 40, the nays are 40. The Senate being equally divided, the Chair votes "nay." [Applause.] The concurrent resolution is rejected.

BOULDER DAM

Mr. PITTMAN. Mr. President, I introduce the joint resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 164) to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to appoint a board of five eminent engineers and geologists, at least one of whom shall be an engineer officer of the Army on the active or retired list, to examine the proposed site of the dam to be constructed under the provisions of H. R. 5773, Seventieth Congress, first session, and review the plans and estimates made therefor, and to advise him prior to December 1, 1928, as to matters affecting the safety, the economic and engineering feasibility, and adequacy of the proposed structure and incidental works, the compensation of said board

to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $6, in lieu of subsistence, for each member of the board so employed for the time employed and actually engaged upon such work: *And provided further*, That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers. No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval.

Mr. REED of Missouri. I call for order in the Chamber, and I hope we may have it in the galleries.

The VICE PRESIDENT rapped for order.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

Mr. KING. I should like an explanation of it.

Mr. PITTMAN. I will explain it briefly.

Mr. KING. The Boulder Dam bill is before the Senate, and it seems to me we could consider this matter in connection with the consideration of that bill.

Mr. PITTMAN. This matter relates to it, of course. In a few minutes I am going to ask unanimous consent to consider this joint resolution, because if the matter is of sufficient importance to be acted on at all it must be acted on now; and I hope those who intend to object without knowing what it is will do me the courtesy to listen.

A companion bill to the one now pending here on Boulder Dam has been passed through the House. That bill is H. R. 5773. The House bill, known as the Swing bill, and the bill pending here, known as the Johnson bill, are companion bills. In those bills we have a provision almost identical with this joint resolution I have offered. In other words, this is the provision in the House bill, which has come to the Senate:

Provided further, That the Secretary of the Interior is hereby authorized and directed to appoint a board of five eminent engineers and geologists, at least one of whom shall be an engineer officer of the Army on the active or retired list, to examine the proposed site of the dam and review the plans and estimates made therefor before beginning construction, and to advise him from time to time as he may require as to matters affecting the safety, feasibility, and adequacy of the proposed structure and incidental works, the compensation of said board to be fixed by him for each, respectively, but not to exceed $50 per day and necessary traveling expenses, including a per diem of not to exceed $6, in lieu of subsistence, for each member of the board so employed for the time employed and actually engaged upon such work: *And provided further*, That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers. No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. PITTMAN. For a question, with pleasure.

Mr. NORRIS. I do not quite understand why the Senator should propose this action now. Suppose the Congress should pass the Senate or the House measure, what would be the necessity for the joint resolution?

Mr. PITTMAN. There would be no necessity in that event, nor would this be in conflict with that action.

Mr. NORRIS. Then why not wait to see whether we are going to pass the bill? Perhaps we will pass the bill and make such action unnecessary.

Mr. PITTMAN. For this reason, I will say, and I might just as well be frank with the Senator and with the Senate. There has never been any doubt in my mind that in view of the opposition which has been demonstrated in the Senate to the bill, considering the matters before the Senate which took up more time than the bill, unless we could get some kind of an agreement to vote at some time or could postpone the adjournment, the bill would not come to a vote at this session. Of course, I agree with the Senator from Nebraska that if we could have unlimited time on the bill, we could accomplish something. I do not know what the Senator from Nebraska believes, but I do not think we will have unlimited time. I may say I am going to vote to continue this session until we finish our business. This measure provides, as I say, for a check-up by a disinterested board of the engineering and economic feasibility of this whole plan as contained in both bills.

The feasibility of the plan has been attacked. The distinguished senior Senator from Utah [Mr. SMOOT] attacked it on several grounds. He attacked it on the ground that there had been an earthquake at Boulder Canyon. As a matter of fact, he has attacked the whole Colorado River Canyon from Wyoming to the sea as a safe place for a dam. He has attacked every dam site in his own State; but that is immaterial to him when he is fighting this bill. If there is a fracture that constitutes the present bed of the Colorado River, it occurred long before the memory of the Senator from Utah. It occurred so long ago that even the geologists can not even approximate within many hundred millions of years the period of time.

Mr. SMOOT. I want to say to the Senator that I have letters in my possession now which state that the writers have been there when there was an earthquake.

Mr. PITTMAN. Yes; and you can get affidavits that there have been people in every State in the Union when there was a shake. There have been people in Utah when there was a shake, and I believe the Senator has felt earthquakes in Utah. Therefore, Utah is in the earthquake belt. Therefore, Wyoming is in the earthquake belt. If the idea of attacking the safety of the geology of the country on the ground that there was a shake should prevent construction, you would have to stop building skyscrapers in the city of New York. It is perfectly absurd. Nevertheless, the Senator has read a speech here which, in its vindictiveness, forgot the truth and the facts. He read it, and forgot that it was attacking his own State all the way through.

Earthquake belt! There is not a modern sign of an earthquake shock on the Colorado River all the way to Imperial Valley. There is not one from where the canyon starts up to the headwaters in Wyoming. They have had shakes everywhere, he says, and the Senator calls that an earthquake belt. They can not find a fracture down there to-day whose origin is within 300,000 years of the present time.

Mr. SMOOT. The Scientific American, in its last issue, in giving the earthquake section has a dot exactly over Boulder Canyon.

Mr. PITTMAN. It has a dot exactly over Boulder Canyon!

Mr. ODDIE. Mr. President, the question of earthquakes at Boulder Canyon has been raised. When that matter was first mentioned in the Senate I wrote a letter to the Geological Survey asking for a report on earthquakes that might have occurred in Boulder Canyon. The report shows that there is no record of any earthquake ever having occurred at Boulder Canyon or for miles around. I will present for the RECORD the letter of the Geological Survey on the matter.

The VICE PRESIDENT. Without objection, the letter will be printed.

The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, May 10, 1928.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: In response to your telephone inquiry of May 3, regarding earthquakes in the vicinity of Boulder Canyon:

In the Southwestern States the region most frequented by earthquake tremors is that part of California which lies west of the San Joaquin Valley and the Mojave Desert. During the recent years that record of all tremors have been recorded, there have been several every year, and some have caused great damage (San Francisco, 1906; Santa Barbara, 1925). The belt most frequently visited extends from San Francisco southeast through San Bernardino to Imperial Valley. The region northeast of this belt, including eastern California, Nevada, Arizona, and Utah, records tremors now and then, but far less frequently than southwestern California. Since 1870 there has been record of four locally violent earthquakes in the Great Basin region, as follows:

Locality	Date	Distance and direction from Boulder Canyon
Owens Valley, Calif.	—— —, 1872	200 miles west.
Haiwee, Calif.	Aug. 19, 1922	190 miles west.
Pleasant Valley, Nev.	Oct. 2, 1915	300 miles northwest.
Elsinore, Utah	Sept. 29, 1921 Oct. 1, 1921	225 miles northeast.

In addition, slight tremors that have done no damage to structures have been recorded since 1910 in Nevada, Utah, and Arizona, as follows:

Locality	Date	Distance and direction from Boulder Dam
Reno, Nev.	Feb. 20, 1914	365 miles northwest.
Do.	Apr. 24, 1914	Do.
Carson Valley, Nev.	Jan. 23, 1924	350 miles northwest.
Rochester, Nev.	Apr. 12, 1917	340 miles northwest.
Winnemucca, Nev.	Aug. 15, 1916	375 miles northwest.
Salt Lake City, Utah.	Apr. 12, 1913	350 miles northeast.
Do.	May 14, 1914	Do.
Do.	Oct. 2, 1915	Do.
San Francisco Mountains, Ariz.	Aug. 18, 1912	165 miles southeast.
Holbrook, Ariz.	—— —, 1921	265 miles southeast.
Victorville, Calif.	June 2, 1917	190 miles southwest.
Needles, Calif.	May 24, 1917	90 miles south.
Olancha, Calif.	July 17, 1918	190 miles northwest.
Bishop, Calif.	Mar. 21, 1917	228 miles northwest.

It should be noted that this region is much more sparsely settled than that in southern California and small local shocks might not be recorded.

The menace of possible movement along faults appears to be roughly measured by the topographic effect of the fault. Faults that have no topographic expression in consolidated rock are generally old; that is, have shown little or no movement in hundreds of thousands of years at least. Faults that separate high from low areas may be young or old, depending upon the kind of rock and amount of movement. The violent earthquakes recorded above have been traced to such faults, of which there are many in Nevada and Utah. Along most of these, however, there is no record of movement in recent geologic time, say in several thousand years, at least. Faults shown in unconsolidated beds and alluvium in this region probably indicate movement within a thousand years. Reconnaissance examination of many thousand square miles in southern Utah and Nevada and southeastern California has brought to light only a few faults in alluvium. That which is nearest to Boulder Canyon lies in Sheep Valley, Nev., 60 miles northwest. Others are know near Death Valley, 120 miles west.

As a result of this review of the earthquake record, as well as the distribution and character of the faults of southern Nevada, the conclusion is reached that they offer no great menace to the proposed dams on the Colorado River.

Very truly yours,

GEO. OTIS SMITH, *Director.*

Mr. PITTMAN. I thank the Senator. As a matter of fact, the statement of the senior Senator from Utah was so absurd that it is unfortunate that the Senator ever had to write to the Geological Survey about it. Indeed, the whole proposition was an attempt to impugn the feasibility of every dam site on the Colorado River.

So much for that. The Colorado River in the earthquake belt; Utah in the earthquake belt; Colorado in the earthquake belt; Wyoming in the earthquake belt. Anyone who ever went out there and looked at those solid rocks, nothing but solid rock for a thousand feet in the air, the rocks as solid as can be, would never talk about that being in an earthquake belt.

Mr. CURTIS. Mr. President, quite a number of Senators have told me they want a morning hour, and this being the first opportunity we have had for some time, and the morning hour to-day expiring at 1 o'clock, I hope that if the joint resolution is going to take any time, it will be postponed and that we can go on with the regular order. I do not want to demand the regular order if this matter can be disposed of in a few minutes.

Mr. PITTMAN. That is all right.

Mr. CURTIS. In order that we may have a morning hour, I ask unanimous consent that the joint resolution the Senator from Nevada is discussing may be taken up at 1 o'clock.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. CURTIS. Now I demand the regular order.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6685) to regulate the employment of minors within the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose fo carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

INLAND WATERWAYS DEVELOPMENT

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist on its amendments and consent to the conference asked by the House, and that the Chair appoint five conferees on the part of the Senate.

Mr. KING. I should like to discuss it briefly at this time.

Mr. McNARY. I think we should pass on my motion regarding the appointment of conferees.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. JOHNSON, Mr. SACKETT, Mr. FLETCHER, and Mr. RANSDELL conferees on the part of the Senate.

CLAIM OF J. A. SMITH

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of J. A. Smith, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS

Mr. LOCHER presented a petition signed by the Governor of Ohio, the director of commerce of Ohio, and numerous other citizens of the State of Ohio, praying for the proper regulation of railroad freight rates on coal shipments, so as to equalize advantages of the shippers of said product in the State of Ohio with shippers of the same product from other States, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented resolutions adopted by the Brooklyn (N. Y.) Chamber of Commerce, favoring the passage of Senate bill 742, providing for foreign trade zones, etc., with amendment providing for manufacture within such foreign trade zones, which were ordered to lie on the table.

Mr. WALSH of Massachusetts presented a letter from Miss Florence H. Luscome, chairman of Greater Boston's Emergency Committee on Nicaragua, with an accompanying resolution, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

GREATER BOSTON'S EMERGENCY COMMITTEE ON NICARAGUA,
398 Boylston Street, May 25, 1928.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: I inclose a copy of resolutions adopted at a mass meeting of Boston citizens in the historic Old South Meeting House on May 17.

We hope that you may find an opportunity to present these to the Senate. We are sending copies to the Members of the Senate for their personal consideration, but would appreciate having them made an official record as a significant expression of public opinion.

Yours very sincerely,

FLORENCE H. LUSCOME, *Chairman.*

Adopted by the emergency committee on Nicaragua, Boston, May 11, 1928

United States imperialism in Nicaragua for nearly 20 years, under both Republican and Democratic administrations, appears to us to be one of the most basic, gravest evils of the day, endangering both our liberties at home and our peaceful relations with Latin-American and other countries.

Administrative officials and employees of the United States, without discussion or consent by our Congress or people, put or maintain in power in Nicaragua men who sell to financial interests in the United States the control of Nicaragua's customs, bank, fiscal system, foreign relations, railway, waterways and other powers which enables our financiers to tax and impoverish the people of Nicaragua and to curtail or destroy what our Declaration of Independence calls the "inalienable rights" of all people.

As our fathers struggled for the separation of church and state, we seek to free the United States Government from the domination of financial interests which have been diverting or destroying our historic popular liberties so that even the power to make or end war is taken out of the hands of the people of the United States or of their elected Representatives in Congress.

We are distressed and ashamed that our soldiers should be bombing and killing men, women, and children in Nicaragua, that our own sons, brothers, neighbors, should be giving their lives to destroy the liberties of a weaker nation.

We invite all other lovers of human liberty, justice, and brotherhood to protest and to labor against these evils until they cease in Nicaragua and become impossible of repetition elsewhere.

We approve the popular practical suggestion that several Latin-American countries be invited to cooperate equally with our forces in supervising the next election in Nicaragua, that our forces be completely and unconditionally withdrawn immediately after that election, and that meanwhile our forces cease entirely from attacking Sandino's followers or any other Nicaraguans.

Proposed, later, by a member of the emergency committee on Nicaragua for adoption by the mass meeting May 17.

Resolved, That this meeting urges the two great political parties to incorporate in their national platforms a demand for the adoption by the Governments represented in the Pan American Union of a definite policy whereby an intervention in any state shall be undertaken, if ever, only by the joint action of several nations and not by any single nation; and further that this shall be the policy of the United States.

MEXICAN AFFAIRS—DENIAL FROM CHARLES BEECHER WARREN

Mr. VANDENBERG. Mr. President, I present for the RECORD a telegram addressed to the Vice President of the United States from former Ambassador Charles Beecher Warren, of Detroit. Mr. Warren is a very able and distinguished citizen of Michigan, who rendered eminent service to the country in putting down the foundations for our Mexican amity. I ask that the telegram, which relates to these Mexican affairs, shall be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *May 25, 1928.*

Hon. CHARLES G. DAWES, *Vice President:*

I have this morning a copy of the circular letter, dated May 23, mailed by one Frank N. Thayer to yourself, to the Speaker of the House, and Members of Congress, in which the statement is made that Obregon made the purchase of arms from the United States through me, and that I handled the money, through Obregon, for the Mexican Government. I was not in Mexico at that time; had no connection with the transaction; never received any money from Obregon or any other Mexican in any transaction whatever; and wish you would please have my statement appear in the CONGRESSIONAL RECORD, and whatever publicity you can give to it in whatever way you desire.

CHARLES B. WARREN.

CAPE COD CANAL TRAFFIC

Mr. WALSH of Massachusetts. Mr. President, I send to the desk a communication from the War Department, setting forth a comparative statement of the traffic carried through the Cape Cod Canal under private ownership and under public ownership, which I ask may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT, *May 26, 1928.*

Hon. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: 1. The receipt is acknowledged of your letter of the 21st instant, requesting further data concerning comparative traffic through the Cape Cod Canal, under private ownership and under toll-free public ownership.

2. In reply, I am pleased to furnish the following figures, showing number of vessels and tonnage for the period from April 1 to May 20, inclusive, for the past three years:

1926—April 1 to May 23, 713 vessels, 519,154 tons; private ownership.

1927—April 1 to May 20, 695 vessels, 546,138 tons; private ownership.

1928—April 1 to May 20, 1,093 vessels, 945,890 tons; public ownership.

HERBERT DEAKYNE,
Brigadier General,
Acting Chief of Engineers.

JURISDICTION OF FEDERAL COURTS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Judiciary Committee a letter from the president of the Kansas State Bar Association with reference to Senate bill 3151 limiting the jurisdiction of Federal courts.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE BAR ASSOCIATION OF THE STATE OF KANSAS,
May 7, 1928.

Hon. CHARLES CURTIS,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I am writing this with reference to Senate bill 3151, limiting the jurisdiction of Federal courts, excluding therefrom all controversies based on diverse citizenship. I am not a corporation lawyer; in my 42 years at the bar I have never taken a yearly retainer from any corporation except a bank in which I was a stockholder; I have never cared to bind myself to try lawsuits regardless of their merits. I have tried many cases for corporations, railroads, and others; my practice is about equally divided between the State and the Federal courts, the latter almost altogether on the equity side. I am not considering this proposition as a lawyer, but as a citizen of a State whose resources are yet largely undeveloped and which must have foreign capital, foreign investors to develop them. It is idle to waste any time as to the prejudice that exists in local State courts against the foreign litigant, whether individual or corporate. You know as well as I and every lawyer knows that it exists. We know that foreign investors dread this local prejudice, which extends at times even to the higher courts. Throughout the West and Southwest, where capital is most needed, this measure, which denies to the foreign investor the protection of the Federal courts with juries isolated from this local prejudice and courts whose decisions are stable in protecting property and vested rights, will drive out foreign capital. Deprived of this protection and compelled to litigate in local courts, in the court where the defendant resides, capital will inevitably shrink from the risk. The measure, if adopted, will tend to check and in some cases stop the inflow of foreign capital needed in these States to develop their natural resources. Local capital is insufficient for that purpose and we must seek foreign investments. Capital can protect itself. It can keep out or insure itself against risk by demanding larger security and higher rate of interest, and that is what it will do if it furnishes capital at all to these States. If this measure is adopted the inevitable result will be to increase the rate of interest on every municipal bond, every utility bond, every investment bond, and every mortgage, raising the rates high enough to pay for the risk. If it were sought to check the development of the West and Southwest, to stop the inflow of necessary capital from abroad, and to increase the burden of development, no more effective measure could be devised.

In what I have said I voice the sentiment of every lawyer to whom I have talked, and they are many. With profound respect,

Sincerely yours,

F. DUMONT SMITH, *President.*

MUSCLE SHOALS

Mr. BLEASE. Mr. President, I ask that an article from the South Carolina Greenwood Index-Journal on Muscle Shoals be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Editorial from the Greenwood Index-Journal, May 24, 1928, issue]

A VERY RADICAL BILL

The CONGRESSIONAL RECORD of last Monday gives the report of the free conference committee of the Senate and the House on the Muscle Shoals bills of the two Houses, and following precedent the report, if an opportunity for a vote is had, will be passed as the bill both Houses want and the matter will then be up to President Coolidge.

Yesterday it was announced that Senator BLEASE had blocked a vote on the report Tuesday night, and it may be that he and others may succeed in blocking a vote on the measure in the final days of this session. If so, it is the opinion of this newspaper that Senator BLEASE will deserve a vote of thanks. He voted against the radical proposal of the Senate when he had the opportunity, and for this also he deserves thanks.

For the bill as licked into shape by the free conference committee is a definite and impressive move to put the Federal Government into business. It has long been evident that we have in this country a number of men in the Congress who have been beset by the delusion that the panacea for any and all business ills is for the Government to take over business and run it. It is a very revoluntionary and radical theory and one that has been combatted by the conservative Members of both parties.

Should the Muscle Shoals bill as agreed upon in free conference manage to get through this session, it would be eminently proper and consistent in President Coolidge to veto it to carry out his maxim that what we need in this country is less Government in business and more business in Government.

The Muscle Shoals bill puts the Federal Government squarely into the business of manufacture, distribution, and sale of fertilizer or any ingredients comprising fertilizer or any of the by-products of such manufacture. This is covered in section 5, paragraph 5.

Next it puts the Government in the business of the sale and distribution of power. Section 9 provides for the sale of surplus power not used in the manufacture of fertilizer to States, counties, towns, corporations, partnerships, or individuals, giving preference to States, counties, and towns. The distribution of this surplus power is to be made equitably among the States within transmission distance from Muscle Shoals.

One State with a transmission line may get it all as against other States without transmission lines, it may be. For example, would it mean that Alabama would get it all? As pointed out, transmission distance means nothing if one has a transmission line.

But then comes section 11 of the report and authorizes the board to construct transmission lines. This section starts off in the following words:

"SEC. 11. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant."

Here, then, is a law which would put the Federal Government squarely in the business of generating, transmitting, and selling power

in competition with privately owned companies. And this is the move which conservative members of both parties do not wish to see made and which they will resist to the last.

This is bad, but later on in this same section is another insidious move, one of several, all aimed at taking from the States all rights of regulating and control in any matter whatsoever and putting the regulation and control thereof in the hands of Congress.

This move in section 11 provides that where the power is not sold to the States, counties, towns, and so on, but is sold to individuals, corporations, or partnerships engaged in the distribution and resale of power for profit, that the purchasers must agree in advance to have the rates for the sales of this power to the ultimate consumer fixed by the Federal Power Commission. Here is the beginning of the move which some politicians have long demanded—that the power rates now fixed by State commission, or other State public-utility commissions, shall be regulated by Congress as a function of the Federal Government.

This is so, because if these advocates of this theory can fix the rate at which the Muscle Shoals power is to be sold, it will automatically fix the rate for the sale of other electric power in such States because electric power can not be "unscrambled" or separated when distributed to the ultimate consumer. If a company buying any of the surplus Muscle Shoals power shall undertake to sell any of that power in South Carolina the company must sell it at a rate fixed by the Federal Power Commission under this act, and that rate fixed by the Federal Power Commission would fix the rate in South Carolina for all other electric power. South Carolina would be pushed out of the picture of control and regulation of electric-power rates by the Federal Power Commission.

President Coolidge has not shown any enthusiasm for the rape of the remaining rights of the States, but should this bill pass and be approved by him he will then have these radical moves made:

First. The Federal Government will be put into the fertilizer business.

Second. The Federal Government will be put into the business of generating and selling electric power.

Third. The Federal Government will be given the power to fix the rates at which all electric power is to be sold in any of the States in which any of the Muscle Shoals power may be sold.

That is to say, it will mean that in such States the authorities which have heretofore fixed the rates for electric power will have that power taken from them by the Federal Power Commission.

A number of our representatives in both Houses have been caught evidently by the talk of cheap fertilizer for the farmers. This sounds fine, but it is absolutely impossible. It is, one might say, the sugar coating for the radical theories of those who have long contended for Government ownership not only in this, but in several other industries, and for the regulation by the Federal Government of practically every industry.

No one knows the ultimate cost of the radical experiment, but, as a starter, the sum of $10,000,000 is appropriated..

Ten million dollars would buy a lot of fertilizer itself.

REPORT OF A COMMITTEE

Mr. SACKETT, from the Committee on Expenditures in the Executive Departments, to which was referred the bill (H. R. 12064) to discontinue certain reports now required by law to be made to Congress, reported it with amendments and submitted a report (No. 1320) thereon.

JACOB D. HANSON

Mr. COPELAND. Mr. President, I have here certain resolutions relative to the wounding of Jacob D. Hanson. Also a telegram saying Mr. Hanson has both eyes shot out, is blinded for life, and that his condition is precarious. In connection with this matter I desire, in addition, to have printed a letter from a guide on the St. Lawrence, and an article from the New York Times.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WOODMEN OF THE WORLD,
Niagara Falls, N. Y., May 8, 1928.

In common with all reputable and law-abiding citizens, the membership of Camp Niagara, No. 5, Woodmen of the World, desire to go on record as adding its voice to the general protest against the assignment of irresponsible persons to the Niagara frontier as law-enforcement officers.

Camp Niagara greatly resents the reckless use of firearms, and the generally impudent and insulting attitude of officers who are sent here to patrol the Niagara border.

The shooting of Jacob D. Hanson was a cruel and wanton act, and could have been done only by persons unfit to be intrusted with so important a duty as representing the United States Government in the enforcement of law on this border line.

In view of this most deplorable incident, and for the sake of protection of citizens in general who have occasion to use the highways, both by day and by night, this camp desires to appeal to the proper authorities in Washington to bring about a decided and speedy reform in this matter, and to see to it that such tragedies as that of Sunday, May 6, 1928, be not repeated. We hereby

Resolve, That every effort should be made to see that adequate punishment is meted out to the perpetrators of this deed, and that copies of this minute be sent to the Secretary of the Treasury of the United States, to United States Senators COPELAND and WAGNER, and to our Congressman from this district, S. WALLACE DEMPSEY.

(Signed) A. J. YATES,
Council Commander.

Attest:

OTTO WUSTRACK, *Clerk.*

KIWANIS CLUB OF NIAGARA FALLS,
Niagara Falls, N. Y., May 10, 1928.

CITIZENS COMMITTEE,
Niagara Falls, N. Y.

GENTLEMEN: *Resolved*, That we, the members of the Kiwanis Club of Niagara Falls, N. Y., being deeply affected by the shooting of Jacob D. Hanson, a law-abiding and peaceable citizen of this community, early last Sunday morning on the Lewiston Hill, a short distance from our city limits, by United States coast guardsmen, do hereby emphatically protest the manner of Federal law enforcement which results in such calamities, and are vigorously opposed to the "search and seizure" without warrant of all persons under such circumstances; and we do further

Resolve, That copies hereof be sent to our Federal Representatives in the hope that this situation may be remedied, and that law-abiding people may be protected in their rights to life, liberty, and in their peaceful pursuits.

KIWANIS CLUB OF NIAGARA FALLS, NEW YORK.
GEORGE F. BAILEY, *President.*
CLYDE G. SPEAR, *Secretary.*

CAPE VINCENT, N. Y., *May 25, 1928.*

The Hon. ROYAL S. COPELAND,
Washington, D. C.

DEAR SIR: I want to enter a protest against the United States border patrol boats that are running without lights at night.

Your attention is invited to the following act of Congress, approved June 9, 1910: "SEC. 3. That every motor boat in all weathers from sunset to sunrise shall carry the following lights and during such time no other lights that may be mistaken for those prescribed shall be exhibited." These officers are in the habit of running in front of an approaching boat—without lights—and when the boat is close to them, they flash their light so that the small boat is liable to get damaged in hitting the larger boat.

We had a case this week where a guide's boat had the stem and bow deck broken by these would-be United States officers, not only damaging the boat but endangering the life of the occupant.

I have guided for 30 years and run a motor boat ever since they came out—without mishap. My boat cost me over $2,000 and I make my money in the summer time, so if I get laid up I not only lose the damages to my boat but my wages besides, so I think every citizen should be protected by the Government instead of being subjected to loss or injury through the carelessness of the officers.

Ex-Senator C. W. Watson, of West Virginia, and Jessie Jones, of Houston, Tex., are customers of mine and probably friends of yours.

I hope you will take this matter up with the proper authorities and have the law enforced as it should be. I thank you.

Very respectfully yours,

W. E. STANLEY.

BUFFALO, N. Y., *May 28, 1928.*

Jacob D. Hanson is alive. His eyes are shot out. He is blinded for life. The bullet is still in his brain. At times he is conscious, but his condition is precarious.

[From the New York Times, May 28, 1928]

COPELAND ANSWERS POLAND'S ATTACK—TELLS DRY LEADER SHOOTING OF HANSON BY COAST GUARDS WAS CRUEL AND WICKED—CONDEMNS HIS ATTITUDE—HE SAYS IT ENCOURAGES INSPECTORS TO COMMIT "BLOOD-CURDLING ACTS."

WASHINGTON, May 27.—Senator COPELAND, of New York, made public to-day a letter he sent Friday to Orville S. Poland, of the Anti-Saloon League of New York, who had criticized remarks the Senator had made about the Coast Guard officers who shot and wounded Jacob D. Hanson, a citizen of Niagara Falls, while driving his automobile near the Canadian border several days ago.

"I should not be worth my salt as a Senator from the State of New York if I did not protest this cruel and wicked assault," Senator COPELAND told Mr. Poland.

He went on to say that Mr. Poland's attitude "encourages every harum-scarum inspector to indulge in any bloodcurdling act that comes into his mind," and continued that the anti-saloon leader "should be the first to condemn all such acts."

TEXT OF THE SENATOR'S LETTER

The text of Senator COPELAND'S letter follows:

"On Monday evening, several hours after reading it in the New York Times, I received your letter dated May 19. Later I was handed a copy of the flimsy you gave the newspapers for May 21 release.

"Of course, Mr. Poland, these facts show you didn't write this letter for any effect it might have upon me. You did it for the edification of your membership, I assume, or to influence public opinion.

"You suggest in the closing sentence that my horror over the unnecessary, unlawful, inexcusable assault upon an innocent citizen is 'disproportionate' to the cause.

"There could be no more glaring example of a supreme lack of intellectual proportion than for any citizen to seek to condone the shooting of a law-abiding citizen pursuing his course in a proper manner. Surely you agree with me.

"Let me see what it is I have failed to do. According to your creed, it is because I have failed to protest 'cases of shooting—accidental or worse—in which the truly admirable New York police force takes part.'

"If it is true there have been such cases, what official business is that of mine? I am not an official of the city of New York.

"But when it comes to the Coast Guard, we are dealing with an officer of the Federal Government, a man over whom the Congress, of which I am a Member, has at least some supervision. It so happens that I am a member of the Committee on Commerce, the committee dealing with the Coast Guard.

"The murderous assault in question occurred in my own State, shocking all good citizens. What is there 'disproportionate' in my actions if I raised my voice against so unnecessary a sacrifice of human happiness?

"I should not be worth my salt as a Senator from the State of New York if I did not protest this cruel and wicked assault. You may look upon my horror as 'disproportionate,' but when I review the circumstances I am convinced my protest was well timed and, under the circumstances, quite temperate.

CIRCUMSTANCES OF THE CASE

"What are the circumstances?

"A highly respected citizen of Niagara Falls, driving home in his automobile, was waylaid by a man whom he took for a highwayman. Attempting to escape, he ran into another coast guard, a reckless and irresponsible person, who sent a bullet crashing into the brain of an innocent and frightened citizen.

"The question of law enforcement is not involved in this investigation. No one doubts the necessity and propriety of enforcing any and all laws. But, my dear Mr. Poland, this is a civilized country. The first to protest against violence of this sort should be the occupant of a Christian pulpit. You fell short of your high calling as a Sabbath orator by criticizing a public official who did his duty to his State.

"Such an attitude as yours encourages every harum-scarum inspector to indulge in any bloodcurdling act that comes into his mind. You do the cause of prohibition great harm by advertising to the public that you do not care what violence may be committed in the name of the particular cause for which you stand as chief sponsor in our State. Shame upon you, Mr. Poland!

"If those good citizens who stand for law enforcement—and no citizen is good unless he is for it—want to further the cause of decent government, they will be unanimous in condemnation of indecency and violence, no matter where it is met.

"You profess exceptional devotion to the Constitution and every amendment. You urge its support, deploring everything which you feel invades it.

"Does not this profession place upon you special obligation to insist upon strict observance of that great instrument?

"You do your cause irreparable harm when you demand extra-constitutional means to enforce the Constitution. You should be the first to condemn all such acts. You should be the first to condemn any unlawful means to enforce the prohibition law.

"I question the right of an organization dedicated to any one object to dictate to me what shall be my attitude on public questions. If you condone an offense against the sanctity of human life, I am frank to say that we travel different paths. You may stick to yours and I shall continue to travel mine.

"I am for law enforcement; but I do not confine my thoughts to one particular law, as you do. It is my demand that the officers of the law, as well as all private citizens, shall observe all the laws. In the Hanson case this was not done; and I repeat that the attack upon Hanson was a murderous assault upon an innocent citizen."

INVESTIGATIONS OF CONDITIONS IN COAL FIELDS

Mr. DENEEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 249) submitted by Mr. WATSON on the 25th instant and ask unanimous consent for its immediate consideration.

Mr. REED of Pennsylvania. Mr. President, may we have the resolution read?

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 249), as follows:

Resolved, That the Senate Committee on Interstate Commerce, or any subcommittee thereof, investigating conditions existing in the coal fields of Pennsylvania, West Virginia, and Ohio, and other matters in connection therewith, under authority of resolution No. 105, agreed to February 16, 1928, hereby is authorized to expend $10,000 from the contingent fund of the Senate in furtherance of the purposes of said resolution, in addition to the amount heretofore authorized to be expended in such behalf.

Mr. REED of Pennsylvania. I have no objection.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. KING. Mr. President, I would like to inquire if the words "in furtherance" mean merely to continue the activities of the committee? Does it mean to continue the committee during the recess of the Senate?

Mr. DENEEN. I think it does.

Mr. KING. What I am trying to get at is whether it is to provide for payment of expenses already incurred or to meet further expenses.

Mr. COUZENS. Mr. President, the committee already has authority to continue, and the resolution is to provide for additional expenses over and above those provided for in the preceding resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MATHILDE B. WHIPPLE

Mr. DENEEN, from the Committee to Audit and Control the Continent Expenses of the Senate, reported back favorably, without amendment, the resolution (S. Res. 247) submitted by Mr. COPELAND on the 25th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, fiscal year 1927, contingent fund of the Senate, to Mathilde B. Whipple, widow of Charles Ayer Whipple, lately employed as an artist for mural redecoration in the Senate wing of the Capitol, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 4589) to authorize the construction of a memorial statue in the District of Columbia, and for other purposes; to the Committee on the Library.

By Mr. SWANSON:

A bill (S. 4590) authorizing the appointment of John T. Riley (retired), United States Navy, a lieutenant on the retired list; to the Committee on Naval Affairs.

By Mr. THOMAS:

A bill (S. 4591) granting an increase of pension to Blaine E. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts (by request):

A bill (S. 4592) for the relief of the Polish-American Navigation Corporation; to the Committee on Commerce.

By Mr. DENEEN:

A bill (S. 4593) for the relief of John August Johnson;

A bill (S. 4594) for the relief of Michael H. Lorden;

A bill (S. 4595) for the relief of Charles Samuelson; and

A bill (S. 4596) for the relief of Ross P. Beckstrom Co.; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 4597) granting a pension to Allie Porter (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4598) to authorize the appointment and retirement of Evelyn Briggs Baldwin in the grade of captain in the Navy in recognition of his patriotic and scientific services, and for other purposes; to the Committee on Naval Affairs.

By Mr. METCALF:

A bill (S. 4599) granting relief to the widow of Albert F. Smith; to the Committee on Military Affairs.

By Mr. DILL (by request):

A joint resolution (S. J. Res. 165) authorizing the Cascade Tunnel Association to enter upon lands belonging to the United States within the forest reserve in the easterly limits of King County and the westerly limits of Chelan County, Wash., and for other purposes; to the Committee on Agriculture and Forestry.

SECOND READING OF A HOUSE BILL

The VICE PRESIDENT. The Chair lays before the Senate a House bill for a second reading.

The bill (H. R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin for the approval of the Colorado River compact, and for other purposes, was read the second time by its title.

Mr. KING. Mr. President, I object. I want it read in full.

The VICE PRESIDENT. Under the rule the second reading is by title only. The second reading of the bill was objected to on Saturday last. The bill has been read the second time by its title. What disposition is desired to be made of the bill?

Mr. ASHURST. Mr. President, I ask that it be referred to the Committee on Irrigation and Reclamation.

Mr. JOHNSON. Let it rest upon the table temporarily.

The VICE PRESIDENT. The bill will lie on the table.

CHANGE OF REFERENCE

On motion of Mr. SHIPSTEAD, the Committee on Claims was discharged from the further consideration of the bill (S. 4588) for the relief of Gustave Hoffman, and it was referred to the Committee on Post Offices and Post Roads.

AMENDMENT TO BOULDER DAM BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and devlopment of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was ordered to lie on the table and to be printed.

PROSECUTION OF COMPLAINT AGAINST THE CONTINENTAL BAKING CORPORATION

Mr. LA FOLLETTE submitted the following resolution (S. Res. 258), which was referred to the Committee on the Judiciary:

Whereas the Federal Trade Commission, on December 19, 1925, following strong public protest against the formation of an alleged bread trust, filed a complaint (Docket No. 1358) against the Continental Baking Corporation, in which it was charged, after investigation by its chief examiner and full consideration by the commission, that the said Continental Baking Corporation had acquired the capital stock of a large number of baking companies in violation of section 7 of the Clayton Act; and

Whereas the Department of Justice of the United States, on February 8, 1926, also following strong public protest against the formation of an alleged Bread Trust, filed a petition in the United States District Court of Baltimore, Md., against the Ward Food Products Co., the Continental Baking Corporation, et al., in which it was charged that the defendants were engaged in a combination and conspiracy in violation of the Sherman Act, and also that said defendants had violated section 7 of the Clayton Act; and

Whereas on April 2, 1926, the Federal Trade Commission, without the sanction of its attorney assigned to the case, suddenly dismissed its complaint against the Continental Baking Corporation, under strange circumstances that raised a grave question as to whether the majority members who voted for the dismissal acted in the public interest or with a view of serving the ends of the Continental Baking Corporation and called forth a strong public protest from the minority members of the commission; and

Whereas on April 3, 1926, the Department of Justice suddenly terminated its suit against the War Food Products Co., the Continental Baking Corporation, et al., by a "consent decree" agreed upon and entered under strange circumstances that raised a grave question as to whether the Department of Justice acted in the interest of the public or with a view of serving the ends of the defendants, particularly the Continental Baking Corporation, and also as to whether or not the Department of Justice had perpetrated a fraud upon the court in which the "consent decree" was entered; and

Whereas this "consent decree," which is publicly branded as a "smoke screen" behind which the defendants, particularly the Continental Baking Corporation, will be able to continue their monopolistic operations with greater assurance of safety from attack than before, is set up by the majority members of the Federal Trade Commission as justification for dismissing the complaint against the Continental Baking Corporation made by the commission, notwithstanding the fact that the "consent decree" entirely ignores the well-grounded charge made both by the commission and the Department of Justice to the effect that the Continental Baking Corporation was guilty of violation of section 7 of the Clayton Act; and notwithstanding the further fact that the said "consent decree" left the Continental Baking Corporation entirely unpunished and entirely intact to continue the monopolistic course which called forth the public protest above referred to, and of which the Federal Trade Commission itself complained; and

Whereas in view of the strange circumstances surrounding the dismissal by the Federal Trade Commission of its complaint against the Continental Baking Corporation, and the termination by the Department of Justice of its suit against the Continental Baking Corporation by the said "consent decree," the United States, by Resolution No. 270, Sixty-ninth Congress, second session, instructed the Committee on the Judiciary to investigate and report upon the matter; and

Whereas the report of the subcommittee appointed by the Senate Committee on the Judiciary to make the investigation justifies the suspicion that the majority members of the Federal Trade Commission did not act in the public interest, but rather in the interest of the Continental Baking Corporation, when they hastily voted to dismiss the complaint against the said corporation:

Resolved, That the Federal Trade Commission be directed, and it is hereby, directed, to reinstate, forthwith, the complaint against the Continental Baking Corporation which the said commission, by majority vote, dismissed on April 2, 1926, and prosecute the same with the vigor demanded by the public interest.

CHEAP WATER TRANSPORTATION FOR FLORIDA (S. DOC. NO. 162)

On motion of Mr. FLETCHER, a paper prepared by Gilbert A. Youngberg, chief engineer, Florida Inland Navigation District, in connection with projected improvement of the Florida East Coast Canal, was ordered to be printed as a Senate document.

CHARLES VINER AND OUR COMMON LAW (S. DOC. NO. 161)

On motion of Mr. BAYARD, an article from the Owl of Sigma Nu Phi, twenty-fifth anniversary number, of March, 1928, entitled "Charles Viner and our common law," by William A. Hamilton, was ordered to be printed as a Senate document.

LANDS WITHIN THE RAINY LAKE WATERSHED, MINN.

Mr. McNARY. I wish to state that on Senate Resolution 239, to investigate the matter of the protection and conservation of lands within the Rainy Lake watershed in northern Minnesota, a subcommittee has been appointed consisting of Mr. SHIPSTEAD, Mr. NORRIS, Mr. RANSDELL, Mr. KENDRICK, and Mr. NORBECK. I make this announcement for the RECORD.

RECOGNITION OF HEROIC CONDUCT—CONFERENCE REPORT

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

CHAS. L. MCNARY,
DUNCAN U. FLETCHER,
W. L. JONES,
Managers on the part of the Senate.

WALLACE H. WHITE,
FREDK. R. LEHLBACH,
EWIN L. DAVIS,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS

Mr. BINGHAM. Mr. President, the other evening when we were considering unobjected bills on the calendar, the junior Senator from Utah [Mr. KING] objected to the consideration of the bill fixing the salaries of judges in the Territories and insular possessions——

Mr. LA FOLLETTE. Mr. President, this is the first morning hour we have had for several weeks. I ask the Senator to wait until after the conclusion of routine morning business before he brings that matter up. We have not had a morning hour since the 3d of May.

Mr. BINGHAM. Very well.

FARM RELIEF

Mr. LOCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Cleveland Press on May 26, 1928, entitled "If the farmer reviews the platform."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, May 26, 1928]

IF THE FARMER REVIEWS THE PLATFORM

President Coolidge's veto of the McNary-Haugen bill is three days old. But not dead.

Out in the Corn Belt they are holding mass meetings over this veto. And the last of these, no doubt, will be at Kansas City.

Meanwhile here in Cleveland, we have been spending our odd time reading the Republican platform of 1924, upon which President Coolidge was elected.

It is cruelty to throw up a platform to its party after a lapse of four years. But in that cruelty we are going to indulge. The farmers may possibly note the matter anyway, so we are going to do it first.

In those passages of the 1924 platform devoted to his American highness, the farmer, appear these promissory words:

"We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor, which was destroyed by the Democratic Party through an unfortunate administration of war measures."

You will note that this says, "whatever steps are necessary," and that there is no reservation about economic soundness or about those other considerations which led the President to break out so violently in his veto message.

But we will go a little further in the fundamental law of the G. O. P. and read again, where it says:

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industry to insure its prosperity and success."

That is strong language. It is what writers of ornate English would refer to as unequivocal.

We can not help but wonder if the President had his platform in mind the evening he turned out the McNary-Haugen veto message. We doubt it.

Had the President kept his platform in mind there would seem to have been just one thing for him to prove in case he did not want to repudiate the plank which we have just quoted.

That proof would have been solely to the point that the farmer is already "on a basis of economic equality with other industry."

We can not find where, however, in all the violent denunciation of the President's rather remarkable veto message any proof is submitted that farming as an industry is on a parity with other industries.

It should be noted further, in reading the language of the G. O. P. platform, that on one and the same day the President vetoed the McNary-Haugen bill and signed the Jones-White ship subsidy bill. The McNary-Haugen bill provided for a revolving fund of $400,000,000 available for loans to agricultural organizations; the Jones-White bill, now a law, provides a $250,000,000 revolving fund to be lent on a long-term basis and at low rates of interest to shipbuilders.

We think the farmer, reading the President's message, is going to think that it makes a difference what industry gets the subsidy, whether shipping or farming, and that things uneconomic are more easily discoverable in legislation for the farmer than for the shipowner.

The farmer is likely to be sure of this when he considers that in the same week that the McNary-Haugen bill was vetoed, the President, acting under the flexible provisions of the tariff law, raised the tariff on pig iron 50 per cent.

But to turn back to the platform, of course the Republican Party in subscribing to the farmer planks quoted above had nothing in mind but getting the farmer vote in the 1924 campaign. They got it.

Now, what about the 1928 campaign? We venture that it is going to be very hard, indeed, for the platform scribe to write a plank so eloquent of sincerity that McNary-Haugen supporters, about to slaughter the Republican ticket in the Corn Belt, will stay their hand.

FEDERATION OF WOMEN'S CLUBS

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Anna Steese Richardson entitled "Do commercial interests control the Federation of Women's Clubs?" appearing in Plain Talk for June.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Plain Talk, June, 1928]

DO COMMERCIAL INTERESTS CONTROL THE FEDERATION OF WOMEN'S CLUBS?

By Anna Steese Richardson

[As this number of Plain Talk appears members of the General Federation of Women's Clubs in convention at San Antonio will be asking some pertinent questions. Who is putting up the money for its surveys? How is it spent? With what motive is it given? Who gets the benefit? The author has been writing on women's organizations for 30 years. She has some facts to present.]

The most astounding, the most significant change which has overtaken organized womanhood in America is the commercialization of the General Federation of Women's Clubs. I use the phrase, "organized womanhood," to represent the various groups of women banded together in the name of culture, public welfare, and social service, some 12,000,000 in all, drawn from the best homes of the country, women who are well educated, moderately well-to-do, earnest, and sincere. And of all these societies, the General Federation of Women's Clubs is the most important in point of members, influence, and exploitation.

Its slogan is: "A group of women in every community who can be depended upon to promote movements looking toward the betterment of life." For some 30 years it steadfastly withstood the encroachment of commercial interests. Its proud boast has been that none of its work is subsidized but represents the self-sacrifice and public spirit of its members. To-day it is the prey of commercial forces from without and it is riddled by self-seeking, commercially minded forces from within.

This is not a matter of hearsay. It is borne out by irrefutable facts. It is admitted sadly by many outstanding women in this great national body. It will influence proceedings at the nineteenth biennial convention to be held in San Antonio, Tex., during the first week of June.

The exploitation of the general federation seems to have started with the passage of the Federal maternity and infancy bill in 1921. This measure was forced through Congress by the concerted efforts of some 19 or 20 organizations of women of which the general federation was the most articulate, if not the most powerful. Followed then a concerted and successful drive for an appropriation to build a Federal prison for women in West Virginia. The success of these two worthy projects proved to Congressmen, lobbyists, and commercial organizations the power of organized womanhood, particularly as represented by the much-advertised General Federation of Women's Clubs. Here was a power to be courted, and the courtship has been worth watching.

Influences from without work something like this:

Under the department of fine arts there is a division of billboard restriction. It is directed by Mrs. W. L. Lawton, of Glens Falls, N. Y. The general federation indorsed Mrs. Lawton's work enthusiastically. Soon after her educational campaign got under way, an association of outdoor advertisers appointed Mrs. Harry Lilly, of New York, as chairman of public relations for the admitted purpose of creating more friendly feeling and better understanding between the association and women's organizations. Mrs. Lilly's activities precipitated the most serious quarrel that has ever rocked the New York State Federation of Women's Clubs when she came up for election as vice president in 1926.

The general federation indorsed the child labor amendment which was passed by both branches of Congress in 1924, but rejected by a sufficient number of State legislatures to kill it. Many State federations opposed the measure but the general federation continued its interest. To off-set this, the National Association of Manufacturers, composed largely of firms that employ child labor in mills and factories, decided to put out a program of its own on the education and employment of children "for the further protection of employed children 14 and 15 years of age." Copies of this program and correlated pamphlets have been distributed generously to club women all over the country, and Mrs. Marguerite B. Benson, director, women's bureau, National Association of Manufacturers, is to be seen wherever club women gather in city, State, and national conventions. An efficient person is Mrs. Benson, with a convincing, charming personality, and she is a club member to boot.

One of the most amusing examples of boring into the federation from without concerns a radical social worker who needed a job, who needed, moreover, and got a woman of wealth to foot the bill. This social worker, who was incidentally a young man, discovered that the woman of wealth was sentimentally interested in the American Indian. Being a hound at statistics and surveys, he presented to his rich patroness a report which proved that the Indians were being shamefully mistreated, exploited, and cheated by Uncle Sam. This abuse of a helpless people should be brought to the attention of voters. Investigations should be started. But to start such a campaign, one must have the dignified indorsement of a reputable organization. The general federation offered just what was needed.

The services of an earnest, if somewhat temperamental, club woman were enlisted and, behold, a division of Indian welfare sprouted on the department of public welfare!

For years, patient delegates to conventions have listened to sad tales about Uncle Sam's red-skinned protégés and have been importuned to pass new resolutions or reaffirm old ones. Whether any reforms in the management of Indian affairs have been achieved, I am not in position to say, but I do know that the young man in question has drawn a comfortable salary for conducting the campaign.

I do not presume to question the honesty, the sincerity, or the social value of the various subsidized campaigns which influence the activities of the general federation. I cite them only to prove that the organization has become an object of interest and activity to commercial associations.

Less than a year ago I was offered the post of "educational director" by a powerful business association at a salary of $10,000 a year. And my principal duty was to induce the general federation board to indorse the educational program which the association was about to launch. Yes, it could have been done! Probably it has since been done. But I happen to hold a position which is self-respecting and reasonably permanent. I can work in the open and go to bed each night feeling that I can still look the whole world of women in the eye.

Even more recently the manager of another national association of firms which manufacture a commodity used in every American home asked me to recommend a list of influential club women from whom they could secure an educational director. I am watching with interest for the announcement of a new division under the head of education or public welfare which indirectly will support the propaganda of this business body.

Big salaries are not paid to women who enjoy sinecures. They are paid for work or favors.

As I write this article I have on my desk six pieces of literature exploiting as many commercial enterprises, each of which claims the direct or indirect indorsement of the General Federation of Women's Clubs or its president. The most flagrant of these is a circular devised to interest club women in a study course in correct English which claims to have the indorsement of the adult education division of the General Federation, in the interest of better speech.

Possibly many such claims are without foundation, but they prove my contention that the general federation has aroused the avaricious interest of concerns and individuals who thrive on the innocence, the honesty, the sincerity of others. Moreover, the claims of some such concerns can be traced to chairmen of departments and divisions in the General Federation, who, innocently or otherwise, are exploiting commercial campaigns and activities.

For example, the chairman of family finance, a division of the department of the American home, is Mrs. Edith McClure Patterson, neice of the founder of the National Cash Register Co. Much of the literature which she sends to club women bears the imprint of that firm.

"The specialist in education in banking and investments" is Mrs. Bessie Q. Mott, once an employee of the Bankers' Service Corporation and now the agent of various banking and investment firms. The club woman who sends to her for program helps receives in return commercial literature bearing the imprint of the Investment Bankers Association of America or even a private investment company. I know because I sent for literature and that is what I received.

I believe in this literature. It is sound. But it is commercial.

The chairman of public welfare is Mrs. Walter McNab Miller, an employee of the American Child Welfare Associaition. Most of the literature and study outlines she supplies to club workers bears the imprint of this association or of the Metropolitan Life Insurance Co. No one questions the value of the educational campaigns which both of these organiaztions conduct. I recommend their literature to my own readers—but I am frankly commercial. I am not chairman of any department of the General Federation of Women's Clubs.

Until recently the chairman of art, Mrs. Rose V. S. Berry, was on the pay roll of the Grand Central Art Galleries in New York City. For three years she directed her club activities from these galleries and promoted them in the literature which she supplied for club use. As I write I have on my desk a pamphlet "Studies in Music," which has been issued by the fine arts department of the General Federation as the official program for music clubs or departments. The entire first page is given over to a flattering announcement of opera recitals for which the regulation fee is charged. And the announcement is signed by the chairman of the department of fine arts, Mrs. L. A. Miller. To be sure the recitals are given by a former chairman of music, Mrs. Marx Oberndorfer and her husband, well known to club women, but they represent a remarkable attraction such as any New York or Chicago manager might offer.

I could mention other chairmen allied with commercial enterprises but these cases prove my point. And the reason for this situation is clear. The general federation is so poorly financed that it can not possibly carry out the heavy, involved program it undertakes. It can not supply its chairmen with funds to print and distribute the literature they prepare. Consequently chairmen are often forced to accept help from other sources. Oone desperate ex-chairman of music secured desk room and the services of a stenographer from a manufacturer of music rolls in order to carry on the heavy correspondence which poured in from every State in the Union. In return she exploited the rolls manufactured by her benefactor. His advertisement went out in the letters she mailed and his literature was distributed at all conventions or meetings where she spoke. Could a business man ask for any better method of advertising his wares to some of the finest women of this country?

There is no reason why the general federation should not indorse the work of heavily subsidized organizations which are working for better living and social conditions. There is no reason why it should not accept funds from business corporations which have the facilities, the means, and the staff workers to put out better literature and more efficient programs than its department chairmen can possibly produce, but such funds should be administered in the interest of the constituent or affiliated clubs and federations of clubs.

A striking example of lost opportunity was the home-equipment survey conducted during 1925, 1926, and 1927 ostensibly by the department of the American home of the General Federation, in reality by the Industrial Survey and Research Service, of Washington, D. C., a business corporation.

Presumably this survey was undertaken for two laudable purposes: First, to educate women, especially in small communities, in the use of public utilities, running water, electric light and power, gas, and in labor-saving devices, thus reducing the amount of household drudgery; second, to create sentiment for the listing of housewives as having an occupation in the United States census.

Wisely directed, this survey could have been enormously valuable to American homemakers, an educational activity of incalculable value to any community in which it was conducted. Handled as it was, only one-tenth of the clubs belonging to the general federation participated in the survey, largely because they were not supplied with funds to do the work.

Yet amazing sums of money were contributed by commercial organizations. The National Electric Light Association gave thousands of dollars to secure the findings of the survey on which to base their plans and extend their facilities where the latter were most needed. Two magazines, The Woman's Home Companion and the Country Gentleman, made heavy contributions that they might inform their readers on the progress of the survey.

In each case the motives were of the highest. For several years the National Electric Light Association has conducted a campaign of education and through its women's committee has carried the message of buying power and incidentally of eliminating drudgery in millions of homes. Its literature is as illuminating as the electricity its member-associations sell.

According to those who are in a position to know whereof they speak, the money contributed to the home equipment survey by commercial concerns amounts to somewhere between $100,000 and $200,000. Of this sum, very little was turned over to the federated club workers who collected statistics in their communities and filled out the questionnaires. Probably only two women know how the money was spent, and they are Mrs. John D. Sherman, the outgoing president of the general federation, and Miss Marie Obenauer, director of the industrial survey and research service in whose offices the reports were compiled. Delegates to the biennial convention will await with interest Mrs. Sherman's report on this work.

There can be no question about the close connection between the general federation and the industrial survey and research service, which is a commercial organization. By order of Mrs. Sherman checks contributed for the expenses of the home equipment surveys were made to the order of the industrial survey and research service; all records of the federation's surveys were kept at the offices of this corporation, first in the Otis Building, later in the Architects' Building, Washington, D. C., and the Home Equipment Primer, issued in five parts by the general federation, is announced as having been prepared "under the direction of the industrial survey and research service."

In a way, the commercialization of the general federation has been unavoidable. No one official or administration is to blame for the situation. The federation's growth has broken all records in organization history. Its programs have expanded, but its income has not kept pace with this expansion. Worst of all, its management is impermanent and volunteer. It has no salaried workers except clerks employed at general federation headquarters in Washington. Its business affairs are managed by what may be termed a floating board. New members of the board are elected every two years and the board meets at best only twice a year.

The board is headed by a president and includes the usual officers, two vice presidents, a treasurer, a corresponding secretary, a recording secretary; also the president and a director from each State federation (except when the offices of president and director are combined in one person). Sitting with this board are also the national chairmen of eight departments of work: American citizenship, American home, education, fine arts, international relations, legislation, press, and publicity and public welfare; a membership chairman and a correspondent for foreign and territorial clubs.

This board meets twice each year, in early summer at either the biennial convention or the midbiennial council, and about the first of the year at the national headquarters in Washington, D. C. Presumably at each of these meetings each State has one or more representatives present to help decide the policies which affect the working plans of some 45,000 individual clubs and the expenditures of the general federation to whose support the 45,000 clubs and their 2,500,000 members contribute. They are supposed to carry back to their State, county, and city federations the program outlined at the board meeting, so that the same courses of study and the same activities shall be followed by all federated clubs.

Of late years, however, the increasing number of federated clubs has made the cost of distributing programs, literature, and messages almost prohibitive, and to-day the federated programs are what the chairmen

are pleased to call "suggestive," circulated largely through State and city bulletins or organs.

The State presidents and directors have neither the means nor time to cover their States, the State bulletins have not the space to print complete reports of board meetings, so State, county, or city federations, to say nothing of individual clubs, know little or nothing of the actual conduct of general federation business. This is almost completely in the hands of a small group of federation leaders.

Yet the financing of the General Federation of Women's Clubs is a matter of profound interest in at least 2,500,000 American homes. It touches the purses of as many families. For years the individual clubs and the individual club members affiliated with the general federation have carried on outstanding work in their communities.

Eighty per cent of the public libraries owe their existence to the financial support of the local club women or to the public sentiment or demand for public reading facilities which these women created. Better school buildings, playgrounds, and recreation centers, community houses, rest rooms for farmers and their families, lecture courses, art exhibits, all these and a score of other community projects club women have sponsored and achieved. Hundreds of politicians, especially in small cities, villages, and rural districts have defied their power with unfortunate results.

The club woman, whether she resides in Maine or in California, in North Dakota or in Florida, lives up to the uplift program, even if she pays and pays and pays—from the family purse or with a terrific outlay of energy expressed in drives, suppers, dinners, and rummage sales. The sacrifice involved in putting over a community project is beyond computation. It is said that club dues and funds raised annually amount to $17,500,000.

Much has been written and said to offset the criticism directed at the general federation.

In a message to federated clubs published in the official organ of the general federation, Mrs. Sherman wrote:

"That sinister influence has been and still is at work to give the impression that the federation is ineffective and rapidly passing its days of usefulness. The essential thing at the present time is for every club woman to recognize conditions, to search out the cause back of any attempt to create dissatisfaction within our ranks, and then with determination and courage to stand by and guard her club, her State federation, and the general federation with all her might."

In military parlance this is called a smoke screen or an effort to draw fire from the real object of criticism, in this case the policies, the management, and the commercialization of the general federation.

No one of consequence has or really can attack the woman's club movement or its ideals. No organization can take its place in our social life. In its contribution to education, culture, and progress it stands second only to our public-school system. It renders invaluable service to the community and the individual alike. It has brought woman out of the kitchen into the broader arena of community housekeeping, where she has rendered unpaid, unselfish service to her neighbors. It is the recreation, yes, the salvation, of the middle-aged woman whose children have scattered their several ways, leaving her bereft of the occupation which filled her life for its best years. It does more to make women content with their lot than any other existing social force. It deserves the finest leadership, the wisest guidance, the soundest financial management.

And unless I am greatly underestimating the true club spirit, some plan of reorganization will be demanded at the biennial convention at San Antonio. These fine women deserve a leader worthy of the trust who can and will dedicate herself to the magnificent task of guiding 2,500,000 women, the best that our homes produce, and in accordance with the high standards and ideals on which the club movement was founded.

GOV. ALFRED E. SMITH

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article on "Tolerance and intolerance" from the Presbyterian of the South, an article referring to Governor Smith's efforts to amend the constitution of the State of New York so as to appropriate public funds to parochial schools, also an article from the Cordele Dispatch, a Georgia paper, regarding myself.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TOLERANCE AND INTOLERANCE

(We have had so many calls for copies of this editorial that we reproduce it.—W. S. C.)

A great deal is being said in the newspapers these days about religious tolerance. My daily paper to-day carried a front-page article in which John W. Davis, former candidate for the Presidency, was exhorting Protestants to exercise tolerance toward Jews and Catholics. Another front-page article told of a dinner which was held in Richmond and to which 150 Protestants, 150 Jews, and 150 Catholics were invited. The object of the meeting was to cultivate good will and tolerance. The governor of the State made them an address on the subject. On the editorial page there was a long editorial exhorting us to tolerance. This one paper gives but a sample of the many articles which are being published on tolerance and intolerance. The gist of all these articles is that the Protestants of America at this time are exceedingly guilty of intolerance toward Jews and Catholics, but especially toward Catholics.

WHAT IS TOLERANCE?

It strikes me that there is a lot of loose and foolish talking and writing these days on the subject of tolerance. Perhaps it is done for political effect; I do not know of any other reason why it should be done. What do they mean by tolerance? They seem to mean that everybody must consider one religion just as good and just as true as another. These writers do not seem to leave any room for deep and abiding religious convictions. To them tolerance means full approval.

I have just looked up the definition of the word "tolerance" in an unabridged dictionary. Here is the definition I found: "Allowance of that which is not wholly approved, especially allowance of religious opinion and modes of worship contrary to, or different from, those of the established church or belief; recognition of the right of private judgment, especially as to religious matters."

If the foregoing is anything like a correct definition, then I am sure that I do not know any Protestants who are intolerant toward Jews or Catholics. We believe that the Jewish religion is fatally defective in that it leaves Christ out. We believe that the Roman Catholic Church has added many things in its government, in its doctrines, and in its worship which are not found in the Holy Scriptures, and that it has departed a long way from New Testament Christianity. At the same time we believe that the Jews and Catholics have the full right to worship God according to their own convictions, with no one to molest or to make them afraid. As an actual fact they are exercising this right to the fullest. They have their synagogues, churches, and cathedrals all over the land and worship in them from week to week with the same freedom that Protestants have. I do not know of a Protestant anywhere who would in any way limit this freedom.

PREJUDICE

I admit that there is at times a prejudice against the Jews; but if you will take the pains to analyze it, you will probably discover that it is social, commercial, or racial and not religious. The strongest prejudice against the Jews among Gentiles is generally among those Gentiles who do not profess to be Christians, and not among those who are Christians. This would indicate that it is not a religious prejudice. It must be admitted that some of the Jewish people have social, commercial, and racial customs which are different from the Gentiles around them, and the prejudice arises on this account and not because of their religion.

When we say that Christians exercise the fullest tolerance toward the Jews in the exercise of their religion, this, of course, does not mean that we believe the Jewish religion without Christ is as good as Christianity with Christ at its very center. If a Christian minister does not invite a Jewish rabbi to preach in his church it does not mean that the minister is guilty of intolerance. It means that he has the conviction that he would not be loyal to Jesus Christ if he were to invite into his pulpit one who denies Him. There is a world of difference between Judaism and Christianity. The Christian minister can not minimize that difference and at the same time be loyal to Jesus Christ. Yet the Christian can be utterly friendly to the Jews and recognize that in our free land they have the full right to worship God according to their own convictions.

NO INTOLERANCE

Nor do I know anyone who is intolerant toward a Roman Catholic, because of his religion. Protestants are continually thrown with Catholics in the business and social world and there is no distinction made. Personally, I have had some very close friends who are Catholics. I believe that there are many Catholics who are devout Christians. Of course, that does not mean that Protestants approve of all the doctrines and practices of the Roman Catholic Church. The very name Protestant was given to us because the leaders of the reformation strongly protested against many of the doctrines and practices of the Catholic Church.

ROMAN CATHOLIC VIEWS

While Protestants believe that there are many Catholics who are devout Christians and who will be saved, the Catholics do not take any such charitable view of Protestants. The Pope in his recent encyclical made it perfectly clear that he does not believe that there is any salvation outside the Roman Catholic Church. I have in my hand a book published by John Joseph McVey, of Philadelphia, entitled "A Manual of Christian Doctrine." It was written by a Catholic seminary professor, and has upon it the imprimateur of Arthur J. Scanlan, the censor, and Archbishop D. J. Dougherty, of Philadelphia. It is intended as a manual of religious instruction for Catholic high schools, academies, and colleges. It was copyrighted in 1919, and my copy, which was printed in 1926, belongs to the forty-seventh edition. I give all of this data to show something of the authority of the book and of its large circulation. Forty-seven editions in seven years is a remark-

able record. A great many of their young people must be studying it. Let us see what they are being taught about Protestants.

Question. What is the Catholic Church? (This question refers to the Catholic Church mentioned in the Apostles' Creed.)

Answer. The Catholic Church is the society of all those who, being baptized, profess the faith of Christ, and are governed by their lawful pastors under one visible head, the Pope.

Question. Why is it necessary to belong to the church to be saved?

Answer. Because salvation outside the church is just as impossible as salvation without Christ.

Question. Who do not belong to the church?

Answer. Infidels, heretics, schismatics, excommunicates, and apostates do not belong to the church.

Question. Who are heretics?

Answer. Heretics are such as, although baptized, reject one or more articles taught by the church, as Protestants.

Remember that the word church used above always refers to the Roman Catholic Church, and you will see that Roman Catholic boys and girls are being taught that it is impossible for Protestants to be saved. By the way, this book has 571 pages of questions and answers about the beliefs of the Roman Catholic Church. If you want a pretty full statement of all their beliefs, you will find it in this book.

In spite of the fact that Catholics are teaching their children that all Protestants are going to be lost, Protestants have recognized their right of private judgment, even about Protestants, and their right to hold their own religious views and to worship according to those views.

SHOULD PROTESTANTS VOTE FOR A CATHOLIC?

What is all this talk concerning intolerance about, then? It has arisen simply because many Protestants hesitate to vote for a Roman Catholic for President of the United States. They do not hesitate because of his religious views, but because of the political views of the Roman Catholic Church. Let us turn again to the book referred to above, a book which is being taught to our American boys and girls on such a large scale. Please remember that when the expression "the church" is used it always refers to the Roman Catholic Church.

Question. What more should the state do than respect the rights and the liberty of the church?

Answer. The state should also aid, protect, and defend the church.

Question. What, then, is the principal obligation of the heads of states?

Answer. Their principal obligation is to practice the Catholic religion themselves, and as they are in power, to protect and defend it.

Question. Has the state the right and duty to proscribe schism or heresy? (Remember in a previous question that we saw that Protestants are heretics.)

Answer. Yes; it has the right and duty to do so, both for the good of the nation and for that of the faithful themselves; for religious unity is the principal foundation of social unity.

Question. When may the state tolerate dissenting worships? (Remember that all Protestants are dissenters.)

Answer. When the worships have acquired sort of legal existence consecrated by time and accorded by treaties or covenants.

Question. May the state separate itself from the church?

Answer. No; because it may not withdraw from the supreme rule of Christ.

Question. What name is given to the doctrine that the state has neither the right nor the duty to be united to the church to protect it?

Answer. The doctrine is called liberalism. It is founded principally on the fact that modern society rests on liberty of conscience and of worship, on liberty of speech and of the press. (Take away the liberty of conscience, of worship, of speech, and of the press, and how much liberty would we have left?)

Protestants hesitate to vote for Catholics for high office, not because of their religion, but because they hold these political views, and because they are teaching them to their children, and because the Roman Catholic Church has always claimed political and civil power and has always exercised it, whenever it has been possible. It is not religious intolerance which makes a Protestant hestitate to vote for Catholics for high office, but it is the political creed of the Roman Catholic Church. If the Roman Cotholic Church will renounce all its claims to political and civil power, the problem will be solved. In the meantime, if Protestants hestitate to vote for Catholics, because Catholics hold and teach their children a political creed which is un-American and which is opposed to liberty of conscience, liberty of worship, liberty of speech, and liberty of the press, it is neither just nor honest to accuse Protestants of religious intolerance.

WALTER L. LINGLE.

ALFRED E. SMITH'S POSITION ON STATE AID FOR CHURCH SCHOOLS

Governor Smith was a member of the convention which considered the revision of the constitution of the State of New York in 1915. The following is a reprint from the Christian Advocate (Methodist Book Concern, New York), bearing date of April 5, 1928:

"A reference to the printed official record, volume 1, page 375, yields this interesting item regarding Governor Smith's position with regard to that provision of the existing constitution which prohibits the voting of public funds to the use of parochial schools and other similar institutions. The following is from the record:

"Mr. A. E. SMITH. Mr. President, I offer the following proposed amendment.

"The SECRETARY. By Mr. A. E. Smith, proposed amendment to the constitution.

"Second reading: To amend Article II of the constitution, in relation to repealing section 4 thereof, relative to State aid for denominational schools.

"The PRESIDENT. Referred to the committee on education, unless there is some other suggestion. The Chair would propose that this go to the committee on education.

"Mr. A. E. SMITH. Mr. President, I don't know that I have any objection, but the resolution is really empowering the legislature to make an appropriation or to authorize a civil division of the State to make an appropriation in aid of denominational schools. It could very properly go to the committee on powers and duties of the legislature. However, I have no objection to the reference as made.

"The PRESIDENT. It may go to the committee on education with a copy to the committee on legislative powers."

Section 4 of article 9 of the constitution of the State of New York, above referred to, which the Hon. Alfred E. Smith, now governor, moved to repeal, reads as follows:

"No aid in denominational schools: SEC. 4. Neither the State nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any schools or institutions of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught."

From the above record it is seen that Governor Smith is running true to form; that he favors taking money from the Public Treasury and turning it over to the parochial schools. This policy is in line with the Pope's wishes, as expressed in the syllabus of Pope Pius IX, December 8, 1864, and from which Paul L. Blakely (S. J.) quoted in his tirade against the public schools in America, February 8, 1928; also canon 1217 in the new canon law of the Roman Catholic Church, by Stanislaus Woywod, O. F. M., bearing copyright dated July 3, 1918; also by American cardinals, archbishops, bishops, priests, and the Roman Catholic press, elsewhere quoted in my remarks in the Senate.

To every lover of our public schools, to every lover of liberty, to every well-wisher of humanity, I cite you to the countries where the Roman Catholic Church dominates. There you will find squalor, ignorance, illiteracy in the most abject sense of these terms. Cast your mind's eye to the south of Europe, to South America, and to Mexico, where Roman Catholicism prevails, and there you find every evidence of the blighting effects of the parochial schools under the control of Romanism. You have but to note the terrible increase of crime in this country in the past two decades since Romanism has increased her brazen power in this once great and proud land of liberty. Examine the criminal annals and there you will find for yourselves the proportionate number of Protestants to Catholics who have criminal records; there you will learn the relative value of the parochial schools to the public schools, with all their prated religious teaching.

I appeal to every sincere Protestant; to every lover of truth; to every apostle of liberty; to every progressive soul; yea, including every Catholic whose eyes are being opened as were those in the time of the Reformation, to consider well the value of his vote in the impending crisis before us. Never in the history of our country was there a crisis more ominous than the one now before us. A vote for Al Smith is a vote against everything sacred to American institutions.

[From the LaFayette Sun (Ala.), May 23, 1928]

ONE FOR MR. HEFLIN

We rise to offer a toast to the Senator from Alabama, Mr. HEFLIN. We can not refrain, because the high-heeled journalistic intellectuals of this and other States raise their eyebrows and nod gently at their friends when the name of this gentleman from Alabama is mentioned. We can not remain silent because the Pulitzer medal for newspaper service went to a man who has spent his heroic time of late lambasting the Senator from Alabama. We can not remain silent because Mayor Gunter, of Montgomery, posted a dare to the Senator and ran—and lost. We can not remain silent—never now—because the wool-hat boys, the hillbillies, and the yappers—the horny-handed man with the ballot—have laid down their work and "spressed" themselves in this matter.

We must rise and offer a toast because Alabama's representative citizenship has gone for the individual civil and religious liberties which were the foundation stones used in erecting a government for the people of this Republic. Here we stand and hold high the banner the people carries; here we speak for the foundation stock—the true and the great among the thousands who are the direct descendants of those whose blood in battle paid for a Republic that stands for individual civil and religious liberties. Here we offer a toast to a man who prevails in a

battle with Mayor Gunter and the Romanist political powers of the world.

We never need to apologize for the Alabama Senator, who doesn't mind fighting the Romanist machine. Maybe he sees things, and maybe some of them are mirages, but in the main Senator HEFLIN, of Alabama, is directing a terrible fight into an enemy camp—the enemy of free people, of the progress and prosperity for the great common masses.

The battle with Mayor Gunter is over and won—won for the day—but to-morrow more Pulitzer heroes will flare up and seek to lead the voters into the camps of the Romanist politicians and the rum forces. Fought and won is the battle of to-day; but to-morrow—to-morrow—this same Roman will marshal his forces and start for conquest in Alabama. Those who do battle against Al Smith forces such as those represented by Mayor Gunter, of Montgomery, deserve to wear the crown of honor. As for us there is joy in our soul that we can tell the world the great common masses in Alabama are still the staunch, unmoved element that love honor and integrity. We do not mind saying that politically Alabama deserves to be heralded, not as the State where floggers thrive as pollywogs in warm mud puddles, but as the State where courage and stamina abide together along the spinal column of the individual. We want the world to think of Alabama as a State where Al Smith money can not buy the vote, where people still cherish human liberties. We want it told over and over again that unpurchasable intelligence sufficient to guide the great common masses still abides over the hills, in field and fen, from border to border in a State where the joy of living for the uncrowned, the red-blooded, the happy, and contented slips in poetic ecstasy into every cottage home.

We offered a toast for Alabama when her young heroes tackled the enemy at the Marne, on foreign soil, to set the world at peace in the late World War. We've raised a monument in our hearts and minds to the boys from Alabama who stood between Heine and the gates of Paris and delivered merciless fire to turn his proud march into bloody defeat; we've cherished the Alabama youth as the hero who cleaned the trenches of the enemy at the Marne, who laid the proud German soldier low, and fought more battles over the piles of German dead to establish the peace of the world. That heroic rôle of the men from Alabama first turned the enemy on this everlasting march to defeat—and for those men of the homes of the great common masses of our sister State we offer an everlasting toast.

But to-day Alabama comes back to us again—back because it has held firm against a merciless mercenary assault upon its ballot from the political headquarters of Rome in this country. Gunter, of Montgomery, was its man. On the other side, HEFLIN—United States Senator HEFLIN—was the leader. We offer a toast to Mr. HEFLIN because he stands at the head of a courageous column of many thousands of Southerners who faced the criticism, stood the assaults of a merciless and conscienceless political onslaught from the outside, and beat that enemy at every turn of the battle. Great is Alabama.

And here's to Mr. HEFLIN!—The Cordele (Ga.) Dispatch.

Mr. COPELAND. Mr. President, in connection with the article printed by the Senator from Alabama [Mr. HEFLIN], I ask permission to insert in the RECORD an article from the American Review on "Tammany Hall and the South," and articles from several other papers on the same subject.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

TAMMANY HALL AND THE SOUTH

By Robert W. Winston, formerly judge of the Superior Court of North Carolina

Under the leadership of Governor Smith, of New York, the Democratic Party is becoming vital, and is pulling itself together again. Four times this man of the people has been elected governor of the most populous and richest American Commonwealth. Such has been his integrity and his public service that New York, his home State, together with other States in the North and West, has indorsed him for President and selected Smith delegates to the Houston convention this month.

Even some of his opponents acknowledge the man's worth. "In other lands Alfred E. Smith would have been elevated to the peerage," declares Mr. Charles Evans Hughes, "and though in America we have no titles of nobility we have something better, an aristocracy of public service * * * and the title Governor Smith holds is the proudest title that an American can hold, because it is the title of the esteem and affection of his fellow citizens."

In the midst of such encounters comes a discordant note, and strangely enough it comes from the South. "Smith is a Tammanyite," it is charged, and that damns him forever in Dixie. "Tammany Hall! Why, Tammany Hall is the hereditary enemy of the South," one hears from some quarters. "Let Tammany show her head at Houston," a delegate to the Jacksonville dry convention threatened, "and we'll smash it."

Indeed, the idea at Jacksonville seemed to be that the Tammany tiger was going to destroy the liberty of America, and of Dixie in particular, swallowing the innocent South, bib and tucker, as the ugly wolf swallowed little Red Riding Hood.

This attitude of southern leaders toward Governor Smith will bear investigating. Is the terrible tiger ready to pounce on the South and to grind her bones to make his pies? What does history say to this statement? Is Tammany Hall the foe of the Democratic Party and the South?

Now, one thing seems reasonably certain: In the year 1868 the South did not consider Tammany her enemy. At that time the conquered and bankrupt South was oppressed, prostrate, and utterly without hope; for more than three years she had had no representation in Senate or House; she was under a military satrapy. State lines were abolished, whites disfranchised, negroes enfranchised and in control, want and desolation stalked the land. The historian, Pike, in 1870, painted a picture of this desolation: "Near Charleston," says he, "were the estates of a large proprietor and a well-known family, rich and distinguished for generations. The slaves are gone, the family is gone. A single scion of the house remains, and he peddles tea by the pound and molasses by the quart on a corner of the old homestead to the former slaves of the family, and thereby earns a livelihood."

AN INCIDENT OF 60 YEARS AGO

Presently an attempt to rehabilitate the desolate land was begun. The South resolved to make a supreme effort to preserve herself, looking to the Democratic Party as her hope. At that time there was only one national issue—what should be done with the conquered South? Should radicals and misguided, but honest, philanthropists, together with ignorant negroes and corruptionists, continue to rule the land which gave birth to George Washington, and in which John Marshall wrote his imperishable opinions?

In her desolation, whither could the South turn? To Boston, the most cultured center in America and usually one of the most humane? Alas, no! Charles Sumner was there supreme—in the good State of Massachusetts not a thumb was reversed. To Pennsylvania, that home of pure democracy in the olden days? Thad Stevens was holding that great State to a course of radicalism and hate.

To Chicago? Yet again, No! That wonderful young city was consumed with postwar hysteria, and its great newspaper, the Tribune, was threatening to "make a frog pond of the South" unless whites and blacks were blended together as one race under civil-rights legislation. Where, then, could the South turn for succor? In her hour of peril whither did she look?

The answer is ready to hand: The South turned to Tammany Hall.

A NATIONAL CONVENTION IN TAMMANY HALL

Soon the Democratic National Convention, the first after the war, was to meet. Where, in all the North, should this convention be held? Where could Gen. Wade Hampton, Gen. N. B. Forrest, Alex Stephens, Zeb Vance, ex-rebels, go and be welcomed? In the entire United States there was only one place, and that place was New York City; and in that city, only one spot, the new and gorgeous Hall of Tammany, just finished for the occasion, located on the north side of Fourteenth Street between Irving Place and Third Avenue. To Tammany Hall, therefore, on July 4, 1868, the brave sons of the South, poor and oppressed, came and were made right welcome.

August Belmont, Tammanyite, chairman of the Democratic National Committee, called the convention to order. After he had welcomed the ex-rebels to "the time-honored Society of Tammany and to the temple erected to the goddess of liberty by her staunchest defenders and most fervent worshipers," he proceeded to declare that "Austria did not dare to fasten upon the vanquished Hungary nor Russia to impose upon conquered Poland the ruthless tyranny now inflicted by Congress upon the Southern States. * * * During the past eight years," he exclaimed, "the sons of Tammany have rolled back the surging waves of radicalism."

With these words ringing in the ears of the delegates, Horatio Seymour, the friend of Tammany and of the South, and Frank P. Blair were nominated for President and Vice President. General Blair, who was insisting that Southern reconstruction measures were null and void and a crime, declared that the United States Army should be immediately marshaled to hurl ignorant negroes, scalawags, and carpetbaggers from southern place and power, and that the land of Dixie should be handed back to the sons of Dixie.

Then did Tammany Hall, the county democracy, and the South rejoice together as brothers, the work of that day binding them with hoops of steel. In November the State of New York, by Tammany's aid, cast its vote for Seymour and Blair.

SOUTHERN MEN IN TAMMANY

Was this zeal of Tammany for the South, on that July day in 1868, a new-found zeal? Was Tammany acting a part? History is to the contrary. From the day the Tammany Society was organized, nearly 140 years ago—right or wrong, I will not inquire—it has been the consistent ally of the South.

Now this affection of Dixie for Tammany and of Tammany for Dixie is of more than a century's duration; and it is not to be wondered at.

Where do southern men, going to New York to reside, find their warmest attachments but in the Tammany Society? The list of such southern statesmen is a noted one. Roger A. Pryor, of Virginia, was a Tammany judge; Col. John R. Fellows, of Arkansas, was a Tammany district attorney.

The mind dwells with peculiar pleasure upon such able lawyers and lovers of the South as James W. Osborn, W. W. Fuller, and George Gordon Battle, all of North Carolina; Joab H. Banton, of Tennessee; Edward Swann, of Florida; and, in earlier days, Augustus Van Wyck, of South Carolina. These sons of the South were proud of their Tammany affiliation, and were greatly honored by it; they were likewise successors of a long line of noble patriots—Charles O'Conor, Tammany sachem; and Samuel J. Tilden, a member of Tammany—apostles of liberty and staunch friends of the South. And there are others equally distinguished: Nathan Straus, of Georgia, the great philanthropist; Lewis Nixon, of Arizona; Judge M. Warley Platzek, of South Carolina; Judge William Harmon Black, of Georgia; Judge Joseph M. Proskauer, of Alabama.

JEFFERSON'S OPINION

A most picturesque organization, and a most powerful one, is the Tammany Hall of to-day. Its history is a romance, a story unknown to the average reader. Beneath the surface, however, flows a steady and wholesome stream of democracy, of rule by the many and not by the few. In fact, I venture to say that Tammany Hall made possible Jeffersonian democracy in America, and that the political alliance of Jefferson with a Tammany chief produced results that have changed the political complexion of our country.

On May 12, 1800, a noisy procession with drums and banners went crashing down the streets of New York. John Pintard, Tammany Sachem, was in the van, wearing upon his head a liberty cap and around his waist wampum, highly colored Indian beads, and bearing aloft a tomahawk. It was St. Tammany's Day, and the braves were celebrating the event—Protestants, Catholics, Jews, Irish, mechanics, laborers, and the down-and-outs—a Falstaff's army. Claude Bowers informs us in his "Jefferson and Hamilton" what took place as the procession passed the office of Alexander Hamilton. Hamilton gazed at the ignorant, unlettered mob, exclaiming: "What a grotesque spectacle!" The fuss and feathers of the Indian warriors and the uncouth setting of this ragamuffin crowd struck the Tories as ridiculous.

But there was one man in New York that day with other emotions. Thomas Jefferson saw in that "inarticulate, ineffective, commonplace mob the friends of democracy, a nucleus of victory over the Federalists—a voice, an arm, a rostrum"; and he proceeded to utilize the opportunity. Forming an alliance with Tammany, Jefferson swept the country in November, almost putting an end to the Federalist party.

THE MISSION OF TAMMANY

During the campaign Federalist papers called Jefferson a monster. Fisher Ames saw in Jefferson's election "the dismal glare of burnings; his nights were restless with the visions of horror." * * * "No wise man but discerns the imperfections of democracy," he sighed, "no good man but shudders at its miseries, no honest man but proclaims its frauds, and no brave man but draws his sword against its force."

Alexander Hamilton proposed to Governor Jay to call the legislature in special session, divide the vote of New York, and cheat Jefferson out of his office—anything to save the country from democracy and preserve class distinctions. This was not unnatural. Gentlemen of that day had a distrust for the common herd. Bedecked in blue, or green, or scarlet coats, they affected long hair, tied with a cue and white with powder. Closely fitting breeches, ruffled shirts, buckles at knee and ankle announced their aloofness from shopmen and mechanics.

The mission of Tammany Hall, and the reason of its birth, were to abolish these class distinctions, to enlarge the electorate, to dignify the plain man. It irked Jefferson and his Tammany ally that property qualifications in New York deprived Revolutionary soldiers of the right to vote, whereas wealthy persons who were notoriously friendly to England and who had never shouldered a musket in freedom's cause, were given place and power. In a word, Tammany's job was to put Toryism out of business, and Tammany succeeded.

The oldest self-constituted political organization in the world, and in many respects the most democratic, is the Tammany Society. In 1789, the year the Constitution was adopted, Tammany came into being, one purpose being, as I have stated, to confer equal manhood rights on Americans. The Revolutionary War had ended, and America was nominally free.

NEW YORK AS A DEMOCRATIC STATE

Would she be free in fact? Would she become a limited monarchy or a real democracy? Hamilton and the Federalists leaned to a monarchy; distrusting the common herd, they would let the people elect few officers—almost none except legislative. The people were not to be trusted; only gentlemen were fit to govern. These aristocratic ideas were illustrated not only in the Federalist party, but also in the famous order called the Cincinnati—Tammany's particular aversion. In many a fight the South and Tammany, with the aid of Pennsylvania, stood shoulder to shoulder with Jefferson and for his principles.

Again, after the Civil War, who but Tammany first came to the aid of the prostrate South in her plea for constitutional rights? In 1876 southern elections were conducted by United States soldiers, on guard with bayonets fixed. The polls looked like small arsenals. Then it was that New York, Connecticut, New Jersey, and Indiana repudiated this policy of coercion, giving warning to the Republican Party that it would be defeated unless the South were treated fairly. Who, indeed, but Tammany assisted in defeating the Force bills of 1875 and of 1890, bills which would have put the South under bayonet rule and created a new orgy of corruption?

The period of travail in the South was 1868–1892. During these 24 terrible years, according to the following record, New York went Democratic 4 times and anti-Democratic twice—each of those latter years, 1880 and 1888, being on the tariff and not on a sectional issue:

DEMOCRATIC

1868.	Seymour	429,883
1872.	(No Democratic candidate. Greeley ran as a Liberal.)	
1876.	Tilden	521,949
1880.	Hancock	534,511
1884.	Cleveland	563,154
1888.	Cleveland	635,965
1892.	Cleveland	654,868

REPUBLICAN

1868.	Grant	419,883
1876.	Hayes	489,207
1880.	Garfield	555,544
1884.	Blaine	562,005
1888.	Harrison	650,338
1892.	Harrison	609,350

THE SOUTH'S APPRECIATION

Four years ago Mayor James J. Walker of New York visited the Southern States and placed Smith's claim to support on political grounds; or, as the newspapers would put it, he was "selling" Tammany to the South. This, of course, was a mistake, Tammany having been "sold" to the South years and years before. Fortunately, Mayor Walker, on his more recent trip recognized this and called to mind Tammany's sympathetic attitude, reminding the young men and women of the South that when war hysteria had temporarily deranged the magnanimous North so that the South might indeed have been made a frog pond, New York came to the rescue.

And to-day it seems that a sense of gratitude is moving the hearts of southerners, and spreading over the South like wildfire. Certainly the southern press is voicing this sentiment. For example, the Raleigh Times of March 10, 1928, says of Tammany:

"When all the world, including the Federal Government, turned against a prostrate South, it held the gate to the remnants of our liberties. It beat the Lodge force bill. It elected Tilden and held Democratic against the threatened revolution in the steal that followed thereafter. It did its greatest service when it ignored Bryan and preserved Democracy, hysterical, to a sane tradition. But, all in all, Tammany has been the core of our southern Democracy. Without it we should have been nowhere. We should have been indeed conquered provinces, hopeless. Tammany has a record of over a hundred years of friendship for the South. By what reason do we, its beneficiaries, now question its bona fides?"

The outcome of the Houston convention may be predicted. Southern Protestants and protesting delegates arriving in Texas and finding in Tammany their only chance will take the say-so of Charles Evans Hughes that Governor Smith is all right; and a national quadrennial sweepstakes will start, the like of which has not been witnessed since Grover Cleveland defeated James G. Blaine in 1884.

NASHVILLE, TENN., *April 27, 1928.*

A WORD ABOUT AL SMITH

To the EDITOR OF THE TENNESSEAN:

I have just read a pamphlet entitled "Al Smith—the Man," which I wish every man and woman voter of the South would read. It calls to mind the memorable phrase of Senator Lamar uttered in the United States Senate in the days of the sectional bitterness of the "bloody shirt," when to the warring factions on both sides he said, "Know one another and you will love one another."

The pamphlet comprises some 30 pages, and is written by Chesley W. Jurney, a Texan, for 20 years secretary of Senator Charles A. Culberson, of Texas, and since and now secretary of Senator ROYAL S. COPELAND, of New York, and it briefly reviews the life and career of Governor Smith from his childhood, citing many of his acts as governor and quoting his utterances, public and private, on many occasions. It is in a sense a "campaign document," but it is more; it is a calm and dispassionate presentation of the man, as a man and Democrat, and especially as a friend of the South; and it answers, I think completely, the objections which many good people urge against him on account of his supposed position on religion and prohibition.

On religion it reminds one of what many seem to have forgotten—our fundamental laws on the subject, of some of the patriotic Catholics in high stations in both peace and war, beginning with Columbus, who discovered America, and including such men as Carroll, who signed the Declaration of Independence; Taney and White, Chief Justices of our

highest court; Admirals Barry and Semmes, who gave prestige to our navies on the seas; Generals Pat Cleburne, Beauregard, Hardee, Longstreet, and Cabell, who followed the standard of Lee and Jackson; Charles O'Connor, who defended Jefferson Davis; Senators Kernan and Murphy, of the North, who stood by the South in the dark days of reconstruction; Dan Emmett, who wrote Dixie; Father Ryan, the beloved poet laureate of the lost cause; and many others. And it quotes the religious creed of Governor Smith as he has himself declared it, and which no fair mind that believes in religious freedom can justly criticize; and it refers to the significant fact that Governor Smith's cabinet, his appointees, contains 13 Protestants, 2 Catholics, and 1 Jew, and that his private secretary is a Protestant, Republican, and thirty-second degree Mason.

On prohibition it demonstrates from Governor Smith's utterances that he is not a "wet" in the sense that he favors the repeal of the eighteenth amendment or the restoration of the saloon; on the contrary, it shows that he is opposed to both. There is much popular misapprehension of Governor Smith's position on these questions, and in justice to him and to the great cause of Democracy these misapprehensions should be corrected. The utmost that can be charged against him on these points is (1) that he opposes the double punishment that results from violations of the eighteenth amendment being made criminal under both State and Federal laws, and (2) that he believes each State should have the right to determine for itself what should constitute an intoxicating beverage, subject to a maximum alcoholic content prescribed by Congress.

Mr. Editor, I have been a close observer of political trends for more than 60 years, and I have the feeling that it would be a calamity—a dire tragedy, especially to the South—if this great American, who as I believe could carry the country for President, should be turned down because of ignorant prejudice and the country committed for another four years and perhaps longer, to the rule of a party at whose hands the South, and the West as well, will never get justice.

(Judge) JOHN A. PITTS.

[Reprint from the Dallas Times-Herald]

AL SMITH, THE MAN—A PEN PICTURE OF GOV. ALFRED E. SMITH, OF NEW YORK—OUR GREATEST LIVING DEMOCRAT

(By Chesley W. Jurney, of Texas. Mr. Jurney is secretary to Senator ROYAL S. COPELAND, of New York, and was for 20 years secretary to Senator Charles A. Culberson, of Texas.)

CHANCES TO WIN

The Democrats' chances to win are 100 per cent with Al Smith carrying the flag of Democracy in the 1928 campaign.

If Al Smith should die our chances to win would drop 90 per cent overnight.

If such an appalling calamity should befall the party, we might as well let Mr. Coolidge have his third, and perhaps his fourth and fifth terms, without even making a contest.

We might as well turn the country over to the Republicans (nationally) for the next 50 years.

Al Smith is Democracy's best and only hope; and the quicker the rank and file of the good old party recognize this fact, and get back of him, the quicker we can organize for the 1928 national campaign.

EARLY NOMINATION

I hope for an early nomination. The fourth ballot ought to satisfy the vanity of favorite sons, making it possible for the nomination to be made on the fifth ballot at the latest.

I hope the Texas Democracy will send an uninstructed delegation to the 1928 national convention, with as many Al Smith men on it as can get on it, even though the State convention may tie them up under the unit rule.

This means breaking the ice in the South and eventualities may give Texas a leading rôle in the convention.

AL SMITH, THE MAN

It is a tragedy that the Democracy of the South does not know Al Smith as New York knows him.

Shakespeake might well have had Al Smith in mind when he said:

"Nature might stand up

"And say to all the world 'This was a man.'"

Al Smith is one of God's noblemen. He is honest with himself and honest with the world. Al Smith is as scrupulous as Woodrow Wilson, as Senator Culberson, as Senator Bailey, as Gov. Dan Moody.

Blessed with an adorable and an adoring wife, who would grace any station to which an American woman could be called, blessed with five loving children, three boys and two girls, and now with three lovely grandchildren, the home life of this famous American is simple and charming.

WORKED AS NEWSBOY

Governor Smith was born in New York City, December 30, 1873. His mother was Catherine Mulvihill, and both she and his father, after whom he was named, were American-born of Irish descent. He attended St. James school on James street. As a small boy, he sold newspapers on Park Row.

His father died when he was 13 years of age, leaving the boy's mother and younger sister to his care. He left school then and started work in the trucking business in which his father had been engaged.

When the opportunity offered to earn a little more money at another job he took employment in the Fulton fish market, where he worked five years. He took part in the various neighborhood activities and was a popular performer in charity benefits. His first political employment was as clerk in the commissioner of jurors' office. He married Miss Catherine A. Dunn, May 6, 1900.

In 1903 he was first elected to the New York State assembly, in which office he served continuously until 1915. He served on various important committees in the legislature.

BECAME DEMOCRATIC LEADER

In 1911 he became Democratic leader. In 1912 he was floor leader. In 1913 he was chosen unanimously by his party for speaker in the assembly. In 1915, while still in the legislature, he was elected a delegate to the constitutional convention.

From 1911 to 1913, as a member of the legislature, he was vice chairman of the factory investigating committee, whose work resulted in placing the greatest number of humanitarian laws ever passed in a single decade on the statute books of New York.

In the constitutional convention he was considered one of its most capable delegates. In that body he fought for an equitable reapportionment of the State so as to secure a fair basis of representation between rural and urban communities. He also consistently advocated the retention of control by the State over its own water power resources. He carried to the floor of the convention the fight for a minimum-wage commission to fix living wages for women and children.

ELECTED SHERIFF

In 1915 he left his legislative service to be elected sheriff of New York County. He was elected to that office by a plurality of 46,202. In 1917 he was elected president of the board of aldermen and entered upon his services there on January 1, 1918. In the same year (1918) he was first nominated for governor and elected. This was the fifteenth time he had run for public office and never been defeated.

In 1920 he was again nominated for governor, and, although it was a presidential year, he received 1,261,812 votes, being defeated by 74,066 votes, and ran ahead of his ticket over 500,000 votes.

In January, 1921, he went into business as chairman of the United States Trucking Corporation.

REELECTED GOVERNOR

In 1922 he was renominated and reelected governor, and also in 1924 and 1926. He called the legislature in special session in 1919 to ratify the woman suffrage amendment. He has consistently advocated the reorganization of the State government on the plan proposed by the reconstruction commission, which program has four main recommendations:

1. That the machinery of the State government, which was conducted through 187 boards, commissions, bureaus, and departments, be simplified into 20 major State departments, combining under each for budgetary administrative control all departments having similar functions.

2. A short ballot, by which only the executive officers of the State—the governor, the comptroller, and the attorney general—will be elected, and the other officers appointed as part of the governor's cabinet.

3. A four-year term for the governor instead of the present two-year term.

4. An executive budget instead of the present form of legislative budget.

The first of these constitutional amendments, the consolidation of State departments, has been passed.

LARGE TAX REDUCTIONS

In 1924 he was responsible for the largest single reduction of taxes ever brought about in the State and has placed New York in the lead of all States and even of the Federal Government in tax reduction. He recommended and carried through a 25 per cent reduction in the income tax, amounting to $8,250,000, and also a 25 per cent reduction in the direct tax, causing a saving of $8,650,000. Altogether the taxpayers of the State were saved nearly $17,000,000.

He has been responsible for the original passage of the child welfare acts, providing for pensions to widowed mothers, enabling them to keep their children in their own homes. He has assisted in passing the home rule amendment and appointed a committee to draft an enabling act to make it function.

He has made many recommendations for public health, rural education, and agricultural industries. He advocated and carried through a $50,000,000 bond issue for the construction of State institutions to decrease overcrowding, and signed liberal appropriations for fire prevention and protection in these institutions.

As the result of a prison survey made under his direction, prison industries have been placed on an efficient footing.

STATE PARKS CARED FOR

Governor Smith created the State council of parks and provided a bond issue of $15,000,000, carried at the 1924 election, to take care of the future needs of the system of State parks, which he advocated and established on a firm foundation. Always interested in the preservation of life, he has succeeded in passing a law requiring the licensing of all motor-vehicle operators and established a commissioner of motor vehicles in the tax department to control and regulate automobile operation. He also recommended and secured a bill authorizing the bond issue of $300,000,000 for the elimination of railroad crossings at grade. He secured laws prohibiting child labor, limiting hours of labor for women and children, prohibiting night work for women, and some 40 other laws important to the welfare of women and children.

WORKMEN'S COMPENSATION LAW

Always interested in labor, he was responsible for placing the workmen's compensation law on the statute books and the labor code which was the result of the work of the factory-investigating commission, thus establishing standards of sanitation and fire-prevention regulations, one day rest in seven, and the permanent establishment of the department of labor.

Al Smith has done more to bring government close to the people, to make government human, than any American statesman since Abraham Lincoln or Thomas Jefferson.

Not long ago, when Al was in New York City for a few days, staying at the Biltmore, his secretary informed him that Mrs. Vanderbilt was calling, and that a little girl named Sadie also wanted to see him.

The usual governor would have seen Mrs. Vanderbilt first, but Al said to his secretary, "Show them both in together."

After speaking to Mrs. Vanderbilt Al excused himself and went over to listen to Sadie's story, which was that she had been "fired" and that her father told her to go see him; that he knew "Al" could fix it up.

Which Al did by introducing Sadie to Mrs. Vanderbilt and asking Mrs. Vanderbilt to help her get a place, which she did gladly.

NEW YORK LIKES SOUTHERNERS

John W. Davis, Martin W. Littleton, and George Gordon Battle, all southerners, are the recognized leaders of the New York bar. Richard Harris, a southerner, only recently completed a brilliant term of office as president of the New York Cotton Exchange. Doctor Wyeth and Doctor Baruch, both southerners, became New York's most famous physicians.

You will find southerners as presidents of Wall Street banks, as heads of great financial and industrial institutions in that great mart, which has risen to be the financial center of the world.

As one good turn deserves another, the South should be kind to New York's favorite son, the great Democrat, the great patriot, the great American, who by his noble life is admitted by common consent to be New York's first citizen.

DISTINGUISHED CAREER

The career of Alfred E. Smith is more distinguished than was that of Grover Cleveland, Woodrow Wilson, or Abraham Lincoln before their elevation to the Presidency.

With his superb record as a Democrat, with the opinion practically unanimous in Democratic circles that he is the only candidate who can lead the party to certain victory, why is it that the party's nomination is not tendered him on a silver platter?

TWO REASONS

There are two reasons: First, he is a Catholic; second, he is wet.

What notable and fine parts have Catholics had in American and in southern history?

A Catholic, Christopher Columbus, discovered America.

A Catholic, Commodore John Barry, was the father of the American Navy. One of the most brilliant speeches Woodrow Wilson ever made was on the occasion of the unveiling of the monument to John Barry in Franklin Square in the city of Washington during the World War.

A Catholic, Charles Carroll, of Maryland, was the richest man in America at the time of the Revolution, wealthier even than George Washington or Robert Morris. Aside from taking a chance on his life, he risked more than any member of the young Republic.

A Catholic, Roger Brooke Taney, was Chief Justice of the Supreme Court of the United States. It was Taney's opinion in the Dred Scott case which saved slavery. And no lawyer to-day, North or South, will question the legal correctness of that decision. It was upon Taney that President Andrew Jackson leaned most heavily.

A Catholic, Daniel Emmett, wrote "Dixie," the most glorious song of all time.

A Catholic, Admiral Raphael Semmes, carried the Confederate flag upon the *Shenandoah* in all the seven seas.

A Catholic, Col. John Mallet, was at the head of the ordnance service, making munitions of war for the Confederate Government.

A Catholic, Gen. Patrick R. Cleburne, laid down his life for the southern cause. General Beauregard, General Hardee, General Longstreet, General Cabell, and others who followed the standards of Lee and Jackson, were of this religious belief.

A Catholic, Father Ryan, who died in a monastery at Louisville, was poet laureate of the lost cause.

DEFENDED JEFFERSON DAVIS

A Catholic, Charles O'Conor, the leader of the bar of the whole country, volunteered without fee to defend the cause of Jefferson Davis, which he believed to be just.

And let it be remembered, that when Charles O'Conor, the devout Catholic, the brilliant advocate, defended Jefferson Davis, he defended also the honor of every Confederate soldier, for if Jefferson Davis were guilty of treason they were equally guilty. Lee and Jackson and Johnson and Hood and Stuart and Forrest, and their armies.

Charles O'Conor resented that infamous indictment against the South and its hallowed heroes. After many months he secured Jefferson Davis's release on $100,000 bail, signed by Mr. Vanderbilt and other rich New Yorkers.

In the first trial the two presiding judges disagreed, Chief Justice Chase of the Supreme Court of the United States holding the indictment should be dismissed and the district judge sitting refusing to agree. The indictment was finally dismissed and O'Conor won his case. When Jefferson Davis and Charles O'Conor left the courthouse at Richmond and entered a carriage to return to their hotel 10,000 men removed their hats and the rebel yell was heard once more.

It was the outburst from brave men who could thus best give expression to their indignation for what was past and their joy for the present.

IN NEED OF PRAYER

It was not the Catholics, oh Lord, who stood in the need of prayer, but the Northern Baptists, the Northern Methodists, and the Northern Presbyterians. The Catholics were our friends.

STOOD BY THE SOUTH

A Catholic, Senator Kernan of New York, stood by the Southern Senators during the dark period of reconstruction. A Catholic, Senator Murphy of New York, was another of the Catholic statesmen to whom the South looked for protection against the legislation of the bigots of the Republican Party. A Catholic, Edward Douglas White, Confederate soldier, United States Senator from Louisiana, and chief justice of the Supreme Court of the United States, who always attended with the court, by invitation, the joint sessions of the Congress when President Woodrow Wilson read his war messages, and who always rose from his seat of honor and led the cheering when the President finished his message.

A Catholic, Joseph P. Tumulty, gifted New Jersey Democrat who won Woodrow Wilson's heart by his brilliant oratory on the stump and who loved and served with such fidelity and credit that immortal President. He was Woodrow Wilsons' only secretary during his entire political career as governor and President.

Upon leaving the White House, Woodrow Wilson urged upon the Democrats of New Jersey the naming of Tumulty for the United States senatorial nomination.

When President-elect Alfred E. Smith sits down to select his Cabinet, soon after November 6, 1928, I hope the first member chosen will be Joseph P. Tumulty, Democrat, friend of the South, friend of mankind, citizen of the world.

NO RELIGIOUS TEST

The United States Constitution says: "No religious test shall ever be required as a qualification to any office or public trust under the United States." (Article VI.) What does the first amendment say? "Congress shall make no law respecting an establishment of religion of prohibiting the free exercise thereof." (Amendment I.) What does Mr. Jefferson say? "Our civil rights have no dependence on our religious opinions more than on our opinions on physics or geometry; that therefore the proscribing of any citizen as unworthy to public confidence by laying upon him an incapacity of being called to the offices of trust and emolument, unless he professes or renounces this or that religious opinion, is depriving him unjustly of those privileges and advantages to which, in common with his fellow citizens, he has a natural right." (Virginia statute of freedom, 1786.)

HIS CREED

Governor Smith's own summary of his creed follows:

"I summarize my creed as an America Catholic.

"I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institutions of my church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land.

I believe in absolute freedom of conscience for all men, and in equality of all churches, all sects, and all beliefs before the law as a matter of right, and not as a matter of favor.

"I believe in the absolute separation of church and State and in the strict enforcement of the provisions of the Constitution, that Congress shall pass no law respecting an establishment of religion or prohibiting the free exercise thereof.

"I believe that no tribunal of any church has any power to make any decree of any force in the law of the land other than to establish the status of its own communicants within its own church.

"I believe in the support of the public schools as one of the corner stones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in the public school or in a religious school supported by those of his own faith.

"I believe in the principle of noninterference by this country in the internal affairs of other nations, and that we should stand steadfastly against any such interference by whomsoever it may be urged.

"And I believe in the common brotherhood of man under the common fatherhood of God.

"In this spirit I join with fellow Americans of all creeds in a fervent prayer that never again in this land will any public servant be challenged because of the faith in which he has tried to walk humbly with his God."

To the great masses Al Smith's frank and candid statement of his faith removes any honest or reasonable doubt. Listen to his record of almost 24 years of public service.

TAKEN OATH NINETEEN TIMES

He has taken an oath of office in New York State nineteen times, and each time he swore to defend and maintain the Constitution of the United States. He will take the presidential oath in the same good faith.

In the governor's cabinet there are 2 Catholics, 13 Protestants, and 1 Jew.

The governor's secretary, George B. Graves, whose official title is assistant to the governor, is a Republican, a Protestant, and a thirty-second degree Mason. Graves had been in the executive office at Albany for 32 years, in various important but subordinate capacities, when Al Smith, the Democrat, recognizing his ability, gave him first place. Al Smith always rewards efficiency, and George Graves is superbly efficient and worthy of the confidence and fine consideration shown him by the governor.

When Al Smith first became governor, the State of New York was only appropriating $9,000,000 annually for the public schools. The appropriation for 1927 is $82,500,000, an increase since he has been governor of $73,500,000, for practically all of which he has been responsible. This shows how Al Smith stands on the public school.

Al Smith has never been a Catholic governor, or even a Democratic governor. He has always been an American governor, serving every citizen of New York, whether important or unimportant, and without reference to the citizen's race, creed, or political affiliation.

AL SMITH, MAN

One of the most eminent divines of the city of Washington, a Protestant, said to me the other day:

"You know, my wife is the most ardent Al Smith man in Washington.

"Before we were married she taught school in New York, and for many years the teachers' association had endeavored to secure a retirement benefit.

"They had appealed to Roosevelt and to Hughes, and to all the other Republican governors, without receiving the slightest encouragement.

When a committee of ladies and gentlemen from the association presented their plea to Al Smith, the Democrat, the Catholic, he immediately recognized the justice of their proposal and became their champion, and succeeded in driving the necessary legislation through an adverse legislature.

You know Protestants are almost entirely the beneficiaries of this retirement provision.

"Oh, yes," you say, "Al is all right. We know he will do the right thing, but—we are afraid of the Pope. We are afraid he and his agents will try to extend their domain to this country."

Well, even if he wanted to, which he does not, of course, what could Al do to help the Pope?

Could he give the Pope and his agents political offices? "The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, * * * and all other officers of the United States." (Art. II, sec. 2, clause 1 and 2, U. S. Constitution.)

Could he give the Pope, or his agents, any of the people's money? "No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditure of all public money shall be published from time to time." (Art. I, sec. 9, clause 7, U. S. Constitution.)

THE IMMIGRATION SITUATION

Could he overrun the country with alien Catholics from Europe? "The annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100." (An act to limit the immigration of aliens into the United States, approved May 26, 1924.)

What are the annual quotas of Catholic countries? Austria, 785; Czechoslovakia, 3,073; France, 3,954; Hungary, 473; Irish Free State, 28,567; Italy, 3,845; Portugal, 503; Spain, 131; total, 41,331.

What are the annual quotas of non-Catholic countries? From 10 countries, 121,771, a ratio of 3 to 1. In other words, the Catholic immigrant is outnumbered 3 to 1 by the non-Catholic immigrant.

A native-born citizen of Mexico, and a native-born citizen of Canada, are permitted to enter the United States without reference to the quota. The Catholic immigrants from Mexico are about equal to the non-Catholic immigrants from Canada, so one about offsets the other.

The Mexican immigrant rarely gets beyond San Antonio, and the Canadian immigrant rarely gets beyond Detroit, so Canadian and Mexican immigration present no religious problem at all.

Are there enough Catholics in Congress to repeal this law? No.

CHURCH AFFILIATIONS

Church affiliations of United States Senators and Congressmen in the Sixty-ninth Congress, as compiled by the board of temperance, prohibition, and public morals of the Methodist Episcopal Church, are as follows:

Denomination	Senate	House
Methodist	22	96
Episcopalian	18	56
Presbyterian	14	59
Baptist	3	45
Roman Catholic	5	38
Congregationalist	5	26
Christian Disciple	1	16
Lutheran	2	12
Jewish		9
Unitarian	1	4
Dutch Reformed		3
Quaker	1	3
United Brethren		1
Mormon	2	1
Mennonite		1
Christian Scientist		1
Evangelical		1
Universalist		1
Vacancy		1
No religious affiliation	17	41
Religious affiliation not ascertained	5	20
Total	96	435

Can the President be removed from office? "The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors." (Art. II, sec. 4, U. S. Constitution.)

"The Senate shall have sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside and no person shall be convicted without the concurrence of two-thirds of the Members present." (Art. I, sec. 3, clause 6, U. S. Constitution.)

It would take 33 Senators (one more than one-third) to prevent the President's impeachment. In other words, assuming for the purpose of the argument that the 5 Members of the Senate who are Catholics would vote against impeachment, it would be necessary to elect 28 additional Senators who are Catholics, and who would vote against impeachment, to make the President immune from removal.

Three of the five Catholics in the Senate come from the Protestant South, two from Louisiana, and one from Arizona. One of them comes from the Protestant West—Montana—and only one comes from the Catholic North—Massachusetts.

To sum up, the President can not appoint anyone to office without the consent of the Senate; he can not draw any money from the Treasury except such as Congress appropriates for his salary, etc.; he can not repeal or set aside the immigration law or any other act of Congress, the Congress alone having that power, and he can not make himself immune from impeachment.

HISTORY OF PAPAL RESIDENCE

Let us consider for a moment the history of the papal residence. Let us go back 1,000 years or more.

The army of Pepin (King of the Franks) arrived in Italy in the summer of 754 A. D., and the independent state of St. Peter was established with the Pope as its civil ruler (at Rome).

Previous to that time, as the result of repeated attempts of the emperors of that period to impose upon the bishops of the west subtle formulas of orthodoxy, frequent conflicts arose, in some of which Popes were violently dragged away to prison or death.

From March, 1309, to September, 1376, seven Popes in succession, from Clement V to Gregory XI, were compelled to reside in Avignon (a French city).

The Catholic historians commonly call this period the Babylonish captivity of the Popes.

The Vatican and the palace of the Quirinal (both at Rome) have been used as a place of residence by the Popes since their return from Avignon in 1376.

The Vatican is the most extensive palace of modern Rome. It is built upon the Vatican Hill, from which it has received its name, and is situated immediately to the north of the basilica of St. Peter's.

The present building was begun by Pope Eugenius III (1145–1153), and has been enlarged and embellished by many subsequent Popes down to Pius IX (1846–1878).

It now possesses 20 courts and about 1,000 rooms of one sort and another.

Here are the arcades of Raphael, Bramante, and Giov. da Udine.

Here are the Sistine and Pauline Chapels, the former with Michelangelo's celebrated ceiling paintings, representing the preparation of the world for the advent of Christ, and the "Last Judgment" of the same painter on the altar wall.

Here are the Etruscan antiquities, the Egyptian museum, the tapestries of Raphael, and the rich Vatican library of over 26,000 manuscripts and 220,000 printed volumes.

Here are the pictures of almost all of the first masters of that glorious period of which Raphael is the chief ornament; and near it is the gigantic St. Peter's.

With the exception of Pius IX, who was obliged to flee to Gaeta in 1848 on account of an insurrection when Rome was declared a Republic, none of the Popes have been out of Rome since Pope Pius VII visited Paris 123 years ago at the invitation of Napoleon.

Napoleon desiring for his crown the papal consecration, the Pope left Rome and repaired to Paris to give the new Emperor the blessing of the church in the Cathedral of Notre Dame.

On December 20, 1870, the French troops having been withdrawn on account of the war with Prussia, Rome was entered, practically without resistance, by the troops of Victor Emmanuel, and the last vestige of temporal power disappeared.

Victor Emmanuel, having been proclaimed King over United Italy, took up his residence in the papal palace of the Quirinal, and Pius IX withdrew to a life of seclusion (in the Vatican), considering himself as a prisoner unable to leave his retreat without compromising his dignity as head of the church.

The Popes since Pius IX have remained entirely within the Vatican and the Vatican grounds with their own guards and attendant ecclesiastics.

With Italy a 100 per cent Catholic country, no Pope has lifted his hand (in the last 57 years) to regain the temporal power.

[From The Dallas Morning News, Sunday, March 4, 1928]

WILL INCREASE VATICAN AREA—POPE SAYS ADDED TERRITORY SHOULD BE WITHOUT SUBJECTS

ROME, Italy, March 3.—Pope Pius XI is reported to have said "the territory granted to the Holy See must be a state without subjects" in speaking of the possible solution of the "Roman question" for which negotiations, with evident good will on both sides, are in progress.

The Italian Government, to comply with the pontiff's desire, is willing to displace the ancient Aurelia Road and the railway line from Viterbo to Rome, both of which cross the territory to be ceded to the Holy See, making them pass outside it. This arrangement will suppress the present railway station of St. Peter. For the same purpose all the houses recently built on this territory would be expropriated.

WOULD AVOID BURDENS

The wish of Pope Pius XI to have no subjects in his enlarged territory is prompted by the unwillingness of the Vatican to burden itself with the governmental machinery necessary even for a small temporal state, such as police, law courts, prisons, postal and telegraph services, and banks.

IF THE POPE SHOULD COME TO AMERICA

Admitting, for the sake of argument, that the Pope should be willing to come to America after the election of Alfred E. Smith, as President of the United States, what could the President do for him? Let us see. (I, perhaps, should say here that I am a Presbyterian in my religious faith.)

The President could invite him to be his guest at the White House.

He could offer him a lovely Rio Grande Valley grapefruit for breakfast.

He could offer him wonderful Chesapeake Bay oysters and Potomac shad for luncheon.

He could offer him one of those large Kansas City steaks for dinner (which are famous the world over) or a Rhode Island turkey or a Maine lobster or a canvasback or red-head duck or Virginia quail with green vegetables from Florida and Texas.

He could send him in one of those wonderful White House Lincoln cars out to my club—the Washington Golf and Country Club—for a game of golf on links made famous by Woodrow Wilson and Col. W. G. Sterett. (As the governor shoots in the "eighties" he might even be the Pope's partner in a foursome with two Senators or ambassadors.)

He could give him a card which would entitle him to a seat in the first row of the Senators' private gallery (which is always roped off for the President's guests).

He could likewise give him a card to the Executive gallery in the House (which is always reserved for the President's use).

He might send him every morning a lovely bunch of American beauty roses (from the White House conservatories).

He might take him fishing on the *Mayflower*, the President's private yacht.

He might give him a garden party in the lovely White House grounds (lovelier even than those at Buckingham Palace in London) and have the Marine Band play Dixie and Yankee Doodle.

He might entertain for him formally at a state dinner at the White House, having for his other guests the Vice President, the Speaker of the House, the Cabinet, the ranking members of the diplomatic corps, and the (most important) Senators and Congressmen. (The state dining room will seat about 100 comfortably.)

He might ask the newspaper boys to give a reception in the Pope's honor in our new $10,000,000 clubhouse, which is the finest clubhouse and office building in Washington and, perhaps, in the world.

The officers of the Press Club are always delighted to honor distinguished visitors who come to Washington.

I ought to add that the Democratic National Committee is to have its permanent headquarters in this wonderful building.

All of us in America would flock to see him. We would treat him with dignity and respect just as we did the Prince of Wales and the King and Queen of Belgium.

And that is all which would or could happen if the present or any future Pope should pay a visit to America. The President would bid him an affectionate good-bye and there the story would end.

JUST AS ANY PRESIDENT WOULD

In other words, the Pope would be received by President Alfred E. Smith in the same friendly and cordial manner as he would be received by any American President. Nothing more, nothing less.

WOODROW WILSON'S FRIEND

Who was Woodrow Wilson's friend? Gov. Alfred E. Smith, of New York.

What part did Al Smith have in the great drama during the World War?

Go with me to the Metropolitan Opera House, in New York, as of the evening of March 4, 1919, and I will tell you.

Woodrow Wilson, at the pinnacle of his power, was sailing back to France the next day to pursue his flaming ideal of peace on earth.

The flower of New York culture and fashion crowded into the spacious theater to encourage him on.

William Howard Taft, Kent professor of law at Yale, twenty-seventh President of the United States, and the foremost supporter of the 14 points, had come to sound a solemn warning to his party friends.

Caruso was on hand to sing and lead the singing. Caruso, the Catholic, who bought a million dollars of Liberty bonds during the war, more than any artist on the American Stage save John McCormick alone, another Catholic, who bought $2,000,000 of America's war bonds.

Bernard M. Baruch, the distinguished southern Jew and devoted friend of President Wilson, was there. (This great business man had put $20,000,000 of his fortune into Liberty bonds, which he owns to-day.)

Cleveland H. Dodge, Princeton, 1879, classmate and lifelong affectionate friend of Wilson, was cheer leader.

Everybody in the front row seemed to belong there.

It was a first-class thrill to watch those 5,000 well-dressed Americans working their enthusiasm to the limit on this great occasion.

SMITH PRESENTS SPEAKERS

When the preliminary acclaim had run its course Alfred Emanuel Smith stepped forward to present the speakers.

Favored with a seat in one of the proscenium boxes, I was getting my first look at the rough-hewn and supposedly unpolished lad who, through the agony and the glory of American opportunity, had battered his way up from the sidewalks of New York.

Clean-cut and confident, he looked a mere youth among the elder statesmen and intellectuals. His reputation as a convincing debater and an all-round stump speaker was firmly established.

But what would be his fate in such fast company? Could he make the grade with the scholars?

Unruffled, he faced the radiant gathering and in language eloquent in its simplicity presented Woodrow Wilson as "the world leader of to-day."

He did not gush; he used no artificialities of phrase; just straightforward, understandable English.

"Whatever may be the crossfire of opinion," he said, "there is one thing that we are all agreed upon, and that is that America will not have completed her part in the great world conflict until she has done everything possible to prevent the recurrence of the death, the misery, the suffering, the waste, and the devastation that from time immemorial has followed in the wake of war. At the peace conference to that task our President is applying his wonderful talents."

He told the mothers of our country that they were giving up their sons, "not only that the world might be made safe for democracy

but that there would never be another war." To the fulfillment of that promise he dedicated himself with all his heart and all his soul and all his strength and all his great ability.

As the applause died out a well-meaning lady in an adjoining box exclaimed: "What a giant Al Smith would be if he only had a college education." Whereupon I recalled that line of Arthur Brisbane's: "Think of what four years at Harvard might have done to Abraham Lincoln."

NOT STUDENT OF LITERATURE

Smith is not a student of literature. Like Lincoln, he has read the Bible and remembered what he read. In his youthful days he was the leading amateur actor of the East Side, and was an ardent follower of Shakespeare. Aside from Holy Writ and the Bard of Avon, most of his reading has been about government. His friends say that legislative and public documents furnish him with all the intellectual and heart interest of the best literature.

Does anyone believe Woodrow Wilson would have spoken from the same platform had he disapproved of Governor Smith?

Woodrow Wilson did not hesitate to tell George Harvey, or any man, what he thought.

Woodrow Wilson would not have hesitated to have told the committee on arrangements that he did not wish Governor Smith to present him to the audience.

Woodrow Wilson approved of Alfred Emanuel Smith and valued highly the friendship of that great American and great Democrat.

Al Smith went down with Woodrow Wilson in 1920 to his first political defeat.

Al Smith has never taken back that Metropolitan Opera House speech and he never will.

Al Smith was reelected governor in 1922, in 1924, and in 1926. He has been nominated for governor five times and won four times. He has 19 victories to his credit, and 1 defeat. Has any living Democrat such a record?

WORLD COURT FIGHT IN 1926

Just prior to the meeting of the Democratic State convention at Syracuse in September, 1926, there was a conference of State leaders on the platform, attended by Governor Smith and perhaps 50 prominent Democrats of the State.

It soon developed that there was strong and serious opposition to a world-court plank going in the platform.

Many of the leaders opposed it, saying that 1926 was not a national election year, that it was not necessary to put it in the platform, that it was not popular as an issue, that some gravely doubted the wisdom of the court anyway, and that the Syracuse convention should omit it from the platform.

One of the governor's dearest and closest friends was particularly vehement in his opposition to it. He closed his speech by saying that the governor had always been right and added, with a good deal of heat, that he wanted to keep him right.

In replying to the opposition the governor insisted upon the plank going in. He said that while 1926 was not a presidential year, that a United States Senator had to be elected from New York and that if the Democratic nominee for that office should be elected, as he fervently hoped would be the case, that the New York Democracy should pledge one more vote for the World Court when it was next considered in the Senate. The New York Democracy had already furnished one vote through its junior Senator, Mr. COPELAND.

Governor Smith added that he did not care whether it was popular or not; that he did not care what effect it might have upon his own candidacy; that he realized many people were ill-informed about it; but that he knew it was right.

He said that if the party selected him to head the ticket that year that he would insist upon the plank going in.

As he proceeded, the governor warmed up considerably and became rather vehement in his insistence upon the plank.

When he finished speaking he realized that he had wounded the feelings of one of his dearest friends, one of his boyhood friends, and he had not meant to do that.

What did he do? He walked over and kissed him and there wasn't a dry eye in the room.

Is it any wonder that New York loves him, that he is idolized on the sidewalks and in the palaces of that great Commonwealth? Will the South ever love him? When the South knows him the South will love him.

HE IS WET

Having discussed the first objection to Al Smith—that he is a Catholic—I will now take up the second objection, "he is wet."

As governor, in 1920 he approved the so-called 2.75 per cent beer and wine bill, which the New York Legislature enacted, believing it had the right to do so under the concurrent provision of the eighteenth amendment.

The Supreme Court of the United States held that act of the New York Legislature to be unconstitutional on the ground that the word "concurrent" in the eighteenth amendment referred only to concurrence in legislation which Congress passed to execute the provisions of the eighteenth amendment, and did not permit the State to adopt a definition of an intoxicating beverage inconsistent with the definition contained in the Federal law.

In short, the State is, therefore, limited in defining an intoxicating beverage to one containing not more than one-half of 1 per cent of alcohol.

Under this decision, therefore, no State can pass a law adopting a definition of an intoxicating beverage inconsistent with the definition contained in the Federal law—thus Congress alone can modify the Volstead Act so as to permit light wine and beer.

In the House of Representatives, as there are 435 Members, a majority of that number, or 218, must vote to modify the Volstead Act before the bill can pass that body.

In the Senate of the United States, as there are 96 Members, a majority of that number, or 49, must vote to modify the Volstead Act before the bill can pass that body.

PRESIDENT'S POWER RESTRICTED

What can the President of the United States do about modifying the Volstead Act?

Following is the constitutional provision: "Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law."

The President has nothing to do with it, and could do nothing about it, unless the Congress of the United States should first pass a modification bill.

How can light wine and beer be secured?

By electing 218 Members of Congress who will vote for a modification bill.

By electing 49 Members of the United States Senate who will vote for a modification bill.

How can you prevent modification of the Volstead Act?

By keeping 218 dry Congressmen at Washington who will vote against modification.

By keeping 49 Senators at Washington who will vote against modification.

DEPENDS ON CONGRESS

In other words, it makes no difference whether the President of the United States is dry or wet, whether he is Al Smith or Mr. Coolidge, unless enough modificationists are elected to Congress, who, after they get there, can master a majority vote to pass a modification bill.

Whether we can have light wine and beer depends upon whether we can elect the right kind of a Congress.

You don't have to vote against Al Smith for President if you merely want to defeat light wine and beer.

The way to do that is to vote against wet Congressmen and against wet Senators.

Of course, if you favor light wine and beer, then you should vote for wet Congressmen and wet Senators.

The presidential attitude is of no consequence until the Congress takes the first step.

In 1922 the Democratic State convention in New York inserted in its platform a plank favoring an amendment to the Volstead Act which would permit the States under certain restrictions and after popular referendum to permit traffic in light wines and beers.

What was the referendum vote in New York on modification November 2, 1926? For modification (yes), 1,763,070; against modification (no), 598,484; modification majority, 1,164,586.

AL SMITH'S VIEWS

Why did Al Smith approve the repeal of the New York State dry law?

On that point, read the governor's own statemennt of his reasons:

"The bill under consideration proposes to repeal article 113 of the penal law which, enacted into the statute law of the State, substantiates the provisions of the Volstead Act.

"Because of the far-reaching interest in this bill displayed by all classes of our people, I have given nearly one month of solid and careful thought to its final disposition. I deem it wise to go into some detail in order to clear up misunderstandings on the part of a great many people who have written or spoken to me about it and to make clear the reasons for the action I am taking.

"It is farthest from my thoughts to question the motives of men and women of integrity throughout the State who, with an eye single to the right and just, have arrayed themselves on different sides of the question presented. Some seem to think that my approval will mean the preservation of American institutions. Many others impelled by equally patriotic motives seem to feel that my approval will be destructive of the American Government. Obviously, both can not be right and I have therefore, given careful study to the question involved and the

arguments submitted in order that my final disposition of it may be in full and complete accord with what my conscience dictates.

REVIEW OF LEGISLATION

"A brief review at this time of the entire question at issue, so far as the State of New York is concerned, would be helpful. The eighteenth amendment to the Federal Constitution was ratified by the legislature of this State at the session of 1919. In 1919 the same senate and an assembly presided over and directed by the same leaders enacted the so-called 2.75 per cent beer and wine bill. This bill I approved. It was afterward held unconstitutional and the United States Supreme Court declared in rendering its decision that the word 'concurrent' in the eighteenth amendment referred only to concurrences in legislation which Congress passed to execute the provisions of the eighteenth amendment and did not permit the States to adopt a definition of an intoxicating beverage inconsistent with the definition contained at the Federal law. In short, the State is, therefore, limited in defining an intoxicating beverage to one containing not more than one-half of 1 per cent of alcohol.

"In 1922 the Democratic convention inserted in its platform a plank favoring an amendment to the Volstead Act which would permit the States, under certain restrictions and after popular referendum, to permit traffic in light wines and beer, not regarded as intoxicating beverages. That platform and the candidates who ran upon it received the overwhelming support of the people of this State at the last election. I cite all this merely as indicating by history the attitude of a majority of people of this State toward this whole question. Nevertheless, it is a fact that the eighteenth amendment is the law of the land, and no one suggests, least of all the legislature of this State or myself, that it should be violated.

MULLAN-GAGE LAW PROVISIONS

"In 1921 there was enacted in this State what has come to be known as the Mullan-Gage law. It put into the penal statutes substantially all of the provisions of the Volstead Act, but accompanied them by even more rigorous provisions as to search and seizure.

"I make no criticism of this action on the part of the legislature, but I am entirely unwilling to admit the contention that there was put upon the State, either by the eighteenth amendment, the Volstead Act, or the United States Supreme Court decision, any obligation to pass any law adopting into the State law the provisions of the Volstead Act. Learned jurists who have given the best years of their lives to judicial service in this State have so advised me. Leading members of the bar of other States concur fully in this belief. Advising the electorate of the State of Massachusetts, every living former attorney general of that Commonwealth, as well as many of her distinguished lawyers, said: 'The eighteenth amendment gives Congress and to each of the 48 States the concurrent right to enforce the amendment. This is not a command but an option. It does not create a duty.'

STATE LAW NOT REQUIRED

"I have read thousands of letters and I have listened to the fullest discussion, and no one has pointed out to me any provision of the constitutions or the statutes or any decision of the United States Supreme Court which imposes upon our State any constitutional duty to maintain a State enforcement act, and I am satisfied that as a matter of law this contention does not admit of doubt.

"I am dealing with three classes of people—the radical drys, the radical wets, and those who hold moderate views on this subject. The drys seem to see a moral duty on the part of the State to maintain an enforcement act. They are undoubtedly led to this conclusion by their own frame of mind, because they do not suggest that the State maintain an act merely enforcing the eighteenth amendment in accordance with the wishes of the majority of the people. But they insist there be a State enforcement act paralleling the Volstead Act.

"Congress made its determination as to what constituted an intoxicant. This State decidedly disagreed with that determination. After all is said and done, whatever may be the interpretation of the eighteenth amendment by any class or group of our citizens under our form of government, we look to the courts for the interpretation of which we must all follow. While legislative bodies make the laws, courts must construe them, and we are bound by the construction put upon them by our judicial tribunals.

UNITED STATES SUPREME COURT RULINGS

"The United States Supreme Court said:

"'The power confided to Congress by the eighteenth amendment is in no wise dependent upon or affected by action or inaction on the part of the several States or any of them.

"'If the right of Congress is paramount, its responsibility must be paramount.'

"Expanding this idea, the statement signed by the attorney general of Massachusetts adds:

"'Nullification, as defined by the highest authority, is the action of a State intended to abrogate within its limits the operation of a Federal law.'

"This no one proposes to do. The mere omission to maintain a State statute in no way abrogates a Federal statute. It seems to me that this effectually disposes of the loose talk about the nullification of the Constitution by refusal on the part of any of the States to enact separate statutes.

"Inasmuch as it would be physically impossible for me to make answer to all of the communications received by me from citizens of our own State as well as from other States, who have sought to guide and advise me in this matter, I would like, as a mark of my appreciation of their efforts, to deal here with the considerations urged by them as well as with considerations urged in the oral arguments made at the hearing.

"Let me first say what the repeal of the Mullan-Gage law will not do. Its repeal will not make legal a single act which was illegal under the period of existence of the statute.

WILL NOT BRING BEER BACK

"Many communications I have received and arguments that have been made to me indicate a belief that its repeal will make possible the manufacture, sale, and distribution of light wines and beer. So far as that is concerned, it will still be subject to the provisions of the Volstead Act. Repeal of the Mullan-Gage law will not bring back light wines and beers.

"The Supreme Court of the United States said: 'The Constitution, laws, and treaties of the United States are as much the part of the law of every State as its own local laws and constitution.' That means that after repeal there will still rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead Act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State.

"The only difference after repeal is that to-day the police officer may take the offender for prosecution to the State court, to the Federal court, or both. After the repeal of the Mullan-Gage law the prosecution must be where it belongs—in the Federal court.

NO LAWLESSNESS IN REPEAL

"In law and in fact there is no more lawlessness in repealing the Mullan-Gage law than there is in the failure of the State to pass statutes making it a State crime to violate any other Federal penal statute. Let it be understood at once and for all that this repeal does not in the slightest degree lessen the obligation of peace officers of the State to enforce in its strictest letter the Volstead Act, and warning to that effect is herein contained as coming from the chief executive of the State of New York.

"At this point, with all the earnestness that I am able to bring to my command, let me assure the thousands of people who wrote to me on this subject and the citizens of the State generally, that the repeal of the Mullan-Gage law will not and can not by any possible stretch of the imagination bring back into existence the saloon, which is and ought to be a defunct institution in this country, and any attempt at its reestablishment by a misconstruction of the executive attitude on this bill will be forcefully and vigorously suppressed.

PUTS END TO DOUBLE JEOPARDY

"Let me now say what the repeal of the Mullan-Gage law will do.

"Its repeal will do away entirely with the possibility of double jeopardy for violation of the laws enforcing the eighteenth amendment. By that we mean that no citizen shall be twice punished for the one offense.

"Under the United States Supreme Court decision in the Lansea case a citizen is to-day subjected to double trial, and even to double punishment, for a single offense, because such alleged offense is a violation of both the State and the Federal law. This is an unwarranted and indefensible exception to the fundamental constitutional guaranty contained in both the Federal and State Constitutions that no person shall be twice tried or punished for the same offense.

"The repeal of the Mullan-Gage law will mean that violation of the Volstead Act will hereafter be prosecuted in the Federal courts. This, to my mind, seems to be desirable, as it will fix in the minds of offenders the thought that they violated a Federal statute intended to effectuate an amendment to the Constitution of the United States rather than have them harbor the thought that they are simply standing against what a great many of them may be led to believe is merely a local regulation.

"The burden imposed on the State to prosecute traffickers in liquor as violators of a State statute is a wasteful and futile one because of the refusal of grand juries to indict and of petit juries to convict.

"Let us apply to this question the principles of good business, good judgment, and common sense. I promised myself that I would not consider this subject solely from the standpoint of constitutional law or political expediency, and I have labored to make my study of it practical. While there will be no let up on the part of the police officials of this State in the enforcement of the Volstead Act, I can not help thinking and saying, as I owe it to the people of this State to say, that the real solution of proper enforcement rests primarily with the Federal Government.

PRACTICAL SIDE OF QUESTION

"The practical side of this question, to my way of thinking, indicates that little, if any, of the liquor consumed in this State is manufactured

here. It is imported from foreign countries. The Federal Government is the one agency that can attack the base of supply. It is infinitely easier to stop the smuggling in of 500 cases of liquor before bulk is broken than to trace the same 500 after they find their way into different parts of the State in small quantities.

"The division of responsibility for primary execution of the enforcement law may in part explain the failure of Federal enforcement officials to stop the smuggling of liquor in bulk into this State, which has certainly raised a serious question as to the efficiency and in some cases the earnestness of Federal enforcement agencies.

"Whenever the ultimate responsibility is divided there is a tendency for each authority or agency upon whom it rests to rely upon the other. The State, in the nature of things, can not guard her frontiers of land and water against this smuggling as well as the Federal authorities should be able to do it. If we place squarely upon the Federal authorities the primary duty and obligation to put an end to the enormous smuggling of liquor from foreign countries into this State it will be where it rightfully belongs and we will have taken a long step forward to the reestablishment of respect for and enforcement of law.

"Over and beyond all this I believe the approval of this repeal will reawaken in the public mind the fundamental conception of the law of the land and reestablish beyond doubt what constitutes the essentials of the relation between the Federal Government and the sovereign States of the Union.

REPLIES TO THE PRESIDENT

"Recently the President of the United States, in reply to a letter from a citizen of this State who had suggested to the President that the repeal of this act bore the color of treason, said, without disclaiming this particular suggestion, 'with much that you say, I am fully in accord.'

"I yield to no man in this country when it comes to respect for the utterances of the Chief Executive of the United States; but it is impossible for me to be unmindful of the fact that I am the chief executive of a sovereign State, and I am entirely in accord with a statement put forth in the course of this discussion and signed by former Judges Willard Bartlett, Almet F. Jenks, E. Henry Lacombe, and Austen G. Fox, which dealt with the letter of the President and which, in part, said:

"'It would be a calamity to permit such fundamental misconceptions of the relations between the States and the Federal Government as may seem to be suggested by portions of the President's letter to pass unchallenged.

"'The children in our public schools have been taught that our Government rests upon the foundation that the States are sovereign with respect to all powers not expressly delegated by them to the Federal Government, and that while the laws of Congress are paramount within the delegated power, the States are sovereign within the reserved power.'

"History gives us the reason for this. In the formation of the Union our forefathers in their wisdom understood that in our vast area and its heterogeneous population with their varying local interests what may be sound local policy in one community may be entirely inappropriate to the needs of another. To any student of our Government I think it must be apparent that one of the great elements in the strength of our democracy is the supremacy of the Federal Government in its own sphere and sovereignty of the several States in theirs.

IDEALS OF THE FOUNDERS

"We have been taught that eternal vigilance is the price of liberty; and how far can we wander from the thoughts and ideals of the founders of our Government is well established by the suggestion in the President's letter, that, because the States have a larger police force than the Federal Government has, and because the Federal Government has at this time, what the President described as an inadequate machinery for the enforcement of the Volstead Act, therefore the States are obligated severally to enact statutes duplicating the Volstead Act.

"I am unable to understand from what source he believes this obligation to be derived and he does not disclose it. The President might, with equal force, suggest that at any time Congress in its wisdom saw fit to withhold adequate appropriation for the enforcement of any Federal law, that there would immediately devolve a duty upon each State to enact that Federal law into a State statute and make every offense against Federal law not enforced a duty upon the States to punish it as a State offense and at State expense.

"I am not here discussing the wisdom or unwisdom of prohibition. The question is rather whether all vestige of the rights of the State guaranteed by the Federal Constitution is to be driven from our political theory of Government. With all respect for the President of the United States I must here reassert the principle against his challenge, and as the chief executive of the greatest sovereignty in the Union, it is my duty to declare and maintain that sovereignty in exact accordance with the guaranties of the Constitution.

LIMIT TO FEDERAL POWER

"This does not mean that a State has any right or power to enact any law that in any way infringes upon a constitutional act of Congress, but it does mean that the Federal Government has no right to impose upon the State any obligation to pass any statute affirmatively embodying any Federal statute.

"The whole treatment of this question, and I speak only from history, has been marked by hypocrisy. There should be no such thing as carrying water on both shoulders. What the country is looking for to-day, if I read the signs of the times aright, is a constructive, forward-looking suggestion that disregards entirely the fanatical wets and the fanatical drys.

"I yield to no man in my reverence and respect for the Constitution of the United States, and I advocate nothing which will infringe upon the provisions of the eighteenth amendment. It is, nevertheless, a fact that the definition of an intoxicating beverage contained in the Volstead Act is not an honest or a common-sense one.

"It is impossible to divorce from the public mind the impression that the definition of an intoxicating beverage as containing not more than one-half of 1 per cent of alcohol was written by the fanatical drys in defiance of the general experience of mankind and of actual fact.

HIS PROPOSED REMEDY

"It seems to me that common sense, backed up by good medical opinion, can find a more scientific definition of what constitutes an intoxicating beverage. Such a definition should be adopted by Congress as a proper and reasonable amendment of the Volstead Act and a maximum alcoholic content should be prescribed by Congress which would limit all States to the traffic in liquors which are, in fact, nonintoxicating within the meaning of the eighteenth amendment.

"Subject to that limitation, each State should therefore be left free to determine for itself what should constitute an intoxicating beverage. States which then wish to limit traffic to beverages containing not more than one-half of 1 per cent of alcohol would be free to do so, and those which desire to extend the traffic to the maximum limitation allowed by Federal statute would be equally free to do so. There could be within the limitations of the maximum many differences of degree, extending even to the complete prohibition by some States of traffic in liquor containing any alcohol whatever.

"On the other hand, I believe that the repeal of this statute in no way nullifies the enforcement of the Volstead Act, because I believe that the fastening of the primary responsibility for prosecution for violations of the laws enforcing the eighteenth amendment should be upon the Federal authorities and because I believe finally and most of all that the preservation of American democracy requires the maintenance of that balance between State and Nation which is guaranteed by the Constitution of the United States, and that the reassertion of that principle is to-day of vital consequence to the preservation of the democratic form of government guaranteed to us by the Constitution; and being mindful of the responsibility placed on me by the electorate of this State, grateful for their overwhelming vote of confidence, devoted as I am to the welfare of the country and to the happiness and prosperity of the State, I have after careful thought arrived at the conclusion that the bill before me should receive executive approval, and I therefore approve the bill."

FOR LAW ENFORCEMENT

Under the direction of Gov. Alfred E. Smith, the full power of the State of New York has been placed back of the enforcement of the Federal law, the Volstead Act.

One of the largest seizures ever made by either Federal officers or State police was the seizure made recently near Suffern, N. Y., under the direction of Maj. John A. Warner, son-in-law of Governor Smith, and superintendent of the New York State police.

The farm of an elderly doctor had been rented while the doctor was in Florida. The bootleggers had been working for months, using all of the many buildings on the place. When they were surprised by the State police they had a stock of liquor worth $1,000,000.

That investment of $1,000,000 went up in smoke, for the liquor was seized by the State police, turned over to the Federal authorities, and ordered destroyed by the Government.

No citizen of New York has ever criticized Governor Smith's law-enforcement record and been able to get away with it.

In the 1926 campaign Governor Smith's Republican opponent charged that he had not been quick enough about prosecuting the three or four clerks in the department of health of New York City who were involved in levying petty graft on the milk dealers of the city. The charge fell flat. Those guilty were indicted, tried, and to-day they are serving appropriate terms at Sing Sing.

ACTS ON MINISTER'S CHARGE

A Protestant minister called at the governor's office in Albany early in the summer to lodge a complaint about the sheriff of his county who was permitting gambling, bootlegging, etc.

The minister was unknown to the governor, being from one of the smaller towns upstate, but the governor was cordial to him and evidenced a deep interest in his story.

After examining the data the minister handed him, the governor said: "My friend, I believe everything you have said, but your papers are not in such form that I can act upon them."

Reaching down into one of the drawers of his desk the governor drew out a package of papers and handed them to the minister, saying to him:

"These are the papers in the Saratoga case, which I acted upon a few weeks ago. They are in proper form. I will let you use them in the preparation of your case."

Returning the next morning with his case in legal form, the governor, without a moment's hesitation, removed the derelict official.

This story comes from the minister himself.

The eighteenth amendment, section 1, reads: "After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof to, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

The eighteenth amendment is finished business. It is here to stay, and without modification. The curse of the Nation was the saloon and whisky. They are gone, never to return.

What is Al Smith's position on the eighteenth amendment? He is opposed to its repeal. He is opposed to its modification. He is opposed to its nullification. He is opposed to the return of the saloon.

The eighteenth amendment is accepted as final, for to modify it would permit the saloon to come back lawfully. No Democrat will ever agree for the saloon to come back, and Al Smith least of all. The eighteenth amendment has no part in the present controversy. The eighteenth amendment has no more to do with whether the Volstead Act is honest than slavery had to do with secession. The eighteenth amendment simply preceded the issue. That is all.

WHAT IS THE ISSUE?

The issue is whether the Volstead Act wrote an honest definition of what constitutes an "intoxicating" beverage. No matter what was in the mind of the Anti-Saloon League when it wrote the eighteenth amendment, it did not write a "bone dry" provision into it. It rested its case on the phrase, "intoxicating" liquors for beverage purposes. The amendment does not prohibit beverages which are not "intoxicating."

The Volstead Act does prohibit beverages which are not "intoxicating" when it fixes the limit of alcoholic content at one-half of 1 per cent. And there lies the whole issue.

America protests against that dishonest and unfair definition of the word "intoxicating."

Mr. Justice Clark, in his dissenting opinion, said:

"With respect to the eleventh conclusion of the court, it is enough to say that it approves as valid a definition of liquor as intoxicating which is expressly admitted not to be intoxicating in each of the cases in which it is considered."

The point is, the Volstead Act is not a substantive, but an administrative definition of intoxicating liquor.

"INTOXICATING" LIQUOR THE ISSUE

Conceding it had the legal right what moral right did the Congress of the United States have to pass an administrative definition of intoxicating instead of a real definition.

In ratifying the eighteenth amendment, America agreed only to outlaw intoxicating liquor. America never agreed to outlaw liquor which is not intoxicating.

The Anti-Saloon League is trying to do that through the Volstead Act. The Anti-Saloon League did not dare write one-half of 1 per cent into the eighteenth amendment. The amendment had to be ratified by three-fourths of the States, and they did not dare write a bone-dry definition into the amendment itself.

The country understood it was prohibiting intoxicating beverages, which it was perfectly willing to do, and that is all it understood it was doing. And that is all it intended to do. And that is all the country is willing to do now.

Millions of citizens who made no protest against the eighteenth amendment itself, feel their confidence has been grossly abused by the Congress of the United States in its definition of what constitutes an intoxicating beverage, as defined in the Volstead Act.

Millions of citizens who are opposed to intoxicating liquor believe the eighteenth amendment conferred no authority as to liquor in general, but only as to intoxicating liquor.

WHERE AL SMITH STANDS

Al Smith stands for letting every State determine for itself what should constitute an intoxicating beverage, subject to the maximum alcoholic content which may, or may not, hereafter be fixed by the Congress.

He is opposed to touching the eighteenth amendment in the slightest manner.

He wants the Congress of the United States to redefine what constitutes an intoxicating beverage.

Mr. Volstead himself admits that the Congress has the power to raise the percentage from one-half of 1 to 3 or 4 per cent, or to any other percentage so long as it is not raised high enough to be intoxicating in fact.

That is all Al Smith wants. If 4 per cent is intoxicating, Al Smith wants Congress to fix a percentage less than 4 per cent. He wants the highest percentage which is not intoxicating, whether it be 4, or 3.75 or 3.50, or 3.25, or 3, or 2.75.

In other words, he wants an honest definition of what is actually intoxicating, instead of an administrative definition. That is all Al Smith wants.

So much for the second objection—"He is wet."

THE FORCE BILL

The South had barely obtained control of their State governments and overcome negro rule when Congressman Henry Cabot Lodge, of Massachusetts, introduced the force bill, which would again take away from the white people of the South the control of their State governments by the use of Federal troops at the polls.

On June 14, 1890, during the first session of the Fifty-first Congress, Mr. Lodge reported it out of committee. On June 25 the debate started. On July 2 the final vote was taken.

The bill passed the House by 155 yeas to 149 nays.

What did the New York Democracy do in that dark hour? The following Congressmen voted with the South: Amos J. Cummings, James W. Covert, Thomas F. Magner, John Quinn, Charles Tracey, Edward J. Dunphy, Felix Campbell, C. H. Turner, W. G. Stahlnecker, Roswell P. Flower, J. B. McCarthy.

What happened in the Senate? New York had two Republicans in the Senate at that moment, William M. Evarts and Frank Hiscock, who voted for the bill.

The debate began on December 2, 1890, and ended on January 22, 1891. The Senate having been in session until 5 o'clock that morning, the following occurred:

Mr. WOLCOTT of Colorado (a Silver Republican). Mr. President——

The PRESIDING OFFICER (Mr. Platt in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. WOLCOTT. If the Senator from Alabama will yield to me, I move that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, and upon that motion I call for the yeas and nays.

Mr. MORGAN of Alabama. Mr. President, of course I shall not object to the motion, but I must say that I am called upon to yield at a very interesting period of my remarks, which I hope I shall never have the opportunity to resume.

ONLY ONE VOTE TO SPARE

That motion carried, 35 yeas to 34 nays, and the Aldrich resolution to force a majority cloture rule on the Senate so the election bill could be passed was set aside and another bill took its place as the business of the Senate.

Who stood by the South in that vote? Senator Arthur P. Gorman, of Maryland, Democratic leader of the Senate; Senator Ephraim K. Wilson, of Maryland, Democrat; Senator Matt Quay, of Pennsylvania, who had taught school in Mississippi and who knew the negro problem and whose kind deed in that hour of need endeared him to the South; Senator George Gray, of Delaware, Democrat; Senator John R. McPherson, of New Jersey, Democrat; and four Silver Republican Senators.

Had the Senate adopted the Aldrich resolution for majority cloture, which failed by just 1 vote, 35 to 34; had a single one of the eight Senators who stood by the South failed to do so, the election bill (force bill) would have passed the Senate within 24 hours; and having already passed the House it would have become a law within 48 hours, for the man then in the White House, Mr. Harrison, would have signed it instantly.

This would have meant another "lost cause" for the South.

The result of that vote meant more to the South than anything which had happened since Appomattox.

The vote on January 22, 1891, was the last effort to restore carpetbag and negro rule in the South.

The South has become rich and powerful since 1891. The South's resources are enormous. The South's population runs into the millions. The South last year produced 64 per cent of the cotton crop of the world. The South sold this one crop for $1,016,000,000. The South produces all the raw materials of the Nation save alone lumber, coal, iron, wool, and leather, and produces much of these.

The mills of New England are being dismantled one by one and are being rebuilt in the South. The high cost of freight transportation and labor conditions have made it imperative that factories seek the source of their raw materials.

Texas alone could feed the world if its idle acres were put into cultivation.

OWE DEBT OF GRATITUDE

The South owes to the Catholics of the Democratic party of the North a debt of gratitude which it can never hope to be able to repay. For these men and their friends gave the South its oppor-

tunity. They trusted the South to form a stable and an honest government, which would be fair to every one and which would enable the South to work out its own problems as it alone knew how to work them out.

And the South has proven worthy of that confidence.

The Protestant Democrats of the South will not refuse to trust Al Smith. They will not turn their backs on a friend.

The South can return to power by supporting the candidacy of the favorite son of the New York Democracy. The South can furnish 114 electoral votes.

Al Smith can furnish the other 152 needed to give us the required 266.

Do you want to have southern sons sit at the Cabinet meetings of the President?

Do you want southern jurists named as Justices of the Supreme Court of the United States?

Do you want southern statesmen to preside again over the House and the Senate?

Do you want distinguished and scholarly southern gentlemen to represent America at the courts of Europe?

Do you want to see legislation passed which will be fair to the South?

Do you wish to see again in our National Capitol the high ideals of Woodrow Wilson?

Then nominate Al Smith for the Presidency and help elect him, and we will enter again on another era of good feeling and "our Republic will be as our fathers intended, the pride of every citizen, the wonder of every stranger, and the brightest and fairest government that ever bloomed and blossomed along the pathway of centuries." (Reprint from the Dallas Times-Herald, September, 1927.)

[From the Washington Post, Friday, February 17, 1928]

DAVIS HOLDS SMITH "HIGHLY ACCEPTABLE"—FORMER CANDIDATE DECRIES RELIGIOUS INTOLERANCE IN PUBLIC LIFE

COLUMBIA, S. C., February 16 (A. P.).—John W. Davis, Democratic presidential nominee in 1924, denounced religious intolerence in civil life to-night, addressing the annual convention of the South Carolina State Bar Association.

Saying that gentile England had had in Disraeli a Jew for Prime Minister, Protestate Canada, a Catholic Premier in Laurier, and Catholic France a Protestant President in Doumergue, he declared:

"I'd be ashamed to believe that the spirit of tolerance is less in America than in those great democracies I have named."

Some recent manifestations, he said, "warn us not to be vainglorious" over our progress from ancient days when "human beings slit each other's throats because they couldn't agree on what was to happen after the throat was slit."

"I'm perfectly aware," he added, "that if I press this subject, I shall be suspected of talking politics."

In his speech, Mr. Davis did not discuss personalities connected with the present political situation of the country, but earlier in the evening he declared that Gov. Alfred E. Smith, of New York, was "highly acceptabe" to him as a Democratic nominee, and avowed that he would not permit his own name to be placed before the Houston convention.

Mr. BLEASE. Mr. President, I do not expect to object to the insertion of these articles in the RECORD, but I do not think the CONGRESSIONAL RECORD should be continually filled up at the expense of the taxpayers with presidential-campaign material. If any more of it is offered, I expect to offer my objection.

THE COAL PROBLEM

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Bronx Ethical Club on the question of the solution of the coal problem.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK, *May 21, 1928.*

Hon. ROBERT F. WAGNER,
United States Senator from New York,
Senate Office Building, Washington, D. C.

DEAR SIR: This communication is being addressed to you (and a similar letter to your colleague, Senator ROYAL S. COPELAND), in your official capacity as representing the people of the State of New York in their national relations, by direction of the following resolution unanimously adopted last Saturday night, May 19, 1928, at the Hotel Clifton, New York City, at the annual open meeting of the Bronx Ethical Club, a nonsectarian and nonpartisan organization founded five years ago in Bronx County but having since then spread to include a membership scattered throughout the greater city and Westchester County as well.

"Whereas the subject for consideration before this meeting of the Bronx Ethical Club to-night is the question, 'What can a liberal actually do?'; and

"Whereas in matters affecting the public and national interest, the membership of this club have faith in the power, capacity, and willingness of their nationally representative and constituted Government to promote into appropriate action the free and progressive aspirations of our enlightened citizenry for the common welfare; and

"Whereas an immediate, pressing, and concrete problem in that field is presented by the shocking spectacle of an utterly disorganized American industry in the mining of coal, now an evidently public utility in fact by reason of the well-nigh universal dependence of the people thereon and the degree of actual and virtual monopoly therein; and

"Whereas the tragic disorganization of said industry is evidenced on the one hand by a basis of production and competition having no relation either to scientific management or the public interest, and on the other hand by oppression, degradation, and even occasional murder among the masses of that sturdy and heroic civil and peace-time army represented by the miners and their families; and

"Whereas such a condition is a blot upon our national aspirations toward social righteousness and spiritual freedom in our daily lives, and a stumbling block to our national economic progress and happiness: Now therefore be it

"*Resolved*, That we, the members of the Bronx Ethical Club here assembled, being all citizens of the State of New York and of the United States of America, loving our country and the ideals for which it stands and the whole people of which it is constituted, do hereby petition the Congress of the United States, through our duly elected representatives therein, and particularly in view of our individual membership in different electoral districts, our representatives in the United States Senate, to wit, the Hon. ROYAL S. COPELAND and the Hon. ROBERT F. WAGNER, which resolutions and petition as herein shall be forwarded to these honorable gentlemen through our president, who is hereby directed so to do at the first practicable moment, such petition being to right the aforementioned grievances, to press the deliberations of Congress upon the subject, and to take speedy and effective action as in the judgment of the Congress shall be appropriate, and particularly to give patient heed to the humble judgment of this petitioning body as further expressed as follows, to wit, and now be it further

"*Resolved*—

"(1) That Congress should declare the mining of coal any part of which is destined for interstate commerce and the distribution thereof in interstate commerce to constitute an industry affected with a public interest within the scope of the Government of the United States of America (and that it move to amend the Constitution if need be);

"(2) That Congress create a national public service or coal commission to regulate said industry in the manner done as to railroads by the Interstate Commerce Commission, if indeed it be not found legal, practicable, and desirable to intrust the regulation of the national coal industry to the said Interstate Commerce Commission itself;

"(3) That whichever commission is thus given control of the coal industry be also empowered to merge, consolidate, temporarily or permanently discontinue and otherwise fundamentally control any and all portions of said national industry so as to place the said industry upon a sound, economic, and scientific basis in the public interest;

"(4) That said commission be empowered to give special and appropriate attention to the scientific organization of the labor interests involved in said industry;

"(5) That Congress invite the cooperation of the respective States specially involved;

"(6) That in the meanwhile Congress declare an emergency to exist in the coal industry; and

"(7) That the office of a director general of coal mines be created and such an officer appointed, who shall be empowered and directed, with the use of special funds to be voted by Congress, to relieve immediately the starvation, suffering, and danger to life and limb among the mine workers in the affected coal regions, as well as to preserve the mining properties."

Respectfully yours,

ISADORE LAZARUS,
President Bronx Ethical Club.

UNITED STATES CODE

Mr. WALSH of Montana. Mr. President, on Saturday the Senate passed House bill 13622, a supplement to the United States Code. I desire to enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed, and that the House be requested to return the bill to the Senate.

The VICE PRESIDENT. The motion will be entered, and, without objection, the Secretary is directed to request the House to return the bill.

THE SENATORS FROM MONTANA

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the People's Business for June on "The Senators from Montana."

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PEOPLE'S BUSINESS,
Washington, D. C.

Mercer G. Johnston, editor of the People's Business, authorizes the publication of the following leading editorial, which is to appear in the forthcoming June number of the People's Business:

"THE SENATORS FROM MONTANA

"Speaking senatorially, Montana is distinctly on the map.

"No State is represented in the United States Senate with greater distinction than Montana.

"Not so many years ago the Senate was decidedly in the bad graces of the rank and file of the people. The Senate has made a good 'comeback.' It is now referred to as 'the most important legislative assembly in the world.' Montana deserves a good share of the credit for this fine comeback.

"In point of population 35 States take precedence of Montana. But no State takes precedence of Montana in its contribution of clean, clear, brave brains to the working mind of the United States Senate. In this important matter the whole Nation is its debtor. The public conscience of America is kept more keenly alive and on the job, the whole public life of the Nation is sounder and better able to cope with the moral sore spots unpleasantly manifest on the body politic at the moment, by reason of the presence in the Senate of the distinguished senior Senator from Montana and his alert, valiant, and able junior colleague.

"The loftiest peak of the Mountain State is snow-capped Granite Head. It is a noble symbol of that cleanliness which is next to godliness and of enduring strength. From afar Granite Head looks down sternly on Teapot Dome. Remembering the notable self-sacrificing services rendered by the two Senators from Montana in the national scouring necessitated by the Teapot Dome scandal, it would be pardonable State pride if a citizen of Montana, sitting in the Senate gallery and catching a glimpse of the Senators from his State among the other celebrities on the floor, should with his inner eyes see a vision of Granite Head rising up calm and resplendent above the storms that rage about its breast. Certainly both Senators are always objects of great interest, oftentimes of grateful interest, to visitors from every State in the Union and from abroad.

"At the moment we are thinking more especially of the junior Senator from Montana than of his great friend and colleague. It so happens that he comes up for reelection this fall. The return to the Senate of this forceful progressive is a matter of primary political importance—from a national viewpoint, certainly; from the viewpoint of Montana's prestige among her sister States, certainly; but equally—a study of his record will show—from the viewpoint of service rendered to the State itself.

"The interests of Senator WHEELER are as wide as the world and as deep as life itself. He might well say: 'God has set the world in my heart. Whatever concerns humanity concerns me.' He is peculiarly responsive to 'the instant need of things' everywhere. Surely that is as it should be. Little-minded, narrow-hearted men at the seat of government can never measure up to the growing demands America must make upon those who speak and act for her if she is to abide by her own generous standards of international neighborliness and play the rôle of good neighbor in a world that is day by day being reduced almost to the size of a small neighborhood.

"But these wider interests by no means blind Senator WHEELER to the particular needs of his home State. He lets nobody slip anything over on Montana. He never sleeps at the post of duty. He responds quickly to every call. His best is always at her service. Montana holds his heart strings securely. The child born at the greatest crisis of his life bears the significant name 'Montana.'

"Abundant proof is about us on every hand as we write that the view expressed of the primary political importance of the reelection of Senator WHEELER is widely shared by men and women in every walk of life. And the view is by no means limited to those who share his progressive convictions. He is a hard fighter, but he is such a magnanimous fighter that it is hard not to like him. Both in and out of the Senate he is recognized by many who frequently differ with him as a public servant of uncommon usefulness."

CHEAP WATER TRANSPORTATION FOR FLORIDA

Mr. FLETCHER. Mr. President, I have an article by Gilbert A. Younberg, chief engineer Florida inland navigation district, in reference to cheap water transportation from Florida, which I ask to have printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CHARLES VINER AND OUR COMMON LAW

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed as a Senate document a recent address by Prof. William A. Hamilton, dean of the College of William and Mary, upon "Charles Viner and our common law."

The VICE PRESIDENT. Without objection, it is so ordered.

CLAIM OF THE CITY OF BALTIMORE, MD.

Mr. BAYARD. Mr. President, from the Committee on Claims I report back favorably without amendment the resolution, S. Res. 246, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, S. Res. 246, as follows:

Resolved, That the Comptroller General of the United States be, and he is hereby, authorized and directed to readjust the claim of the city of Baltimore for amounts advanced at the request of Maj. Gen. R. C. Schenck, dated June 20, 1863, to aid the United States in the construction of works of defense, as allowed by the accounting officers of the Treasury and reimbursed pursuant to the sundry civil act, approved March 3, 1879 (20 Stat. L. 385), and to allow the city of Baltimore reimbursement for interest paid on its bonds issued to raise amounts advanced to aid the United States, and in so doing the Comptroller General of the United States shall adopt and apply the rule established in the case of the State of New York *v.* The United States (160 U. S. 597, decided January 6, 1896), and the case of the State of Indiana (VIII Decisions of the Comptroller, p. 729, April 14, 1902), and report the amount so ascertained to the Senate for consideration.

Mr. CURTIS. I ask that the resolution go to the calendar.

Mr. BAYARD. May I ask the Senator to withhold his request? The resolution asks only for information. It does not commit the Senate to anything whatsoever.

Mr. CURTIS. I have no objection, as it asks only for information. I withdraw my objection.

The resolution was considered by unanimous consent and agreed to.

ASSISTANT SERGEANT AT ARMS CARL A. LOEFFLER

Mr. CURTIS. Mr. President, I ask unanimous consent for immediate consideration of the following resolution, and call it to the attention of the Senator from Arkansas [Mr. ROBINSON]. It is brought about by change in the title.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the resolution. I shall immediately propose a similar resolution in the case of Mr. Halsey.

There being no objection, the resolution (S. Res. 256) was read, considered, and agreed to, as follows:

Resolved, That Carl A. Loeffler, of Pennsylvania, be, and he is hereby, elected Assistant Sergeant at Arms of the Senate, effective on and after July 1, 1928.

ASSISTANT SERGEANT AT ARMS EDWIN A. HALSEY

Mr. ROBINSON of Arkansas. I offer the following resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 257), and there being no objection it was considered and agreed to, as follows:

Resolved, That Edwin A. Halsey, of Virginia, be, and he is hereby, elected Assistant Sergeant at Arms of the Senate, effective on and after July 1, 1928.

INVESTIGATION OF SUGAR PURCHASES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 255) submitted by Mr. BLEASE on May 26, 1928, as follows:

Whereas it is charged that during the period of the World War the United States Government, through its Food Administrator, bought up, owned, and controlled the entire supply of Cuban sugar, all of which is alleged to have been purchased at about 5½ cents per pound; and

Whereas it is further charged that this supply was retained in Cuba for months while the American people were paying 28 cents a pound for sugar; and

Whereas it is further charged that a great number of vessels carried American products to Cuba but returned to this country in ballast and were not permitted to bring back to the United States sugar awaiting shipment during this time; and

Whereas it is further charged that large quantities of this sugar were shipped to Spain from time to time to the disadvantage of the people of the United States; and

Whereas similar charges then were and still are made with reference to the supply of Porto Rican sugar, and that it was dealt with in substantially the same manner as was the supply of Cuban sugar; and

Whereas these charges have continued to have wide circulation among the American people until there is a well-nigh universal demand to know the truth about the situation: Now, therefore, be it

Resolved, That the committee heretofore appointed to investigate the expenditures of candidates for the Presidency in the present campaign be empowered and instructed to investigate this entire sugar situation as set forth in the above preamble, and any other facts and circum-

stances relating to it, and report the same to the Senate, or, if the Senate be in recess when the report is prepared, to the President of the Senate and made public.

And the committee is further empowered to send for such witnesses and papers as may be required to enable them to complete the investigation of this subject, to swear witnesses, and to do all and singular those other things that may be necessary to complete such investigation.

Mr. SMOOT. Mr. President, may I ask whether the resolution has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. BLEASE. It has not been so referred.

Mr. SMOOT. I think it should be referred to that committee.

Mr. BLEASE. It was not referred to that committee because the committee referred to in the resolution has already been appointed, and it was thought it could finish the work this week.

Mr. SMOOT. Has the committee been authorized by the Senate to go into this question?

Mr. BLEASE. It has, to a certain extent.

Mr. SMOOT. The only thing I have in mind is that if the committee is not already authorized to carry on the proposed investigation under the law the resolution would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BLEASE. I have not any objection to its going there if the committee will let it come back, but if that committee is to do as they have done in other cases, and be too cowardly to report it back to the Senate in order that I may have a chance to speak on it, I do not want it to go there. I am tired of dealing with political cowards; I like to deal with people who have manhood.

Mr. SMOOT. I am merely calling the attention of the Senate to the fact that if the resolution provides for the expenditure of money for the purpose indicated it can only be done after a reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, and after having been reported back from that committee authorizing the expenditure of money. Under the law that procedure is essential.

Mr. BLEASE. Mr. President. I insist on the resolution being voted on, and I want the yeas and nays on it.

Mr. SMOOT. If the Committee to Audit and Control the Contingent Expenses had authorized the expenditure that would be one thing.

Mr. REED of Pennsylvania. Mr. President, I make the point of order that the resolution has not been sent to the Committee to Audit and Control the Contingent Expenses of the Senate, as required by law.

Mr. REED of Missouri. Mr. President, there is no authorization in the resolution to pay anything so that it does not have to go to the Committee to Audit and Control the Contingent Expenses of the Senate. It is an authorization to do things, but not to pay any money out.

Mr. SMOOT. As I heard the clerk read it, I understood that power was given to the committee to send for witnesses, and so forth.

Mr. REED of Missouri. Many resolutions in similar form have been adopted and afterwards a resolution authorizing the expenditure has been adopted as a separate resolution. This is one of the resolutions that do not carry any appropriation. It simply authorizes the committee to act. If it has no money it can not act, and when it comes here asking for money it has to be by a separate resolution, and that resolution would go to the Committee to Audit and Control the Contingent Expenses of the Senate. The committee is already organized; the committee already has money which was given to it for, perhaps, a different purpose, but whether it can use it or not I do not know. However, there can be no objection to this resolution in its present form on the ground which has been raised against it.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair.) As the Chair reads the resolution, there is no authority for any expenditure, and on that basis the point of order is overruled. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPAGANDA AGAINST NAVAL CONSTRUCTION PROGRAM

Mr. ODDIE. Mr. President, the National Council for the Prevention of War is the organization, more than any other, that has caused the flood of sterotyped protests from all over the country to be poured into Congress against the pending building bill providing new construction for the Navy. Recently, the national council of that organization, located at Washington, decided unanimously to wage a strenuous campaign to influence the Members of the Senate not to pass the pending building program.

Among the persons to whom appeal has been made by the national council to institute a nation-wide protest are the following:

Mrs. Rachel Conrad Nason, 27 Frederick Street, Hartford, Conn.

Mrs. W. S. Lockhart, 513 Illinois Building, Indianapolis, Ind.

Dr. J. J. Handsaker, 554 East Thirty-first Street, Portland, Oreg.

Mrs. Charles H. Behre, 2800 Jefferson Avenue, New Orleans, La.

Mrs. James H. Wolfe, Newhouse Building, Salt Lake City, Utah.

Miss Margaret Hiller, national board Y. W. C. A., 600 Lexington Avenue, New York, N. Y.

Mr. Ray Newton, American Friends Service Committee, 20 South Twelfth Street, Philadelphia, Pa.

Mrs. Sarah H. Magill, 650 Sixth Street South, St. Petersburg, Fla.

Miss Eleanor Brannan, 404 Bible House, Astor Place, New York, N. Y.

Dr. L. L. Wirt, 449 Phelan Building, San Francisco, Calif.

Mr. Richard R. Wood, Friends Peace Committee, 304 Arch Street, Philadelphia, Pa.

In the messages urging this protest the national council suggested that the grounds on which the protest might be made are that the 3-year building program is as bad as the original program for 25 cruisers to be built in 5 years; that the program provides for construction of light cruisers 2 years beyond Great Britain's existing program, and that it will cause a renewal of construction of 10,000-ton cruisers by Great Britain. It was further urged that not only was the proposal, if adopted, for 15 additional cruisers competitive, but that it would give the United States a superiority in this type of ship.

It is fair to assume that the Members of the Senate, just as were the Members of the House a short time ago, have been flooded with these inspired and unthinking protests against any effort to maintain our Navy in an efficient condition.

The message sent out by the National Council for the Prevention of War stated that prospects were excellent for the program being tabled in the Senate.

Mr. President, I ask that there be inserted in the RECORD a statement by the National Council for the Prevention of War, issued by Frederick J. Libby, together with some of the names to whom the statement was sent. I also ask that there be inserted in the RECORD a statement from the Navy League of the United States, which tells the true story and shows the errors and danger in this propaganda against adequate national defense. I hope, Mr. President, the Members of the Senate will not consider these protests against the Navy building bill, but will study the facts which have been presented in behalf of the naval building program, which I believe to be sound.

Mr. KING. Mr. President, will the Senator yield?

Mr. ODDIE. I yield.

Mr. KING. Will the Senator have inserted in the RECORD also the multitudinous publications and the vast amount of propaganda of militarists and imperialists in the United States in favor of new naval construction at a cost of $1,250,000,000?

Mr. ODDIE. No; because I think the Senate and the American people are pretty good judges of these matters and of the conditions that exist.

Mr. KING. Then why does the Senator offer the material which he has offered?

Mr. ODDIE. I want the Senate to know where this propaganda is coming from. With that object, I am offering these names and these data for the RECORD.

Mr. KING. I think the Senator, in order to be fair, ought to give the names on the other side.

Mr. BORAH. Mr. President, do I understand the Senator is asking to insert some material in the RECORD? He is not asking for any action, is he?

Mr. ODDIE. No; I am merely asking that the matter to which I have referred may be printed in the RECORD. I hope the Senate will have an opportunity of voting on this Navy bill at this session as it should become law.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

MARCH 21, 1928.

Council to-day unanimously voted continuance strong campaign in Senate both to prevent threatened increase and for reason stated March Bulletin. Authorization 15 cruisers competitive, provocative, giving us sufficient superiority big cruisers to stimulate Britain to renew construction 10,000 tonners, now suspended; also carrying our program two years beyond Britain's. Fifteen cruisers three years bad, as origi-

nal proposed 25 cruisers five years. Excellent prospect of tabling program in Senate, provided nation-wide protest continues. Am writing.

FREDERICK J. LIBBY.

NAVY LEAGUE OF THE UNITED STATES,
Washington, D. C., March 29, 1928.

Hon. TASKER L. ODDIE,
United States Senate, Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: I inclose herewith copy of the News Bulletin of March 1, 1928, issued by the National Council for the Prevention of War, referred to in the telegram signed by Mr. Frederick J. Libby, their secretary, of which I handed you a copy to-day.

I also inclose a memorandum pointing out one or two of the more glaring misstatements in this bulletin of theirs. This matter, together with what Congressman BRITTEN will send you to-day, should give you quite a bit of data regarding these people.

With warmest personal regards, believe me ever

Sincerely yours,

W. H. GARDINER.

MARCH 29, 1928.

MEMORANDUM

Certain groups have been asked to write to Senators urging them to oppose the 16-ship authorization of naval vessels recently passed in the House of Representatives. For reasons, these groups are referred to the News Bulletin of the National Council for Prevention of War of March 1.

In that Bulletin the statement is made, "Our Navy now surpasses Britain's somewhat in submarines and destroyers and is somewhat inferior in cruisers, with substantial parity on the whole."

This assumption, broadcast by an organization that is on record as opposing every measure looking to the maintenance of the national defense, is counter to the testimony of every responsible military and civilian authority who appeared before the committees of Congress which inquired into the naval program. In the debate preceding approval of this 16-ship authorization by 287 to 58, the House of Representatives showed it is convinced that the proposed program not only is not provocative, but still leaves the United States far below the treaty ratio.

The Bulletin of the National Council for the Prevention of War quotes the President as of more than a year ago as saying, "No navy in the world, with one exception, approaches ours and none surpasses it." But it ignores the more recent and repeated statements of the President that additional cruisers should be built.

Incidentally, the February Bulletin of the National Council for Prevention of War has a caption saying, "A vote for the cruisers is a vote against the President." But it is well known that the original building program calling for 71 ships was the administration's program, and on one occasion the President said that if any of the ships were to be left out, at least the cruisers should be built.

On page 3 of the National Council for the Prevention of War Bulletion for March 1 the statement is made, "Our own 'big-Navy' group started the game in May, 1924, with a bill authorizing eight 10,000-ton cruisers, which passed the House in that month by a substantial majority. The British followed during that summer—under a minority labor government—with authorization of five cruisers, and began actual construction. The following December our Senate passed the House authorization bill and it became law."

This statement not only ignores the fact that in 1924 the British had 45 modern 6-inch gun cruisers to 10 for America, and four 7.5-gun cruisers of about 9,750 tons each, but it is also entirely false as to the sequence of cruiser building after the Washington conference.

The sequence was as follows (see Brassey's Annual, 1924): On October 25, 1923, Mr. Baldwin in a speech at Plymouth announced that the Government intended to lay down several light cruisers.

November 17, 1923, Mr. Baldwin said, in a political platform announcement: "A substantial proportion of the 17 light cruisers required during the next few years would be laid down as soon as designs were ready."

Mr. Baldwin's Conservative Party was not returned to power and Mr. MacDonald formed a labor government. The British Labor Party was commonly supposed to be against increases in armament. Nevertheless on February 21, 1924, Mr. Ammon, of the MacDonald government, stated that the Government had decided to proceed with the laying down of five cruisers. Mr. MacDonald personally urged their construction. Parliament approved and on April 6, 1924, contracts to build five 8-inch-gun, 10,000-ton, British cruisers were let, the keel for the first of which was laid in September, 1924.

Not until May 28, 1924, over a month after the contracts had been let for these British cruisers, was a bill passed by the American House of Representatives to authorize eight 10,000-ton 8-inch gun cruisers. But it did not pass the Senate until December, 1924, and the keels of the first two American cruisers authorized in December, 1924, were not laid until October 27, 1926, over two years after the British laid the keel of their first 10,000-ton 8-inch-gun cruiser.

Of the five cruisers contracted for by the British in April, 1924, four are in commission and the fifth has been launched. Of the eight American cruisers not authorized until December, 1924, two are about half built, but the keels of the other six have not yet been laid.

Yet the pacifists go merrily on proclaiming that America started the postconference cruiser building—that the American Navy is fully up to the treaty ratio, if not above it—that President Coolidge is against additional cruisers for the United States. When such assurances are believed, there is no wonder that Members of Congress receive communications protesting against the strengthening of the American Navy.

NAVY LEAGUE OF THE UNITED STATES,
Washington, D. C.

Judging by the editorials in the daily newspapers from all parts of the country, public opinion favors the program to authorize 15 cruisers and 1 aircraft carrier, and this in the overwhelming ratio of 5.8 for that program to 1 against it.

Year after year the Navy League has received from a well-known and altogether disinterested clipping bureau the editorial comment of the Nation's press on naval matters. When last December the administration's program to authorize 25 cruisers and 46 other naval vessels was introduced the Navy League began sorting out the editorials for or against it and totaling them according to the circulation of the papers in which they appeared.

The following table summarizes the results regarding the administration's program to authorize 71 vessels:

	Circulation		Ratio	
	For	Against	For	Against
December, 1927	8,958,608	2,292,994	3.5	1
January, 1928	8,584,596	3,840,929	2.2	1
February, 1928	7,833,615	3,611,047	2.1	1
Total and average	25,376,819	9,744,970	2.6	1

It is believed that the drop from 3.5 to 1 in favor in December down to only 2.2 in favor in January was due in large part to somewhat emotional criticism in connection with the sinking and salvage of the *S-4*. It should be noted, however, that never has the volume of editorial comment fallen below 2 to 1 in favor of the 71-ship program.

Toward the end of February it became apparent that the Committee on Naval Affairs of the House of Representatives would recommend the authorization of only 15 cruisers and 1 aircraft carrier. All editorial comment received to date by the Navy League for or against this 16-ship program classifies as follows:

Circulation:	
For	9,205,971
Against	1,573,344
Ratio:	
For	5.8
Against	1

It is believed that these statements of facts will be of greater interest to the public and to Congress than "canned correspondence" engineered to influence more emotionally.

NAVY LEAGUE OF THE UNITED STATES,
By WILLIAM HOWARD GARDINER,
Acting President.

MARCH 14, 1928.

MEMBERS OF SAME FAMILY IN GOVERNMENT SERVICE

Mr. BLEASE. I ask that Senate Resolution 226, coming over from a preceding day, may be laid before the Senate, and I ask to substitute for it Senate Joint Resolution 146, which was prepared by the legislative drafting service at the request of the Senator from Pennsylvania [Mr. REED]. I do not think the Senator from Kansas will object.

The PRESIDING OFFICER laid before the Senate the resolution (S. Res. 226) submitted by Mr. BLEASE on May 5, 1928, as modified on May 7, and, there being no objection, the Senate proceeded to its consideration, as follows:

Resolved, That the heads and chiefs of any and all the various departments, bureaus, commissions, and other establishments of the United States Government be, and the same are hereby, directed and required to forward, on or before the 3d day of December, 1928, a report to the Senate, setting forth with particularity the names and addresses of any and all husbands, wives, and other members of the same immediate family employed in the Government service, together with the place of such employment, the salary received by each therefrom, the date of appointment to the said service, and by whom made.

The CHIEF CLERK. On May 7 the resolution was modified by striking out the second resolving clause and the remainder of the resolution. The Senator from South Carolina now proposes to add at the end of the resolution the following proviso:

Provided, That this resolution shall not affect nor apply to officers and enlisted men in the service of the United States Army or the United States Navy or the United States Marine Corps, but shall have reference to officials, clerks, and other employees in the War Department and the Navy Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BLEASE. I ask that the joint resolution to which I have referred be substituted for the Senate resolution. I refer to the substitute joint resolution which I have sent to the desk. It has been printed.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk proceeded to read the joint resolution (S. J. Res. 146) to provide for reports to the Congress on the employment in the classified civil service of members of the same family, as follows:

Resolved, etc., That each person appointed to a position in the classified civil service after the date of the approval of this resolution shall on accepting such appointment submit to the head of the department or independent establishment making the appointment an affidavit setting forth the name, address, position, date of appointment, and officer making the appointment of each other member of his immediate family in the classified civil service. Each person in the classified civil service on the date of the approval of this resolution shall, within 60 days from such date, submit such an affidavit to the head of the department or independent establishment in which he is employed.

SEC. 2. On the first Monday in December of each year the head of each department or independent establishment shall submit to the Congress a report, based on such affidavits, setting forth (a) the name of each person in the classified civil service in such department or independent establishment during the preceding year, any other member or members of whose immediate family have been in the classified civil service during such year, and the names of such other members, and (b) the position held by each person named in such reports, the salary received, the date of appointment, the length of time served during such year, and the officer making the appointment.

Mr. BLEASE. Mr. President, the joint resolution is offered as a substitute. It has been drafted by the legislative counsel's office at the suggestion of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, when this matter came up on a previous occasion I called the attention of the Senator from South Carolina to certain lines in the resolution which seemed to me to be obscure, and at my suggestion he referred it to the legislative drafting service. I do not think he means that I am sponsoring the resolution.

Mr. BLEASE. No; I do not mean that at all.

Mr. EDGE. Mr. President, I should like to ask the Senator a question to ascertain if I understand the resolution. This resolution seeks information as to whether members of the same family who happen to have qualified under the civil service are employed in the same department, or something of that character?

Mr. BLEASE. To ascertain how many members of the same family are drawing salaries in any one department or various departments and receiving salaries, as high in the case of one family as $17,000, to the exclusion of other people who should be given an opportunity to serve in the departments.

Mr. EDGE. As I understand the resolution, it pertains entirely to the classified service under the civil service act?

Mr. BLEASE. That is what we want.

Mr. EDGE. As I understand, there is not any law that in any way disqualifies any number of members of the same family from taking civil service examinations; and, if they succeed in qualifying under the civil service, to receive positions under the Government. The mere fact that they are members of the same family does not in any way disqualify them.

Mr. BLEASE. I have a bill prepared for the very purpose of disqualifying them. This resolution merely asks for information in reference to who they are and what compensation they are drawing. Then the bill will come up later. This resolution merely seeks information to be placed before the Senate at the next session on the first Monday of next December.

Mr. EDGE. Mr. President, I have no desire in any way to prevent the Senator from getting any useful information which may be helpful in legislation, but it seems to me that it would break down the actual functioning of the civil service in any way to limit the number of members of a family who might take advantage of the opportunities offered by the Government.

Mr. BLEASE. No, my friend is mistaken, Mr. President; this is an effort to try to build up the civil service, instead of trying to break it down.

Mr. HALE. Mr. President, does this have anything to do with the enlisted personnel of the Army and the Navy?

Mr. BLEASE. No, sir; not at all. The Senator from Kansas suggested that they be stricken out, and they were. The Army and Navy are not in this at all.

Mr. HALE. Neither officers nor enlisted men?

Mr. BLEASE. Nobody connected with the Army or Navy.

Mr. BINGHAM. I ask that the resolution be read.

The PRESIDING OFFICER. The Secretary will read the substitute.

The CHIEF CLERK. The substitute for Senate Resolution 226, being Senate Joint Resolution 146, reads as follows:

Resolved, That each person appointed to a position in the classified civil service after the date of the approval of this resolution shall on accepting such appointment submit to the head of the department or independent establishment making the appointment an affidavit seting forth the name, address, position, date of appointment, and officer making the appointment of each other member of his immediate family in the classified civil service. Each person in the classified civil service on the date of the approval of this resolution shall, within 60 days from such date, submit such an affidavit to the head of the department or independent establishment in which he is employed.

SEC. 2. On the first Monday in December of each year the head of each department or independent establishment shall submit to the Congress a report, based on such affidavits, setting forth (a) the name of each person in the classified civil service in such department or independent establishment during the preceding year, any other member or members of whose immediate family have been in the classified civil service during such year, and the names of such other members, and (b) the position held by each person named in such reports, the salary received, the date of appointment, the length of time served during such year, and the officer making the appointment.

Mr. REED of Pennsylvania (during the reading). I do not think it is necessary to have the clerk read any further. It is evident that this is legislation, which is not in order on a Senate resolution. Therefore I make the point of order that the amendment is not in order. What the Senator desires to accomplish will have to be done by a joint resolution or by an act.

Mr. BLEASE. This is a joint resolution.

Mr. REED of Pennsylvania. Then it ought to be referred to a committee, Mr. President. What we have before us now is a Senate resolution. The Senator proposes to amend that, and make a joint resolution out of it. That can not be done. I make the point of order that this joint resolution must be referred to a committee.

The PRESIDING OFFICER. The Senate joint resolution is now in the Civil Service Committee, as the Chair understands.

Mr. REED of Pennsylvania. Then does the Senator propose to pass it to-day?

Mr. BLEASE. That is what I want to do.

Mr. REED of Pennsylvania. If the joint resolution is still in the committee, how can the Senator have action on it here?

Mr. BLEASE. The committee will not act on it, and I want the Senate to act on it.

The PRESIDING OFFICER. The point of order is sustained.

Mr. BLEASE. I want to show the world that certain joint resolutions and certain bills that are brought here are hidden in committee rooms by one or two men, by a little, small, slithering majority of one or two, and not reported back to the Senate.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLEASE. No, sir; I am making a personal statement now. I want to show that the Senate committees cold-bloodedly and deliberately kill measures that if brought on the floor of the Senate would become law.

Mr. COUZENS. Mr. President, will the Senator yield to me?

Mr. BLEASE. No, sir; I want to show to the world, whether it has any effect here or not, that the committees of the Senate, sometimes with just two or three members present, are choking to death legislation which otherwise would be passed if it were brought before the Senate and a majority allowed to vote on it, and that Senators are not performing their duties as Senators because they are delegating to these committees, I repeat, sometimes with only two or three members present, the legislation that the Constitution of the United States says this body should pass upon.

Mr. COUZENS obtained the floor.

Mr. EDGE. Mr. President, will the Senator yield for just a moment? I should like to ask a question of the Senator from South Carolina.

Mr. COUZENS. I should like to reply to the Senator from South Carolina first.

As a member of the Civil Service Committee of the Senate, I want to say that I have never heard of this joint resolution.

Mr. BLEASE. Certainly not. The chairman does not mean to let the Senator hear of it, either.

Mr. COUZENS. I am entirely in favor of it, and I would help to get it through if I had an opportunity to consider it. I want to straighten my record in that connection.

Mr. NORRIS obtained the floor.

Mr. DALE. Mr. President, will the Senator yield to me just a minute on that point?

Mr. NORRIS. I am only going to take a minute.

Mr. DALE. I just wanted to answer a statement that the Senator from South Carolina has made.

Mr. NORRIS. Mr. President, it is perfectly plain that the Senator from South Carolina wants to get consideration here of a joint resolution that is before a committee. The rules provide how he can do it. He can file a motion to discharge the committee, and that motion has to lie over one day. It is a privileged motion; and, if the Senate passes it, it puts the bill on the calendar just the same as though the committee had reported it without recommendation.

The PRESIDING OFFICER. The Chair has so ruled.

Mr. NORRIS. The Senator, however, is trying automatically, or without following the rule at all, to take a joint resolution, which is the same as a bill, from a committee, and bring it in here himself.

Mr. BLEASE. I thank the Senator for that information. I knew all that before he got on his feet. I am trying to bring to the attention of the public something that is going on regardless of any rules of the Senate. I want the people of the United States to know about this. When it goes in the CONGRESSIONAL RECORD, some of them will read it.

Mr. HEFLIN. Mr. President, I understood that the Senator from South Carolina was seeking to make a joint resolution out of what was originally a Senate resolution. If that is correct, I do not see why that should be done, because this investigation can be made under a Senate resolution just as well as under a joint resolution; and a joint resolution would hardly pass Congress now.

I simply suggest to the Senator from South Carolina that he let this remain a Senate resolution.

(At this point other business was transacted, which appears under its proper heading.)

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BINGHAM. What has happened to the resolution submitted by the Senator from South Carolina?

The PRESIDING OFFICER. The Chair understands that the resolution is still pending. The question is on agreeing to the resolution.

Mr. REED of Pennsylvania. I move that the resolution be referred to the Committee on Civil Service.

The motion was agreed to.

Mr. REED of Pennsylvania. I call for the regular order.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

OUR CUBAN COLONY

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of an article entitled "Our Cuban Colony," by Prof. Leland H. Jenks.

There being no objection, the article was ordered to be printed in the RECORD as follows:

Our Cuban Colony, by Prof. Leland H. Jenks, published by the Vanguard Press, describes the growth of our economic and financial imperialism in that island, which is indicative if not evidence of the future of America as the world's great imperialist power. The following summary prepared by the Peoples' Lobby, in the Bliss Building, Washington, gives the essential facts of the story:

In 1890 the United States Government was so rich that further retirement of the national debt would leave the national banks without a favorite means of making money "the issue of banknotes upon the security of Government bonds."

The Republican Congress undertook tariff revision downward, and declared all sugar free of duty, except that which was colored 16° Dutch standard or over.

In a word, this meant that the newly formed Sugar Trust could secure its raw materials duty free, and would receive 2 cents a pound protection against competition from Europe and elsewhere on its refined product. The shares of the American Sugar Refining Co. boomed in prospect of the millions of profit a year this tariff seemed likely to give it.

In the same year the Spanish Government raised the duties on goods entering Cuba from foreign countries 25 per cent, in the interest of shippers and manufacturers in the mother country, and greatly to the jeopardy of the export trade of the United States as carried by West Indian lines. It was an unwelcome answer to the efforts Secretary Blaine had made in 1889 to arrange for Cuban independence under an American guaranty. Blaine saw it as an opportunity to bring the anomalous relations of Cuba to Spain and the United States to a head.

At Blaine's instance the Aldrich amendment was inserted into the McKinley tariff. It threatened commercial war. It gave President Harrison power to impose duties upon sugar and some other products of countries whose tariffs were injurious, and who had failed by a certain time to conclude reciprocity agreements with the United States.

The McKinley tariff meant the economic ruin of Cuba. By increasing the tobacco duties it ruined the American market for all but the finest Cuban tobacco. By its protection of American refiners it compelled a large number of manufacturers of high-grade sugar in Cuba to close down. And it threatened the entire loss of the American market in sugar to the advantage of other tropical rivals unless Spain modified her colonial trade policy. If Spain did not do so, revolution in Cuba was certain, and the loss of the island to the United States a possibility.

Spain modified her policy; and the Foster-Canovas treaty of 1891 encouraged an unprecedented expansion of Cuban raw-sugar manufacture. In 1893, Cuba's crop passed the million-ton mark for the first time. And since Cuba could not entirely supply the requirements of the United States, she was paid for her sugar what other countries demanded for theirs. Cuban planters received most of the benefit of the remission of duty, a gift of millions of dollars a year, from the United States Treasury.

The Wilson tariff of 1894 automatically abolished reciprocity with Cuba. Sugar fell below 2 cents a pound for the first time, "while the restored duties of the colonial system meant higher prices for everything Cubans purchased abroad." The Cuban "autonomista" revolutionary movement was precipitated due to the economic catastrophe of the Wilson tariff.

ALTERNATIVES TO WAR AND WHY WE FOUGHT

Professor Jenks cites four alternatives to the Spanish-American War:

1. We could wait inactively, seizing favorable opportunities to mediate a compromise between the parties.

2. We could recognize the belligerency of the Cuban rebels under the republican constitution they had adopted. This was what the Cubans asked.

3. We could guarantee an indemnity to be paid by Cuba as a means of securing her "independence."

4. We could purchase Cuba outright from Spain.

In the face of several promising alternatives our final resolve to enforce the pacification of Cuba and to establish a Cuban Republic under our auspices at a cost somewhat in excess of the possible purchase price of the island lacks a rational explanation.

Nor in effect did any of the other forces which were driving the United States to war influence the responsible chiefs of the American Government.

If ever there was a war which the people of a country, as distinguished from their political and business leaders demanded, it was the war which the United States began April 21, 1898.

WHAT WE DID IN CUBA IN THE EARLY YEARS AFTER THE WAR

We brought joy to Government contractors, roused industry and credit to heightened activity, secured that prosperity which McKinley's managers had promised, and set ourselves to thinking in those vast terms of which the "trust" movement and the invasion of England by American enterprise were expressions.

We freed Cuba from the accumulated national debt which in 1898 amounted in nominal value to over $500,000,000, and we abated the nuisance of a revolutionary army. We adopted the "self-denying ordinance"—the so-called Foraker amendment to the military appropriation bill of 1899. No franchises or concessions of any kind whatever shall be granted by the United States, or by any military or other authority whatever in the island of Cuba during the occupation thereof by the United States.

TERMS UNDER WHICH WE PERMITTED CUBAN REPUBLIC

"The Cubans were so apprehensive of the possibilities of financial imperialism that they provided in their constitution that no loan could be issued without act of their Congress, and without provision of permanent taxes for its interest and redemption."

The Platt amendment embodied in a permanent treaty between the United States and Cuba in 1903 provided:

"The Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

"All the acts of the United States in Cuba during the military occupancy of said island shall be ratified and held as valid, and all rights legally acquired by virtue of said acts shall be maintained and protected."

A Cuban patriot commented: "If it belongs to the United States to determine what Cuban Government merits the qualification 'adequate,' * * * only those Cuban governments will live which count on its support and benevolence."

THE SECOND INTERVENTION

The Republic of Cuba lasted four years and four months before the United States intervened in 1906. President Palma, early in 1905, abandoned the nonpartisan character of his administration as a means of insuring his reelection. A revolutionary movement was started, and insurrection broke out in August, 1906. Secretary of War Taft, who had been sent by President Roosevelt to investigate and mediate, proclaimed himself provincial governor of the Republic of Cuba on September 29, 1906. Charles E. Magoon succeeded him. "The American intervention took the position that the rebels were entitled to political jobs; it frankly approached the problem of administering Cuba as a problem in patronage.

"Cuba never agreed to, and frequently disputed, the right of the United States to interpret the Platt amendment so as to justify the 'preventive' policy. It was adopted solely in the interests of the United States. While it continued to be the dominant feature of American policy in Cuba, the new interpretation tended strongly to justify the many writers who spoke of Cuba as a protectorate of the United States."

Thomas B. Reed, former Speaker, commented in 1902 on our record in Cuba:

"Q. What injury have we done to Cuba?—A. The Platt amendment.

"Q. Who forced the Platt amendment?—A. The buyers of sugar plantations.

"Q. Did that injure them?—A. Oh, no; they asked it to be done.

"Q. Whom did it injure?—A. Cuba.

"Q. Then, of course, you give the damage money to Cuba?—A. Not at all; we give it to the men who inflicted the injury."

The reciprocity treaty between the United States and Cuba on the face of it made a gift of 0.337 cents a pound on Cuban sugar to somebody from the United States Treasury; but, says Professor Jenks:

"To the extent that the reciprocity treaty did enable Cuba to make of the American market an exclusive prize, its price benefits accrued solely to purchasers of Cuban sugar in the United States, chiefly, it appears, to the seaboard refiners."

In 1917 a revolt over the elections of 1916 led to the sending by President Wilson of the U. S. S. *Petrel*, which anchored in Santiago Harbor in February, and the landing of marines in March; but, Professor Jenks comments, "actually this interposition of American forces helped neither the Government nor the rebels."

SECURING CONTROL OF CUBA'S RESOURCES

Despite the strict prohibition against Americans securing concessions in Cuba, we let them do it. In 1912 the Neuritas-Caibarien Railway concession was pending, a project of British capitalists. Acting Secretary of State Huntington Wilson, on March 5, opposed it on the ground that neither American nor Cuban capital was to be benefited thereby. On May 14 the State Department again cabled its opposition. It then appeared that a British rival concession-hunting corporation was opposing it, and that the subsidy was to go to Col. Jose Tarafa, a Cuban, who had associated with him Martin Littleton and Roland R. Conklin, of New York City. Mr. Littleton went to London and abated the opposition. We then condoned a grant of $12,000 per kilometer to Tarafa "for building a railway through land of which he was the principal proprietor."

From 1907 to 1909 the Bethlehem Steel Co. annexed nearly 1,000,000,000 tons of iron reserves at the eastern end of Cuba in the Province of Orienta. On May 20 a negro uprising occurred in this Province chiefly. Secretary of State Knox at once had force applied to suppress it. On June 5, 500 marines took charge of Guantanamo City; four battleships sailed from Key West, and 5,000 American soldiers were made ready there for action.

THE DRAGADO CONCESSION

The harbors of Cuba needed to be dredged. An American firm proposed to do it—the T. L. Huston Contracting Co., organized in Habana in September, 1904, its principal members being Capt. T. L. Huston and Norman H. Davis. This firm had done a large amount of contract work in Cuba. The Cuban Ports Co. also presented a proposal for the port improvement of Habana, which was under consideration by the Cuban Senate in 1911. It agreed to dredge and improve certain harbors and maintain them in good condition for 30 years. In payment it asked that port dues be levied and assigned to it for that period of $1 per ton upon merchandise and 25 cents a ton on coal. Later the fees were cut to 68 cents a ton (70 cents on merchandise from the United States) and 10 cents, respectively.

This company had no paid-up capital. Its shares to the nominal value of $10,000,000 were issued. $9,000,000 to Captain Huston and the balance to Spanish and French capitalists of Habana who were leading backers of the Liberal Party, while $825,000 first-mortgage bonds were issued to Huston "for services rendered the company." The company proposed to do $10,000,000 of work, and expected to receive fees in payment of at least $1,000,000 the first year and more each succeeding year of the thirty. It issued a mortgage deed of $1,000,000 to the Trust Co. of Cuba, organized by Mr. Davis, in which it appraised the concession at $25,000,000. The prospectus of the loan informed subscribers that they were to receive in the course of time $60,000,000 for nothing. The contract for the entire work had been let to the T. L. Huston Contracting Co. Cuban officials, large and small, had been generously approached to put the deal through. A law partner of the speaker of the Cuban House was made director of the company; the speaker himself was head of the legal department. In June, 1911, after contracts had been let and bonds sold and widely distributed, the United States delivered a note to the Cuban minister in protest. It said that the project "reflects a highly improvident and dangerous fiscal policy, which threatens to lead Cuba to a condition of national bankruptcy and the consequent inability to maintain an adequate government" and asked that the project "be thoroughly reformed."

The United States did nothing for a year, however, when it arranged that the Cuban Government could terminate the concession "at a just and equitable valuation." The original concession was amended to permit the Cuban Government to take over the concession by purchasing the outstanding stock in the company at a valuation to be made by three appraisers—one nominated by Cuba, one by the company, and the third by the United States. The United States insisted no more shares be issued and the capital stock of the company be limited to $10,000,000 in shares of $100.

"For its part the company was relieved of performing part of the work which had been assigned to it by law; it was granted title to the lands reclaimed from the sea in the process of dredging; and the Government expressly recognized the mortgages which had been issued in guaranty of the company's bonds, and the other contracts which the latter had entered into.

"With these amendments the United States approved the concession to the Ports Co. of Cuba.

"Its only achievement had been to increase the apparent legal solidity of the undertaking without imperiling in the slightest its prospective profits."

August 4, 1913, the Government took charge of the port works on the ground that the company in charge was not the original concessionaire. The bondholders demanded indemnification. When Cuba entered the World War (the day after we did) the bondholders' turn came. Cuba wanted to negotiate a $15,000,000 loan. Mr. Davis was financial adviser of the Treasury Department in charge of loans to the Allies. In April an agreement was reached, and a decree of President Menocal authorized the exchange of $7,000,000 in 5 per cent Cuban treasury bonds for the same amount of bonds of the company. The assets of the company, valued by it at $18,000,000, were returned to it. The Cuban Government returned to the company its assets and assumed its debts.

That same month Cuba received her war loan of $15,000,000 from the United States in three installments.

From Armistice Day, November 11, 1918, to the autumn of 1920 Cuba went through an orgy of speculation. Americans acquired much property, but Cuba approached bankruptcy.

AMERICANS' PRESENT INTERESTS IN CUBA

Nearly two-thirds of the 1926–27 sugar crop was manufactured in American mills and, directly or indirectly, Americans control about three-quarters of the sugar mills.

"Nearly 4,000 miles of railway, mostly private and standard gauge, are part of the equipment of the American mills. They own, lease, or control upon long leases or by strategic location at least 6,274,000 acres of land, mostly suitable for cane. This is more than 22 per cent of the entire area of Cuba.

"These interests are not wholly or even preponderantly represented by the National City Bank. Two or three other financial groups are as powerful. The Cuban Trading Co. manages a group of mills owned by the Rionda family, whose sugar, together with that of Cuba Cane & Cespedes, is marked through Czarnikow, Rionda & Co., of New York City, and C. Czarnikow (Ltd.), of London. The Chase National Bank, Guaranty Trust Co., Hayden, Stone & Co., and J. & W. Seligman are the banking interests most closely identified with this group."

PUBLIC UTILITY INTERESTS

"The extent of American control over Cuban public utilities is also a post-war development. A subsidiary of the Electric Bond & Share Co. began in 1921 to buy up franchises and properties of numerous local concerns in Cuba. By the end of 1923 the company was serving more than 80 communities with electricity, gas, or water. Plans were made to unite the local systems and to secure the resources of the Habana power plant. A consolidation was arranged in 1926 with the Habana Electric Light & Power Co. The power and light properties of both companies have been segregated under the common management of the Compania Cubana de Electricidad (Inc.). The street-railway systems have been disposed of to a new Habana Electric Railway Co., organized by Frank Steinhart and his friends. There is at least as much Cuban capital as American in the latter concern. These transactions have been highly complicated, and published accounts had not, up to October, 1927, given full effect to the

reorganization. Three years ago, however, the property, cash, and net assets of the Habana company amounted to $81,000,000. The American & Foreign Power Co. (which is part of the Electric Bond & Share system) had Cuban holdings amounting to about $35,000,000. The net assets of the Habana Electric Railway were reported January 31, 1927, as $28,000,000, after considerable cash payments had been made to Steinhart's original shareholders.

"The telephone system of Cuba is in the hands of the Cuban Telephone Co., a subsidiary of the International Telephone & Telegraph Co. This company, like the Electric Bond & Share, is now sponsored financially by J. P. Morgan & Co. The Cuban properties and net assets were reported December 31, 1926, as $28,300,000.

"The principal docks in Habana Harbor are the property of the Port of Havana Docks Co., which has many Cuban and Spanish stockholders, with perhaps $4,500,000 in securities held by Boston interests. The company is managed by Behn Bros., who are the leading spirits in the International Telephone & Telegraph Co. Other important docks are owned by the Ward Line (Atlantic, Gulf & West Indies Steamship Co.), by the Munson Line, and by the Vaccaro interests of New Orleans.

AMERICAN RAILWAY INTERESTS

"American capital controls one of the two major railway systems which have survived in Cuba. The United Railways is an English concern, in whose affairs J. H. Schroeder & Co., of London, is prominent. With its subsidiaries it has about $18,000,000 outstanding in dollar bonds, while its total assets are upward of one hundred million. The Consolidated Railways, however, have been constituted since the crisis of 1920 under the patronage of the National City Bank at the initiative of Jose M. Tarafa. The company is a consolidation of Van Horne's Cuba Railroad with the Cuba Northern Railways, which Tarafa constructed by means of Government subsidies and bond sales in the United States. A controlling interest in the company, 8.5 per cent of preferred and 98 per cent of common, is owned by the Cuba Co. and is vested in a voting trust composed of Jose M. Tarafa, Horatio S. Reubens, Herbert C. Lakin, Guy W. Currier, and William H. Woodin (American Car & Foundry Co.).

"The Cuba Railroad operates 770 miles of railway and 127 miles of sidings and a lighterage concern. Its property was valued June 30, 1924, at $51,702,862, when it had about $6,000,000 net working capital. The Cuba Northern Railways operate 342 kilometers of line. The property was valued April 30, 1926, at $43,012,833; about $1,500,000 has since been expended in extensions. The American investment in this system is thus about $100,000,000.

"The Guantanamo & Western Railroad is one relic of the failure of the Banco Español which remains in Cuban hands. It has about $3,000,000 of bonds outstanding, issued in the United States.

AMERICAN MINING INTERESTS IN CUBA

"Cuba is not ordinarily thought of as a great mining country. This is not due to lack of resources, but to the fact that they have not been fully exploited. The early Spaniards prospected for gold and silver, finding much. Later, copper was the principal object of mining operations. From about 1835 to the late sixties, El Cobre mine, worked by a company of British capitalists, was the largest single source of copper in the world.

"Iron development began in 1883. It was not until 1909, however, that at was fully realized that Cuba was one of the largest iron-bearing regions in the world, with reserves at least comparable to those of the Mesaba range in Minnesota. According to the estimate of Charles F. Rand, president of the Spanish-American Iron Co. (1913), the Cuban ore reserves amounted to 3,221,000,000 tons. Other iron-bearing areas have since been announced. Very little of this is being developed. Rights are largely owned by American steel companies, which have other sources of supply.

"The largest holder of Cuban iron property is the Bethlehem Steel Corporation. Its subsidiaries, the Spanish-American Iron Co. and the Bethlehem Iron Mines Co. controlled 1,776,000,000 tons in 1913. It owned recently the surface rights to 134,569 acres of mining land, and mining rights to 150,986 more. In consolidating with the Cambria and Midvale Steel Cos. in 1916–17, Bethlehem came into possession of 20,000 acres of land, with estimated ore reserves of 300,000,000 tons which had been taken up by the Buena Vista Iron Co. The United States Steel Corporation controls about 200,000,000 tons of reserves through the Piloto Mining Co., with an acreage of 15,000. The Eastern Steel Co. of Pottsville, Pa., owns nearly 12,000 acres in the Moa district, estimated to contain more than 50,000,000 tons of ore. The Guantanamo Exploration Co., originated by interests connected with the old Knickerbocker Trust Co., controlled 210,000,000 tons in 1913, holding 18,000 acres of land. The Bethlehem Steel Corporation has one-third interest in 6,000 acres of iron lands owned by Witherbee, Sherman & Co., of New York City.

"These known American holdings of Cuban ore absolutely dominate iron development in Cuba. It is out of the question to work the remaining 15 per cent of uncontrolled ore. Any expenditure of capital in railways, docks, dehydrating plants, or other equipment to work the ore, could be easily annihilated by the more powerful holders of ore reserves. The Cubans and others who hold the independent denouncements may be said to hold them to sell to some powerful independent steel company still to arise on the coast of the United States. No one has proposed to develop a steel industry in Cuba in the neighborhood of the ore.

"The ore developed early in Cuba on the southern coast of Oriente Province, was a high-grade nickel ore, equal to the best Swedish. This ore is now entirely in the hands of the Bethlehem Corporation, and is being rapidly consumed. The principal ore deposits were regarded as worthless until about 1906. Then it was discovered that the brown dirt which covered the mountains along the north coast of Oriente Province was 40 to 50 per cent iron. Tests were made with rails manufactured from it on the Pennsylvania Railroad. Denouncements followed rapidly. The Spanish-American Iron Co. invested five to six million dollars in developing the deposits and in setting up a dehydrating plant. The proximity of the ore to water transportation enables it to compete with higher grade ores on the Atlantic seaboard, and as far inland as Pittsburgh. There is also iron in the Cubitas range in Camaguey Province, and elsewhere in the island, not so favorably situated as to transportation.

"In view of the stupendous quantities of ore possessed by Bethlehem and other steel companies, it is a little surprising to find such estimates as $35,000,000 made for the value of American mining interests in Cuba, which are not limited to iron. The Bethlehem Corporation bought up the Spanish-American Iron Co. in 1916 for $32,000,000. It must be remembered that ore in the ground is not iron in the market. The present value of mining property which is supposed to be able to meet the needs of the Bethlehem Corporation for 250 years to come, is but a small fraction of the potential wealth under control. It is the control which is the important and valuable thing at present. And the value of control lies in ability to stand off competition, and to save the ore for future needs. Meanwhile, current valuations of the investment do not represent unfairly the proportionate importance which mining interprise has so far as Cuba is concerned. Since employment has been given largely to immigrant labor, the Cubans have drawn but little benefit from the iron wealth of their soil.

"The only other mines under exploitation in Cuba are the Mines de Matahambre, producing copper. They were opened in 1912 by Luciano Diaz, who had been Secretary of Public Works in the Gomez cabinet. Since 1921, a majority of the stock has been owned by the American Metals Co. (Ltd.). The ore is refined by the United States Metal Refining Co., Carteret, N. J. The Matahambre capital is represented by about $10,000,000 in stocks and bonds. Output is stated to have increased under American control.

"The manganese mines in Oriente Province had a large output during the World War. They also are controlled by the Bethlehem interests They are not now actively in operation. It is not clear whether this is due to the fact that manganese can be produced elsewhere under normal conditions, or whether there is the deliberate purpose of conserving a strategically located supply against some war in which the United States may be involved. It is doubtful whether at any time since the Spanish war there has been so little activity in Cuban mining. Millions of dollars have been sunk by various companies in prospecting and testing copper, manganese, gold and silver, oil and asphalt claims. During the World War a great many small properties seemed likely to possess commercial value, and development was begun by Cuban and American owners of small capital resources. From 1916 to 1918 Habana Province enjoyed an oil boom. Sixty or seventy companies were formed, most of them more interested in the sale of shares than in boring for oil. Only one well of commercial importance was struck.

OTHER PRIVATE INVESTMENTS IN CUBA

"It can not be said that Americans have invested any capital in the banking business in Cuba, although three American banks, National City, Chase, and First National of Boston, divide the field with three Canadian institutions. These banks, so far as can be ascertained, have no declared capital appropriated for their Cuban business. And Cuba is still so far a colonial region in respect to banking, that large amounts of Cuban savings are carried to New York and other commercial centers to be invested there in stock loans and high-grade commercial paper. Doubtless this is safer for the depositors, although it is a serious handicap to Cuba's economic development. About 75 per cent of Cuba's banking business is in the hands of the foreign banks, and of this about 75 per cent again is divided between the two largest. More exact information is not available.

"Our tobacco interests in Cuba are largely represented by the Cuban Tobacco Co. Following a recent foreclosure and reorganization, which vested a large minority interest in the hands of the public, the company valued its plant at about $1,700,000, net current assets at $6,700,000, and good will in Habana cigar trade-marks at $8,000,000.

"In no other field is American capital dominant. A syndicate, headed by John Bowman, manages the Sevilla-Biltmore Hotel, valued at $7,000,000; recently it enlisted about as much in the promotion of a hotel and amusement park at Marianao Beach, near Habana, and in the development of a highly exclusive suburb. The Govin family, of New York (originally Cuban), owns four Habana newspapers—El Mundo, La Prensa, Havana Post, and Evening Telegram. The contracting

operations of Warren Bros. (Inc.) and of Purdy & Henderson involve an investment of several millions.

"The number of industrial enterprises is increasing. Fertilizer and other chemicals are manufactured at Regla by the American Agricultural Chemical Co. and at Matanzas by Armour & Co. The latter also has numerous distributing plants. The Coca-Cola Co. manufactures its beverages at Habana and Santiago. The Cuban Carbonic Co. manufactures at Puentes Grandes all of the carbonic-acid gas used in Cuba. The Air Reduction Co. has a branch factory at Luyano for the manufacture of acetylene and other products from liquid air. This company is controlled by a Percy Rockefeller syndicate, as is the Cuba Distilling Co., a subsidiary of the United States Industrial Alcohol Co. The only cement factory in Cuba is at Mariel, owned by a subsidiary of the International Cement Corporation (promoted by Hayden, Stone & Co.). There are American interests in the Polar Brewery. Cluett, Peabody & Co. and the Fleischmann Yeast Co. opened branch factories at San Antonio de los Banos in the fall of 1927. The Department of Commerce estimated the investment in all these industries in 1924 at $40,000,000. Larger estimates have been published. I can not trace with certainty an investment of more than $12,000,000.

SUMMARY

"The total volume of American investments in Cuba is therefore somewhat less than the estimates which have been current. It probably does not at present exceed $1,150,000,000. This sum is made up about as follows:

Sugar industry	$600,000,000
Public utilities	115,000,000
Railways, public	120,000,000
Mines	50,000,000
Tobacco industry	20,000,000
Hotel and amusement	15,000,000
Mercantile	30,000,000
Agricultural	25,000,000
Factories	15,000,000
Office buildings and city real estate	50,000,000
Government debt	100,000,000
	1,140,000,000

"No such amount of fresh capital has ever gone out of the United States and into Cuba. It is doubtful, in my opinion, whether the export of capital to the island has ever amounted to as much as half a billion dollars. Forty million dollars of the capital cost of the Consolidated Railways was in subsidies from the Cuban Government. More than half of the value of the sugar property represents reinvested earnings. Real-estate values represent unearned increment. It must be said, however, that other millions of capital have been brought to Cuba and have gone into circulation without bringing the expected results to investors."

POWER LOBBY

Mr. HOWELL. Mr. President, I ask unanimous consent that the summaries of testimony elicited by the Federal Trade Commission in connection with the power lobby, edited by Edwin J. Clapp, appearing in the Washington Herald, be inserted in the RECORD.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the Washington Herald, April 25, 1928]

EX-SENATORS ON POWER LOBBY PAY ROLL—FORMER ENVOY, SOCIALIST, AND WRITERS PAID FROM BIG FUND—LENROOT, RICHARD WASHBURN CHILD, BRUCE BARTON, AND OTHERS LISTED IN CASHBOOK—GREENWOOD IS NAMED—AUTHOR, ONCE MEMBER OF DISTRICT OF COLUMBIA SCHOOL BOARD, DREW $7,166—WILSON CO. CONTRIBUTED

By Edwin J. Clapp

The trail of the power lobby's money bags was uncovered by the Federal Trade Commission yesterday as the commission resumed its hearing in its investigation of the so-called Power Trust.

For the first time details were revealed regarding disbursements of the $400,000 fund collected to fight Boulder Dam by the joint committee of National Utility Associations, the official lobby and propaganda organization of the electric-power interests of the country.

ON POWER PAY ROLL

Among prominent persons on the power lobby's pay roll the names were disclosed of two former United States Senators, a former United States ambassador to Italy, and Dr. Frank Bohn, a former socialist and coauthor of a book in "industrial socialism" with William D. ("Big Bill") Haywood, former I. W. W. agitator, who fled to Russia to escape prosecution by the United States Government.

It was developed that $28,000 of the power lobby's huge "slush fund" was contributed by the North American Co., of New York, which is represented by Harley P. Wilson, now engineering the proposed traction merger.

An analysis of the consolidation plan already has revealed that if it is approved it will not only give the North American Co. a monopoly of the transportation facilities but control of the city's power, which, it is said, is the real prize Wilson is seeking in his maneuvers for a merger.

Other high lights in the day's disclosures were:

1. Irvine L. Lenroot, former United States Senator from Wisconsin, who was retired from public life by his defeat in the Wisconsin Republican primaries in 1926, was shown as the recipient of $20,000 (two years' senatorial salary) for a few weeks' successful work opposing the passage of the Walsh resolution for a Senate investigation of the Power Trust. Former Senator Charles S. Thomas, of Colorado, was likewise employed by the power lobby on this job, though his compensation was not brought out in yesterday's hearing.

2. Richard Washburn Child, ex-United States ambassador to Italy, was shown as the recipient of $7,500 from the joint committee of national utility associations in return for his services in preparing a pamphlet in opposition to the Boulder Dam bill.

3. Dr. Frank Bohn, converted militant socialist, was paid $100 a week for several weeks to revise and edit the Richard Washburn Child pamphlet, which finally appeared as "Boulder Dam, by Dr. Frank Bohn," and was sown broadcast over the country by the joint committee and their allied organizations.

4. The big money of the propaganda organization was pulled down by its high-powered legal lights, who direct its propaganda work from New York and its lobby activities in Washington. At the top of the pay roll appears the name of Josiah T. Newcomb, chief lobbyist of the joint committee, who drew out $39,994 in the nine months from June 1, 1927, to March 1, 1928. Second place in the running was won by Stephen B. Davis, formerly Herbert Hoover's solicitor in the Department of Commerce and now director of the joint committee's activities in New York. In the nine months he got $33,735.64. Third place, but well up in the running, was taken by J. S. S. Richardson, formerly executive officer of the United States Army Secret Service in France, who drew out $22,125.18 for nine months' work as publicity director of the joint committee's New York office.

FINANCED SCHOOL BOOK

5. The cashbooks showed advance of $7,166.31 made by the joint committee to Ernest Greenwood, former member of the District of Columbia Board of Education and magazine writer, who was thus financed to write a book entitled "Aladdin, U. S. A.," published as an independent book on public utilities and their regulation, and urged by the National Electric Light Association upon all electric companies in the country on the ground that "it should be made available to every public, commercial, university, college, and school library in the territory of each of our 'members'"—number, 1,091 in all.

6. The law firm of Mechem & Vellacott, of Albuquerque, N. Mex., were shown to have received $5,299.66 from July 12, 1927, to January 6, 1928, in return for services rendered in watching and reporting to the joint committee on the conferences of western governors attempting to reach an agreement on the Boulder Dam bill. Merritt C. Mechem is a former governor of New Mexico and, according to the record, participated in the above conferences as a representative of the State of New Mexico.

7. J. S. S. Richardson, New York publicity director of the joint committee, testified to paying $150 a month to J. Bart Campbell, a newspaper man, in return for the services of collecting and sending to the New York office news items and press releases originating in Washington. The cashbook shows Campbell in receipt of an average of $254 a month over the nine months, instead of the $150 testified by Richardson.

FORMER GOVERNOR NAMED

Great significance is attached to the joint-committee payment of $5,299.66 to the firm of Mechem & Vellacott in return for reporting to the joint committee on the governors' conferences. It is an extraordinary coincidence that yesterday the name of former Governor Mechem, "representing New Mexico," was presented to the House Rules Committee, which is considering whether the Boulder Dam bill shall be allowed to come on the floor of the House. Mechem's name was attached as New Mexico's representative to a four-State document dated December 19, 1927. The document concluding:

"It is the firm belief of the representatives of the four said upper-basin States that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agency before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States."

Yesterday's hearings brought the first information that ex-Governor Mechem was under retainer by the power lobby for any purpose whatever at the time he signed this document.

A feature of yesterday's proceedings was details recording the resuscitation of the joint committee of national utility associations on June 1 of last year. Up to that time the National Electric Light Association had functioned as the propaganda and lobby agency of the power interests. Ira L. Grimshaw, assistant to the director of the joint committee, admitted that it was formed for the double purpose of defeating the Walsh resolution and the Boulder Dam bill. Grimshaw's informa-

tion regarding the activities of the committee, of which he is assistant director, was so hazy that Judge Robert E. Healy, chief counsel of the Federal Trade Commission, who was examining Grimshaw, finally exclaimed: "Won't you admit a big expansion of activities since June 1, 1927? Don't you know that the committee then had a bank balance of $745 and that in the next few months it collected $400,000 and employed a lot of people in New York and Washington?"

GRIMSHAW REMEMBERS

Mr. Grimshaw then remembered. With the aid of the cashbook he recalled that on March 1, 1928, the committee had a bank balance of $144,089, and he testified that they now have $93,000 on hand, all bills paid.

The main contributors to the $400,000 fund of the joint committee were disclosed. Assessments made in accordance with the gross revenues of each contributing corporation, apparently on the theory that this represents the corporation's interest in preventing the passage of the Boulder Dam bill and stopping the Senate investigation of the lobby activities of the power group.

Contributions of over $1,000 each were made by 26 electric-power interests. At the head of the parade is the Insull group, whose $125,000 contributions to the fund of Senator elect Frank L. Smith was the main cause for his rejection by the Senate. The Insull group gave the joint committee $61,750. They are closely followed by the Electric Bond & Share Co., which contributed $60,994. Then followed the Byllesby (Standard Gas & Electric Co.) group with $36,992; the Consolidated Gas Co. group (Brady group) with $32,000; and the North American group with $28,000. The Doherty Cities Service group contributed $16,000, the Pacific Gas & Electric Co. $7,381, the Southern California Edison Co. $5,779, and the Los Angeles Gas & Electric Corporation $1,350.

"CATECHISM" REVEALED

One of the amusing events of the day was a letter describing a "catechism" on public utilities, Government ownership, etc., said to have been distributed in the high schools of Connecticut. Clarence G. Willard, of the Connecticut committee on public-service information, transmitted a copy of the "catechism" to A. B. Tunis, secretary of the Public Utilities Association, of Virginia, with the following letter:

"The inclosed 'catechism' is compiled and published by this committee for use in the high schools in Connecticut. During the past three months it has been distributed in sufficient numbers to cover about 70 per cent of the schools in the State. In most cases it is used in civics classroom work.

"This copy is sent for your information and for any comments you may care to make."

The mobilization of the power interests of the country against the Boulder Dam bill was illustrated by a letter introduced into the record by Judge Healy, written by Herbert Markle, president of the Appalachian Electric Power Co., to W. E. Wood, president of the Virginia Public Utilities Association, and dated June 23, 1927. Markle urged intensive work with "our Representatives in Congress." His letter reads:

"In view of the probability of legislation being proposed at the next session of Congress relative to the Boulder Dam development, or something along the line of the Swing-Johnson bill, I think it very advisable for the executive committee of our association to have a meeting at an early date to outline a campaign whereby the association can do its part toward making our representatives in Congress realize the importance of defeating such legislation, and I believe this can best be accomplished by an early start with an educational campaign along that line."

BRUCE BARTON, TOO

Among the items of expenditure listed in the financial report of the National Electric Light Association we find in the year 1925–26 an item of $175,269 for "Bruce Barton envelope stuffers." This refers to the cost of printing a series of articles by Bruce Barton lauding the electric-power industry of the country. Barton is an inspirational writer who in 1926 published a set of stories on the intimate life of President Coolidge. These "envelope stuffers" were subscribed for by the National Electric Light Association member companies, and later sent to electric-current customers with their monthly bills. The Electrical World estimates this distribution of Barton envelope stuffers to have attained the colossal figure of 67,000,000.

The General Federation of Women's Clubs has received or will receive a total of $70,000 from the National Electric Light Association, of which $30,000 was paid in 1925–26 and $20,000 in 1926–27, while another $20,000 is in the budget of the current fiscal year 1927–28. The National Electric Light Association during the current year is paying dues of $700 to the United States Chamber of Commerce, $265 to the International Chamber of Commerce, and $1,000 to the National Industrial Conference Board. The United States Chamber of Commerce has issued a statement condemning the Boulder Dam bill. Last year the National Electric Light Association contributed $37 to the New York Newspaper Club, but this year, for some reason, the contribution was discontinued.

The question is being investigated whether J. Bart Campbell, the newspaper man who received from the joint committee an average of $254 monthly for nine months, is subject to discipline under a rule of the Senate and House press galleries forbidding a member to accept employment directly or indirectly from any person or corporation having legislation before Congress.

[From the Washington Herald, April 26, 1928]

AVOWED FOES OF TRUST ARE ON PAY BOOKS, PROBERS FIND—MECHEM, FORMER NEW MEXICO EXECUTIVE, AND SCRUGHAM, OF NEVADA, SHARED IN FUND—BODY SPENT $309,513—UTILITIES COMMITTEE KEPT A CLOSE WATCH ON MEETINGS OF STATE REPRESENTATIVES

By Edwin J. Clapp

At the end of yesterday's hearings in the Federal Trade Commission's investigation of the power lobby, a second ex-governor of a western State was disclosed as recipient of money from the joint committee of national utility associations, the official propaganda and lobby agency of the electric-power interests of the country.

Yesterday's addition to the list was ex-Governor James G. Scrugham, of Nevada. The record shows that in early February of this year he was paid $600 for expenses in connection with a trip to Washington for a conference with Judge Stephen B. Davis, director of the joint committee.

The money paid Governor Scrugham was out of a special "suspense fund" handled by Judge Davis.

MECHEM RETAINED

The other event of the day was the development of the charge that ex-Governor Mechem, of New Mexico, whose law firm received $5,299 from the joint committee from July, 1927, to January, 1928, was during that period an official representative of New Mexico at the conferences of western governors on the Boulder Dam bill in August, September, and December.

Ira L. Grimshaw, assistant director of the joint committee, testified yesterday that the Albuquerque firm of Mechem & Vellacott was retained "for keeping the joint committee advised with respect to the proceedings of the governors' conference on the Colorado River proposition."

Former Senator Irvine L. Lenroot, disclosed Tuesday as the recipient of $20,000 from the joint committee for a few weeks' lobbying to defeat the Walsh resolution for investigating the Power Trust, was yesterday said to be the recipient of a further retainer from the Byllesby group. The Byllesby Standard Gas & Electric Co. group are listed as contributors of $36,992.55 to the joint committee, their gift being exceeded only by the Insull group, of Chicago, and the Electric Bond & Share Co., of New York. The information about Lenroot's further earnings was put into the record by Robert E. Healy, chief counsel of the Federal Trade Commission, whom Lenroot had informed of the Byllesby connection.

TRACE GOLDEN FLOOD

It was a day of painstaking examination of accounts, expense vouchers, and canceled checks, in tracing the flow of the $400,000 slush fund collected by the joint committee to defeat the Boulder Dam bill and the Walsh resolution. The solemn proceedings were enlivened at the end by a battle of wits between the commissioner's counsel, a lanky Vermonter, and the stocky Josiah T. Newcomb, formerly New York State senator at Albany, and how the highest-paid employee of the joint committee, its Washington head lobbyist, with a salary of $35,000 a year. Judge Healy finally dropped Newcomb in despair.

The joint committee yesterday presented a detailed account of its revenues and expenditures from its inception on June 1, 1927, to December 31, 1927. It collected $402,513.13, expended $143,170.14 in its New York office, $37,648.26 in its Washington office, and for the period had $221,694.73 excess of receipts over expenditures.

Subsequent income and outgo were not detailed, though George H. Francis, auditor of the joint committee, testified yesterday that it has only $93,000 of the $402,513 on hand.

The keenest interest was shown by Commissioner McCulloch and Judge Healy in the matter of the joint committee retaining the firm of Mechem & Vellacott, of Albuquerque, as developed in the cross-examination of Ira L. Grimshaw. Grimshaw denied that Mechem was a representative of New Mexico at the governors' conference. The cross-examination was closed by Judge Healy reading into the record from Senate hearings on the Boulder Dam bill a resolution of a western governors' conference signed by Mechem as "representing New Mexico."

PAID BY COMMITTEE

The transcript in the Mechem cross-examination reads as follows:

"Q. Who are Mechem & Vellacott?—A. They are lawyers of Albuquerque, N. Mex.

"Q. Paid by the joint committee?—A. They were.

"Q. For what purposes or what services?—A. For keeping the joint committee advised with respect to the proceedings of the governors' conference on the Colorado River proposition.

"Q. Any other meetings?—A. That is all.

"Q. Relating to what subject?—A. The Boulder Canyon Dam.

"Q. And when was the governors' conference referred to held?—A. There have been several of them.

"Q. How many of them did they have to do with—this firm of lawyers?—A. I would say for about two or three.

"Q. Did they make a written report of what they observed concerning these conferences?—A. I think not. I have never seen it if they have.

"Q. They were paid for their services?—A. Surely.

"Q. And the service was what you told us?—A. That is right.

"Q. Did it come to your attention at any time in connection with the employment of Mechem & Vellacott that Mechem was representative of New Mexico of the governors' council?—A. It never did, and Mechem is not the representative and never was.

"Q. I ask you that question largely because of the statement that was pointed out to me in a morning paper (Washington Herald). It has been stated—I do not know whether in his paper or not, but it has been stated at least in my hearing—that Mechem was representing New Mexico at the governors' conference. You say that is not true?—A. I happen to hail from New Mexico and know exactly what Governor Mechem is, and he is not a member and has never been. While we employed him he was employed in no official capacity representing New Mexico. He is a practicing lawyer in Albuquerque.

"Q. He was an ex-governor at the time of his employ?—A. And an ex-judge, too.

"Q. And had he been designated by the then Governor of New Mexico to represent the State in any conference in any way related to the matter of the Colorado River?—A. No. Francis C. Wilson is our commissioner of New Mexico, and he handles that matter, naturally.

NOT STATE ENVOY

"Q. I have either read or heard it stated this morning that Mr. Mechem signed a certain pact down there on behalf of the State of New Mexico.—A. It must be very recent, because he was not the representative of New Mexico with respect to the Colorado River compact.

"Q. I will ask you to verify these vouchers and tell us if these are the vouchers for the payment of the services and expenses of Mechem & Vellacott.—A. They are vouchers with checks marked 'aid' to Mechem & Vellacott, lawyers, in Albuquerque, N. Mex.

"Q. Mr. Mechem's initials are what? A. M. C.—Merritt C. Mechem.

"Mr. HEALY. I offer for the record Document 866, entitled 'Colorado River Basin hearings before the Committee on Irrigation and Reclamation, United States Senate,' and call your attention to page 132, wherein a resolution is printed stating that it is the conviction of the governors and interstate water commissioners and other representatives of certain States, among which is New Mexico. It reads, '*Resolved*, That the interstate agreement as adopted at Santa Fe in November, 1922, should be completed and placed in full force and effect.' It is further stated that 'It is the firm belief of the representatives of the four upper-basin States, as assembled at Denver, Colo., this 19th day of December, 1927, that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agency before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States.' I see as the last signature 'M. C. Mechem, representing New Mexico.'—A. What date is that?

"Q. I would like to show you that, Mr. Grimshaw, as it seems quite strange to me. Is there anything that you can say by way of explanation of that?

WILSON REPRESENTATIVE

"A. I have no knowledge that M. C. Mechem ever represented New Mexico. Francis C. Wilson is the representative of New Mexico. That is, December 19, 1927.

"Q. The copy that appears there purports to bear the date of December 19, 1927.—A. Well, evidently it is signed by Mechem as a representative of New Mexico at that time. I think you will find that that is probably an emergency resolution. Francis C. Wilson has represented them all the time.

"Q. That is the only comment or explanation that you can make in connection with this, in view of your former testimony on the subject?—A. That is all."

Among exhibits presented yesterday was a telegram sent by Ira L. Grimshaw from the joint committee's office in New York to ex-Senator Newcomb, sojourning in Owosso, Mich. The telegram was thus described by Grimshaw:

"Q. Will you tell us what 877 is, Mr. Grimshaw?—A. That is a telegram to Senator Newcomb, signed by me, dated October 8, 1927.

"Q. Written from where?—A. Sent from New York to Senator Newcomb at Owosso, Mich.

"Q. On what subject?—A. Boulder Dam.

"Q. What conference is referred to in this telegram?—A. Governors' conference at Denver."

A MEATY MESSAGE

The telegram gave the inside story of the abortive attempt of the western governors to reach an agreement on the Boulder Dam bill in early October. Mechem was a member of the New Mexican delegation at this conference. Grimshaw, asked by Healy where he got the information transmitted to Newcomb in the telegram, replied that he may have got it from Mechem. The telegram reads:

October 8, 1927, Senator J. T. Newcomb, Wildermuth Hotel, Owosso, Mich. Conference recessed until November 7 after passing Pittman resolution. California and Arizona expressed desire to continue informal negotiations and believe they can solve problem. California refused to discuss power at this time. Mathews thinks California would agree to give Arizona and Nevada four-tenths of a mill on power, but other California members deny this. Arizona declares intention to fight Swing-Johnson bill until her demands are granted. Have arranged many conferences for you at Atlanta for 15th. Do you want these canceled?

IRA L. GRIMSHAW.

Astonishment is expressed in Washington over the connection established between the joint committee and former Governor Scrugham, of Nevada, who took $600 for expenses in connection with conferring with the joint committee's director in New York, Judge Stephen B. Davis, in the latter part of January of this year.

Governor Scrugham has been known as one of the most earnest proponents of Boulder Dam, and was one of the expert advisers selected by Secretary Work to pass upon the legislation now pending in Congress. His favorable report to Secretary Work was dated December 15, 1927.

WAS POWER FOE

The Nevada ex-governor has, however, been an advocate of a policy of conciliation between the power interests and the out-and-out advocates of the present Swing-Johnson bill. One surmise is that Governor Scrugham was engaged in a mission of this kind when he held a conference with Judge Davis in New York and took $600 for his expenses.

The stern indignation of Governor Scrugham against trafficking with the Power Trust was expressed in an editorial he wrote on October 2, 1927, in the Reno (Nev.) State Journal, of which he is owner and publisher. Writing of the prospective investigation of the Power Trust by a Senate committee, as proposed by the Walsh resolution, he said:

"The names of the disbursing agents and amounts expended for political purposes in the West have not been revealed, but judging from the discord fomented between interested States in the Boulder Canyon matter, their work has been very effective.

"It is probable that Senator WALSH will be able to bring to light the hidden sources of opposition to the Boulder Canyon power project and to pry deeply into the secret combinations, slush-fund gifts, and political intrigues of which the present Power Trust leaders are suspected. The Walsh investigation will at least have the merit of making such leaders more restrained in their efforts to dominate the political affairs of the various States in which they operate."

[From the Washington Herald, April 27, 1928]

POWER TRUST LOBBY CHIEFS STAMPEDE TO EVADE EXPOSÉ—SCRAMBLE TO GET FROM UNDER BEGINS AS TRADE COMMISSION SIFTS WORKINGS OF COMBINE—BOLT HITS HIGH PLACES

By Edwin J. Clapp

Governors, power lobbyists, and miscellaneous money givers and money takers were mixed up yesterday in an inextricable confusion of charges and denials, in the progress of the Federal Trade Commission hearings on the so-called Power Trust. In other words, the scramble to get out from under has begun.

Outstanding events in the colorful day were:

1. Ex-Gov. James G. Scrugham, of Nevada, wired from Reno denying the assertion of Judge Stephen B. Davis, New York head of the power lobby, that Scrugham was the one who suggested that he should come to Washington and confer with Davis, for which Scrugham was handed a check for $600 as expense money.

ADAMS IN DENIAL

2. Gov. William H. Adams, of Colorado, gave an interview in Denver repudiating the assertion of Ex-Governor Mechem, of New Mexico, that Adams was responsible for Mechem signing a four-State document last December. Mechem's name was attached as "representative of New Mexico," according to a Senate document. At the same time Mechem was under a $5,299 retainer to the power lobby.

3. Governor Dillon, of New Mexico, in a telegram sent from Santa Fe, contradicted the claim of Ex-Governor Mechem, made in Wednesday's telegram from Albuquerque, that Governor Dillon knew Mechem "was attending these conferences as an observer on behalf of private interests" at the time Mechem attended the western governors' conference as member of the New Mexico delegation.

SECRET ORDERS

4. The Trade Commission's search of the files of Senator Josiah T. Newcomb, $35,000 Washington head of the power lobby, brought to light a memorandum urging that the power interests "influence" certain Western States to fight the Boulder Dam project in order to insure its defeat in Congress.

5. Ex-Governor Scrugham, of Nevada, while under pay by the United States Government as an adviser to Secretary Work on Boulder Dam,

was shown to have visited and conferred with Owen D. Young, chairman of the board of directors of the General Electric Co., Young later reporting one of these interviews in a letter to Newcomb in Washington. Young said the interview was at the suggestion of Secretary Work.

6. Frank Milhollan, while public-utility commissioner in North Dakota, was shown to have received $304.46, said to be for expenses for delivering a lecture before the American Gas Association in session at Atlantic City. Milhollan, who left office about a month ago, is said now to be in the employ of large utility interests in Kansas City.

7. A letter was produced addressed to Josiah T. Newcomb by O. C. Merrill, executive secretary of the Federal Power Commission, inclosing suggestions for Newcomb's draft of a recommendation to be made by the power lobby to Congress regarding Boulder Dam. The Newcomb recommendation was strongly hostile to the power phase of the project.

$5,299 EXPENSES

Ex-Governor Mechem, of New Mexico, was under bombardment from Denver and Santa Fe simultaneously. Mechem admittedly received $5,299 for reporting to the power lobby in New York the progress of the conference of Western governors seeking a basis for agreement on the Boulder Dam bill. Mechem is now attempting to show that when he attended the conferences with the New Mexican delegation everybody knew the interests that were retaining him. Governor Dillon, of New Mexico, denied this in a telegram from Santa Fe, ending as follows:

"Governor Mechem attended the conferences without any knowledge, so far as I am concerned, of whom he was supposed to represent at those meetings."

Governor Adams, in an interview in Denver yesterday, stated that as he understood it, Mechem, as a former governor interested in the Colorado River problem, attended the formal and secret sessions of the conference on behalf of the people of New Mexico. Adams declared that he had no knowledge nor the slightest hint that Mechem might be representing private interests.

Direct conflict arose between ex-Governor Scrugham and Judge Stephen B. Davis, New York head of the power lobby, as to who was responsible for Scrugham coming on to confer with Davis at Washington and getting $600 for it. Questioned by Judge Healy, chief counsel of the Federal Trade Commission, Judge Davis testified as follows:

"Judge DAVIS. Governor Scrugham called me on the telephone from Reno, Nev., in January. He desired to come here, and that he wanted to talk with me about ideas that he had for bringing together all the divergent groups interested in the development of the Colorado River.

"Judge HEALY. What did you say?

"Judge DAVIS. I said I would be very glad to talk with him if he came on.

"Judge HEALY. Did you suggest at that time that you would pay his expenses?

"Judge DAVIS. No; I did not. The suggestion was made I might pay his expenses.

"Judge HEALY. Did you agree to it?

"Judge DAVIS. I agreed to it.

"Judge HEALY. Well, now, was the plan or the suggestion that came from Governor Scrugham so nearly in accord with the ideas of your committee that you were willing to pay his expenses to come to Washington?

"Judge DAVIS. I would say yes."

Governor Scrugham indignantly denied his responsibility for the trip, the conference, or the $600 in the following wire from Reno to the Washington Herald yesterday:

"Judge Stephen B. Davis, whom I had favorably known for many years, asked me to come to Washington early in January for a conference looking to clarification of controversial matters regarding which there existed misunderstanding, with the object of facilitating the passage of Boulder Canyon legislation. As the conference was requested by Judge Davis, he reimbursed me for my traveling and other expenses in this matter."

It is said in well-informed quarters in Washington that Governor Scrugham in January accompanied a delegation of the power interests to a conference with Secretary of the Interior Work. The power delegation was headed by Owen D. Young, chairman of the board of the General Electric Co., and George B. Cortelyou, president of the Consolidated Gas Co., of New York.

PERSONAL REPORT

Perhaps the ominous discovery of the day was a document requisitioned from the Washington files of Josiah T. Newcomb, legislative agent of the power lobby. It contains a direct suggestion that an attempt should be made to foment dissension between the Western States which at that time were trying to agree on Boulder Dam legislation. The document was a report dated July 28, 1927, marked "personal and confidential" and reading in part as follows:

"I am submitting herewith a report of the nineteenth conference of the United States Governors at Mackinac Island, Mich., July 24 to 27, 1927.

"For your information and guidance perhaps I might mention that Governor Dern (of Utah) advises me of a conference to be held in August of the governors of the seven States through which the Colorado flows.

EFFECTIVE WORK

"In this connection it occurs to me that there is opportunity for some effective work in the Colorado River States prior to this conference of seven governors. If Utah and perhaps one other State can be influenced to continue the battle against Boulder Dam it is going to be much more difficult to obtain approval in Congress on any appropriation bill of such proportion as will be required for the Boulder Dam development."

The author of this unsigned memorandum could not be recalled by either Judge Davis or Mr. Newcomb. Newcomb opined that the memorandum must have been sent in by some one of many persons whom he might have asked to send him a copy of Governor Pinchot's speech at the Mackinac conference.

Judge Healy pointed out that Governor Pinchot was hardly mentioned in the memorandum, written by somebody obviously assigned to gather the opinions of the assembled governors on power in general and Boulder Dam in particular. This, however, proved of no assistance to the mental operations of Mr. Newcomb, whose usually active mind remained in a dense fog on the subject.

OH, YE EDITOR

A light touch was into the serious proceedings by a letter signed "Abstemiously yours," by J. S. Richardson, the lobby's publicity director in New York, addressed to a Philadelphia editor. The power interests are claiming that this offsets any possible damage done by the earlier introduction of a letter written by R. V. Prather, utility lobbyist at Springfield, Ill., requesting a friend in New York to bring him liquor to assist him in his activities.

Samuel S. Wyer, Cleveland consulting engineer, who some time ago made damaging attacks on the Ontario hydroelectric publicly owned power development, carrying the weight of authority of the Smithsonian Institution's name, was shown in documents to have worked in close relationship with officials of the power organization. An attack by Wyer on the Boulder Dam project was circulated among Members of Congress this winter.

The outlook for good hunting to-day was improved by the arrival of a second steamer trunk of documents from the New York office of the Joint Committee Utility Associations.

[From the Washington Herald, April 28, 1928]

POWER INQUIRY DIGS DEEPER IN PROPAGANDA'S FAR-FLUNG NET—HAND OF GIANT CORPORATIONS FASTENED ON NEWSPAPERS AND SCHOOLS, PROBERS FIND—METHODS UNPARALLELED

By Edwin J. Clapp

The hearing yesterday in the Federal Trade Commission's investigation of the power lobby brought out the unparalleled methods by which the public utility interests have got hold of the newspapers and schools which form the public opinion of the country, and the legislators who pass its laws.

In solemn review, Judge Healy, counsel of the commission, conducted a parade of subsidized professors and writers who prepared books and delivered lectures paid for by the power lobby, which then disseminated this literature through the country disguised as bona fide investigations by impartial scientific men.

STUCK TO PROPAGANDA

Propaganda against the Boulder Dam bill proved the main, if not the exclusive, activity of the power people whose funds include the $1,100,000 being spent by the National Electric Light Association this year and the $400,000 collected since last June 1 by the Joint Committee of Utility Associations, the more specialized agent of anti-Boulder Dam activity.

Among the day's revelations of the marvelous workings of light and power in the year 1928 were the following:

1. George F. Oxley, publicity director for the National Electric Light Association, defended his practice of inspiring newspaper editorials with the novel explanation that "it is absolutely fair for me to put into the hands of the editor material so that he can reflect on his own views in editorials."

2. Judge Healy put into the record a letter by Oxley to the Pennsylvania State utility information director, asking for a list of State legislators in Pennsylvania, because "we have a particular piece of work which we wish to do with them."

$100 A WEEK FOR BOHN

3. Dr. Frank Bohn, a writer, was revealed as recipient of a retainer of $100 a week from the joint committee of National Utility Associations, while he was publishing power articles in the Sunday edition of the New York Times, of October 2, 1927, and October 30, 1927.

4. The minutes of the National Electric Light Association's public policy committee, headed by Russell H. Ballard, president of the South-

ern California Edison Co., threw light on the motive for an annual payment of $30,000 a year to the Harvard University School of Business Administration. The committee is now on record as approving this payment on the ground that it will result in a textbook from Harvard on public regulation of utilities and "a textbook covering this ground would better appear under academic auspices than as a publication of the association."

5. The public policy committee voted to assist in distributing literature compiled with the aid of a $150,000 appropriation by the Puget Sound Power & Light Co. in a publicity campaign attempting to demonstrate the failure of the Seattle municipally owned electric-light plant. The policy committee said:

"Seattle's rates are continually cited as lower that those charged by privately owned plants; the claim of successful results of such a policy in Seattle is dangerous and requires refutation."

This was in the committee's minutes of February 16, 1928. The minutes continued:

THREE RESOLUTIONS

"*Resolved*, (a) That the officers of your association be instructed to cooperate fully with the officers of the Puget Sound Power & Light Co. and to develop a program for the dissemination of facts relating to the Seattle municipal plant and such other municipal plant situations as may be given prominence in the national press, looking toward the widespread dissemination of such information outside of the city of Seattle;

"(b) That in the preparation of such a program the officers of your association cooperate fully with the Joint Committee of National Utility Associations;

"(c) That such plant, with estimated budget and appropriations therefor for the ensuing year be reported to its executive committee for appropriate action."

6. Paul Clapp, managing director of the National Electric Light Association, testified to a recent swing around the circle in the Southwest and Southeast, organizing meetings of utility executives, subordinate officials and employees to stir up "generally diffused" opposition to the Swing-Johnson bill for Boulder Dam.

7. Alfred Fisher, director of the Missouri committee on public utility information, in 1926 reported to Oxley that "the most important work done by the Missouri committee last year was in directing the attention of the industry to textbooks in public schools. You will agree with me that it would be most unwise to give this work any publicity." He added: "It is a matter for executive session between leaders of the industry, writers of textbooks, and printers thereof."

8. Prof. Theodore J. Grayson, of the University of Pennsylvania, is shown as the recipient of $407.27 as "fees and expenses" for a public lecture delivered in New Orleans last October. The news report of the lecture, sent to editors by Grayson as a Pennsylvania professor, discloses that he classed Boulder Dam advocates with Socialists. This designation would include such supporters of the legislation as the Los Angeles Chamber of Commerce, John Hays Hammond, Gen. George W. Goethals, and President Coolidge.

$291.50 FOR A LECTURE

Grayson received an additional $291.50 for a lecture at Richmond on December 1 last, and $288.29 for another address at Geneva, N. Y., on December 31. Judge Stephen B. Davis, New York head of the power lobby, in a letter to the Federal Trade Commission of March 21, 1928, wrote that "Mr. Grayson is an official of the New Jersey Public Utility Association as well as a college professor. The commission has also learned he is a Philadelphia lawyer and attorney for the New Jersey Water Service Co.

Doctor Bohn was shown to have been paid $100 a week from July 16 to November 23, 1927. Maj. J. S. S. Richardson, publicity director of the joint committee, testified Thursday Bohn was paid this sum for "editing." His activity during this period included an article, "Superpower era of electricity," published in the Sunday New York Times of October 2, 1927, and an article, "The struggle over Government versus private development of water power," in the Sunday New York Times of October 30, 1927. In the October 30 article Doctor Bohn carefully balanced the advantages of public versus private ownership, with the balance always slightly in favor of private ownership.

ADDRESSES SOUGHT

The doctor's services were further explained in a letter of September 16, 1927, written by George F. Oxley, of the National Electric Light Association, to Thorne Brown, director of the Mid West of the National Electric Light Association, and reading:

"I am taking up with the joint committee the question of whether it is possible to arrange for Mr. Frank Bohn to make two or three additional addresses while he is in your division and I am asking Judge Davis to correspond with you direct."

Perhaps the most amusing exhibit in the hearing is a letter written by Prof. E. A. Stewart, of the Univerity of Minnesota, in 1925, to Dr. S. S. Wyer, long-established writer against public ownership, whose wares have been broadcast by the National Electric Light Association and the joint committee. Stewart thanks Wyer for sending him a pamphlet disputing the success of the Government-owned power system of the Province of Ontario. The professor writes that after reading a few of the excerpts contained in Wyer's pamphlet, "I couldn't help but think of the song:

"'Hallelujah! Thine the glory,
Hallelujah, amen.
Hallelujah, Thine the glory,
Revive us again!'"

TRIES IT HIMSELF

Professor Stewart became so affected by the Wyer effort that he has recently himself made an elaborate report on what he calls the failure of the Ontario plan for providing cheap electricity for farmers. The pamphlet is being given nation-wide distribution by a Minneapolis public utility.

Dr. S. S. Wyer is author of the latest anti-Boulder Dam pamphlet, entitled "Study of the Boulder Dam project," by Samuel S. Wyer, consulting engineer. This pamphlet, issued by the Ohio State Chamber of Commerce on January 30, 1928, and one of the exhibits introduced into the record, has been distributed broadcast through the country and put into the hands of every Representative and Senator.

The Ohio State Chamber of Commerce came into the picture yesterday, when George B. Chandler, its secretary, was shown by exhibits and testimony of the Connecticut press agent of the power interests to have labored for an anti-Boulder Dam resolution at a meeting of State chambers of commerce officials assembled in Atlantic City.

He actually succeeded in getting such a resolution considered favorably by the Connecticut Chamber of Commerce. However, they insisted upon expert advice as to what to do about Boulder Dam, and voted against it only after an adverse resolution had been prepared and submitted by Samuel Ferguson, president of the Hartford Electric Light Co.

WANTED AN INQUIRY

The next move for delaying action on Boulder Dam was prefigured by a resolution presented at the February 16, 1928, meeting of the public policy committee of the National Electric Light Association. The minutes of this session contain the following item:

"Mr. Paul A. Schollkopf (of the Niagara Falls Power Co.) presented to the committee the desirability of securing an independent engineering investigation on the Colorado River. It was suggested that the United States Chamber of Commerce might properly set up a commission with the object in view of determining the soundest possible engineering treatment of the river, such a study to be started promptly in order that it may be completed early this fall."

The power lobby's method of working the newspapers is nicely illustrated in a letter of January 19, 1926, written by Oxley, of the light association, to Richardson, then head of the Pennsylvania public service information committee.

"Inclosed please find uncorrected proof of an editorial which will be published in the January 21 issue of the Progressive Labor World, which, of course, you know. Arrangements have been made to have the revised proofs of the editorial in the hands of Charles Penrose to-morrow.

"I thought it might be possible for you to call the editorial to the attention of some of your newspaper friends and perhaps the Associated Press representatives with a view to having them list at least a part of it for use in some other paper in the city.

GREENWOOD'S BOOK

Yesterday's hearings gave further information regarding the propaganda book, "Aladdin, U. S. A.," by Ernest Greenwood, former member of the District of Columbia school board. The book was financed by the National Electric Light Association, which advanced $5,000 money to Greenwood and then purchased 5,000 copies for $7,500 from Harper & Bros., publishers, "in anticipation of reselling" to public utility companies.

Oxley, in a letter of January 8, 1928, "to member company executives," urged the wide distribution of the book and added the following quaint comment on its scientific value:

"Thomas A. Edison has written a foreword to the book and authorized the use of an autographed photograph as frontispiece. This, of course, will add to the value and convincing quality of the material in the book."

On January 13, 1928, Oxley again circularized "member company executives" with a "pamphlet reprint of an article by Ernest Greenwood which will appear in the February issue of the Industrial Digest." The magazine article, attached to Oxley's letter, was entitled "Panning public utilities," and the subtitle was, "What is the basis of the popular pastime of picking on organizations with clean business records which always have paid dividends to their security holders?"

WOMAN URGES BOOK

Sophia Malicki, chairman of the women's committee of the National Electric Light Association, on March 22, 1928, addressed an appeal to "chairmen of women's committees":

"'Aladdin U. S. A.' by Ernest Greenwood, is a book every member of the electrical industry ought to read. Students and club members frequently ask for material on the industry; this book is an author-

itative source. Teachers and librarians will appreciate having the book brought to their attention or given them."

Further data were produced with respect to the trip to Washington made by ex-Gov. James G. Scrugham, of Nevada, in January, to confer with Judge Stephen B. Davis, director of the joint committee of National Utility Associations, which is leading the fight against Boulder Dam. For this trip Governor Scrugham was paid $600 expense money. The controversy is still unsettled as to whether Scrugham invited himself to the conference or was invited by Judge Davis. Governor Scrugham has been an outstanding advocate of Boulder Dam legislation.

The exact date of the Scrugham-Davis conference was established as January 19 by an entry in an expense memorandum prepared by Judge Davis, accounting for a matter of $3,395.04 of special expenses from December 9, 1927, to January 25, 1928. Attention was called to the fact that from January 12 to January 27 Judge Davis and George B. Cortelyou, president of the Consolidated Gas Company, of New York, and chairman of the joint committee, were together in Washington, as shown by an item of $1,282.14, described as expended for "Mayflower Hotel—Mr. Cortelyou and Judge Davis, railroad tickets, meals and incidentals."

Scrugham apparently arrived in Washington in the middle of this period. Davis and Cortelyou were obviously in Washington fighting the Walsh resolution for investigation of the so-called Power Trust, for the resolution was defeated after Senate committee hearings on January 16 to 21, inclusive.

Yesterday afternoon the commission's hearings adjourned until next Wednesday to give time to digest the trunk full of additional subpœnaed documents dumped in the hearing room yesterday.

[From the Washington Herald, April 30, 1928]

TRUST TURNS BOULDER PLAN BACKERS INTO FOES OF BILL—LENROOT IS EXAMPLE OF KIND OF MEN LURED TO CHANGE STAND ON BIG WATER PROJECT—MANY NOW ON PAY ROLL—FIGURES HIGH IN NATIONAL LIFE REVEALED ON BOOKS AFTER REVERSAL OF OPINIONS

By Edwin J. Clapp

One of the striking and effective means employed by the electric-power interests to overcome opposition is to eliminate their opponents by absorbing or converting them. An astonishing number of men who were formerly active proponents of Boulder Dam are now at work for the power lobby at nice, fat salaries, as disclosed in the hearings on the so-called Power Trust held by the Federal Trade Commission last week.

Dr. Frank Bohn, who used to be a communistic agitator who wrote for the I. W. W. in collaboration with "Big Bill" Haywood, is now shown acting as a sort of editor in chief of the Joint Committee of Utility Associations—the power lobby—charged with the expenditure of $400,000 in the pursuance of its avowed purpose of defeating the Boulder Dam legislation now before Congress.

NOW ON PAY ROLL

A half dozen men formerly high in Federal or State Governments, once rated as out-and-out Boulder Dam men, are shown to be now on the power lobby's pay roll or working in close collaboration with it and taking its money for fees or hotel and travel expenses.

Of all the conversions to see the light and the power, none has been more striking than the case of ex-Senator Irvine L. Lenroot.

After being defeated in the Republican primaries in Wisconsin in 1926 and being retired from office on March 4, 1927, Senator Lenroot devoted himself to the practice of law in Washington. The record shows that he was paid $20,000 for his work in organizing the successful opposition to the Walsh resolution for investigating the so-called Power Trust, which went down to defeat in February. The entire burden of the case he presented was that there is no Power Trust and no power lobby.

Some people in Washington are recalling Senator Lenroot's eloquent denunciation of the "active and pernicious" power lobby "infesting every nook and corner of this Capitol" in a speech he made in the House of Representatives when he was a Progressive on May 8, 1916. He said on that day, speaking in debate on the Muscle Shoals bill (H. R. 12766):

"Mr. Speaker, I have in times past expressed a fear that this water-power lobby, which has been so active and pernicious about this Capitol, would get that which it desired from the conference committee upon this bill. And, Mr. Speaker, if the substitute of the gentleman from Virginia as proposed is adopted, this water-power lobby gets exactly what it wants. This water-power lobby then gets what it has been before the Committee on Rivers and Harbors trying to get.

INFESTING CAPITOL

"This water-power lobby, infesting every nook and corner of this Capitol, is boasting of the fact that it has secured the incorporation of what it desires in the Army bill, as reported to the House. Now, it is fair to say, that that same interest secured the killing of a communication sent out by the Smithsonian Institution of this city, because they knew that that information, if promulgated, would be detrimental to their proposition."

Careful examination of the cashbook of the joint committee of Public Utility Associations shows how large were the "special funds" disbursed without being recorded in the regular account books of the organization. The Federal Trade Commission has asked for a specific accounting for these sums.

Josiah T. Newcomb, ex-New York State senator and now chief lobbyist of the joint committee in Washington, is shown by the cashbook to have received a total of $39,994.10 during the nine months from June 1, 1927, to March 1, 1928. Since his salary is $35,000 a year he had coming to him $26,250 in the nine months' period. The balance of the $39,994.10, amounting to $13,744.10, is still to be accounted for.

J. S. S. Richardson, publicity director of the joint committee, is paid at the rate of $15,000 a year, which means $11,250 salary due him for nine months. The association paid him $22,135.18, so that he has still to account to the commission for $10,885.18.

EXPENSES ARE HIGH

Judge Stephen B. Davis, managing director of the joint committee, drew $33,733.64 during the nine months, of which $22,500 represented salary, and $11,233.64 represented special expenditures. The judge has accounted for $3,495.04 of this sum by an expense bill that included an item of $1,282.14 expenses of himself and George B. Cortelyou in the Mayflower Hotel January 12, 1927, when the Walsh resolution was being opposed before a Senate committee. also an item of $600 paid to former Governor James B. Scrugham, of Nevada, who joined Davis and Cortelyou at that time.

The $1,800 paid to Dr. Frank Bohn for editing and signing the anti-Boulder Dam pamphlet came out of the excess funds of Richardson, it is disclosed.

A matter destined for greater clarification is the sum paid by the joint committee to J. Bart Campbell, a Washington news correspondent, for the service of supplying the joint committee with news releases from Washington, according to the explanation of Richardson, who testified that Campbell was on a straight salary of $150 per month and performed absolutely no other services for the joint committee.

Judge Healy, counsel for the Federal Trade Commission, showed strong interest in an item of $17 "incidentals," paid to Campbell. An examination of the cash book shows that from June 1, 1927, to March 1, 1928, Campbell was paid a total of $2,289.92, which is an average of $254.33 instead of $150 per month.

It is apparent that the commission is concerned over the apparent difficulty of doing anything to stop the wholesale expenditure of funds to buy professors, influence legislatures, and control newspapers, as evidenced in the case thus far.

CONSUMER MUST PAY

The public-utility companies charge their outlay for "publicity" and "public relations" as an operating expense. On their books it is carried as one of the costs of service which must be paid for by the consumer, in addition to the guaranteed return upon the company's "investment."

That is, a newspaper can be bought and charged as a cost of operation, just like a ton of coal, and a professor can be hired and charged as an operating expense precisely like a stoker. Money spent influencing legislatures is considered exactly like money spent in sweeping floors or buying stationery.

Indeed, the public utility organizations state this perfectly frankly and urge these facts upon their members as a reason for contributing liberally to associations like the National Electric Light Association, which has thus collected over $1,100,000 to spend this year, and the Joint Committee of Public Utility Associations, which started out last June 1 and rapidly collected $400,000. The chairman of the public-relations section of the National Electric Light Association said in his annual report for the year ending June 20, 1926:

"The dollar expended for public relations work is not a waste or a loss. It is an investment. So far as I know, no expenditure for any branch of public relations work in our industry has ever been considered an improper expense by any public service commission. Public relations expenditures are an investment in public understanding and cooperation. They are insurance against misunderstanding and hostility; against ill-founded rate cases with their heavy costs; against unreasonable, hampering legislative enactments, which affect service and revenue, whether or not through rate fixing and against the present menace of Government ownership and operation in some form."

TAXED FOR PUBLICITY

If this means anything, it means that the electric power and light companies of the country claim and exercise the right to tax us, in rates, so much as they please, for the purpose of collecting funds to influence press and schools.

[From the Washington Herald, May 1, 1928]

COLLEGES GRIPPED BY POWER OCTOPUS—GOLD-BOUGHT PROPAGANDA SEEPS INSIDE CLASSROOMS—VAST SUM SET ASIDE EACH YEAR TO DIRECT SPREAD OF FAVOR FOR CORPORATE OWNERSHIP—"ENDOWMENTS" PAY IN END—BARONS OF ELECTRICITY COMBINE; SEEK TO GAIN POWERFUL AIDES IN TEACHERS OF UNIVERSITIES

By Edwin J. Clapp, formerly professor of economics, New York University

One of the most disturbing revelations in the Federal Trade Commission's investigation of the so-called Power Trust, on which hearings are to be resumed to-morrow, is the growing control exercised by the electrict light and power interests upon the colleges of the country, and particularly their courses dealing with regulation of the utilities by public commissions.

Harvard, Northwestern, Ohio State, and University of Pennsylvania are among the institutions involved in the mass of testimony and exhibits dealing with this subject.

A DEAN'S SUPPORT

On April 16, 1925, according to the Federal Trade Commission, Prof. Ralph E. Heilman, dean of the School of Commerce of Northwestern University, addressed the Wisconsin Utilities Association in Milwaukee on the subject of "Relation of education and research to public utilities." His idea seemed to be that the public utilities ought to be treated more kindly than they are. His speech on that occasion is thus summarized by the commission on page 236 of its second volume on "Control of power companies," just printed.

"Professor Heilman said that Wisconsin, Illinois, Pennsylvania, New York, Indiana, Harvard, Northwestern had introduced complete courses in utility training in their curricula. The result of this movement, he pointed out, will be of great value to utilities, in that these courses will create a clarity and sanity of thought between the public and the utilities.

"Through these courses, not only the students but the public as well, according to his statement, must realize that public regulation of utilities must not be too rigid or confiscatory. He pointed out that a survey by educators shows a great dearth of literature on the subject of public-utility regulation and management, especially of the kind favored by the members of the National Electric Light Association.

For some reason or other the National Electric Light Association decided that Northwestern University was worthy of active financial support, for in this same year, 1925, it began contributing $25,000 a year to "research work" in public-utility management by the Institute for Research in Land and Public-Utility Economics, an institution which was originally established under direction of Prof. Richard T. Ely at the University of Wisconsin in 1920 but was removed to Northwestern University in 1925.

CALL FOR MONEY

Apparently the move resulted in the institute directing its activities along less radical lines than prevail among the scholars of Wisconsin University. The minutes of the meeting of the public-policy committee of the National Electric Light Association of February 16, 1928, include the following significant items:

"Mr. Frank L. Dame presented a letter from Dr. Richard T. Ely, of Northwestern University, requesting financial support from the National Electric Light Association for a study into municipal-ownership activities in California."

Professor Heilman, since his university began getting $25,000 a year from the National Electric Light Association, has not modified his opinion that public regulation must not bear too heavily on the electric-light companies. The exhibits in the present hearings include an address of Professor Heilman on "The relation of utilities to governmental bodies," reprinted in a pamphlet by the women's public information committee, public relations national section, National Electric Light Association. This pamphlet has been sown broadcast to the women of the country. It reads in part:

"There is a clause in our Constitution which was included by our forefathers; it did not have reference to utility business nor to any kind of corporation at the time, but the principle which they had in mind is fundamentally sound. That provision of the Federal Constitution says that no State may deprive an individual of life, liberty, or property without due process of law.

"Without due process of law. What does that mean? When the rates of a public utility corporation are regulated downward it is deprived of property—that is, income which it otherwise might have had. But the Constitution says that you can not deprive anyone (and the law interprets a corporation to be an individual) of life, liberty, or property without 'due process of law.'"

PROOF OF VALUE

The propaganda value of the work of Professor Ely's institute is further evidenced by an entry in the executive committee minutes of the public-relations national section, National Electric Light Association:

"Mr. H. C. Taylor, representing Prof. Richard T. Ely, called attention of the meeting to the journal published by the Institute for Research in Land Economics and Public Utilities. He urged that utilities throughout the country endeavor to interest libraries and institutions of learning in subscribing to the journal, and that utilities also should have the journal in their libraries because of the studies of utility matters which are being made, and reports of which are regularly published in the journal."

A PAID MEMBER

Both Professor Heilman and Professor Ely are on the National Electric Light Association committee making a survey of college courses dealing with public utilities; to report what is taught, how, and to recommend what should be taught. The survey was started last August under the chairmanship of Dean C. O. Ruggles, of Ohio State University. Dean Ruggles is one of the paid members of the committee whose budget is shown by the following item in the National Electric Light Association's report to the Federal Trade Commission regarding appropriations for the administrative year from July 1, 1927, to June 30, 1928, salary and expenses of Dean Ruggles and assistants for survey, $20,000. Dean Ruggles gets $15,000 of this.

$30,000 SUBSIDY

The $30,000 annual subsidy to Harvard is not paid by the National Electric Light Association but by its member companies upon the earnest recommendation of the national association. The origin of this financial support appears in the following resolution by the public-relations sections executive committee at its meeting on December 13, 1923, adopted by the public policy committee and also adopted by the committee on cooperation with educational institution, public-relations national section—all of these committees belonging to the National Electric Light Association:

"Whereas there seem to be no adequate textbooks on public-utility relations suitable for use in the universities of the country; and

"Whereas the committee on cooperation with educational institutions of this assocation has recommended that textbooks covering this ground would better appear under academic auspices than as a publication of this assocation; and

"Whereas the school of business administration of Harvard University now contemplates the organization of a research staff in public-utility management for the preparation of case books, requiring therefor the sum of $30,000 a year for a period of three years, of which this committee is informed $8,500 a year has already been subscribed; now,

"Therefore, this committee recommends to the executive committee and to the public-policy committee their respective hearty indorsement of the enterprise of establishing the school of business administration of Harvard University research staff in public-utility management along the lines indicated above; and, therefore, that this assocation recommends to its member companies subscription to the completion of the necessary financial support."

SEEK HARVARD

The following year the chairman of the public-relations sections, in his report to the 1924 convention, said he hoped the association's member companies would contribute to Harvard on the ground that "it is obvious that such literature, bearing the imprint of Harvard University, would be quite generally adopted by other educational institutions." The research started full blast in October, 1925.

It looks as if Harvard did not promptly spend as much of the money as was desired along the lines agreeable to the National Electric Light Association, for the minutes of its public-relations national section executive committee of February 3, 1926, record the following remarks of Chairman John C. Parker, of the committee on cooperation with educational institutions:

"He stated that Dean Donham is to deflect some of the money for Harvard for a study of regulation."

HIGH HOPES

What the National Electric Light Association hopes to get out of the subsidies to Northwestern and Harvard Universities was clearly stated in the minutes of the public-relations national section executive committee minutes of February 3, 1926, reading:

"The funds for Harvard University of $30,000 a year for three years will be used for an investigation of regulation and also for the establishment of a case system dealing with that subject, and, it is hoped, a report which will deal with the fundamentals of regulation. The fund for Northwestern University will be devoted to a consideration of Government ownership of every character."

The efficient work being done by Harvard in impressing young men with the viewpoint of the utilities is indicated by an article, "Getting on in the world," by William H. Blood, jr., formerly of Stone & Webster, appearing in the Saturday Evening Post of April 21, 1928. Blood says that he lectured at Harvard "to young men who aspired to be executives of public-utility companies." He says:

"In one of my lecture classes was a young man gone red, not merely socialist, but more. The keystone in the arch of his political creed was

public ownership of public utilities. I assigned him as his thesis a detailed study of all municipally-operated utilities in Massachusetts."

As a final result of all this, Mr. Blood says, the young Harvard man produced a book against municipal ownership.

SHOW CONTEMPT

It is a little pathetic that the light and power people seem to have a sort of contempt for the professors and institutions which they are using for their own purposes. For example, the chairman of the public-relations section of the National Electric Light Association, addressing the annual convention of the association in 1926, said, after referring to the Bible story of Balaam:

"Now, the professor, if you please, gentlemen, regards himself as being inspired by Jehovah, as having had put into his mouth by Jehovah the blessings and the curses which he must give if truly he listens to the words of the Lord, then what seems to be the curses that he pronounces may turn out to be our blessings; what seem to be blessings may turn out to be our curses.

"The one suggestion I would offer is that the prophet is most amenable to inspiration. If we can be sure that we have got hold, with reference to our industry, of the will of Jehovah, perhaps we may also play the part of Jehovah in putting into the mouth of the particular Balaam, whom we are asking to go forth, something of the truth which we would like, and which we have a right to expect, to have prophesied."

Some of the higher educational institutions of the country, in their zeal for funds and contacts with big business seem inclined in the words of Omar Khayyâm, to

"Take the cash and let the credit go
Nor heed the rumble of a distant drum."

[From the Washington Herald May 2, 1928]

DISTRICT PAPER SOUGHT LOBBY MONEY—UNITED STATES DAILY BID FOR $202,800 FUND TO SWAY LEGISLATORS—CAMPAIGN TO DEFEAT BOULDER DAM, SECRETLY BACKED, WAS PROPOSED BY DISTRICT OF COLUMBIA PUBLISHER—PROFESSORS EAGER, TOO—EDUCATORS READY TO FOLLOW TRUST VIEWS IN RETURN FOR SHARE OF $400,000

By Edwin J. Clapp

A very distinguished list of professors, especially professors of economics, could be made from the roster of those who received or sought to receive money from the power lobby, according to the testimony and exhibits in the Federal Trade Commission's public-utilities investigation, on which hearings are to be resumed to-day.

The eagerness of the professors to partake of the cash leads them into some rather pathetic protestations of the orthodoxy of their views on public regulation of utilities.

PROFESSORS WILLING

The power lobby had plenty of cooperation from willing recipients in the disbursement of the $400,000 fund collected by the Joint Committee of Utility Associations to defeat the Boulder Dam bill and the Walsh resolution for a Senate investigation of the Power Trust.

The record has a number of suggestions from professors and writers and newspaper men as to how they would like to see the $400,000 spent. One of the most ingenious of these suggestions was made by David Lawrence, publisher of the United States Daily, a Washington newspaper with national circulation. Mr. Lawrence submitted to J. S. S. Richardson, publicity director of the joint committee in New York, a proposal which, if accepted, would have brought $202,800 to the United States Daily, in which "for 52 weeks throughout the year there would appear every week three full pages telling a connected story." Each of 52 local companies would agree to contribute to paying the cost of this national advertising. The object of this device was to prevent the occurrence of a large publicity advertising expenditure in any one place. Mr. Lawrence makes that clear:

"The name of no one company would appear more than three times during the whole year so that there could be no possible criticism on the ground that one organization or institution was conducting a general campaign. Contracts would be signed by the local company, which would be billed directly and would pay this sum out of their local budgets. This would obviate the necessity of any pooling of funds, or of the existence of any large advertising fund, which is often objectionable from many standpoints."

AN ALLURING PICTURE

It is an alluring picture painted by Mr. Lawrence with respect to the result to be expected from this $202,800:

"State regulation as against Federal would be continuously emphasized, and there would be ample opportunity to put out that private initiative was the governing influence in the development of the communities, thus erasing in the background any thoughts that might have been lurking there on municipal operation. The cumulative effect of this advertising campaign should be not only to convince Congress that the utility problem is a local one, thus discouraging interference, but also to emphasize to the States that the utilities should be kept in their own hands."

The most extraordinary part of the Lawrence proposal is his argument that these propaganda editorial advertisements would be effective because his paper has established such a fine reputation for nonpartisanship. He says:

"The United States Daily is held in high esteem because it is a fact newspaper, containing no editorials or interpretations of its own, and, being absolutely nonpartisan, it carries an extraordinary amount of prestige and influence."

WILLING TO BATHE

Others who were eager to bathe in the golden stream are indicated in the following paragraph of the minutes of the meeting of the National Electric Light Association public-policy committee February 16, 1928:

"The chairman presented in one group several propositions requiring expenditures by the association, including those from Mr. Waite (to run advertising and publicity from Shawnee, Okla.); Doctor Fleischer; Albert T. Reid, cartoonist; W. B. Williams, industrial program; Washington News Service. On motion of Mr. Samuel Insull these propositions were laid on the table.

One of the names appearing most frequently in the record is that of Dean O. C. Ruggles, of the School of Commerce at Ohio State University, now head of a "survey on public-utility education," which has been conducted since last summer, supported by a $20,000 fund supplied by the National Electric Light Association's committee on cooperation with educational institutions. They are finding out what is taught, and how, in the schools, colleges, and universities of the country.

Professor Ruggles apparently gets $625 a month for acting as chairman of this committee; in any case, he got three checks of $625 each between August 15 and September 30, 1927.

The present investigation of college courses by a national committee was preceded by investigations of the same subject by the State utility information bureaus in Illinois and Pennsylvania. The Illinois investigation found that much which was taught was "poisonous" from the viewpoint of the corporations. So the Ruggles committee was collected and put to work. Its membership includes two names which have already appeared in this case—Prof. Ralph Heilman, of Northwestern University, and Prof. Richard Ely, of Northwestern University.

UTILITY MEN ON LIST

Besides a list of distinguished professors, the committee includes an equally distinguished list of public-utility men, including the committee's chairman, Carl D. Jackson, of the American Gas Association; E. N. Case, of the General Electric Co. of New York; T. D. Crocker, of the Northern States Power Co. at Minneapolis; and L. R. Nash, of Stone & Webster (Inc.), Boston.

Ruggles has been keeping at the public-utility people for years. The record contains a letter from the director of the Ohio committee on public-utility information to H. M. Little, of the Illinois committee, dated March 1, 1922. It says:

"Our friend Ruggles, at the Ohio State University, is among the most diligent little letter writers you ever came across, but inasmuch as his ideas coincide with ours, I have been striving to help him as much as possible, and should like very much to have you do what you can for him, too.

"If you can do it, I should like to have you bundle up as much as possible of the material sent out last year, particularly the matter that appeared from the Illinois committee, or any special pamphlets, to be sent to Ruggles, because he devours anything on utility matters."

CYNICAL ABOUT TEACHERS

The cynical way in which these publicity directors write to each other about college professors is indicated in the following letter, written January 4, 1928, by Rob Roy McGregor, assistant director of the Illinois committee, to George F. Oxley, director of the department of public information, National Electric Light Association, New York City:

"Prof. E. R. Dillavau, Commerce Building, University of Illinois, Urbana, Ill., has asked me to do what I can toward getting him on your mailing list to receive all your publications except those of a technical engineering character.

"Prof. Dillavau teaches public-utility regulation and also does considerable research work along the line of public utility economics. Generally speaking, his conclusions are as they should be."

The public-utility mentors of the university courses keep a careful eye on the new books being written in their respective territories. They supervise the contents of such books and, if they are wholly satisfactory, help in marketing them with the assistance of the nation-wide network of public-utility organizations. Their method of gently guiding a professor to say what he should say in his book is clearly set forth in the following letter, written at Lincoln, Nebr., on August 11, 1923, by Horace M. Davis, secretary-treasurer of the National Electric Light Association, addressed to E. M. Lytle, of the Illinois State committee.

"One of our State university professors, Kirchman, of the College of Business Administration, is writing a work under contract with the

Shaw Publishing Co. on investment. He is now ready for a chapter on public utilities and came to see me. We spent a couple of hours to-day and I was able to furnish him with some literature that he considers pat.

"He says he is trying to write the text in such a way that it will fit into his own needs in the classroom. Either he is stringing me or he is undertaking to see things as we would have him see them. I never heard of him before, but I will undertake to get a close-up on him and learn his antecedents and what influences may be back of his writings. In the meantime if you have any suggestions I'll be glad to have them. I pointed out 'regulation,' 'customer ownership,' 'capitalization without reduction' as salient features of his chapter on utilities."

LAMBASTED POWER LOBBY—THEN TOOK ITS MONEY

Here we have a reproduction of an editorial written at Reno by ex-Gov. James G. Scrugham of Nevada, October 2, 1927, in the Nevada State Journal, which he owns and publishes.

The editorial is in accordance with what was understood to be Governor Scrugham's policy of militant opposition to the power lobby, which was to be investigated if the Senate passed the resolution of Senator WALSH, which was pending when the above editorial was written.

That was October 2, 1927. On January 19, 1928, the Federal Trade Commission discovered Governor Scrugham took $600 for traveling and hotel expenses in connection with a trip to confer at the Mayflower Hotel with Judge Davis and George B. Cortelyou, respectively managing director and chairman of the Joint Committee of Utility Associations, which is the power lobby.

It is a little ironical that Judge Davis and Mr. Cortelyou were then at the Mayflower engaged in a successful attempt to beat the Walsh resolution, on which hearings were being held before a Senate committee from January 16 to January 21, inclusive.

NEVADA STATE JOURNAL

(James G. Scrugham, Publisher)

The Journal is an independent newspaper, printing the news impartially, supporting what it believes to be right and opposing what it believes to be wrong.

POWER-TRUST INVESTIGATION

The investigation of the so-called Power Trust authorized under the terms of the Walsh resolution at the last session of the United States Senate is likely to prove the political sensation of the coming year. During the past decade there has been an enormous centralization of control of this profitable business in the hands of a few people.

The names of the disbursing agents and amounts expended for political purposes in the West have not yet been revealed, but judging from the discord fomented between interested States in the Boulder Canyon matter, their work has been very effective.

Armed with this authority, it is probable that Senator WALSH will be able to bring to light the hidden sources of opposition to the Boulder Canyon power project and to pry deeply into the secret combinations, slush fund, gifts, and political intrigues of which the present Power Trust leaders are suspected. The Walsh investigation will at least have the merit of making such leaders more restrained in their efforts to dominate the political affairs of the various States in which they operate.

[From the Washington Herald, May 3, 1928]

CONNECTICUT'S YOUTH TAUGHT BY CATECHISM SENT TEACHERS—GRADE SCHOOLS ALSO ARE USING PROPAGANDA PUBLISHED BY LOBBY, INQUIRY DISCOVERS—PARTY BOSS INVOLVED—RORABECK COUNSEL FOR GROUP; NATIONAL BODY OF WOMEN FORMED TO "SPREAD GOSPEL"

By Edwin J. Clapp

The "little red schoolhouse" in Connecticut is using as a textbook in classroom work the Connecticut Public Utilities Catechism, published by the Connecticut Committee on Public Service Information, it was disclosed yesterday in the Federal Trade Commission's hearing on the so-called Power Trust and the power lobby.

According to Clarence G. Willard, secretary of the Connecticut committee, 76 high schools in the State are using his "catechism," while letters from Connecticut teachers aver that it is being used in grade schools as well.

SPENDS $15,000 ANNUALLY

Other outstanding events in the day's developments were:

1. Disclosure that the Connecticut committee spends $15,000 a year, of which it gets $3,000 from the New Haven Railroad Co., $2,500 from the Connecticut Co., a subsidiary of the New Haven, and $1,500 from the Connecticut Light & Power Co., a public utility, of which J. Henry Rorabeck, Republican boss in Connecticut, is counsel, and chairman of the management committee.

2. The outlines were given of a nation-wide organization of women to spread the public-utility propaganda, their leaders being trained in a high-powered school of elocution and then sent out like apostles to spread the gospel taught them with respect to rates, earnings, and public regulation.

3. The 1927 convention of the Great Lakes division of the National Electric Light Association, held last September, and the meeting of the southern Appalachian power conference, last October, were both disclosed to have climaxed in appeals to mobilize power forces to defeat Boulder Dam.

GOT EXPENSES, TOO

4. J. Bart Campbell, Washington newspaper correspondent, who, according to the testimony, was employed by the power lobby to supply it with "news releases" at $150 per month, is shown also to have received from the power lobby money for expense accounts, varying from $51.11 to $122.85 a month.

David Lawrence, publisher of the United States Daily, which had submitted to the power lobby a proposal for a $202,800 advertising campaign in that newspaper, was defended in a letter submitted to the commission by the paper's director of advertising, Victor Whitlock, who said "the memorandum does not represent the views of David Lawrence, nor does it represent the views of our newspaper."

Judge Robert E. Healy, chief counsel of the Federal Trade Commission, admitted the letter to the record with the comment:

"I do it, however, without indicating anything as to what future inquiry may be made or seem desirable * * * as I stated, I put this in without any inference whatever as to the future action or future inquiry on the same matter."

CATECHISM IS SENSATION

Without any doubt the sensation of the day was the Connecticut public-utilities catechism, revised and distributed to schools annually by the Connecticut committee.

In the committee's annual report for the year ended March 31, 1927, appears the item: "Church Press, for printing catechisms, $694.89." The cost of this year's edition was approximately $800.

The caliber of the "catechism" is indicated by the following:

"Question 9. What is the effect of adverse criticism upon utility service?—A. When people in any community criticize adversely public utilities in their cities they are advertising their own city to outsiders as a poor place in which to live, and are thereby retarding its growth."

According to the testimony of Secretary Willard of the committee, there are 10,110 of these catechisms in use, copies having been ordered by 76 high schools. A letter dated January 11, 1927, to Willard from E. H. Parkman, superintendent of schools of Thompsonville, Conn., says: "We have placed the catechisms in certain high-school classes and in several of our upper-grade classes, for the teachers find them very useful, indeed."

A SOLEMN RITUAL

The catechism is offered to the Connecticut schools with all the solemnity of a research document. On January 6, 1927, Willard wrote Frank W. Strong, principal of the Durham High School, thanking him for ordering 60 copies of the catechism, and adding: "It took us six months to compile it, most of the time being spent in verifying the text and making certain that everything was exactly according to facts."

Judge Healy pressed Willard closely with respect to his authority for some of the "facts" in the catechism. For example, in the answer to question 21 the catechism says that when communities attempt to offer a light and power service, "in every case it has been found that the costs of the service are higher than when the service is furnished by a private corporation." Judge Healy questioned Willard as follows:

"Q. In this paragraph 21 you undertake to prove to the high-school children that municipal ownership is a bad thing, don't you?—A. As a matter of fact, yes. I think it is so in every case I have heard of.

"Q. Don't you know whether it is or not? Don't you know that there are communities in this country served by municipal plants where the costs of the service are no higher than when the service is furnished by a private corporation?—A. I don't know."

CONVENIENT KNOWLEDGE

"Q. I want to ask you if when you wrote that article you knew anything at all about the cost of service in the municipally operated plants I will name. Let us take first the city of Los Angeles.—A. Personally, I don't know.

Another of the catechism statements to which Judge Healy took exception is the following, also under question 21:

"Statistics have proven that the cost of living in cities which operate their own utilities is much higher than in cities where the public service is entrusted to private enterprise regulated by the public's servants on a commission."

This statement gave rise to the following colloquy between Judge Healy and the witness:

"Q. Do you remember whether a statement to that effect was sent out by the National Electric Light Association in a pamphlet—A. It might have been; I don't remember.

"Q. The record here shows a statement of that kind was made by the National Electric Light Association, and the National Industrial

Conference Board was cited as the authority, and we had in the record a letter from the National Industrial Conference Board, saying they never did anything of the kind.—A. That may have been a fact.

MIGHT BE ERRONEOUS

"Q. If that was the basis, it rests upon a mistaken basis, does it not?—A. I assume so."

The catechism, however, went like hot cakes in the Connecticut schools. Robert G. Blanchard, of the Lewis High School, Southington, Conn., wrote in October, 1926: "Your catechism is a real contribution to secondary education; we would like 150 copies."

The most glowing eulogy of the catechism was given by Ralph W. Hedges, principal of the Warren Harding High School, of Bridgeport, in a letter to Willard, dated September 16, 1927:

"Will you kindly send us 1,300 copies (of the new edition)? We wish to thank you very much for this material and to congratulate you upon the splendid work which you are doing for the public schools of the State of Connecticut. We not only make use of the material in many of our classes, but we also have placed a copy in the hands of every pupil in our school."

Willard testified that he keeps a stream of "clip sheets" pouring out to a mailing list of 1,036, which includes 108 newspapers, 128 banks and trust companies, 40 chambers of commerce, 237 high-school students, and 96 high-school principals. In a letter of November 4, 1925, Willard reported to the chairman of the committee, Samuel Ferguson, president of the Hartford Electric Light Co., on the success of getting the clip sheets into the schools:

"For the past few months we have been making an effort to interest the high schools in the State to use our clip sheets in their class rooms, particularly in the study of civics. I believe this work is of value in shaping many future opinions. Within the next six months I trust we may be able to have our clip sheets used generally throughout the State, just as the Literary Digest and Current Events are used to-day."

Prompt action to prevent Boulder Dam legislation was taken by A. Bliss McCrum, director of the West Virginia committee, immediately after receipt of the circular telegram of January 7, 1927, sent to all State committee directors by George F. Oxley, publicity director of the National Electric Light Association. McCrum promptly wrote Oxley on January 10:

"Probably the most effective way in which the West Virginia association in this State can help is by getting in contact with Members of the House of Representatives from the State of West Virginia. I am taking the matter up with some of the more active members of the association and will ask them to get in touch with their Representatives in the House of Representatives at Washington."

CONFERENCE ALARMED

The October 13, 14, 15, 1927, meeting of the southern Appalachian power conference at Chattanooga adopted a resolution favoring private instead of "political" ownership. The delegates were addressed by William H. Onken, jr., editor of the Electrical World, of New York City, who said:

"The inhabitants of other States are as anxious, I take it, as are the politicians of California, to protect the inhabitants of the Imperial Valley against flood. But that is not to say that they will shut their eyes to the water grab promised in the Swing-Johnson bill, or the effort also there made to put the Government in business, and to thwart the Federal water power act."

The September 22–24, 1927, annual convention of the Great Lakes division of the National Electric Light Association, at French Lick, closed with the following remarks on Boulder Dam by president Sands:

"You may think that the Boulder Dam issue in so far as Government operation of the electric light and power end of the business is concerned, is of minor importance, but it is these beginnings of the intrusion of the Government into our business that must be resisted."

A WORD TO BOSSES

Speaking at the fifth annual meeting at French Lick of the Great Lakes division of the National Electric Light Association, whose minutes were introduced into yesterday's hearing, Chester Corey, vice president of the Harris Trust & Savings Banks of Chicago, stressed the "political value of customer ownership of the stock of public utilities." He said that "many instances could be cited of the appreciation of the politicians of the unwisdom of favoring legislation adverse to the safety of investments made in small units by a very large number of their constituents."

This September meeting at French Lick was also addressed by Miss Isabel Davis, secretary of the National Electric Light Association's women's committee, which, she said, was organized five years ago to "give the women of the country an idea of what the electric light and power industry is."

The national committee makes plans that are followed by a women's committee in each member company, meeting monthly and listening to facts on "regulation, financing, superpower, private versus political ownership, as presented by executives, and the women are encouraged to take part in the discussion following."

DESCRIBES WORK

The missionary work being done by these women was thus described by Miss Davis:

"A large number of the committee are studying public speaking under qualified instructors, with practice within their meetings. And from this activity many speakers are being developed who are qualified to appear before groups outside the industry. Two young women members of the women's committee of the southwestern geographic division traveled over that division, making a town a day, and in each town they talked two or three times. They addressed business women's clubs, women's social clubs, men's civic clubs, and even the employees of a big cracker factory, and reached thousands of men and women with facts about the industry.

"In New Orleans a young lady conducts classes of school children through the power plant, explaining in simple language the uses of electricity, how it is generated, and telling them about the policies of the company which serves them."

[From the Washington Herald, May 4, 1928]

SECRET POWER SLUSH FUND REVEALED—STATE LOBBY WORKED UPON PENNSYLVANIA LEGISLATORS—FEDERAL TRADE COMMISSION BARES HOW ELECTRIC CO. PAID WAY INTO FAVOR AT CAPITAL—NO RECORD OF $20,255—PAID PROPAGANDA TWISTED BOOKS IN SCHOOLS TO CONFORM WITH POLICY OF CORPORATIONS

By Edwin J. Clapp

A $59,000 slush fund used by the electric power interests to hire lobbyists and influence legislators in Pennsylvania was uncovered by the Federal Trade Commission yesterday.

At hearings in the investigation of the so-called Power Trust, it was frankly admitted that $20,225 of this money was spent secretly, and was never accounted for.

The distributor of this largess, Walter H. Johnson, of Philadelphia, until recently president of the Philadelphia Electric Co. and now head of the public policy committee, Pennsylvania Electric Association, could not remember where a single dollar of it had gone, although on February 29 of this year he spent the last $675 of it.

LEGISLATIVE LOBBY

According to exhibits introduced yesterday, $38,775 more expenditures of Johnson's public policy committee were disbursed to individuals admittedly hired to operate upon the State legislators in Harrisburg. Prominent men in Pennsylvania are involved in the disclosures.

The Boulder Dam bill, now pending in the Senate, came in for a large share of the attention of the utility organizations of Pennsylvania, which assembled in meeting to pass resolutions against it, and devoted to it liberal space in the publicity matter they distributed.

Schools and newspapers are no more neglected by Pennsylvania than by the other States thus far investigated. The State utilities information bureau has investigated the textbooks on civics and economics used in the State and published a survey indicating "unsound" information they contained.

120,000 PAMPHLETS

Thirty thousand sets of four pamphlets on public utilities, corresponding to the "catechism" distributed by the utilities to the schools of Connecticut, have been sent out by the Pennsylvania information bureau to the school children of the State.

The testimony disclosed that in Pennsylvania they had discarded outgrown methods of sending "news" to the papers. Instead, "contact men" take matter to the editors direct.

Exhibits disclose the utility men urging liberal advertising expenditures, especially among rural newspapers, on the ground that "paid advertising is manna to the country newspaper," and "it helps you to more readily interest them in your point of view" if they are given paid advertising.

A SPY SYSTEM

An "important and confidential" memorandum addressed to "executives of Pennsylvania public utilities" by the State information bureau urges each one of them to "delegate some one of your organization to the following task:

"To report to the committee director the names of newspapers which do not quote items from the news bulletin." (Sent out by the committee.)

An interested and attentive observer of the day's proceedings was ex-Gov. Gifford Pinchot of Pennsylvania. More than half of the $59,000 slush fund was spent when the Pennsylvania power lobby was waging its successful attempt to defeat the 19 bills that Pinchot had introduced into the Pennsylvania Legislature, to make possible its giant power system, with its provision for the sale of cheap current to municipalities and farmer groups, and also bring about a more stringent regulation of the earnings of Pennsylvania utility companies. During the afternoon Mrs. Pinchot sat by the governor, knitting.

A few feet away, another attentive spectator, sat one of Pinchot's political enemies, Philip H. Gadsden, of Philadelphia, vice president of the United Gas Improvement Co., in charge of public relations.

Gadsden is likewise vice chairman of the national power lobby, the joint committee of National Utility Associations in New York, and is also chairman of its executive committee. Gadsden was accompanied by Josiah T. Newcomb, $35,000 lobbyist of the joint committee.

The star witness of the day, and of the entire investigation to date, was Walter H. Johnson, of Philadelphia. His avocation is the chairmanship of the public-policy committee of the Pennsylvania Electric Association; his business is assistant to the chairman of the board of directors of the Philadelphia Electric Co. Johnson gave a classic and an engagingly frank exhibition of the standards, the methods and the memory lapses of men who handle special funds used to influence legislation.

He could not remember where or how or when or to whom he disbursed any of the $20,225 he had handled. All he knew was that it had been honorably and lawfully spent. He just drew the money out at different times, put it in the safe, and used it. He said he thought it was perfectly proper for a person to appear before a legislative committee as a witness, and conceal the fact that he had been paid.

JUDGE SHARPLY QUESTIONS MAN WHO HIRED "HELPERS"

Johnson's views met with sharp comment from Judge Edgar A. McCulloch, Federal Trade Commissioner in charge of the investigation, and Judge Robert E. Healy, chief counsel of the commission, who conducted the examination. With reference to Johnson's secret disbursements of cash drawn from the bank account of the public policy committee of the Pennsylvania Electric Association, the following colloquy took place:

"Q. Is it correct to say that the principal expenditures of the committee have been in connection with legislative matters in Pennsylvania?—A. That is correct.

"Q. Who employed these various lawyers and experts for the services rendered?—A. I did.

SELDOM THERE

"Q. Was that your particular function?—A. That was my particular function as chairman of the committee.

"Q. Did you attend the legislative sessions yourself to some extent?—A. Oh, very seldom.

"Q. Do you discuss the bills with the members of the legislature?—A. I discussed the bills with counsel.

"Q. You don't go up and undertake to buttonhole the legislators?—A. No, sir.

"Q. Your method is to stir the people back home up to write the legislators?—A. That is correct.

"Q. That is the way you have the pressure exerted on them?—A. Yes, sir.

"Q. And through your counsel you get people to go and speak against the bill?—A. Correct.

YES, OF COURSE

"Q. Are the counsel also expected to talk with legislators outside of committee hearings?—A. Why, of course. I don't see why they should not.

"Q. And if they can get a friend of theirs in the legislature to oppose a measure there they are expected to do that?—A. Of course, they are.

"Q. If one or more of them has a specially wide acquaintance in the legislature wouldn't that be looked upon as an advantage?—A. It certainly would.

"Q. Do you think it takes special legal skill to do this kind of work that is referred to in the legislature, or don't you undertake to select men that are popular with the legislators and have a wide acquaintance in the legislature?—A. I should say that, of course, we employ men that have a wide acquaintance. Yes; certainly; but they are honorable and they have got to have good, common sense."

HE KEPT NO EXPENSE BOOK "SO NONE COULD EVER KNOW"

Johnson admitted to Judge Healy that he had been "the main legislative man in the public-policy committee" and that he had received on dates specified $20,225 in cash from W. E. Long, treasurer of the committee, the sums ranging from $250 to $7,500, the last payment being $675 on February 29, 1928. With respect to each item the question was asked: "What did you do with it?" And the answer was: "I don't know." For example:

"Q. On the 18th of March, 1927, you received in the same way the sum of $7,500?—A. Correct.

"Q. What did you do with that?—A. I don't know. If Mr. Long had told me, I would recall it. It might have been some cleaning-up matters.

"Q. Who cleaned up?—A. Well, what I mean is not the way you are taking it. There are expenses connected with the honorable discharge of duties performed, and that is the only way I can account for that.

WANT IT SECRET

"Q. If they are incurred in an honorable discharge of duties, why is the payment handled by Mr. Long drawing the money and turning it over to you in cash?—A. Simply because people—we don't want people to know who gets the money.

"Q. Very good. You don't want people to know who gets the money?—A. I don't know who got it. I can not answer that. I can't answer that if my life depended upon it. The legislature is in session year by year, I had a corporation I was trying to handle, and I had to have people do the details for me, doing the work, as you have your honorable, distinguished attorneys around you to assist you.

"Q. I am beginning to understand why you were chairman of the committee. Answer my question. If this money was spent honorably and lawfully, would there be any objection to telling who got it and how much?—A. Yes, sir; there would.

"Q. There would, although it was honorable and lawful?—A. Yes, sir.

"Q. But you are unable to tell about where any of this money went?—A. Correct.

ALWAYS A SECRET

"Q. Beginning with the first item in December, 1922, your mind is just as blank as with respect to the one of March 18, 1927?—A. That is correct.

"Q. Barely a year ago?—A. Yes, sir.

"Q. The sum of $7,500?—A. Yes, sir.

"Q. Have you no recollection at all as to why you proposed to Mr. Long that the money should be handled in this way?—A. Except I thought it was the way to do it.

"Q. It was because you didn't want it known who got the money and how much, Mr. Johnson?—A. Of course.

"Q. And if we don't know who got the money and how much, we will never know what they got it for, will we?—A. No, sir.

"Q. Or whether it was honorable and lawful?—A. No, sir.

"Q. And you don't intend to tell us, do you?—A. I don't know. I scratched my brain to try to find out."

At this point Commissioner McCulloch intervened:

"Commissioner MCCULLOCH. You can't remember a single individual you paid any of that money to?

"The WITNESS. No, sir.

"Commissioner MCCULLOCH. Did you carry it around in your pockets and hand it out?

"The WITNESS. No, I paid it out—I put it in the safe and used it. That is, if it was for entertainment, traveling expenses, I would send for people and pay their expenses, and then give them something for their services.

"Mr. HEALY. Wasn't some of that money paid to people in that way that were to go before the legislature and into the committees, in opposition to these bills?—A. I should think so, but I would not say so.

"Q. A person paid by your association would go to the legislature and oppose a bill without disclosing the fact that he was being paid?—A. Of course.

"Q. That would be perfectly honorable and lawful?—A. Yes, sir.

"Q. All right. That gives us some standard by which we can judge the use that was made of the rest of the money perhaps."

WHO TOOK THE BIG MONEY BROUGHT TO LIGHT AT LAST?

Judge Healy questioned Mr. Johnson closely to ascertain whether the public-policy committee had opposed the Giant Power bills of Governor Pinchot because they opened the way for the development of public ownership. Mr. Johnson was unable to recall that public ownership was in any way a feature of the Giant Power proposition, until he heard Judge Healy read into the record a pamphlet attacking Giant Power on this ground, written by Charles Penrose, brother of the late Senator Boies Penrose, and give nation-wide circulation by the Pennsylvania Electric Association, assisted by the Investment Bankers' Association.

Mr. Johnson closed his testimony with: "I do not think that the Giant Power bills are practical to begin with, and I do not think that they are to the best interests of the dear people."

Among the known recipients of the funds of the Pennsylvania Association's public-policy committee, a leading beneficiary was John P. Connelly, who got $14,103, of which $11,525 was paid him during the period when the utility companies were fighting the Giant Power bill and the tristate water power pact. Connelly is a chief lieutenant of WILLIAM S. VARE, Philadelphia Republican boss, who spent $800,000 to win a seat in the United States Senate in 1926, and has not yet been seated.

LAWYER LOBBYISTS

Payments totaling $14,615 were made to the Philadelphia law firm of Hause, Evans, & Baker, one of whose members, Berne T. Evans, is known as the chief lobbyist of the power interests in Pennsylvania. All but $2,000 of this fund was paid during the fight over Giant Power and the tristate pact.

J. H. Bigelow, chairman of the Democratic State committee, got $1,000 on March 3, 1926. On April 17, 1926, $1,000 was paid to James F. Burke, of Pittsburgh, former Member of Congress, and one of Andrew W. Mellon's political lieutenants. The $1,000 to Burke was

paid via the Duquesne Light & Power Co. Burke was VARE's original counsel in the Reed committee investigation.

Another $1,000 went to William T. Ramsey, formerly wet mayor of Chester, Pa., and former member of the State legislature. This payment was likewise made indirectly, a double play from Long to Ramsey via Albert R. Granger.

Daniel T. McKelvie, of Hazleton, whom Long described as "not a lawyer," received a total of $7,050 for services on legislative matters between March 3, 1926, and April 26, 1926.

NEWSPAPERS—COLLEGES

The technique of handling the newspapers were explained by A. G. McKenzie, director of the State utility information bureaus of Pennsylvania and New Jersey, at a meeting of the Pennsylvania Electric Association on last November 7. Mr. McKenzie spoke about the value of utility companies carrying advertisements in the newspapers, especially the small and rural papers. He stated it was his experience that it was extremely difficult to interest the newspapers in your welfare unless you are interested in the welfare of the newspapers.

The minutes of the same November meeting also disclosed some attention paid to the colleges:

"Mr. Kuhn mentioned that he believed it would be a good idea to check up on the trend of teaching as imparted in the colleges and universities, especially in economics and liberal arts schools, in relation to the utilities. So many courses in these schools are in the form of lecture courses, and unless the professors have the right point of view immense damage will be done to the industry. Most of these lectures are not based on textbooks, consequently, he declared, the textbooks will not disclose the main source of the trouble."

Examination of the weekly clip sheets of the Pennsylvania Public Utilities Information Bureau during 1927 discloses frequent items attacking the present Swing-Johnson bill for Boulder Dam, with major articles against them on February 14 and September 12. A meeting of the public relations committee of the Pennsylvania Electric Association, at Altoona, Pa., February 28, 1927, was largely devoted to attacking the Boulder Dam bill and devising means of fighting it.

SWING-JOHNSON BILL

The meeting was called to order by Mr. Shearer with this address:

"It is quite an opportune time for this meeting to be scheduled because of the agitation being fostered in various quarters against the public utilities. It is essential that steps be taken by the industry to combat the propaganda of the agitators. Every day brings to our attention some new movement aimed at the public utilities.

"At the present time there is pending in the Senate the 'Swing-Johnson bill,' which is being promoted primarily by a group of legislators interested in the nationalization of the electric light and power industry. This bill is the first big effort of the Government-ownership group to get the Federal Government to go into the power business. This bill is of momentous importance to the electric light and power industry, because it will establish a precedent for other similar projects.

"We also have ex-Governor Pinchot active as ever in the promotion of his 'giant power.' Only recently he paid a visit to Portland, Me., to deliver an address on the 'super power monopoly.' He is now in Washington and is quite active behind the scenes in all Government-ownership propaganda. Only on last Friday Senator WALSH of Montana introduced a bill in the Senate providing for investigation of the public utilities.

"In addition to these efforts, we have men of the caliber of Professor Ripley, of Harvard, issuing articles and books all aimed at the electric light and power industry."

Hearings will resume this morning at 10 o'clock.

[From the Washington Herald May 5, 1928]

POWER LOBBY'S "STRONG ARM" BARED—CUNNING MIND DIRECTED USE OF VAST SUMS TO WIN FAVOR—EDITORS, CHAUTAUQUA, SCHOOLS, ALL FELT INFLUENCE OF BIG DRIVE FOR ELECTRIC TRUST—TEACHERS WERE SWAYED—CHIEF PUBLICIST REVEALS HOW HE WENT ABOUT TO EARN BIG SALARY THEY PAID TO HIM

Yesterday's developments in the investigation of the Power Trust lobby, coupled with the Boulder Dam legislative fight, were:

1. Money of the Power Trust was traced by the Federal Trade Commission investigators into great universities, schools, newspaper channels, and "scientific" publications.

2. President Coolidge favors enactment of the Boulder Dam bill without further delay at the present session of Congress, it was learned at the White House.

3. Senator NORRIS, of Nebraska, in a speech in the Senate, attacked the Power Trust for its tactics in attempting to influence the opinions of newspapers, school children, and educators.

4. Representative JOHN Q. TILSON, Republican House leader, after a conference with members of the California delegation, said he expected early enactment of the Boulder Dam bill by the House.

By Edwin J. Clapp

Fresh and startling proof of the successful efforts of the power interests to control the press and the educational institutions of the country was disclosed at yesterday's hearing in the Federal Trade Commission's investigation of the Power Trust lobby.

Judge Robert E. Healy, commission chief counsel, spent the day cross-examining Maj. J. S. S. Richardson, "strong-arm" publicity director of the joint committee of National Utility Associations in New York. The major formerly was executive officer of the secret-service section attached to Pershing's General Staff in France.

PROPAGANDA SUCCESS

Richardson, with engaging frankness, in direct testimony or in correspondence or exhibits which he identified, disclosed the success he and his associates have had in getting disapproved textbooks out of schools, getting prepared editorials into newspapers, proceeding to close the Chautauqua circuit to a lecturer favoring public ownership, inducing a publishing house to submit its textbooks to Richardson before publication, and placing lecturers in colleges to give courses supervised by Richardson and his assistants.

Richardson admitted that he had been making payments at the rate of $10,000 a year for "publicity work" to A. T. Reid, of New York, while Reid was part owner of a news syndicate serving papers through the West.

"SUSPENSE" ACCOUNT

These payments were disclosed as Judge Healy made a searching inquiry into a "suspense" account maintained by the joint committee, propaganda and lobby organization of the electric-power interests now fighting with all its resources against Boulder Dam.

Through testimony, correspondence, and minutes of the National Electric Light Association meetings it was brought out that Samuel S. Wyer, consulting engineer of Columbus, Ohio, and author of the latest propaganda circular against Boulder Dam, "agreed to accept" $3,000 and expenses for a "survey" of the public-operated Ontario hydro-electric system.

Four months after this entry in the minutes of the National Electric Light Association, Wyer published, under the Smithsonian Institution auspices, his notorious attack on Sir Adam Beck and the Ontario hydro-electric, precipitating an international controversy when Sir Adam responded with a bitter attack upon what he alleged were falsehoods in the Wyer pamphlet, and the methods which Wyer had used to obtain his information in Canada.

"MY DEAR BARNEY"

The Smith and Vare senatorial political scandals found an echo in a letter of August 23, 1926, written by Richardson, when head of the Pennsylvania public service information committee to Bernard J. Mullaney, vice president of the People's Gas, Light & Coke Co., of Chicago, and head of the Illinois information committee. Richardson wrote Mullaney, addressed as "My Dear Barney," that Joseph R. Grundy's contributions to the Pepper-Fisher campaign in Pennsylvania were twice as large as Samuel Insull's contributions to Frank L. Smith in Illinois.

"I read fairly completely the news reports of the United States senatorial inquiry into primary expenditures in Illinois. As was to be expected, the Illinois developments produced little by way of pronounced editorial ripples in Pennsylvania. The comparison wasn't close enough.

"The Ledger compared Mr. Insull's campaign contribution in Illinois with that of Mr. Grundy in Pennsylvania. Grundy's was double that of your chief's."

According to the report of the REED committee of December 22, 1926, "Joseph R. Grundy, president of the Pennsylvania Manufacturers Association and the controlling genius of the Pepper-Fisher combine, placed at the disposal of his candidates' campaign over $400,000."

Insull's contribution to Colonel Smith's fund in Illinois was $125,000. Smith, though elected in Illinois, has been refused admission to the United States Senate. Pepper, though supported by a total fund of $1,800,000, was defeated by VARE with only $800,000. VARE, like Smith, is still waiting outside the Senate door.

One of the striking revelations of the day was the suggestion made to Richardson that big business men ought to do something to supplement the present meager salaries of professors and ministers, so as to make them feel more friendly to the corporations. A. W. Robertson, vice president and general attorney of the Philadelphia Co., of Pittsburgh, on January 22, 1925, wrote Richardson as director of the Pennsylvania Public Service Information Committee:

"The thought occurs to me that the reason why so many educators are more or less hostile to big business is in many cases due to the fact that they themselves are not successful in a business way. There ought to be some way in which educators could be better paid. It would certainly help to cure at least some of their mental bias.

ALSO MINISTERS

"The same thought has come to me in regard to ministers, who are generally unfairly critical of corporations, including public-service companies. However, this is going pretty far afield, but nevertheless I believe that leaders in our business life could well consider the ad-

visability of giving some real attention to the economic welfare of educators and others who are largely responsible for training the minds of our children.

"As I write, the final thought comes to me in regard to the textbook matter—would it not be possible for some of our men to approach the large publishers of textbooks and produce some quick results in clearing up the situation?"

WITNESS BARES HOW TEXTBOOK FIGHT WAS WON

A suggestion by Richard Robertson, of the Philadelphia power firm, to J. S. S. Richardson, chief publicist of the so-called Power Trust lobby, that "Would it not be possible for some of our men to approach the large publishers of textbooks and produce some quick results?" expressed an idea that frequently came out in yesterday's hearing.

It was acted upon successfully as disclosed in a letter of October 18, 1926, from Richardson, in Philadelphia, to A. W. Flor, of the Electric Bond & Share Co., 71 Broadway, New York.

Flor had written Richardson, asking, "Will you please state briefly the extent of your activities in connection with the schools and other educational institutions in your State?" Richardson replied in part:

"A survey of textbooks on economics and civics in use in the public schools of Pennsylvania was completed last year. It developed that material published in some of the textbooks contained misinformation inimical to the well-being of the public-utility industry.

"The committee recently arranged with a leading publishing house to make corrective suggestions prior to the publication or republication of textbook issues."

Cross-examined upon this exhibit, Richardson testified:

"Q. Mr. Flor asked you to tell about the schools and educational institutions?—A. Yes.

HE TOLD HIM

"Q. And you told him about it?—A. Yes, sir.

"Q. The committee recently arranged with a leading publishing house to make corrective suggestions prior to the publication or republication of textbook issues?—A. Yes, sir.

"Q. What is the name of the company?—A. Winston, of Philadelphia."

The record shows that the Public Service Commission of Pennsylvania, appointed to regulate the State's utilities, cooperated diligently with Mr. Richardson's State information committee in Philadelphia in getting public-ownership statements out of books in the public schools of Pennsylvania.

On October 8, 1926, Richardson wrote the Hon. James B. Bean, of the Pennsylvania Public Service Commission, saying:

"I would respectfully suggest that the commission in Pennsylvania emphasize the need for a standard textbook on economics and civics for use in the public schools." Attached to that letter is a memorandum entitled "General summary, educational and public-relations activities of the public-utility industry in Pennsylvania, 1925–26." The memorandum contains the following passages:

"The public-service information committee, in cooperation with the public-service commission and other State authorities, recently completed a comprehensive survey of the textbooks on economics and civics in use in the Pennsylvania public schools. The survey was undertaken to ascertain whether material in the textbooks contained misinformation inimical to the business of public service.

"It was discovered that there is much misinformation being disseminated to the pupils through the medium of obsolete and erroneously compiled textbooks.

"So far no adequate steps have been taken to correct the situation. One leading publishing house has agreed to avoid pitfalls in the future, but the dangerous textbooks already are in use.

"The committee has aided materially in the recent completion of a course on public-utility economics at the State college. The public-service commission is in close cooperation with the committee in this work, and members of the commission have lectured on problems relating to regulation."

WIN AT COLLEGE

Yesterday's record revealed something about the establishment of this course in Pennsylvania State College. On March 25, 1925, the minutes of a special meeting of the executive committee of the Pennsylvania Public Service Information Committee has the following entry:

"Director Richardson told the committee he will assist in editing the matter that will be used in the public-utility economics course at State college."

More information about the establishment of this course is in a letter of July 10, 1925, sent by C. E. Reinicker, of the United Gas Improvement Co. of Philadelphia, addressed to P. H. Gadsen, chairman of the Pennsylvania Public Service Information Committee, and reading:

"Following several months of negotiations between Professor Miller, of the department of engineering extension of State college, and utility representatives, that institution is about ready to put out among utility companies its extension course dealing with utility economics.

"As originally presented, the course did not meet with my approval, although it seemed to be satisfactory in whole or in part to many other utility men who had been acting in an advisory capacity to the college on that course. I submitted a 15-page criticism of the course, a copy of which is attached, and at a later conference with Professor Miller I found that the major portion of my suggestions had been followed out."

CHAUTAUQUA AND EDITORS RODE ON "POWER WAGON"

An even franker statement of the way that power lobby "courses" were "put over" on the universities is contained in a letter written by Richardson, when director of the Pennsylvania State committee, to Elliot F. Belden, director of the United Power & Light Corporation, Abilene, Kans., and reading:

"I am inclosing outlines of public-utility courses recently run in the University of Pennsylvania and Temple University. The plan was put across in the usual way. We laid the groundwork circumspectly and with care, so that the actual suggestion that such courses be started came from the faculties of the institutions themselves. The rest was routine."

A drive to bar the Chautauqua circuit to Carl E. Thompson, of Chicago, head of the Public Ownership League, was revealed in correspondence introduced into the record to-day. L. S. Bradbury, district manager of the Cedar Valley Electric Co., of Charles City, Iowa, writes on June 9, 1924, to C. R. Stull, of the American Gas Co., of Philadelphia:

"We have already received considerable information on this man through the Iowa Public Service Information Committee. As a consistent booster for Chautauqua, I have entered complaints with a number of the business men in this town regarding the Chautauqua interests bringing such a man to our towns to preach socialism. I believe I have enough friends who have sufficient influence with the Redpath Vawter Co. to eliminate the possibilities of having such a man as Mr. Thompson speak in this community in the future."

CHAUTAUQUA

On June 12, 1924, Stull transmitted the Bradbury letter to Richardson in Philadelphia, with the following note:

"It may be that your office could be helpful in bringing pressure to bear on the Chautauqua organization in connection with aiding socialistic propaganda under the Chautauqua auspices.

"While on the subject of Chautauquas, a little expression from me might not be out of the way to the effect that my personal opinion of the Chautauqua is that it is harmful rather than beneficial in its general activities. As I have observed their speakers they are very lax in checking up on qualifications. It is true that they have very good men at times, but it is strictly a commercial proposition and one in which those in control take no chances as far as financial success is concerned. I feel that their business methods are generally unfair, and this is well borne out by the fact that they allow speakers such as Mr. Thompson to appear on their platforms."

EDITOR "BROKEN IN"

An editor "properly broken in on his job" was noted by Richardson in his letter of May 9, 1924, to H. H. Ganser, manager of the Counties Gas & Electric Co., Norristown, Pa.:

"You certainly have the editor of the Norristown Register properly broken in on his job. Of course, your own early journalistic training, together with your understanding of the true meaning of public relations, undoubtedly had much to do with making your editorial friend see the true light."

Examined by Judge Healy, Richardson produced the following enlightening comment:

"Q. This is a letter telling Mr. Ganser that he certainly has the editor of the Norristown Register properly broken in on his job?—A. Yes, sir. It was a brand-new newspaper.

"Q. And he had him broken in?—A. Yes, sir.

"Q. He had not been subjected to your course of training?—A. I had not at that time used my blandishments on him; no.

"Q. Mr. Ganser did?—A. Mr. Ganser did."

Richardson then apparently wrote the editor of the Norristown Register and congratulated him upon the editorial which Ganser had inspired, and on November 3, 1924, E. S. Moser, editor of the Norristown Register, writes to Richardson, director of the Pennsylvania Public Service Information Committee, and acknowledges Richardson's congratulations:

"I am deeply appreciating your gracious message of October 31, in re the Register's editorial notations concerning public ownership of public utilities. I might, with at least some propriety, add that those (including myself) who furnish editorial copy for the young Register have had years of experience in their line of work."

The record already has shown that the publicity directors have stopped making compilations of the total amount of space given to publishing their "news items" in the newspapers. Richardson explains why in a letter dated March 28, 1925, addressed to C. G. Willard, executive secretary of the Connecticut Committee on Public Service Information. He says:

"In the matter of the amount of newspaper space secured, we have operated on the policy that any statement in that regard is extremely ill-advised. We never mention it except confidentially in our committee for this reason. When we started functioning, we were told by editors in the western part of Pennsylvania that if we were going to brag about the amount of column inches of space we were able to obtain free in their papers they would take good care we should not get any."

HE EXPLAINS IT

Judge Healy made Richardson explain this principle still more clearly:

"Q. You state in that letter that the important reason why you refrained from referring to space was that if the reference was noted by the newspaper editor it would be exceedingly hurtful. Now, how would it be hurtful?—A. Newspaper editors do not like to have space added up, except advertising space, because they sell that. Advertising space is sold, and they do not feel that news space ought to be counted up in that way. At least, that is the impression I have had after talking with several of them.

"Q. May I inquire if one of the reasons it might be hurtful was also that if the newspapers realized the amount of free space they were giving the utility interests, it might harm you in getting more space?

"Question. I assume that is what I meant when I wrote that."

David Lawrence, Washington publisher of the United States Daily, which sought $202,800 advertising from the power lobby, to be spent for the purpose of breaking down sentiment for public ownership and Boulder Dam, yesterday explained to Washington correspondents that his paper had impartially made a similar advertising proposition to the Boulder Dam advocates.

Judge McCulloch yesterday adjourned the hearing to May 9. For that date the commission has subpœnaed D. L. Gaskill, of Greenfield, Ohio, secretary-treasurer of the east-central division of the light association; Benjamin E. Ling and Fred J. Bollmeyer, both of Cleveland, of the Ohio Utilities Information Bureau; and Willard Cope, of Atlanta, and H. J. Holly, of Sanford, chiefs of the Georgia and Florida utilities information bureaus, respectively.

STRONG-ARM STUFF

J. S. S. Richardson is the two-fisted publicity director of the joint committee of national utility associations, the power lobby, in New York. Letters of Richardson were introduced showing how he "put it over" when in his former job of running the local State power lobby in Pennsylvania.

Director Richardson told the committee he will assist in editing the matter that will be used in the public-utility economic course at State College.

"My committee recently arranged with a leading publishing house to make corrective suggestions to the publication or republication of textbook issues.

"I am inclosing outlines of the public-utility courses recently run in the University of Pennsylvania and Temple University. The plan was put across in the usual way. We laid the ground work circumspectly and with care, so that the actual suggestion that such courses be started came from the faculties of the institutions themselves. The rest was routine." (From exhibits introduced at hearings, May 4, 1928.)

USED AGAINST BOULDER DAM

JOINT COMMITTEE OF NATIONAL UTILITY ASSOCIATIONS.
420 Lexington Avenue.

Here's part of the $400,000 fund raised by the Joint Committee of National Utility Associations in New York, the power lobby to defeat Boulder Dam.

This check is part of $13,051.40 of "special funds" money advanced J. S. S. Richardson, publicity director of the joint committee, between June 28, 1927, and April 16, 1928.

The record discloses that $1,800 of the Richardson "special fund" was paid to Dr. Frank Bohn for the editing of a pamphlet against Boulder Dam and sown broadcast by the joint committee, and given to every Member of Congress. Bohn got the money from Richardson at the rate of $100 per week in the fall of 1927.

Bohn was formerly a prominent I. W. W. leader who wrote a book on revolutionary socialism in collaboration with "Big Bill" Haywood, who later was arrested, jumped bail, and fled to Russia, where he now resides.

In yesterday's hearing, another beneficiary of the Richardson fund was shown to be A. T. Reid, of New York, paid at the rate of $10,000 a year for "publicity work" while he was part owner of a news syndicate serving papers through the West with supposedly independent news items.

(Facsimile of check omitted from RECORD.)

A TAINTED WORD SHOCKS THE PURE POWER LOBBYIST

[By Universal Service]

The so-called Power Trust abhors propaganda, but a "rose by any name is fragrant."

This was the rejoinder of J. S. S. Richardson, its publicity director, to an offer of cooperation in "propaganda" from the Pennsylvania Street Railway Association, as recorded in a letter in evidence before the Federal Trade Commission yesterday.

"The word makes us shudder," Richardson wrote amusedly. "We wouldn't think of dealing in any such commodity. Our product is publicity—the very antithesis—nay, even a counter, of propaganda. However, a rose by any name is fragrant."

[From the Washington Herald of May 10, 1928]

OHIO GANG EXPOSED IN POWER INQUIRY—EVIDENCE GIVEN OF PROPAGANDA PUT OUT UNDER FEDERAL FRANK—PAMPHLET ATTACKING CANADIAN PLANT SHOWN ISSUED AS A SMITHSONIAN PUBLICATION—$3,000 PAID TO DOCTOR WYER—190,000 TEXTBOOKS ATTACKING PUBLIC OWNERSHIP ISSUED TO PUBLIC SCHOOLS IN STATE

By Edwin J. Clapp

Ohio Day was celebrated yesterday at the big fair being held in the hearing room of the Federal Trade Commission investigating the operations of the organized power interests in getting control of schools, press, and legislature.

The Ohio gang disclosed themselves as being fully as capable as their brothers in Pennsylvania and Connecticut, who testified last week.

SMITHSONIAN USED

The central figure in to-day's testimony was Dr. Samuel S. Wyer, who, in 1924, "agreed to accept" from the National Electric Light Association $3,000 and expenses for writing a pamphlet attacking Government ownership in general and the Ontario Hydroelectric Power Commission in particular. Wyer succeeded in getting the pamphlet put out as a publication of the Smithsonian Institution, to the great subsequent embarrassment of that institution.

Publicity Director George F. Oxley, of the National Electric Light Association, testified he had no doubt Wyer received the money as agreed. Managing Director Aylesworth, of the National Electric Light Association in 1925, stoutly denied his association had paid a cent for writing the pamphlet. It was hastily put out in January, 1925, and sent through the country under Government frank, just at the time the Muscle Shoals bill was up for vote.

RESENTED BY CANADA

An international incident was made of the matter when Sir Adam Beck, head of the public-owned Ontario hydroelectric, bitterly attacked Wyer's statements and arraigned the Smithsonian for sponsoring an allegedly mendacious attack upon the chief public enterprise of a friendly nation.

Wyer was disclosed yesterday as the paid author of the latest anti-Boulder Dam pamphlet, which he was hired to write by the Ohio State Chamber of Commerce, this organization for some reason interesting itself in broadcasting the pamphlet throughout the country. The official anti-Boulder Dam publication of the power lobby, the Joint Committee of National Utility Associations, was produced by Dr. Frank Bohn, formerly coauthor of communistic literature with William D. ("Big Bill") Haywood. Bohn got $800 for his effort. Wyer's pay from the Ohio State chamber was not disclosed.

WYER ASSAILED BY LEWIS

It was learned in Washington yesterday that in January of this year, John L. Lewis, president of the United Mine Workers of America, denounced Wyer for a pamphlet he wrote for the coal operators, dealing with wages and working conditions in the mines. The Ohio State Chamber of Commerce, which has been the center of anti-Boulder Dam agitation and resolutions in State chambers through the country, yesterday had in the commission's record a recommendation of its public-utilities committee, dated March 29, 1928, against the Colorado River project. It was revealed that this committee approved the Wyer pamphlet in the face of protests from the Commissioner of Reclamation Elwood Mead, Charles L. Childers, general counsel for the Imperial irrigation district of California, and T. A. Panter, Los Angeles electric engineer.

The committee attacked Secretary Work's recommendation that the dam be built with the following passage in its resolution: "Here is another Federal bureau eagerly grasping for power and jealously defending one of its projects; it is another example of the tendency toward consolidation of power in the Federal Government."

An elaborate organization of women's committees and women speakers was disclosed when the commission admitted into the record the minutes of a meeting of the women's committee, public relations national section, National Electric Light Association, at the Edgewater Beach Hotel, Chicago, August 22 and 23, 1927.

PROPAGANDA OUTLINED

Quotations follow:

"Study of private and political ownership of industry will be the important topic of this year's study program. A list of suitable material will be prepared and offered to the membership. The joint committee of utility associations is now sending its weekly bulletin to all members of the national committee.

"Training of women who have shown an aptitude for speaking in public should be continued. Addresses for schools are urged particu-

larly. The audiences of young people represent families not always reached through women's or commercial clubs.

"The study of the economics of utilities should be one of the important subjects in every committee meeting. Some of the material suitable for such study is Dean Heilman's lectures, which are recommended in all committee programs."

One of Dean Ralph E. Heilman's lectures, reprinted and circulated by the national women's committee, asserts that reduction of rates by a public-service commission is a confiscation of property forbidden by the United States Constitution.

Ira L. Grimshaw, assistant to the director of the power lobby in New York, yesterday testified that Earnest C. Greenwood, former member of the Board of Education in Washington, was not only paid $5,000 for writing a propaganda book, "Aladdin U. S. A.," but also received an unnamed sum for making an "editorial survey" of newspapers with respect to their views of public ownership, delivered to Greenwood's employers last July.

CHILDREN TAUGHT

Cross-questioned by Judge Robert E. Healy, commission chief counsel, F. L. Bollmeyer, director of the Ohio Committee on Public Utility Information, testified children in 650 Ohio high schools, in 300 cities and towns, are taught about power and utilities from a textbook compiled by Bollmeyer's committee, entitled "Aladdins of Industry: A Textbook Compiled Especially for Use in the Schools and Colleges of Ohio, Comprising a Survey of Several Major Public Services. Fifth Edition." According to its preface, the textbook is to be used as follows:

"Compiled for use of students in English, current topics, science, and social-science classes, and for reference in preparing debates. It is suggested that the questions on the text at the end of each chapter be used by class leader or by the instructor in a 10-minute quiz."

"Aladdins of Industry" teaches, among other things, that the troubles of street-railway companies, "experts say," have been due to the survival of the 5-cent fare through the war period. The view is set forth that the failure of companies held down to a low fare has "worked a great hardship upon all other business and upon the public."

Judge Healy questioned Bollmeyer as follows:

"Q. How many of these 'Aladdins of Industry' were distributed for a period of two years?—A. I should say around 190,000.

"Q. One hundred and ninety thousand? Where were they sent?—A. To high schools, and, in a few instances, to some colleges."

Dean C. O. Ruggles, of Ohio State University School of Commerce, came into the picture again yesterday when D. L. Gaskill, secretary-treasurer of the east-central division of the National Electric Light Association, testified Ruggles was part author of a questionnaire sent out to utility executives of Ohio, asking for information regarding the tie-ups they were effecting with educational institutions. Typical questions were:

"Has anyone from your organization given any lectures, talks, or participated in any discussions in any college or university on subjects dealing directly or indirectly with public utilities? If so, in what institutions, approximate dates of such participation, names of participants, and subjects discussed?

SUGGESTIONS INVITED

"Can you suggest some research studies in your territories which have been completed or which might be undertaken, the results of which would probably be valuable in university teaching?

"(a) Of an engineering nature?

"(b) In the field of economics, such as taxation, valuation, and rate problems, future demand, etc.?

"(c) Public-utility legislation and court decisions?"

Ruggles is now conducting a nation-wide "educational survey" for the National Electric Light Association. Light-association checks put into the commission's record indicate his pay for this work is $1,250 a month and expenses.

Judge Healy expressed interest in the large amount of free publicity, in news columns and editorials, obtained through the medium of news bulletins broadcasted by Bollmeyer's committee. The examination proceeded:

"Q. It is not necessary to read it into the record, but I would like to have you tell me if the statement there that 10,500 column-inches of the committee's news material has been reprinted by newspapers is correct.—A. I imagine it is."

The financial responsibility of the National Electric Light Association for the Wyer-Smithsonian pamphlet was fairly well established by Judge Healy questioning George Hoxley, the association's publicity director:

"Q. Now, is there any question that Mr. Wyer, while he was getting that material and writing that pamphlet, was working under this arrangement by which he was to receive $3,000 from the National Electric Light Association?—A. I don't think there was any question about it. Whether or not he received the $3,000 I can not tell you.

"Q. You have no doubt about it?—A. I have not."

The record has already disclosed the manner in which George B. Chandler, secretary of the Ohio Chamber of Commerce, set out to line up the other State chambers of commerce by circulation of the Wyer report and personal appeals. He began to work on the Connecticut State Chamber of Commerce, of which he was formerly secretary, on January 30, 1928, the same day Wyer's report was issued bearing the imprint of the Ohio chamber and entitled, "A Study of the Boulder Dam Project." Chandler wrote a letter seeking to alarm members of the Connecticut State Chamber of Commerce by representing the Swing-Johnson Boulder Dam bill as "opening the door to a program of Government ownership."

As Connecticut did not act, Chandler grew impatient and on February 13 wrote Clark Belden, executive vice president of the Connecticut chamber, according to a copy of his letter in the commission's record:

"I am sending you a Macedonian call for help. We seem to be fighting single handed against this Boulder Dam holdup. It seems to me the State of Connecticut ought to be lined up on this. Can't you get some action?"

On February 18 Chandler again wrote Belden:

"John Trumbull (Governor of Connecticut) has taken a strong position on centralization of authority. So has Bill Blodgett. So has HIRAM BINGHAM (United States Senator from Connecticut). Get into the game, Clark, and do it quick!"

The Connecticut State chamber was finally "lined up" and passed an anti-Boulder Dam resolution drafted for it by Samuel Ferguson, president of the Hartford Electric Light Co.

A Pennsylvania school textbook entitled "Public Utilities, a Handbook," compiled by the Pennsylvania Public Service Information Committee and used in public schools, was introduced into the record.

"HIS IDEAS COINCIDE WITH OURS"

OHIO COMMITTEE ON PUBLIC UTILITY INFORMATION,

Cleveland, March 1, 1922.

Mr. H. M. LYTLE,

125 South Clark Street, Chicago, Ill.

MY DEAR MR. LYTLE: Our friend Ruggles, at the Ohio State University, is one of the most diligent little letter writers you ever came across, but inasmuch as his ideas coincide with our own, I have been striving to help him as much as possible, and should very much like to have you do what you can for him, too.

If you can do so, I should like to have you bundle up as much of the material you have sent out in the last year, particularly the matter that appeared in the Illinois Journal of Commerce or any special pamphlets, to be sent on to Ruggles, because he devours anything on utility matters.

I should also like to have both yourself and Mr. Mullaney accept his invitation to attend the proposed conference he is planning for April or May.

By the way, isn't it about time that the State directors have another meeting, or shall we wait until the N. E. L. A. gathering at Atlantic City the middle of May?

Sincerely,

BEN. E. LING, *Director.*

(Facsimile of check omitted from RECORD.)

Prof. C. O. Ruggles, dean of the school of commerce, Ohio State University, is now on leave of absence and at the head of a committee of professors and utility men making an "educational survey" of the United States for the National Electric Light Association. This is expected to result in more satisfactory school and college courses and textbooks from the viewpoint of the utilities companies. Ruggles is apparently paid at the rate of $1,250 a month, plus expenses. The fact that "his ideas coincide with our own" perhaps accounts for his selection to make the national educational survey for the utility people.

[From the Washington Herald, May 11, 1928]

NATION'S PROTESTS HIT POWER TRUST—SEARCHLIGHT REVEALS HOW FAVORS WERE WON IN SOUTH—GEORGIA UTILITIES PROPAGANDIST TELLS HOW HE BURNED RECORDS TO KILL TRACE OF ACTIVITIES—PROBE OF SCHOOLS BEGUN—EASTERN CITY FIRST TO CAST OUT TEXTBOOKS USED BY STUDENTS AND PREPARED BY CORPORATION

By Edwin J. Clapp

The searchlight of the Federal Trade Commission's investigation of the power lobby and the so-called Power Trust yesterday swept southward and shed its radiance over darkest Georgia and Florida, specifically the records of the Public Utilities Information Bureau of Florida and Utilities Information Committee of Georgia.

The hearing added another chapter to the story of the united-utility interests exercising control over the press, filling the schools with their propaganda and using strong-arm methods to defeat public-ownership measures in the State legislatures.

PROBE BRINGS ACTION

Meanwhile from North, South, and West came evidence of action being taken by school authorities and citizens in response to the disclosures of the influence which the power companies have obtained over the educational institutions of the country.

A nation-wide survey to determine the extent and character of the interference with school textbooks on the part of the utility interests was instituted yesterday by J. W. Crabtree, secretary of the National Education Association in Washington. Crabtree wrote superintendents of schools in all States, and secretaries of all State educational associations, asking them to investigate and report.

The "public-utilities catechism," of which over 10,000 copies were testified to be in use in Connecticut, has been barred from the schools of Bridgeport, Conn., by Superintendent of Schools Carroll R. Reed, according to information received by Federal Trade Commission officials.

THE FIRST ACTION

This is the first official action reported against textbooks, prepared by the power interests and used in high schools and grade schools in Connecticut, Pennsylvania, New Jersey, Ohio, Kentucky, Washington, and other States.

A telegram has been sent to the commission by Homer T. Bone, of Tacoma, charging the Puget Sound Power & Light Co., was placing textbooks in schools in the State of Washington with the paid assistance of Josephine Corliss Preston, State superintendent of public instruction.

Bone demands that the commission summon A. W. Leonard, president, and Norwood Brockett, public-relations director, of the Puget Sound Power & Light Co.; Mrs. Josephine Corliss Preston; and Clare Ketchum Tripp, author of the textbook.

RECORDS VANISH

Great interest was expressed by Judge Robert E. Healy, chief counsel of the commission, in the disappearance of all but the most recent record of the utility organizations in the Southeast. H. E. Simpson, of Miami, acting treasurer of the Florida Public Utilities Information Bureau, testified that he could produce no records back of October 1, 1927. He likewise testified that there are no books or papers available concerning the income or expenditures of the southeastern division of the National Electric Light Association prior to July, 1927.

ALL RECORDS PUT IN FIRE BY CHIEF PROPAGANDIST

Willard Cope, of Atlanta, executive secretary of the Utilities Information Committee of Georgia, told Judge Healy that he was unable to produce a "pen mark or record of any sort" concerning the receipts and disbursements of his office prior to January 1, 1928. Judge Healy examined him as follows:

"Q. Are you familiar with the records and books of this committee?—A. Yes, I am fairly familiar.

"Q. Have you got the books here?—A. I have the current files.

"Q. Where are your books beginning with the organization of this committee in 1921?—A. They have been destroyed.

"Q. When were they destroyed?—A. Different times. At the close of a year's business there is an annual meeting in January. There is a flock of these voucher checks that I wrap up in a package. They kick around the office for a while and eventually are thrown out.

"Q. What is the earliest record or book on finances in the possession of your bureau?—A. January 1, 1928.

"Q. That is, there is not a pen mark or record of any sort in any book or paper in your office that shows the receipts and disbursements of any money back of that time.—A. No, sir.

"Q. And your bureau spends annually, on the average, how many thousand dollars a year since you have been connected with it?—A. About $30,000 a year."

Judge Healy took in his hand the slender cash book in which are being entered the 1928 accounts. He continued the examination:

"Q. Is this like the other books that cluttered the office up so that you had to throw them out to make room?—A. Yes. That is just the kind of book.

"Q. The accumulation of vouchers, in your opinion, is what necessitates the destruction of a book of this size that I hold in my hand?—A. It is.

"Q. Did it occur to anybody in your office that it would be possible to destroy the vouchers without destroying the books?—A. No, sir.

"Q. No one thought of that?—A. No one thought of that.

"Q. These annual account books have been destroyed at the end of each year since you have been connected with the bureau?—A. Yes, sir. It may be that two or three years have accumulated at times. I destroyed some in the middle of January of this year.

"Q. How long was that after the resolution under which we are operating here was put through the Senate?—A. I have no information. It was not in any way related to that resolution.

HE SPENT $450 TO RAISE "INTELLIGENCE OF GEORGIA"

The Walsh resolution, which resulted in the present Federal Trade Commission investigation, was introduced in the Senate in December. On January 16 of this year the Senate Interstate Commerce Committee began hearings which developed the reasons why the present probe should be held.

Witness Cope, who arrived from the South with one of the first straw hats of the season, furnished the merriment of the day with his disclosure that in 1927 he had spent $450 of the money of his bureau for "raising the general intelligence of the State."

He testified that the $450 was for 100 annual subscriptions to the Inquirer-Sun, a Columbus (Ga.) newspaper. He denied that this investment was in return for any favors from the Inquirer-Sun and insisted the papers were sent for nonutility reasons:

"Q. Who were these 100 people? Describe them in some general way.—A. I can't describe them in a general way. They are people in various communities whom I knew and whom I thought would be in sympathy with us and with what the man was trying to do. It does not relate, sir, to public utilities. It was a matter of education to a lot of people in Georgia that I sent that paper out.

"Q. But how do you justify having put $450 of the bureau's funds into the newspapers?—A. I justify it on the ground of raising the general intelligence in the State. That is also likely to get me into a great deal of trouble back home."

Cope testified to writing an article entitled "Alibi peddler or friend maker: A study of the new vision in public relations work," published in the Bulletin of the National Electric Light Association for October, 1925. It begins:

"It is possible to interpret the work of a public-relations director in two ways. You may look at him if you wish (and many within and without the industry do) as the head of the alibi department, the fixer—the undertaker's assistant, suave of manner, discreetly clothed, who moves about here and there during the inquest trying to put the best face possible on the murder. It may be that this is the proper view of him."

In the May, 1927, bulletin of the National Electric Light Association, also introduced into the record, Cope describes how he instituted a "cow-hog-hen week" among farmers in Georgia, during which utility propaganda was discreetly spread, with the result that "We have made friends for the industry throughout the State in sections where agricultural thought as opposed to business thought prevailed; this effort of our committee has put us in a most favorable public relations position."

The most effective of the southern manufacturers of public opinion on utilities was R. H. Holly, of Sanford, Fla., director of the Florida Public Utilities Information Bureau. Until a month ago, he testified, he was also secretary of the Florida Press Association, and previously its president. In the month ending November 19, 1927, he testified, Florida publications reproduced 818 column-inches (53 feet) of editorials. This represented an increase of 127 inches over the previous month.

Holly's masterpiece was a recent editorial he wrote against the Boulder Dam project on the ground that it would bring Mexican tomatoes, produced by cheap labor, into competition with Florida tomatoes. This editorial, reproduced in a number of Florida newspapers, has the following argument:

"Florida growers of fruits and vegetables need protection if they are to continue to grow winter vegetables and fruits with any degree of safety regarding prices. Should the Government continue to spend millions in building projects that will eventually turn water on arid deserts in Mexico for the fruition of winter vegetables raised with peon labor in competition with high-priced labor in Florida, it will be up to our Congressmen to call a halt.

"All Florida wants is some sort of protection that will put the fruits and vegetables raised with cheap labor on a parity with our own crops, and our growers will then take their chances on competition in the open market."

Judge Healy questioned Holly with regard to his sources of information.

"Q. Where did you find out about Mexican tomatoes?—A. I read up on the subject, and some one had a long article, I think, in the Country Gentleman, and our people in Florida were talking about it, too.

"Q. You saw the possibility that Mexican tomatoes would come into competition with the Florida product?—A. Yes, sir.

"Q. And that inspired you to write the editorial?—A. Yes, sir.

"Q. In opposition to the Boulder Dam?—A. Yes, sir.

"Q. I suppose the conclusion of the editorial was that the Government ought not to build the dam?—A. Yes, sir.

"Q. Now, what circulation did you give to that editorial?—A. Well, it went in all the Florida newspapers.

"Q. Was it printed in the editorial columns of the Florida newspapers?—A. Some of them. I do not remember how many.

"Q. Do you remember about how many of them showed that the editorial had been written and sent out by a man in the employ of a utility bureau?—A. I think they took it just as I wrote it."

VISITORS WERE ENTERTAINED BY DEEP-SEA FISHING TRIP

Methods of the southeastern public utility press agents were revealed in the minutes of the last meeting of the southeastern division of the National Electric Light Association at Atlanta, Ga. Guy Newburn, director of the Tennessee Public Utility Information Bureau, said on that occasion:

"The bureau in Tennessee places first importance on contact with newspapers, the newspaper editors, and the people in the counties. This for the past two years has been their goal. To call the country editor by his first name and slap him on the back. Public speaking is

of second importance, and contact with the schools of the third. Country newspapers are the thing of most importance. Get the country editors to the point where they will carry your message. Look over all propaganda that goes to those newspapers."

Director Boney, of the South Carolina Public Utility Information Bureau, gave similar testimony at the Atlanta meeting, according to the minutes.

"At the very beginning of the bureau, Mr. Boney attempted to stress the value of personal contact with the newspaper men of the two States, and he spends a third of each month out in the sticks meeting and talking to newspaper editors. Out of 300 newspapers in the Carolinas, there is only 1 that is unfriendly."

Judge Healy repeatedly got from the day's witnesses an admission that the consumer, in rates, pays the entire cost of this press agentry and of the ballyhoo run by swarms of trained speakers declaiming against public ownership, Boulder Dam, the Walsh investigation, and strict regulation of consumers' rates, in meetings of Rotary clubs, Lions' clubs, women's clubs, schools, colleges, and universities.

For example, H. E. Simpson, of the Florida Public Utilities Information Bureau, testified $7,481.64 was spent by the southeastern division of the National Electric Light Association as the cost of its convention in Miami last month. One of the items of expense was $1,000 for a "deep-sea fishing trip" for the delegates. It was brought out in testimony that the funds of all these associations, committees, and bureaus arise from contributions made by the individual electric light and power companies, which charge these contributions as an "operating expense," to be met out of rates.

The hearings will resume to-morrow, with Cope still on the stand.

LOBBY PRESS AGENT "CRASHES" PHILADELPHIA PAPER

THE AMERICAN GAS CO.,
Philadelphia, August 19, 1925.

Mr. J. S. S. RICHARDSON,
Pennsylvania Public Service Information Committee,
1416 Widener Building, Philadelphia, Pa.

MY DEAR MAJOR: This acknowledges the copy of the editorial page of the Sunday Morning Ledger, August 9, carrying the two-column write-up incident to Governor Pinchot's trip through the West. I want to compliment you on getting this material together as you did, and, further, for your ability to have it appear in the Ledger in the form which this issue carries it.

It is to be hoped that a great many editors around the State may see this and, having done so, see fit to copy parts of it at least for their publications. It is my intention to suggest to our officers that we have a reprint of this made in booklet form and mail it to all of our stockholders. We will have to go easy on this for a while, inasmuch as we now have an application pending before the governor in connection with the American Gas-U. G. I. merger. Certainly this type of publicity should be very helpful when read by a thinking man, who realizes just how much of the wondeful progress of our western country has been due to the development of water power under the guidance of aggressive public-utility men and in accordance with accepted public-utility practice.

Yours very truly,

C. R. STULL,
Investment Department.

The above letter from C. R. Stull, of the American Gas Co., congratulating Maj. J. S. S. Richardson for planting an anti-Pinchot editorial feature in the Philadelphia Public Ledger of August 9, 1925.

Editorial feature referred to, as it appeared in the Ledger (omitted from the record).

Major Richardson, at that time head of an organization of private electric power interests fighting Governor Pinchot's giant power bills in the Pennsylvania Legislature.

Richardson is now the $15,000 press agent of the national power lobby, the Joint Committee of National Utility Associations, which has collected $400,000 to defeat Boulder Dam.

The American Gas Co. letter is an official exhibit in the Federal Trade Commission's investigation of the power interests, which continues to-day.

WESTERN SCHOOL HEAD A POWER TRUST PAWN

SEATTLE, May 10.—Homer T. Bone's telegram to the Federal Trade Commission said: "News dispatches advise us of important revelations of private power propaganda being introduced in public schools throughout the Nation in the guise of textbooks to supplement regular courses in industrial education.

"So enlightening is the information brought out by your inquiry that I wish to advise you of other moves in the same direction in Washington and Oregon.

"There is definite and admitted information that the Puget Sound Power & Light Co., with the active assistance of the State superintendent of public instruction, has placed in the public schools of the State of Washington thousands of so-called monographs designed to teach pupils the advantages of private ownership as opposed to public ownership of water-power rights and operation.

"This official admits she has been paid for her service. Earnestly request your honorable body to investigate this phase of the nation-wide move to poison the minds of young America in regard to the greatest heritage they possess.

"Ask that you summon A. W. Leonard, president of the Puget Sound Power & Light Co., Seattle; Norwood Brockett, public relations director Puget Sound Power & Light Co., Seattle; Clare Ketchum Trip, author of monographs, Seattle; and Josephine Corliss Preston, State superintendent of public instruction, Olympia.

"Same situation prevails in Oregon, where similar supplementary textbooks have been placed in schools at the behest of the private power interests there.

"This is a subject of utmost importance here, where publicly owned plants have realized their greatest success and where undeveloped power represents millions to be awarded to the people or to the private power monopoly."

SWING EXPECTS DAM ACTION IN HOUSE IN WEEK

Consideration of the Boulder Dam bill in the House next week is expected by Representative PHIL SWING, Republican, of California, he indicated yesterday.

"I have received encouragement from House leaders and the steering committee that the legislation will be given a place on the calendar and acted upon before Congress adjourns," said SWING.

The House Rules Committee meets to-day to discuss the calendar.

[From the Washington Herald, May 12, 1928]

LOBBY METHODS AROUSE MORE PROTESTS—POWER TRUST CONTACT MAN REVEALS HOW GRIP WAS WON—GEORGIA FLOODED WITH VAST PUBLICITY VOLUME TO CRUSH PUBLIC OWNERSHIP BACKERS—30,000 TEXTBOOKS SPREAD—EDITORS AND EDUCATORS FELL IN LINE TO GIVE HIGH PRAISE FOR GOOD EDUCATION WORK

By Edwin J. Clapp

Willard Cope, of Atlanta, high-powered press agent of the Georgia public-utility interests, continued his amazing story of the control of Georgia schools and newspapers by his organization in yesterday's installment of the hearings in the Federal Trade Commission's investigation of propaganda and lobby activities of the so-called Power Trust.

Meanwhile, according to Commissioner Edgar C. McCulloch, in charge of the case, letters and telegrams from all parts of the country are pouring in upon the commission, with additional complaints as to tampering with the press by the utility interests, interfering with teachers and courses of instruction in schools, and "influencing" legislatures.

SCHOOL PROPAGANDA

The commission announced the receipt of a telegram from Homer T. Bone, of Tacoma, charging that "there is definite and admitted information that the Puget Sound Power & Light Co., with the active assistance of Josephine Corliss Preston, Washington State superintendent of public instruction, has placed in the public schools of the State of Washington thousands of so-called monographs designed to teach pupils the advantages of private ownership as opposed to public ownership of water power rights and operation."

Commissioner McCulloch announced that the commission's investigators would promptly go into the Bone charges and that the commission in due course would decide whether to grant Bone's plea that Mrs. Preston be summoned to Washington for examination, along with Clare Ketchum Tripp, author of the monographs; A. W. Leonard, president of the Puget Sound Power & Light Co., and Norwood Brockett, the company's publicity director.

CITIZEN'S ENEMY

Speaking at Baltimore last night, Selden Carlyle Adams, of the National Education Association, attacked the power propagandists as "enemies of good citizenship." Adams is assistant director of the division of publications of the National Education Association, which is now making a national survey of propaganda in the public schools by the power interests.

During the testimony of Cope, director of the utilities information committee of Georgia, the minute book of the committee was introduced into the record, revealing that the Georgia Railway & Power Co. was paying the expenses of a young man being taught at the Harvard School of Business Administration for the purpose of later giving courses at the University of Georgia. The Harvard School of Business Administration is the recipient of an annual subsidy of $30,000 from utilities companies, the record shows.

WEEKLY BULLETIN

Cope's method of reaching the schools is by means of a weekly bulletin, "The Week," he testified. The most frequent "news item" in this publication, as shown by exhibits introduced to-day, consisted of attacks on Government ownership, Muscle Shoals, and Boul-

der Dam. Cope testified that the bulletin was regularly used as a supplemental textbook in civics.

One of Cope's "news" items carried in the Week, widely used in news and editorial columns of the Georgia papers and circulated in the schools, according to the witness, is described by the following headline:

"Government asked to spend $125,000,000 to make Imperial Valley in California the greatest cotton-producing section of the United States."

Another was headed: "California research report shows permanent cotton advantage over Georgia and South; Swing-Johnson bill, with $125,000,000 appropriation boosting cotton production, is attacked by editors."

Judge Robert E. Healy, counsel for the commission, brought out in cross-examination that the "editors" and other distinguished personages in Cope's news stories were individuals interviewed by propaganda writers paid by Cope's organization, the names of the personages being then signed to the articles.

Cope Thursday testified that he had no "pen mark or record of any sort" with respect to receipts and disbursements of $30,000 a year from 1921 to January 1, 1928, having destroyed the last of his financial records during the middle of January. Yesterday he testified that the correspondence files of his committee had likewise been burned. Judge Healy questioned him on it:

"Q. Have any of the correspondence files of your committee or bureau been destroyed, Mr. Cope?—A. Yes, sir.

"Q. When was that done?—A. At various times, sir. Purely as a matter of office routine. We moved our office about five months ago.

"Q. And that was the last time you destroyed them?—A. Yes, sir.

"Q. What was the next time before that?—A. That was the only time.

"Q. I thought you said it had been done several times?—A. I may have said that, but I do not recall its having been done several times.

"Q. There were letters to the bureau and to the committee destroyed, and your letters to others were destroyed?—A. Yes, sir.

"Q. And that explains why we do not find there the copies of your reports to the committee?—A. I suppose it must."

In the minutes of Cope's committee for March 8, 1926, President Criswell, of the Savannah Gas Co., appears upon the scene. Criswell presented to the committee the proposition of getting up the proper kind of a textbook on public utilities for the colleges. The minutes read:

"The question of preparing a textbook dealing with the general principles of public-utility economics was presented by Mr. Criswell. He announced that he had begun to gather a great deal of data which he intended, as chairman of the education committee, to reduce to a syllabus. This he would refer to the members of the education committee and upon approval by them he would present it to the entire committee.

"When worked out in its final form, he said, he would present it in a personal interview to each head of the higher educational institutions in Georgia as the proper view of the public-utility industry. It was his hope thus to introduce the question into the institutions of higher learning."

According to the minutes of July 16, 1926, Criswell had apparently decided to have his book used in high schools instead of colleges.

The records run:

HIGH-POWERED PROPAGANDA FOUND SWIFT WAY TO MARK

"Mr. Criswell outlined plans he had previously discussed concerning the preparation of a textbook for use in high schools. In conjunction with Mr. Flannagan he will undertake to discover if there is now in existence a suitable textbook dealing with the desired subjects in connection with public utilities. If such a book is discovered, then it will be used as the basis for further operations. Otherwise various members of the committee will be asked to prepare chapters in a book to be sponsored by the committee.

"Mr. Criswell said it was his idea that courses could be installed requiring one-half hour per week, which during the year would familiarize students with public-utility questions.

"The secretary was instructed to learn the cost of the present work being done by the Georgia Railway & Power Co. in preparing an instructor at the University of Georgia for teaching a public-utility course, with the idea that similar work might be done with all universities."

Judge Healy questioned Cope with respect to the Georgia Railway & Power Co.'s instructor:

"A. The Georgia Power Co., I believe, provided at that date, for two or three years, to send some member of the University of Georgia, I mean the faculty of the University of Georgia, I believe, to the Harvard School of Business, with the thought of establishing a chair or section or class or something of the sort in public utilities and economics. I am not very clear as to that.

"Q. Do you know whether the instructor from the University of Georgia was sent to the Harvard School of Business?—A. I do not know that. I believe he was.

"Q. You know the Georgia Power Co. furnished the money for that?—A. I do not know that. I have heard it. There was no effort to keep it quiet."

It appears that Criswell, at the meeting of April 25, 1927, "discussed his plans as chairman of the education committee and announced that he had abandoned hope of entering either the schools or colleges through the medium of textbooks." Indeed, in his testimony yesterday Cope spoke of Criswell as "an elderly gentleman interested in educational matters; he is an engineer and his mind runs in that direction and he discussed it and the committee listened to him and discouraged him and in the end the contract to publish his textbook was not made."

However, on November 7, 1927, Mr. Cope and his committee were again planning to get a textbook into the public schools.

"The committee decided to take up with each gas company member the proposal of the American Gas Association that the 'manufactured-gas textbook,' copy attached, should be introduced into the public schools, particularly the high schools of each company's territory.

PUBLIC-OWNERSHIP THEORY FOUGHT TO THE LAST DITCH

"The committee office staff was instructed to get from the American Gas Association and the Illinois information committee the methods employed to best advantage in placing this book in the schools."

The Georgia committee, during a fight on public ownership power bills in the Georgia Legislature in 1924, broadcast a specially written textbook throughout the State, as evidenced by the minutes of March 28, 1924:

"The secretary's report showed that more than 29,000 of the textbooks on electricity had been distributed, penetrating every walk of life and every corner of the State with good effect. He also reported that from the first 12 issues of the week 412 column-inches of reprints in the weekly press had resulted."

Judge Healy read into the record the foreword of the textbook: "In the interest of broader education, a more thorough knowledge of fundamentals, and the rapid and lasting development of Georgia, this textbook on electricity is prepared." He then questioned Cope:

"Q. Was it true that more than 29,000 copies of the textbook were prepared to combat the movement of the Municipal League of Georgia?—A. We printed 32,000, sir, and we got our mailing list, and we sent them to all where we thought it would be most useful. After the collapse of the municipal league we had about two or three thousand left, which I threw away, saving one or two for the files.

"Q. The book was distributed with good effect?—A. I think so, sir.

"Q. What was the good effect?—A. It overcame the purpose of the municipal league, which was fostering municipal ownership, as a means of harassing public utilities."

Exhibits and testimony often brought in the name of Channing Cope, Willard's brother, who gets $4,800 a year and $4,000 traveling expenses serving as director of the committee's speakers' bureau. On July 6, 1926, the director of the speakers' bureau made a report to his committee, "showing that he had visited more than 50 county-seat towns in the last four months, largely in Georgia, and had helped make clear to the editors various points in connection with the mergers and the Muscle Shoals bid."

On last September 17 Channing Cope wired Paul Renshaw: "Please pardon delay; have been out of city; 152 speeches Georgia past 90 days." The extraordinary effectiveness of Channing Cope's speeches was indicated by a letter which Willard Cope put into the record, written on February 10, 1927, by C. H. Bishop, of the Ashburn Distributing Co., to Preston Arkwright, president of the Georgia Railway & Power Co., and reading, in part:

"Mr. Channing Cope has just spent the morning with me and made a little talk at our Kiwanis Club. He seems to be thoroughly sold on the Turner County cow-hog-hen idea.

"I believe a change of sentiment is coming about in regard to your company, and that the time is near when people will rejoice in knowing that it is prosperous."

The philosophy of thus keeping after the country population of Georgia was explained by Willard Cope in a letter of April 2, 1926, addressed to R. L. Linsey, president of the southeastern division, National Electric Association, at Durham, N. C.:

"This committee has been operating exactly six years. It has grown and learned as it has aged. Our present policy is to concentrate on the farmer through the medium of county weekly newspapers, farm organizations, and small-town 'speakings.' The farmer runs Georgia politically and we regard it as five-sixths of our job to put into his mind economic ideas which we regard as somewhat sounder and more useful than those he gets from the cross-roads demagogue and the camp meeting. All our advertising, our publicity, our speaking, and our general efforts are concentrated on this one point.

"We publish an occasional book in quantities of from 1,000 to 32,000, copies of various ones of which are attached.

"Our speaker's bureau has about half a dozen able men, all volunteers except the director, who will go anywhere to speak to any number of people under any circumstances on the subject of improving

economic conditions in Georgia. Under such a heading, of course, it is possible to correct many mistaken ideas."

Numerous high schools were named in the letters commending Cope's propaganda pamphlet, "The Week." The letters were voluntarily submitted by Cope. Miss Edna Baker, head of the social science department at the Hoke Smith Junior High School, of Atlanta, wrote on last November 7, asking for 10 copies a week and saying: "I find your 'The Week' very helpful in my work as teacher of civics and geography."

Miss Eliza E. Tilman, of Augusta, asked for 30 copies for her civics class in the Tubman High School. Miss Mary L. Huey, principal of the Atlanta Opportunity School, said she found "The Week" to be "invaluable for its up-to-the-minute analysis of important economic and social questions; we use it in our English and journalism classes."

The amazing increase of utility propaganda speeches in the United States, which last year were estimated to have numbered 10,000 and which this year are scheduled to attain the figure of 15,000, according to testimony already given, was perhaps explained by the following "confidential memorandum" dated May 20, 1927, and addressed to directors of State public-utility information committees by J. S. S. Richardson, publicity head of the national power lobby in New York:

"Are you in a position, either directly or through business contacts, to place speakers at meetings of chambers of commerce, Rotary, Lions', or Kiwanis clubs or other civic bodies in your State?

"Are you acquainted in your State with speakers, preferably outside the public-utility industry, whose remarks carry weight, and who might be willing to speak on questions of national import, especially to our industry, the substantial facts being supplied by us?

"Is your organization so equipped that you can forward promptly to this office clippings of newspaper articles, reportorial and editorial, relating to public ownership of public utilities?"

ANTI-BOULDER DAM SPEECHES AT $250 EACH

Here is where the power lobby spent part of the $400,000 they have collected since last June 1 to fight Boulder Dam and the Walsh resolution for investigation of the propaganda and lobby organizations of the allied utility interests.

The check above for $407.27 was sent in payment for the expense account reproduced below. (Facsimile of check omitted from RECORD.) Professor Grayson listed his customary "fee for address," which appears to be the standing sum of $250.

Prof. Theodore J. Grayson, of the University of Pennsylvania, got $250 and expenses for going to New Orleans last October and attacking the Walsh resolution and Boulder Dam. He got a similar $250 and expenses for making the speech in Richmond on December 1 and another $250 for making it in Geneva, N. Y., on December 31.

Professor Grayson is also a Philadelphia attorney, counsel for a New Jersey water company, and an official of the New Jersey Public Utility Association.

The record shows his course at the University of Pennsylvania as being financed by the State utility power lobby in Pennsylvania.

In his New Orleans lecture he declared that "the principal purpose of the Boulder Dam scheme is to impound a water supply at the expense of the Federal Government for the benefit of the city of Los Angeles and a power supply at Federal expense and Federal maintenance for the benefit of the neighboring States."

PHILADELPHIA, *October 27, 1927.*

Maj. J. S. S. RICHARDSON,
Director of Department of Information,
Joint Committee of National Utility Associations,
420 Lexington Avenue, New York City, N. Y.

To: Theodore J. Grayson, Dr.

To car fare to New Orleans, La., and return, including Pullman accommodations	$118.72
Meals	18.30
Miscellaneous—tips, telegram, telephone, taxis, etc	20.25
Fee for address	250.00
Total	407.27

Paid October 31, 1927.
Received payment.
O. K. J. S. S. R.

[From Washington Herald May 16, 1928]

POWER LOBBY PHONE SLIPS SUBPŒNAED—PROBERS SEEK TELEGRAMS, TOO; TRUST AGENT TELLS HOW HE CHANGED IOWA TEXTBOOKS

By Edwin J. Clapp

Iowa held the center of the stage yesterday in the hearings before the Federal Trade Commission on the propaganda and lobby activities of the electric-power interests of the country. The chief witness was Joe Carmichael, $6,000 director of publicity for the Iowa committee on public-utility information, though a few words were spoken by his shadow, the $3,700 assistant director, Rodney Q. Selby.

In a matter-of-fact way Carmichael told of having textbooks displeasing to him thrown out of schools, of having "satisfactory" books introduced in their place, of hiring professors to get up material discrediting public ownership, of inserting ready-made news items and editorials into the Iowa press, of having instigated 250 speeches this past year against public ownership and Boulder Dam throughout the State of Iowa, and of having increased the newspaper advertising of the Iowa utility companies 700 per cent in the last few years, with a corresponding increase in the amount of free news space given by the newspapers to material supplied by Carmichael and his bureau.

TELEGRAMS SOUGHT

These Western and Southern press agents of the power propaganda organizations get up on the stand and actually tell the truth. They have an old-fashioned respect for the law and the oath which they take before they begin to testify.

To-day the Federal Trade Commission postpones the examination of Thorne Browne, publicity director of the Nebraska propaganda organization and devotes itself to an examination of high telegraph and telephone officials of the Western Union, the Postal Telegraph-Cable Co., and the Chesapeake & Potomac Telephone Co.

They will bring telegrams and records of telephone calls of the joint committee of the National Utility Associations, which has been notoriously chary of correspondence. It is expected that something interesting regarding their activities will be revealed by the telegraph and telephone companies.

LETTER EXPLAINS

Carmichael explained the method of getting propublic ownership textbooks out of the Iowa public schools. Instead of operating against the taboo books from State headquarters, the plan was to have the local electric light company managers see the superintendents or principals of schools and have the books taken out. A survey of textbooks was made in 1924, and within the year the new textbooks had been substituted.

The procedure was explained in an exhibit introduced, a letter from F. J. Hanlon, chairman of the Iowa committee, addressed to John F. Gilchrist, chairman of the Illinois Committee on Public Utility Information, and dated January 20, 1925:

"I was very much interested in the report of your committee in regard to the information in the textbooks used in the Illinois public schools. About a year ago our committee made a similar analysis and did not find the condition nearly so bad.

TEXTBOOKS REVIEWED

"We, however, took up with each manager the question of getting the information to the proper parties in order that the textbooks which gave the matter correctly could be adopted in place of the socialistic ones. We have had a great deal of success in getting this corrected."

The measure of their success in "getting this corrected" is found in a review of Iowa textbooks just completed in 1928 by Selby. This document was filed yesterday and was entitled "Survey of the Textbooks on Economics and Civics Now Being Used in High, Junior High, and Consolidated Schools of the State." Selby finds, with respect to the books on economics and civics:

"Five books were found to be unfair and biased toward Government ownership.

"One book was found to be strongly in favor of private ownership.

"Eighteen books were found to be fair and unbiased, presenting both sides of controversial questions in a purely academic form.

"Eight schools were found to be using the unfair textbooks.

"Twenty-eight schools were found to be using the book which favored private ownership."

SEES NOTHING WRONG

In other words, the 5 books with private ownership bias were receiving three and a half times as much use as the 5 books with public-ownership bias, whereas the 18 fair and unbiased books were not reported on by Selby.

Judge Healy, chief counsel of the commission, questioned Carmichael with regard to the throwing out a biased public-ownership book and replacing it with equally biased private-ownership literature. Carmichael could see nothing wrong in it. The examination ran:

"Q. Now in these textbooks to which objection was made, you say that they presented only the municipal side of the public-ownership controversy?—A. Yes.

"Q. When you prepared your documents on the subject, did you present any except the private-utility side of the same subject?—A. No.

DESCRIBES METHODS

"Q. But you thought that the book that presented only the municipal ownership side was unfair?—A. Yes.

"Q. Do you think your pamphlets that presented only the private utility side, were unfair?—A. No; we were employed for that purpose. What I did was to combat municipal ownership. There were plenty of other folks giving out the information on the other side."

Carmichael testified that he has introduced into the Iowa public schools 10,000 copies of a pamphlet, "Electricity," containing arguments in favor of private ownership. His bimonthly news sheet, the

Hawkeye Bulletin, has a circulation of 1,600 among newspapers, business men, teachers, and students, he testified. The Hawkeye Bulletin is sent only to teachers and students who ask for it, but if they fail to ask they are stimulated by visits of the local electric light company managers and by Carmichael's advertisements in the teachers' magazines.

PROFESSOR PAID

Carmichael testified that, in addition to this publicity matter sent the schools, he was supplying the teachers with pamphlets "to teach them how to teach the material in the bulletin better." Examination of the issues of the Hawkeye Bulletin for the last two years, introduced into the record, shows that it runs the same kind of matter as the State news bulletins already introduced, specializing in arguments against public ownership, the Walsh resolution for investigating the public utilities, and Boulder Dam.

For example, the November 28, 1927, issue contains the reprint of a speech against Boulder Dam made in New Orleans by Prof. Theodore J. Grayson, of the University of Pennsylvania, who, the record already shows, was paid $250 for his effort.

Commissioner McCulloch, in charge of the hearings, questioned Carmichael as to the ethics of his strong-arm methods with the public schools.

"Q. I wonder if you people have ever thought about the question of ethics of going into the schools in that way to influence sentiment, and to teach the youth concerning semipolitical questions. Do you ever think about the right or wrong of that, or were you simply doing it for your own benefit, without the thought of whether it was right or wrong?

TO THEIR ADVANTAGE

"A. Yes; I would not do anything that was going to poison the minds of other children any more than I would my own children. The stuff that we send out to schools we believe to be true, and we believe it is to their advantage to have that information.

"Q. But you are putting it into the schools because you think it helps your business. You are not doing it just from the public standpoint?—A. I am trying to conduct the business of my office on as high an ethical plane as possible.

"Q. I am not talking about your motives or ethics, but this movement on the part of the public utilities and those that represent them. They are going into the schools solely for the purpose of helping their business, aren't they?—A. Yes."

Among professors hired or subsidized, the most interesting case was that of Prof. Arthur H. Ford, head of the electrical engineering department of the State University of Iowa. Carmichael hired Ford to make a compilation of electric light rates purporting to show that the people got lower rates when a plant passed from municipal into private hands. For this research work he put in his bill for $159.80 on September 10, 1927, and was paid.

NEWSPAPERS UTILIZED

In the Hawkeye Bulletin of October 3, 1927, is published an article entitled "Average consumer in Iowa towns which have abandoned municipal ownership is getting 24 per cent reduction in electric-light rates." Comparative rates are then given and the news item goes on: "Rates for these towns were gathered and the costs were figured by Arthur H. Ford, electrical consulting engineer, Iowa City, Iowa, during the late summer."

Nothing is said in the news items indicating to the reader that Arthur H. Ford was hired to make this compilation by the Iowa committee on public utility information and paid $159.80 for doing it; or that he got his comparative rates, at least in part, from Carmichael's office, as shown by the record.

Judge Healy, in his examination of Carmichael, showed an interest in the practice of the Iowa newspapers in picking up the Carmichael material.

"Q. Isn't it true that a good deal of the material that is printed in your bulletin is reproduced in the columns of the newspapers?—A. Yes.

"Q. It is true that a good deal of it is reproduced in the columns of those newspapers without anything to show that the material was furnished by your committee?—A. Yes.

IT'S PROPAGANDA

"Q. Do some of the views that are expressed from time to time in the bulletins become reflected or are they reproduced in the editorial columns of the Iowa newspapers?—A. They are.

"Q. So you do influence public opinion by these bulletins?—A. Yes, sir.

"Q. And the fellow who reads the newspaper does not know that you have anything to do with it, does he?—A. Not always. Sometimes they mention the source and sometimes they do not.

"Q. That is propaganda, isn't it?—A. Yes."

When the committee was founded at the beginning of 1922 Carmichael, a former city editor and advertising man, immediately urged the companies which are members of his committee to advertise heavily. He told them that in Illinois the public utilities had increased newspaper advertising 2,000 per cent in less than five years. His philosophy was accepted.

ADVERTISING HELPED

His ideas were thus expressed in testimony, as brought out by Judge Healy:

"Q. Will you agree, I wonder, that one of the objects that led you to advocate increased advertising was that it would bring about a more friendly attitude on the part of the newspapers toward the utilities and toward their publicity releases?—A. Yes; for this reason: A newspaper publisher believes in advertising, and they have not very much respect for anyone who is trying to get a lot of free publicity for a while without any effort to use advertising to tell their story. That is the situation that confronted me at the start, and it was my attitude toward publicity bureaus when I was advertising manager."

RESULTS SHOWN

The result of the generous advertising expenditures of utility companies in Iowa newspapers was set forth in Exhibit 1288, a report on the achievements of Carmichael's committee during the first 20 months of its existence. It read in part:

"The committee instructed the director to make it his first activity to impress upon the utility companies that they should become regular, constant, and consistent advertisers.

"Articles from the Hawkeye Bulletin have been copied freely by the newspapers, nearly every one of the 650 newspapers of the State having used some of the publicity matter issued by the committee.

"By this means it has been found that during the first 18 months of its activities the newspapers published stories which the committee originated, which if they could have been paid for at regular line rates would have cost the industry about $80,000. Of course, this publicity could not be bought for this sum or for any amount of money, because it was news publicity and news space is not for sale.

"It has been found also that by writing these stories ourselves and sending them to the newspapers all ready for the (linotype) machines, the points which the industry desires to be emphasized receive attention, and not inconsequential matter."

AIDED IN UNIVERSITY

The record contained a good deal concerning the textbook on public utilities written by former Dean William G. Raymond, of the School of Engineering of Iowa State University. He wrote the book with the cooperation of the Iowa and Illinois committees, sent part of it to them for revision, and obtained extensive royalties from the sale of the book, pushed by the State committee and by the National Electric Light Association. The ordained textbooks for women's committees training women speakers to talk through the country against public ownership and Boulder Dam, are, as this investigation has brought out, the book of Professor Raymond, a text written by A. C. Spurr, prominent West Virginia utility executive, and the writings of Prof. Ralph E. Heilman, proutility professor at Northwestern University.

Raymond was succeeded at the Iowa State University School of Engineering by Dean C. C. Williams, who collaborated with Carmichael and his assistant, Selby, in getting up a power conference at Iowa State University in February, 1927.

DEAN MAKES SPEECH

The leading speech at the power conference was made by Dean Williams, his speech having been first submitted to Carmichael. Dean Williams stated that "where accounts are properly kept and operating expenses, including taxes and depreciation, are justly charged to the service, rates under municipal operation are high and service is inferior."

He advocated "going value" as an important element in capitalization, contended that a "reasonable return" on private investment in a public-utility monopoly should include "the equivalent of pure interest as represented by bond rates plus an allowance for the business risk involved," and warned against too high taxation of privately owned utilities.

In the discussion following Williams's speech E. F. Bulmahn, vice president and general manager of the Iowa Southern Utilities Co., praised the Williams speech as follows:

"Dean Williams's paper sets forth clearly the basis of rate structure. We understand it, but it is important that the consumer of electricity understand the basis upon which he is being charged for his service.

"The university could be of great assistance in establishing a better understanding between the buyer and seller of this commodity. I would like to see more time devoted to this subject in the classrooms in both the departments of engineering and economics. It would be a real service to the public in general and to the power interests."

Yesterday's testimony showed that the proceedings of the power conference were printed and broadcast by the university, the Carmichael committee, and the National Electric Light Association. Williams, however, got a little worried about his tie-up with Carmichael

regarding the printed proceedings, for we find him writing Carmichael on July 28, 1927, as follows:

"If you care to have this set up again with the legend, 'Compliments of Iowa committee, etc.' omitted, I think that that action would make them a little more suitable for distribution from the university."

GETTING WARY

There is evidence that the mid-western professors perhaps are not going to be so easy for Carmichael to handle as in the past. On March 7, 1928, we find Carmichael writing to Thorne Brown, managing editor of the mid-western division, National Electric Light Association, at Lincoln, Nebr.:

"I hope you will pardon the delay in getting the names of the professors of economics of Iowa whom we have secured to attend the meeting at Kansas City next week. Clarence Macey and I spent most of the day yesterday rounding them up. Some of the college authorities were a little 'cagey' about the matter."

Judge Healy questioned Carmichael regarding the meeting:

"Q. What was the meeting that was held at Kansas City in March, 1928?—A. It was a meeting of professors from some of the colleges in the State, a meeting with Dean Rugges, in reference to public-utility courses in colleges; that was the general subject.

GETS $15,000 JOB

"Q. Dean Ruggles is dean of what school or college?—A. I think he is on leave of absence. He was connected with Ohio State.

"Q. But you understand he is now employed by the National Electric Light Association?—A. That is what I understand.

"Q. And you gave your attention to only those college professors who were professors of economics, did you not?—A. They were the ones I was told to ask for.

"Q. Now, what college authorities were cagey about the matter?—A. The local men at Grinnell; they said they wanted to know what it was all about before they would go, and I explained to them the best I could over the telephone.

Dean Ruggles is on a year's leave of absence from the Ohio State University, getting a salary of $15,000 for directing a survey of public-utility courses and public-utility textbooks in the colleges and universities of the country, at the head of a committee consisting of prominent professors and utility company executives.

Carmichael testified that his committee is spending $28,000 a year. Thorne Browne, press agent of the Nebraska utility interests, takes the stand on Thursday.

IOWA POWER LOBBYIST TELLS HOW HE RUNS SCHOOLS AND USES PRESS

IOWA COMMITTEE ON PUBLIC UTILITY INFORMATION,
Des Moines, Iowa, May 5, 1925.

Mr. J. S. S. RICHARDSON,
520 City Centre Building, Philadelphia, Pa.

DEAR SANDY: Your letter of April 28, inquiring about our survey of textbooks has come to my attention on my return from a visit out through the State.

We made our survey about two years ago.

We secured the names of textbooks on civics and economics used in all Iowa high schools, academies, and colleges. We then secured copies of these books and read them carefully. Our report was not published for general distribution, but merely for the information of committee members and directors of other committees.

Where textbooks, which were grossly unfair and did not give the private ownership side of the question, were used in the high schools, we took the matter up personally with school officials, either through local managers or directly. We explained to them that we had no right to complain if a textbook stated contentions both for and against municipal ownership, but we did believe that we had a right to object when the textbook openly advocated municipal or Government ownership and was untruthful in stating its claims. In nearly every instance where such textbooks were used they were removed and placed on the library shelves for use as reference matter only.

In some cases the local managers or ourselves took the matter up with the superintendent, principal, or instructor in civics and economics. In other cases we brought the matter to the attention of members of the school board.

There were only 13 schools in the State which were using these objectionable textbooks. Of course, some of the books used in other schools were not what we would recommend, but we did not feel warranted in making a complaint.

We continued to watch this matter closely and get reports from time to time on new textbooks used. We have the matter pretty well in hand, but do not intend to let any of these bugs slip anything over on us.

If there is any other information in this connection that you want we will be glad to give it to you.

With very kindest regards, I am,

Yours truly,

JOE CARMICHAEL, *Director.*

Herewith a letter written by Carmichael on May 5, 1925, to J. S. S. Richardson, 100,000-horsepower press agent of the Pennsylvania State Committee on Public Utility Information, now promoted to be publicity director of the national power lobby, the joint committee of national utility associations, supplied with $400,000 to fight municipal ownership and Boulder Dam.

In this letter Carmichael tells how he caused to be removed from Iowa schools the textbooks which were displeasing to him. He says, in part:

"We took the matter up personally with school officials or with local managers or directly. We explained to them we had no right to complain about a textbook stating conditions for and against municipal ownership, but we did believe we had a right to object when the textbook openly advocated municipal or Government ownership and was untruthful in stating its claims. In nearly every instance where such textbooks were used they were removed and placed on the library shelves for use as reference matter only.

"In some cases the local manager or ourselves took up the matter with the superintendent, principal, or instructor in civics and economics. In other cases we brought the matter to the attention of members of the school board.

"We continue to watch this matter closely and get reports from time to time on new textbooks used. We have the matter pretty well in hand, but do not intend to let any of these bugs slip over anything on us."

Joe Carmichael and Rodney Q. Selby, who get $6,000 and $3,700 a year, respectively (plus expenses), for running the Iowa Committee on Public Utility Information.

Carmichael testified yesterday that he had 10,000 copies of an "electricity" pamphlet being used as a textbook in Iowa schools containing propaganda in favor of private ownership.

Carmichael is a former newspaper advertising man and believes in the utility companies advertising heavily in newspapers. Testifying before the Federal Trade Commission yesterday he traced the connection between increased advertising and increased news and editorial space devoted to carrying the propaganda of his organization.

Carmichael and Selby have told the commission a striking story of how they "put it across." Selby made a survey of textbooks in use in the Iowa schools which were unsatisfactory to the public utilities, because they presented public ownership in a favorable light, and Carmichael had the local electric light company managers remove the books from use in the public schools.

IOWA COMMITTEE ON PUBLIC UTILITY INFORMATION,
Des Moines, Iowa, January 3, 1923.

Mr. H. M. LYTLE,
Illinois Committee on Public Utility Information,
125 South Clark Street, Chicago, Ill.

DEAR HAL: I was in Clinton, Iowa, the other day and had a long visit with Will V. Tufford, secretary of the Inland Press Association. Tufford did not have the right slant on our proposition, but I think he has now. He even went so far as to include in his bulletin to member newspapers reference to our work, commending it. I don' think that you will receive any more of your stuff back from his publishers. If you do, let me know and I will go after him again, but I don't think this will be necessary.

Yours truly,

JOE CARMICHAEL.

Herewith a letter from Joe Carmichael when he was just getting into his stride as publicity director for the Iowa Committee on Public Utility Information way back in 1923. He writes H. M. Lytle, of the Illinois Committee on Public Utility Information, telling him how he got W. V. Tufford, secretary of the Inland Press Association straightened out so that he will not in the future let his publishers send back unused press material supplied by Lytle's utility company clients in Illinois.

Carmichael induced the utility company members of his committee to increase their newspaper advertising 700 per cent from 1922 to 1924, according to document 1289 submitted to the commission yesterday. His committee was organized January 1, 1922, and at the end of 20 months reported:

"Articles from the Hawkeye Bulletin (published by Carmichael's committee) have been copied freely by the newspapers, nearly every one of the 650 newspapers of the State having used some of the publicity matter issued by the committee.

"By this means it has been found that during the first 18 months of its activities the newspapers published stories which the committee originated, which, if they could have been paid for at the regular line rates, would have cost the industry about $80,000. Of course, this publicity could not have been bought for this sum or for any amount of money, because it was news publicity, and news space is not for sale."

[From the Washington Herald, May 17, 1928]

COLLEGE DEAN GETS $15,000 TO AID POWER SCHOOL HOLD—OHIO UNIVERSITY OFFICIAL GETS LEAVE OF ABSENCE TO SPREAD PROPAGANDA AMONG OTHERS—TOLL CALLS TELL STORY—$35,000 WASHINGTON LOBBYIST COVERED WHOLE NATION BY USE OF PHONE AND TELEGRAPH

By Edwin J. Clapp

The Federal Trade Commission yesterday subpœnaed executives of the telegraph and telephone companies in Washington and began exam-

ining the records of wires and phone calls since June 1, 1927, passing to and from Josiah T. Newcomb, $35,000 Washington lobbyist of the joint committee of national utility associations, the propaganda organization established last June and supplied with a fund of $400,000 to fight the Boulder Dam bill.

The toll call slips covering Newcomb's long-distance conversations, although not available previous to October 1, 1927, and although covering only outgoing and "reverse charge" calls, revealed the nation-wide spread of big business interests banded together to defeat the consummation of the Colorado River project.

CAUTIOUS TELEGRAMS

Newcomb's telegrams are interesting but cautious, consisting mainly of invitations to meet him or talk with him on the telephone. But the list of recipients of his telegraph and telephone communications is a list of the elite in the public-utility field.

No big name is missing, from Russell N. Ballard, president of the Southern California Edison Co., in Los Angeles, to George B. Cortelyou, president of the Consolidated Gas Co. of New York; Preston Arkwright, president of the Georgia Railway & Power Co., and Martin J. Insull, president of the Mid-West Utilities Co. of Chicago, and the biggest single utility magnate in the country.

TRACTION DEALS

A large number of telegrams was sent to William L. Ransom, prominent among a large number of attorneys engaged in helping Newcomb and ex-Senator Lenroot prepare the brief of the utility interests in opposition to the Walsh resolution for a senatorial investigation of the electric power companies. Ransom is counsel for the New York traction interests and last week was in Washington before the Supreme Court opposing Mayor Walker's plea for an injunction against the 7-cent fare on New York subways.

Thorne Browne, head of the Nebraska Utilities Information Bureau, as well as the Nebraska section and the Middle West division of the National Electric Light Association, testified regarding the success of his committee in getting Nebraska schools to adopt as a textbook a pamphlet written by three power executives who were members of his State committee.

PROFESSOR GETS $15,000

He gave details of a meeting in Kansas City in March held under his auspices for the purpose of enabling economics professors of small Missouri, Kansas, Nebraska, and Iowa colleges to meet Dean C. O. Ruggles. Ruggles is under leave of absence from Ohio State University and is paid $15,000 a year and expenses by the National Electric Light Association for the purpose, according to the record, of eliminating from high school and college textbooks material unsatisfactory to the utility interests.

Browne testified that the Nebraska section of the National Electric Light Association paid the expenses of the professors who attended the meeting, though he listed Dean Puckett, of Union College of Fayette, Mo., as an educator who refused to attend.

Dr. Frank Bohn, ex-I. W. W. and coauthor with "Big Bill" Haywood of socialistic literature in 1911, now the author of the chief anti-Boulder Dam pamphlet issued by Newcomb's organization, again came into the picture yesterday. Browne testified that in September, 1927, Bohn delivered an address before the Omaha Advertising and Selling League, known as the Adsell Club, for which the club paid him a fee of $200.

Judge Healy, chief counsel of the commission, put into the record a letter that Browne wrote on September 12, 1927, to George F. Oxley, publicity director of the National Electric Light Association, stating that Bohn was making a series of addresses in the Middle West at that time.

Maj. J. S. S. Richardson, publicity director of Newcomb's organization, the Joint Committee of National Utility Associations, has already testified in this investigation that Doctor Bohn was under retainer of $100 per week to the joint committee from July 16 to November 23, 1927. Richardson testified that the only work he did for the joint committee during this period was "editing."

His chief production, the widely circulated "Boulder Canyon Dam," was a rewrite of a pamphlet originating with Richard Washburn Child, ex-ambassador from the United States to Italy. Child got $7,500 from the joint committee for his draft of the propaganda booklet.

Among the other paid lecturers circulating in Thorne's territory the day's record contained a letter dated December 16, 1927, addressed to L. O. Ripley, of the Kansas Gas & Electric Co., Wichita, Kans., and written by C. M. Ripley, the lecturer of the General Electric Co. The letter read in part:

"I am inclosing a list of speeches given in your Middle West geographic division, also comments which might be useful to those who are handling my itinerary in the future.

"The only Catholic audience which I addressed was in the Middle West division, and I believe we should do more of it. The Catholics are a big element in our country.

"In general, I would like to recommend that more copies of the booklet 'Romance of Power' be sent out in the field at the time that bookings are made, so that college presidents, organizations, secretaries, labor leaders, penitentiary wardens, and others will have more information as to what is being offered to them. If they can see the book, they will better understand what it is all about."

The Newcomb telegrams, produced by T. P. Dowd, superintendent of the Postal Telegraph & Cable Co. in Washington, covered only the months of June, July, and September, 1927. August and succeeding months will be produced later.

James T. Bresnahan, office manager of the Washington branch of the Western Union Telegraph Co., asked for financial assistance to the extent of $800 or $1,000 from the Federal Trade Commission to make the extensive investigation necessary to secure the Newcomb telegrams since January 1, 1927. He said it would take 232 eight-hour working days to go through his files.

He brought with him only the charged outgoing telegrams of Mr. Newcomb since January 6, 1927.

The most sensational feature of the telegrams was the inclusion of the name "Tumulty" in a postal telegram that Newcomb sent to R. J. Mullaney, vice president Peoples Gas Light & Coke Co., Chicago, dated June 28, 1927:

"Since wiring you this morning Tumulty called me from New York, where he is detained on his receivership matter. If it would be just as convenient for you, our conference might be changed to New York, as I have to be there some day the latter part of this week, and had planned to return to Washington to see you."

On September 7, 1927, Newcomb sent by Postal a telegraphic invitation "to meet Judge Davis and myself in New York September 13, at 10.30 o'clock, to discuss legal questions involved in matters pending at Washington." It is believed at the commission that Boulder Dam and the impending Walsh resolution were the "matters pending in Washington."

The invitation was wired to William Chamberlain, Highly Building, Cedar Rapids, Iowa; William L. Ransom, 120 Broadway, New York City; Ralph D. Stevenson, 72 West Adams Street, Chicago; Edmond W. Wakelee, 80 Park Place, Newark; Carl D. Jackson, 36 West Forty-fourth Street, New York City; John C. Weadock, 14 Wall Street, New York City; and Frank A. Reid, 2 Rector Street, New York City.

Martin J. Insull, president of the Middle West Utilities Co., of Chicago, received wires from Newcomb on September 21, 1927, and October 3, 1927. C. A. Beasley, of the Alabama Power Co., Birmingham, Ala., on September 9, 1927, got the laconic telegram:

"Nothing as yet."

The Western Union group of telegrams open with identical messages which Newcomb, on December 20, 1927, sent to Russell H. Ballard, president of the Southern California Edison Co., Los Angeles, and Judge Stephen B. Davis, $30,000 managing director of the Joint Committee of National Utility Associations in New York.

It read: "The committee voted to begin hearings Boulder Canyon bill January 6 and conclude January 16." Apparently Ballard wired for further information, for on the following day Newcomb telegraphed him: "Re your telegram 20th, committee at present seems disposed to limit scope and duration of hearings; am glad Mullendore is coming."

On December 20 Newcomb sent a wire, "Senate Interstate Commerce Committee has postponed consideration of Walsh resolution until January 16," addressed to a group of 11 utility magnates, including W. A. Jones, George B. Cortelyou, Sydney Z. Mitchell, and Matthew S. Sloan, of New York, and Martin J. Insull and John J. O'Brien, of Chicago.

"BEAT BOULDER DAM BILL," ORDERS WERE SENT FORTH

The picture puzzle of the day was a telegram that Newcomb sent to Lee R. Jenney, division plant superintendent of the long lines department, American Telephone & Telegraph Co., in New York, dated January 11, 1928. It read:

"Your letter January 11, division file 19434, very, very surprising. Residence not burned. Barns adjacent to your wires were burned, including some poles. Relocation imperative and should be done promptly. Impossible for me to understand why suggestion your letter was made."

With pardonable pride Newcomb on February 16, 1928, recorded in a telegram to his son at Williams College, Williamstown, Mass., his triumph in defeating the Walsh resolution. The telegram read: "The Walsh resolution referred to Federal Trade Commission 46 to 31. (Signed) Father."

Insull in Chicago was wired by Newcomb on January 28 and February 1, 1928, the letter telegram containing a mysterious word "Indian" and reading:

"Entirely concur with your view Indian matter. Glad to report item stricken out by Senate committee. Will have text of amendment adopted shortly and will wire you."

On March 8 Newcomb wired Thomas W. Martin, president of the Alabama Power Co., at Birmingham, announcing the first hearing in the current Federal Trade Commission investigation. An identical telegram was sent to 31 others, including the leading utility executives and utility lawyers in the country.

The wide sweep of Newcomb's connections and the powerful interests with which he is constantly in touch are revealed by an analysis of his long-distance calls since November 1, 1927, as recorded on the toll slips of the Chesapeake & Potomac Telephone Co. and submitted by General Commercial Superintendent Charles C. Clagett. Newcomb's long-distance calls from November 1, 1927, to March 30, 1928, totaled 429 in number.

His busiest day was December 17, 1927, when he put in 14 calls, covering Chicago, Boston, New Orleans, Springfield, Ill., New York City, Wichita, Kans., and Philadelphia.

On November 23, 1927, he had 10 long-distance calls, including 3 to Chicago, 2 to Philadelphia, and the remainder to New York. On November 25 and 26 he had 18 calls, covering Newark, Chicago, New York, Philadelphia, and Birmingham, Ala. (President Thomas W. Martin, of the Alabama Power Co.)

The most frequent subjects of Newcomb's calls were Philip H. Gadsden, vice president of the United Gas Improvement Co. of Philadelphia and chairman of the executive committee of the joint committee of National Utility Associations; George B. Cortelyou, president of the Consolidated Gas Co. of New York; Carl D. Jackson, $25,000 counsel for the National Electric Light Association and the American Gas Association; Col. George I. Buckingham, 105 La Salle Street, Chicago; Ralph B. Feagin, Electric Bond & Share Co., New York; William L. Ransom, of Whitman, Ottinger, Ransom, Coulson & Goetz, 120 Broadway, New York; Stephen B. Davis and Ira L. Grimshaw, respectively, director and assistant director of the joint committee that hires Newcomb; Col. William C. Dufour, of New Orleans; and C. E. Groesbeck, of New York.

MUSCLE SHOALS PROJECT BRANDED FOR SLAUGHTER

Newcomb's distant calls included Preston Arkwright, president of the Georgia Railway & Power Co.; B. C. Cobb, of Grand Rapids; L. C. Ripley, of Wichita; Joe Gill, of Miami; "Secretary Wilcox," of Troy; Colonel Dufour, of New Orleans; "Colonel Kelly," of Niagara Falls; T. W. Martin, of Birmingham; Harvey Couch, of Pine Bluff, Ark.; R. Reise, of Youngstown, Ohio; "Mr. Grier," of Greenwood, S. C.; James A. Meredith, of Fairmont, W. Va.; and C. R. Fowler, of Minneapolis.

The names and the interests involved in these telegraph and telephone calls do not give the entire measure of the powerful machinery wielded by Newcomb. The toll slips record no incoming calls unless the charges are reversed. Only a few of Newcomb's outgoing telegrams have been produced, and none of his incoming messages.

Dr. Theodore Grayson, utility propagandist professor of the University of Pennsylvania, and recipient of $250 and expenses for each of a series of lectures attacking public ownership and Boulder Dam, asked the commission for an opportunity to make an explanatory statement yesterday, but failed to appear.

Thorne Browne, Nebraska press agent of the utility interests, told with simple frankness of the preparation of a textbook on electric power by his State committee:

"Q. Did that textbook committee make a survey of the textbooks in use in the schools of Nebraska dealing with utilities?—A. It did not.

"Q. What did it do?—A. It compiled and wrote the textbook.

"Who wrote it?—A. The three members.

"Q. Did they have any writer in their employ?—A. They did not."

The opus of Browne's three power executives, entitled "Electricity, Historical and Statistical," was urged upon Nebraska, Iowa, and Kansas school-teachers in a mail-bag campaign, carrying a circular advertisement reading in part:

"Live lesson material—free. A delightfully interesting textbook on one of Nebraska's leading industries. High-school teachers of physics, civics, current topics, and debating should order. No advertising, no propaganda. Fill out the coupon below. The supply is limited."

Browne gave a partial list of the schools using his textbook, naming 30 of them, some of which used the book in courses in English and civics. The textbook contains the customary matter in these documents in other States, setting forth the doctrine that utility companies make no "profits," because they are subject to public regulation, and carrying the warning that nothing must be done to disturb the free sweep of private initiative which has built up the utility companies to their present status. Under cross-examination by Judge Healy, Browne admitted that a result of the teachings in the textbook would be to make "headway against the municipal ownership program."

Browne volunteered that the reason his clients desired to reach the children in the high schools of Nebraska is that "they are the next voters."

"Q. Then it is not entirely as a matter of information that this is done; it is not an altruistic undertaking on the part of the power companies?—A. Not entirely.

"Q. Will you be frank enough to admit that the benefit that is derived by the power companies is the main motive for their going into that and spending their money writing this textbook and circulating it?—A. In the long run I think so."

HOW LOBBY "BURNED UP" WIRES TO BEAT BOULDER DAM

JANUARY 11, 1928.

LEE R. JENNEY,

Division Plant Superintendent, American Telephone & Telegraph. Co., Land Lines Department, 40 Rector Street, New York City:

Your letter January 11. Division file one nine four three four very, very surprising. Residence not burned. Barns adjacent to your wires were burned, including some poles. Relocation imperative and should be done promptly. Impossible for me to understand why suggestion your letter is made.

J. T. NEWCOMB.

JANUARY 12, 1928.

(Send to also: Hon. William L. Ransom, 52 Gramercy Park North, New York City.)

Hon. WILLIAM L. RANSOM,

120 Broadway, New York City:

Think it would be desirable for Lenroot to sign brief, if he desires, as special counsel of the committee or in any other way he desires not conflicting with my own signature.

J. T. NEWCOMB.

Telegrams of the Joint Committee of the National Utility Commission, in its investigation yesterday revealed Josiah T. Newcomb, the committee's $35,000 per year chief counsel, as the chief field marshal of utilities magnates and high-powered lawyers.

One telegram greatly mystified Federal Trade Commission officials. It was sent by Newcomb on January 11, addressed to Lee R. Jenney, division plant superintendent of the American Telephone & Telegraph Co., at New York, it read:

"Your letter January eleventh. Division file one nine four three four very, very surprising. Residence not burned. Barns adjacent to your wires were burned including some poles. Relocation imperative and should be done promptly. Impossible for me to understand why suggestion your letter is made."

This was by some taken for a code message. In the absence of Newcomb there was no testimony to explain.

Under date of January 12, Newcomb advised William L. Ransom, member of the Power Trust's principal legal firm in New York, that he thought it desirable for former Senator Lenroot to sign a brief. Lenroot was paid $20,000 as special counsel for the Joint Committee of the National Utility Associations. The text of this wire follows:

"Think it would be desirable for Lenroot to sign brief, if he desires, as special counsel of the Committee or in any other way he desires not conflicting with my own signature."

Here are three of the Postal Telegraph messages sent by Newcomb and introduced in the Federal Trade Commission's hearing yesterday. They read:

JUNE 28, 1927.

Mr. B. J. MULLANEY,

Vice President Peoples Gas Light & Coke Co.,

1812 South Michigan Avenue, Chicago, Ill.

Since wiring you this morning, Tumulty called me from New York, where he is detained on his receivership matter. If it would be just as convenient for you our conference might be changed to New York, as I have to be there some day the latter part of this week and had planned to return to Washington to see you. Please advise.

J. T. NEWCOMB.

SEPTEMBER 9, 1927.

C. A. BEASLEY,

Care Alabama Power Co., Birmingham, Ala.:

Nothing as yet.

J. T. NEWCOMB.

SEPTEMBER 7, 1927.

WILLIAM CHAMBERLAIN,

Higley Building, Cedar Rapids, Iowa:

Could you meet Judge Davis and myself office of the joint committee, Graybar Building, New York, Tuesday, September 13, 10.30 o'clock, to discuss legal questions involved in matters pending in Washington? Please wire answer 719 Fifteenth Street.

J. T. NEWCOMB.

DECEMBER 20, 1927.

Mr. R. W. BALLARD,

General Manager, Southern California Edison Co.,

Edison Building, Los Angeles, Calif.:

House committee voted begin hearings Boulder Canyon bill January 6 and conclude January 16.

J. T. NEWCOMB.

FEBRUARY 16, 1928.

Mr. WYLLYS W. NEWCOMB,

16 Currier Hall, Williams College, Williamstown, Mass.

Walsh resolution referred to Federal Trade Commission—46 to 31.

FATHER.

In the upper telegram under date of December 20, 1927, Newcomb advised the Southern California Edison Co. as follows:

"House committee voted begin hearings Boulder Canyon bill January 6 and conclude January 16."

The lower telegram, under date of February 16 last, shows that Newcomb apparently was keeping his son fully advised of developments, with this wire:

"Walsh resolution referred to Federal Trade Commission—46 to 31."

[From the Washington Herald, May 18, 1928]

BOULDER DAM DOOM SOUGHT BY CALLING IT COTTON PERIL—CHIEF PROPAGANDIST OBTAINED CONTROL OF PRESS AND THEN BEGAN THE DRIVE ON SCHOOLS—WOMEN DRAWN INTO NET—NEWSPAPERS AND WIRE SERVICE USED TO WIN FAVOR IN HUGE DRIVE TO BEAT UNITED STATES PROJECT

By Edwin J. Clapp

The Federal Trade Commission swung from Nebraska to South Carolina yesterday in pursuit of information regarding the lobby and propaganda activities of the electric power interests of the country.

The stage was held by Samuel Elmore Boney, director of the North and South Carolina Public Utilities Information Bureau at Raleigh, N. C., who painted a graphic picture of the control exercised upon press and schools by use of the funds supplied his bureau by the great Southern power companies, owned by Stone & Webster, Insull, Electric Bond & Share, and Duke interests.

MYSTERY CAMPAIGN

The day's record disclosed the origin of the mysterious campaign of Southern newspapers against Boulder Dam, beginning early last year.

The story was that Boulder Dam would cause the irrigation of so much land that 1,000,000 bales of cotton would be produced, ruining the market of the Southern staple.

Boney testified that the story, widely circulated through Southern newspapers, originated with Philip H. Gadsden, virtual head of the Joint Committee of National Utility Associations—the power lobby—and Stuart Cooper, vice president and general manager, South Carolina Power Co., of Charleston, S. C.

STORY SPREAD

Boney testified how he and Stuart and the other members of his committee concocted one form of the story in Charlotte, N. C., based upon remarks made by Gadsden at a Chicago meeting of the State press agents of the utility interests.

The story, in the form of a statement by Cooper, was first introduced into the Charlotte (N. C.) Observer, after which the Associated Press was induced to "carry it complete on the North Carolina State circuit and also on the Washington-Atlantic trunk wire circuit, which means that it was received by all the leading newspapers in North and South Carolina, Georgia, Virginia, and Washington."

The extraordinary use of the Associated Press was highly pleasing to Gadsden, who, on October 26, 1927, wrote to Mr. Boney:

"I want to congratulate you on this story. It is just the kind of publicity I had in mind when talking to the State directors in Chicago the other day. There is no limit to the amount of helpful and constructive publicity that we can secure if we will utilize men like Mr. Cooper all over the country."

Representatives of the Imperial Valley irrigation district of California, present in Washington in connection with the Boulder Dam bill, were interviewed yesterday with regard to the claim that the area irrigated by Boulder Dam may produce a million bales of cotton. President Earl Pound, of the irrigation district, made the following statement:

"The 400,000 acres in the Imperial Valley last year raised about 8,000 bales of cotton. The Boulder Dam project will irrigate an extension of Imperial Valley, and 10 years from now might possibly result in the production of another 8,000 bales. Imperial Valley agricultural labor is the highest paid in the world, and irrigated acreage there is too valuable to be used in raising cotton.

"We must raise cantaloupes, lettuce, honeydews, grapefruit, and semitropical produce to make farming pay. Mr. Cooper's fanciful propaganda with respect to the 1,000,000-bale peril has long since been discredited by the intelligent people of the South."

HIT WILL ROGERS

Will Rogers, Boney testified, never answered Boney's letter rebuking Rogers for one of his daily articles, "in which there is an obvious absence of the fun motive," wherein Rogers said, referring to Muscle Shoals:

"When you see a $150,000,000 plant lying here idle it gives you an idea of the pull in legislation that the Power Trust exerts. They say, 'If we don't get it, nobody else shall.'"

Judge Healy, chief counsel of the commission, examined Boney regarding this:

"Q. You told Mr. Rogers that this statement is one wholly lacking truth as its foundation, did you not?—A. I did.

"Q. And you expressed regret that he should have written such a thing, I take it?—A. I did.

"Q. And did you think 'there is an obvious absence of the fun motive?'—A. There was.

"Q. Did Mr. Rogers answer that letter?—A. He did not.

"Judge HEALY. He is still a humorist."

SIGN "BIG" NAMES

A feature of Mr. Boney's activities was his success in getting prominent southerners to sign their names to articles written in his press bureau. His victims included former Governor McLeod of North Carolina; Mrs. L. H. Jennings, president of the South Carolina Federation of Women's Clubs; and John D. Dawson, of Kinston, N. C., formerly chairman of the State Democratic Committee. In sending a ready-made article of this kind to be signed by E. T. C. Shaffer, of Walterboro, S. C., Boney wrote on May 19, 1925:

"I am sure you agree with the economic conclusions drawn. They are similar to those held by Mr. Hoover, Mr. Coolidge, and several others of the boys."

The day's testimony and the exhibits introduced showed the South Carolina press agent in correspondence with George B. Cortelyou, president of the Consolidated Gas Co. of New York; Philip H. Gadsden, of Philadelphia, vice president of the United Gas Improvement Co. of Philadelphia; C. A. Beasley, legislative agent for the Alabama Power Co. in Washington; COLE BLEASE, United States Senator from South Carolina; and A. W. Flor, vice president of the Electric Bond & Share Co. in New York.

SCANNING TEXTBOOKS

Removal of displeasing textbooks from schools, the record shows, was begun by Boney four years ago when, in a letter dated October 28, 1924, he wrote to W. C. Bell, vice president of the Roanoke Rapids Power Co. that "We are scanning the textbooks on civics and economics which are being used in our colleges and schools, and many of which are antiquated and highly prejudicial.

"Please for the present regard this as confidential, for we are hoping through quiet and diplomatic measures to have some of these inimical textbooks discarded."

Boney testified that he got from Missouri his idea of making a survey of the textbooks in the schools, and admitted that he is still at it. A. W. Flor, of the Electric Bond & Share Co. of New York, apparently made the suggestion to Boney that the Carolina committee spend some money getting the proper textbooks into the schools, for on October 7, 1926, he writes to Flor: "Revenues of the bureau probably are insufficient to place textbooks in institutions."

WROTE TO TEACHERS

In the course of preparing his textbook survey, Boney wrote to professors of civics and economics, asking what textbooks were used in a large group of institutions, including Trinity College, Durham, N. C.; Erskine College, Due West, S. C.; Wake Forest College, Wake Forest, N. C.; and Clemson Agricultural College, Clemson College, S. C. Prof. H. C. Brearley, of Clemson College, sent back Boney's letter with the notation, "May I ask why you wish this information?" Receiving no reply, Brearley, on October 25, 1924, addressed the South Carolina press agent:

"I may say frankly that I consider the censorship of textbooks by business interests as one of the most objectionable and reprehensible of the practices of so-called big business. I believe that freedom of thought should be allowed an author, just as we demand it for all individual men. As to my own treatment of public utilities, I do not presume to do the thinking for my students on controversial matters."

WOMAN MADE "HIT"

Mrs. L. H. Jennings, of Bishopville, S. C., president of the South Carolina Federation of Women's Clubs, on December 28, 1925, wrote to Boney regarding an article which Boney had prepared for her to sign:

"Of course, you know that the article that you wrote and the one which you so kindly allowed me to sign as my own, has seemed to make a 'hit.'

"I appreciate the copies that you sent me and am enjoying the delightful publicity caused by the various papers copying the article though I feel quite an impostor. If you are ever in Bishopville again, call and see us."

Boney, like all the State utility publicity directors, knows how to make use of the women's associations. On February 17, 1928, he wrote to J. T. Chase, manager of the Carolina division, Virginia Electric & Power Co., regarding "a state-wide meeting of high officials of the North Carolina Federation of Women's Clubs."

PRAISES WOMEN

He told Mr. Chase:

"Incidentally, and by the way, Mrs. F. M. Brown, of Roanoke Rapids, made a speech at this meeting and she said some extremely complimentary things about the Virginia company and about you personally. It would have done you good to have heard her. The Women's Federation is planning a really good work. I am sure you will lend a hand wherever you can."

On March 13, 1925, Boney wrote to Senator COLE L. BLEASE, in Washington, asking the Senator to give an account of himself.

"I notice you have called for an investigation of the Broad River Power Co.—the Barstow concern now operating in and around Columbia and Spartanburg. At the outset, please let me say that my organization is in no way connected with or interested in the Barstow company. I know perfectly well that you are not antagonistic to any legitimate enterprise, particularly enterprises that are building up and increasing the wealth of our States. Consequently, I am curious regarding your move."

Judge Healy developed considerable interest in a long letter which Boney wrote on November 9, 1927, to George B. Cortelyou, president of the Consolidated Gas Co. of New York, and chairman of the joint committee of national utility associations. Boney, as he testified yesterday, was upset by a dispatch sent from Washington by W. A. Hildebrand, correspondent of the Greensboro (N. C.) News, stating that there was a powerful lobby in Washington opposing the Walsh resolution and intimating that newspaper men were going to be generously treated by the utility people. Boney writes Cortelyou for the data with which to refute this disturbing charge:

ONE EDITOR COMPLAINED HE WAS NOT GETTING MONEY

"Already there has been editorial comment on this article and, in my opinion, it has done a great deal of harm.

"Please do this for me: Write and let me know how to answer this kind of stuff. By that I mean that within the next few days I shall see personally the editor and publisher of the Greensboro News, and also the editor of the Greenville (S. C.) News, which has commented on the article.

"I want to deny the existence of a lobby. Mr. Gadsden has publicly stated: 'We are not going to make the mistake which other groups in the past have made of organizing lobbies in Washington. We shall take our message direct to the people of the United States.'

"Somebody must have stepped on Hildebrand's toes; or is he only enlarging on Pinchot's blast when he arrived in Washington the other day? Surely no one connected with our utilities organization in Washington could have committed the asinine blunder of telling Mr. Hildebrand or any other newspaper man that the 'correspondents would be generously treated.'

"And further, can't somebody get our utility folks to stop using the expression 'educate the public'? It is well for the utilities to assume the public is educated. Utilities may seek to 'inform' the public. You note the play Hildebrand makes on 'educate.'

"There must be something behind this article of Mr. Hildebrand's. Can't your Washington office find out? I have avenues of approach to the owner and editor of the News, but I need your assistance and advice before making such an approach."

In answer to Judge Healy's question, Boney testified that his "avenue of approach" to the owner and editor of the News was John Paul Lucas, now vice president of the Southern Public Utilities.

On June 1, 1926, Stacy Brewer, publisher of the Pilot in Vass, N. C., wrote to Boney complaining that he was not getting a fair share of public-utility advertising, in spite of his favorable treatment of their interests. He said:

"I wish you would find out for me, if possible, why the Carolina Power & Light Co. does not give us our share of the advertising they put out in this section.

"There are three papers in Moore County, and the Pilot reaches more of the class of readers they are interested in than the other two combined. Our advertising rates are supposed to be the same. Our editorial staff has made a special effort to keep them in right with the public since their invasion of this territory.

"In view of the above, I feel that we are entitled to at least as much of their advertising as the other papers in this section, and we are not getting our share by a long way. I would appreciate any information you can secure along this line."

300 NEWSPAPERS IN STATE AND ONLY ONE UNFRIENDLY

Questioned by Judge Healy, Boney stated that, on behalf of Mr. Brewer, he called the matter to the attention of Mr. Strange, or some one else in the Carolina Power & Light Co. A penciled memorandum on the Brewer letter reads: "Brewer is president of N. C. R. R., member of legislature, influential member of press association."

Boney's correspondence, subpœnaed by the Federal Trade Commission investigators, was rich in correspondence with the Alabama Power Co., seeking and getting information regarding Muscle Shoals to be published in his weekly news bulletin, Public Service, sent to a mailing list of 6,500, including newspapers, libraries, and public schools.

On March 17, 1928, Boney writes C. A. Beasley, Washington representative of the Alabama Power Co., thanking him for a copy of a letter sent to Senator HEFLIN by President Martin, of the Alabama Power Co.

On May 5, 1926, Boney, in distress, wrote to W. J. Baldwin, publicity director of the Alabama Power Co. in Birmingham, with respect to an annoying editorial "Can't we get the facts?" in the Greenville (S. C.) Daily News, "which has me a bit worried." He goes on:

"If it were the Raleigh News and Observer (published by Josephus Daniels, ex-Secretary of the Navy) or some other vicious sheet, I would not write you as I am going to; but the News is one of our best friends, and I feel that an answer should be forthcoming. Won't you write me at once facts and figures, also argument, to refute the charges made by this National Popular Government League Bulletin—and who is back of it, anyhow?

"The News asks a really pertinent question. I leave it to you to give me a full answer, and through the bureau I will take it up with the editor."

C. A. Beasley answered this letter to Baldwin on July 20, 1926, his reply consisting largely of a disparagement of the National Popular Government League and its director, Judson King. On September 9, 1927, Boney transmitted to the editor of the Greenville News the information contributed by Beasley, together with a marked editorial from the Washington Post and an address by Thomas W. Martin, president of the Alabama Power Co.

The Alabama Power Co., on January 20, 1927, sent a letter to Boney, signed W. J. Baldwin, attacking the Boulder Dam project in a detailed six-page statement whose title was "Government asked to spend $125,000,000 to make Imperial Valley in California the greatest cotton-producing section in the United States." Baldwin's letter said:

"Attached hereto is an article dealing with this subject which should be placed in the hands of every newspaper editor in the South, with the request that he do all that he can to prevent this extra burden not only on the taxpayers, who are to put up the $125,000,000, but primarily on our thousands of cotton growers and those dependent upon them for business. We would appreciate it very much if you would get this material to your newspaper friends and call the matter to the attention of the leaders of the State who might be in a position to prevent this unjust burden."

Judge Healy asked whether Boney put the article "in the hands of every newspaper editor in the South." The examination continued:

"A. I do not recall whether that was sent out to all our papers or whether the substance of it was printed in our bulletin. I think it was in the form of an article in the bulletin.

"Q. Was it reproduced in the papers of North and South Carolina?—A. It was.

"Q. Did that include the argument that a cotton rival of the South should not be created in Imperial Valley?—A. That is it."

CAMPAIGN CONTRIBUTIONS INTERESTED TRUST DEEPLY

As on previous days, Judge Healy took up with the press-agent witness the ethical questions involved in his activity. In particular he wanted to know what Boney thought of the propriety of having newspapers carry propaganda news items and editorials written by Boney, and statements written by Boney but signed by prominent men and women, without newspaper readers in any way being informed of the partisan source of this material.

Boney had just testified that he had spoken at the North Carolina State College at Raleigh before the class in journalism, before the high-school class in journalism at Raleigh, before the South Carolina University Press Club, and before the Journalism Club at Furman University. Healy questioned him:

"Q. Have you ever discussed before these classes any of the ethics of the newspaper business?—A. I have—I think all my discussions were largely on newspaper subjects.

"Q. Did you claim to know something about newspaper ethics?—A. I do.

"Q. Do you think it is ethical for a newspaper to produce in its editorial columns an editorial prepared by the director of a power company such as yours?—A. I would hesitate to say, Judge Healy, what would be ethical in the matter. I think a matter of that kind is entirely for the disposition of the editor involved."

Judge Healy seemed interested in calling Boney's attention to the minutes of the last meeting of the southeastern division of the National Electric Light Association at Atlanta, reading in part:

"At the very beginning of his bureau Mr. Boney attempted to stress the value of personal contact with the newspaper men of the two States, and he spends a third of each month out in the sticks meeting and talking to newspaper editors. Out of 300 newspapers in the Carolinas only one is unfriendly."

The "unfriendly one" is the News-Observer of Josephus Daniels, of Raleigh, N. C., frequently designated as an outcast in the Boney correspondence. In a letter of July 20, 1925, addressed to John Paul Lucas, of the Southern Power Co., Charlotte, N. C., he reports with some annoyance the remarks of Mr. Daniels at the Thursday morning session of a conference.

He says Daniels made the "bald statement" that "public-service corporations are not bearing their just share of taxes." However, Boney adds, "frankly I do not believe his remarks made the slightest impression."

Boney is in constant correspondence with other State directors. On August 3, 1928, a letter was written him by Bernard J. Mullaney, right-hand man of Samuel Insull and director of the Illinois committee

on public utility information. Mullaney wrote to ask what the newspapers in the Carolinas were saying with regard to the scandal of Mr. Insull's $125,000 contribution to the campaign fund of Col. Frank L. Smith in the Republican primary in Illinois, which was at that time coming under investigation by the Senate.

Mr. Mullaney says: "It will be very helpful to us to get a reaction toward the whole affair elsewhere, and your help in this particular line will be appreciated." On August 6, three days later, Boney wrote back to Mullaney:

"In my humble opinion the effect on our people of this investigation will not tend toward condemnation of public utilities. Our people will regard it as simply another evidence of the rottenness of your 'damned Yankee politics.' It is just another case like Pennsylvania. I believe they will dissociate the utilities in the general condemnation of such heavy expenditures for election to public office."

The next hearing is set for May 28, when the commission will hear Charles H. B. Chapin, secretary Empire State Gas & Electric Association, New York City, and Fred W. Crone, director New York State Committee on Public Utility Information.

On May 29 the commission will hear John W. Lapham, executive secretary North Central Public Utilities Information Bureau, Minneapolis. May 31 will be devoted to George B. Lewis, executive manager Rocky Mountain Committee on Public Utilities Information, Denver; O. A. Weller, secretary-treasurer, Rocky Mountain division, National Electric Light Association, and secretary Colorado Utilities Association.

WIRES SHOW GIANT LOBBY AT WORK TO BLOCK WALSH PROBE

NOVEMBER 14, 1927.

Hon. WILLIAM L. RANSOM,
Whitman, Ottinger, Ransom, Coulson & Goetz,
120 Broadway, New York City:

He did not need to be persuaded, as I discovered over the telephone. Hope you will reach Chicago Wednesday and look me up in the evening at the Blackstone.

J. T. NEWCOMB.

NOVEMBER 30, 1927.

J. S. S. RICHARDSON,
Joint Committee National Utility Associations,
420 Lexington Avenue, New York City:

Bratton is in town; arrived four days ago.

JOHN F. FINNEY.

OCTOBER 8, 1927.

Mr. FRANK A. REID,
Care of Electric Bond & Share Co.,
2 Rector Street, New York City:

Please be prepared to discuss Walsh resolution at meeting of full law committee, including Chicago group, at New York, October 19. Hour and place of meeting will be announced later.

J. T. NEWCOMB,
Counsel Joint Committee of National Utility Associations.

OCTOBER 10, 1927.

Mr. PHILIP H. GADSDEN,
United Gas & Improvement Co.,
South and Arch Streets, Philadelphia, Pa.:

Have spent several days with Chicago group of lawyers on Walsh resolution matters. They will be present conference New York on 19th. Think necessary eastern group confer before that to consider views brought out at Chicago which will be presented at full conference. Can you meet me and members of eastern group offices of joint committee, Graybar Building, New York, Monday, October 17, at 11 o'clock. Please advise.

J. T. NEWCOMB,
Counsel Joint Committee of National Utility Associations.

NOVEMBER 23, 1927.

Hon. WILLIAM L. RANSOM,
120 Broadway, New York City:

Mailed you last night copy advance summary by Federal Power Commission of its forthcoming report. Report itself now in galley proof and can be looked over here, but copies not available until actually printed. Probably could get for you text on any particular feature in which you are interested.

J. T. NEWCOMB.

NOVEMBER 21, 1927.

Maj. J. S. S. RICHARDSON,
Joint Committee of National Utility Associations,
420 Lexington Avenue, New York City:

Understand Untermyer made statement regarding utilities financing. If possible please send me a copy of it.

J. T. NEWCOMB.

(All of these telegrams were charged to the account of J. T. Newcomb.)

BROOKHART ASKS SUBPŒNAS FOR UTILITIES HEADS

Senator BROOKHART (R.), of Iowa, announced yesterday he would request the Federal Trade Commission to subpœna Iowa public utility chiefs for questioning.

He said he assumed that John Reed, brother of Senator REED (D.) of Missouri, and an attorney for the power companies, would attend the investigation.

BROOKHART has not completed the list of power heads he will ask the committee to subpœna, but said they were the "successors of Col. W. G. Dows."

SALARIES OF JUDGES IN TERRITORIES AND INSULAR POSSESSIONS

Mr. BINGHAM. Mr. President, I ask unanimous consent to take up from the calendar the bill to which I referred a few moments ago, when the Senator from Wisconsin asked that we let it go over until the end of the morning hour was reached, the bill to fix the salaries of certain judges in the Territories and insular possessions. The Delegate from the Territory of Hawaii and the Resident Commissioners from Porto Rico and the Philippine Islands are very anxious that the bill be passed.

Mr. ROBINSON of Arkansas. What is the calendar number of the bill?

Mr. BINGHAM. It is Order of Business No. 1292, H. R. 11463. The Senator from Utah objected the other evening when it was reached. I have been informed that he has since withdrawn his objection, and I trust that the bill may now be brought up and passed.

Mr. ROBINSON of Arkansas. What changes in the existing salaries does the bill propose?

Mr. BINGHAM. The changes are as follows:

The chief justice of the Supreme Court of Hawaii to-day gets $7,500. This bill gives him $10,500.

The associate justices of the Supreme Court of Hawaii get $7,000. This bill would give them $10,000.

The circuit judges get $6,000. This bill would give some of them $7,000 and some of them $7,500.

Mr. ROBINSON of Arkansas. Why is a distinction made between the salaries of certain judges?

Mr. BINGHAM. It was done on the recommendation of the committee, Mr. President. Perhaps the Senator from Wisconsin [Mr. BLAINE], who is here, will answer the question of the Senator.

Mr. BLAINE. Mr. President, the distinction between the judge of the first circuit and the judges of the other circuits is because of the difference in living conditions. The judge of the first circuit must live in the largest city. The other judges live in the country districts; and upon recommendation of the Governor of Hawaii a difference was made.

Mr. ROBINSON of Arkansas. Of course, it will not be two years until some one comes here and asks for relief from the distinction.

Mr. BLAINE. There is an actual distinction as well as the theoretical one.

Mr. KING. Mr. President, I do not object to the consideration of the bill, but that does not mean that I am in favor of it. My opinion is that the situation in Porto Rico and in Hawaii and in the Philippine Islands does not call for these increases in salaries. The Senator knows that in many of the States the judges who are doing important work do not receive salaries as great as those proposed in this bill. I should object to its consideration at all except for the fact that I am told that the people in Porto Rico want this bill and the people in Hawaii want it; but I am sure that if the people themselves were consulted and had a referendum upon it it would not receive the support of the people.

Mr. ROBINSON of Arkansas. How has it been ascertained that the people of Hawaii and Porto Rico want the bill? Has there been a referendum?

Mr. KING. No.

Mr. BINGHAM. Their Delegate and Resident Commissioners in Congress are supposed to speak for them; and anyone who is familiar with the city of Honolulu knows that a judge of the character of a judge of the supreme bench can not live as his colleagues live on a salary of $7,500. Lawyers of the caliber needed to go on the bench earn from $25,000 up.

Mr. ROBINSON of Arkansas. The Senator does not propose to pay them from $25,000 up, however. We hear that all the time. All that we hear is increases of salaries everywhere.

If there is a real feeling among the members of the bar in Porto Rico or in the Philippines or in Hawaii in favor of this increase, I am not going to stand in the way of it; but we never reduce a salary once it is raised. There are, as suggested by the Senator from Utah, many States in which the justices of the supreme court do not receive the salaries that are now being paid to these insular judges. One can always make an

argument in favor of increasing a salary, but nobody ever hears an argument in favor of decreasing one.

I take it that these salaries are paid by the people of these islands themselves.

Mr. BINGHAM. In some cases they are, and in some cases they are not.

Mr. ROBINSON of Arkansas. Have the legislative bodies of the Philippines and of Hawaii and of Porto Rico adopted any resolutions favoring this action?

Mr. BINGHAM. Not that I am aware of.

Mr. ROBINSON of Arkansas. I object to the consideration of the bill.

The PRESIDING OFFICER (Mr. SACKETT in the chair). Objection is made.

COST OF PRODUCING FERTILIZER UREA

Mr. KING. Mr. President, there is on the table a resolution that has been there for several weeks, since May 8. It will take only a moment to pass it. If there is any opposition, I will withdraw it. I ask for its present consideration.

The PRESIDING OFFICER. The Senator from Utah asks for the present consideration of a resolution which will be stated by the Secretary.

Mr. KING. I ask unanimous consent that the "whereases" may be stricken out. May I say that I exhibited the resolution to the chairman of the Finance Committee?

Mr. ROBINSON of Arkansas. What is the number of the resolution?

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 228, submitted by Mr. KING on the 8th instant, as follows:

Whereas it was the intention of the tariff act of 1922 to permit the importation, free of duty, of fertilizers and fertilizer materials for the benefit of the agriculture of the United States; and

Whereas paragraph 26 of said tariff act laid a duty of 35 per cent ad valorem upon importations of urea; and

Whereas at the date of said act importations of urea were of negligible quantity and were restricted to medicinal uses; and

Whereas since the date of said tariff act there has been a wide expansion in the production of synthetic urea and an expanding market for such urea in the United States as a fertilizer, a use which was unknown when said tariff act was passed; and

Whereas there is no production of fertilizer urea in the United States, and the production of medicinal urea with which said fertilizer urea does not compete is limited to a few hundred tons per annum; and

Whereas because of the demand of American agriculture for an improved and effective nitrogenous fertilizer which leaves no inert residue in the soil, the imports of fertilizer urea have arisen to approximately 1,000,000 pounds per annum; and

Whereas the cost of said fertilizer urea to the American farmer is increased 35 per cent by virtue of the existing tariff which represents an arbitrary imposition upon agriculture without corresponding benefit to any American industry: Now, therefore, be it

Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the cost of the production of fertilizer urea in the country from which the principal exports of fertilizer urea are made to the United States, and the facts with respect to the quantities of fertilizer urea being imported and used in the United States, and to report its findings to the President of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered by the Senate and agreed to.

Mr. KING. I ask that the "whereases" be stricken out.

The PRESIDING OFFICER. Without objection, the preamble will be stricken out.

Mr. KING. I ask unanimous consent to insert in the RECORD a statement I have prepared in relation to this matter, without taking the time of the Senate to read it.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

It was undoubtedly the intention of Congress at the time of the enactment of the tariff act of 1922 to exempt from duty all fertilizers. Owing to the phraseology of that act and the increase in the products now being used as fertilizers three very important fertilizers are dutiable. Paragraph 1583 of the present tariff act stipulates that no fertilizer provided for by name in the dutiable list shall be free of duty, consequently ammonium sulfate pays an import duty of $5 per ton, urea pays 35 per cent ad valorem duty, and ammonia phosphate $30 per ton.

Ammonium sulfate was free of duty under the tariff acts of 1909 and 1913. According to the Summary of Tariff Information, 1921, published by the United States Tariff Commission, the imports of ammonium sulfate for the first nine months of 1921 were 3,089 tons and the exports for the same period were 67,422 tons. In other words, the exports were twenty-three times the imports in 1921, when ammonium sulfate was on the free list. In 1926 the imports were 8,368 tons and the exports 181,125 tons, so the exports for the last year for which statistics are available were over twenty-one times the imports. It is, therefore, evident that the imposition of a tariff duty of $5 per ton has no effect on the relation of imports to exports, but only increases the ultimate cost of the product to the farmer. The domestic production of ammonium sulfate in 1926 was 516,412 tons, so the imports of 8,386 tons in 1926 were only 1.6 per cent of the domestic production, while the exports of 181,125 tons represented over 35 per cent of domestic production.

At the present time there is a shortage in the domestic market in this country of ammonium sulfate. Owing to this shortage the domestic price of ammonium sulfate has risen from $43 a ton to $48 a ton.

Urea is provided for in the present tariff act in paragraph 26 with medicinal preparations such as chloral hydrate, thymol, erpin hydrate, and glycerophosphoric acid at 35 per cent ad valorem. It was also enumerated with these same medicinal preparations in paragraph 18 of the tariff act of 1913 at 25 per cent ad valorem. Until 1926 urea was not used in this country as a fertilizer, but to a large extent in the form of its salts as medicinals. Because of its eo nomine provision in paragraph 26 every pound of urea imported as a fertilizer must pay a duty of 35 per cent ad valorem. Fertilizer urea is not produced in this country. Owing to the fact that it is a highly concentrated nitrogenous fertilizer and leaves no inert residue on absorption by the soil, it is being used more and more by farmers having lands quite deficient in nitrogen. Three hundred and seventy-seven thousand seven hundred and twenty-nine pounds were imported in 1926, while 813,120 pounds were imported in 1927. There were no exports and no domestic production.

Ammonium phosphate is also used as a fertilizer, although having other uses. It is assessed a tariff duty of $30 per ton and was dutiable at $20 a ton in tariff act of 1913.

There is no data available as to imports, exports, and domestic production, having not been listed separately in the statistics of either the Bureau of Foreign and Domestic Commerce or Bureau of Census. The summary of Tariff Information, 1921, published by the United States Tariff Commission, states that there were no imports in calendar years 1918 and 1919; imports for 1920 were 6 tons, and the first nine months of 1921, 1 ton.

It is quite evident that the provisions in the present tariff act relating to these fertilizers does not benefit domestic manufacturers and only acts as an additional burden to the farmer in increased prices. The United States Tariff Commission should reduce by 50 per cent the tariff rates on these products under the flexible tariff provisions of the tariff act.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On May 26, 1928:

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 2327. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3620. An act granting certain land to the congregation of St. Joseph's Roman Catholic Church in the parish of East Baton Rouge, La.;

S. 3752. An act to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926;

S. 3808. An act to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La.;

S. 4450. An act authorizing the Ripley Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ripley, Ohio;

S. 4456. An act granting the consent of Congress to the boards of county commissioners of the counties of Escambia and Santa Rosa, in the State of Florida, to construct, maintain, and operate a free bridge across Santa Rosa Sound in the State of Florida;

S. 4457. An act authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and

operate a bridge across Perdido Bay, at or near Innerarity Point in Escambia County, Fla., to the mainland of Baldwin County, Ala.;

S. 4474. An act authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; and

S. 4504. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a toll bridge across White River at or near Augusta, Ark.

On May 28, 1928:

S. 2535. An act granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds and for the payment of the principal of railroad-aid bonds issued by the town of Silver City and to reimburse said town for interest paid on said bonds, and for other purposes; and

S. 3593. An act to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 19. An act for the relief of Frank Topping and others;

S. 374. An act for the relief of Lulu Chaplin;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 764. An act for the relief of J. F. Nichols;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1287. An act for the relief of the Near East Relief (Inc.).

S. 1434. An act for the relief of Mattie Holcomb;

S. 1448. An act for the relief of Omer D. Lewis;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1637. An act for the relief of Martha Henson;

S. 1691. An act for the relief of William A. Light;

S. 1852. An act to correct the naval record of John Lewis Burns;

S. 2473. An act for the relief of Will J. Allen;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;

S. 2697. An act for the relief of Hattie M. McMahon;

S. 2764. An act for the relief of Nelle McConnell;

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;

S. 2966. An act for the relief of Oliver C. Sell;

S. 3201. An act for the relief of Paul D. Carlisle;

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes;

S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia;

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes;

H. R. 10487. An act to amend the World War adjusted compensation act, as amended;

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes;

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066; U. S. C., title 39), regulating postal rates, and for other purposes;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 82. Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

ORDER OF BUSINESS

Mr. BORAH. Mr. President, I desire to submit a report from the Committee on Foreign Relations and ask for its immediate consideration.

Mr. DILL. Mr. President, if there is going to be any opportunity to get on the calendar at all, it will have to be done very shortly.

Mr. BORAH. Very well.

Mr. COPELAND. Mr. President, I ask unanimous consent that we proceed to the consideration of Senate bill 3936, the medical practice bill.

Mr. EDGE. I object. We should proceed with the calendar under Rule VIII.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. LA FOLLETTE. May I suggest to the Senator from New Jersey that the consideration of the calendar under Rule VIII will avail little or nothing, with only 15 minutes of the morning hour left?

Mr. EDGE. Then let us take up the calendar in order.

Mr. COPELAND. Mr. President, let me appeal to my friend the Senator from New Jersey. The bill to which I have referred is the medical practice bill, on which we have been working for weeks. At last we are in agreement. If it leads to any discussion, I shall withdraw my request.

Mr. EDGE. I did not direct my observation to the bill in which the Senator is interested; I did not know what it was; but it does seem to me that on what may possibly be the next to the last day of the session we should take up the calendar in order and that an effort should be made to obtain unanimous consent to have it taken up in order. I will withdraw my objection in this particular case.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. DILL. I think we ought to take up the calendar. We shall never get the calendar up if we go on with various measures in which Senators are interested. I think I will have to object.

The PRESIDING OFFICER. Objection is made, and the clerk will call the first bill on the calendar.

THE CALENDAR

The first bill on the calendar was the bill (S. 2787) providing for the appointment of governors of the non-Christian provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CLASSIFICATION OF SERVICE POSTMASTERS

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. KING. Let that go over.

Mr. BRUCE. Mr. President, I move that the bill be taken up.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McLean	Simmons
Bayard	Fletcher	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Metcalf	Steck
Blaine	Gillett	Moses	Steiwer
Blease	Glass	Norris	Stephens
Borah	Greene	Nye	Swanson
Bratton	Hale	Oddie	Thomas
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hawes	Pine	Vandenberg
Capper	Hayden	Pittman	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ark.	Waterman
Dale	Keyes	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Sheppard	
Edge	Locher	Shipstead	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

The question is upon the motion of the Senator from Maryland to proceed to the consideration of Senate bill 1728.

The motion was rejected.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

Mr. DILL. Mr. President, there is an amendment pending, offered by the Senator from Colorado [Mr. PHIPPS].

Mr. PHIPPS. I would like to have the amendment at least considered.

Mr. DILL. I think we ought to take a vote on that. We have discussed it.

The PRESIDING OFFICER. Does the Senator move to take it up?

Mr. PHIPPS. I move that the Senate proceed to the consideration of the bill.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BRATTON. If that motion prevails, the unfinished business will not be displaced?

The PRESIDING OFFICER. The unfinished business will not be displaced.

On a division, the motion was agreed to.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McLean	Simmons
Bayard	Fletcher	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Metcalf	Steck
Blaine	Gillett	Moses	Steiwer
Blease	Glass	Norris	Stephens
Borah	Greene	Nye	Swanson
Bratton	Hale	Oddie	Thomas
Brookhart	Harris	Overman	Tydings
Broussard	Harrison	Phipps	Tyson
Bruce	Hawes	Pine	Vandenberg
Capper	Hayden	Pittman	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Kendrick	Robinson, Ark.	Waterman
Dale	Keyes	Robinson, Ind.	Watson
Deneen	King	Sackett	Wheeler
Dill	La Follette	Sheppard	
Edge	Locher	Shipstead	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River;

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes; and

S. J. Res. 130. Joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest.

The message also announced that the House insisted upon its amendments to the bill (S. 1769) for the relief of the legal representative of the estate of Haller Nutt, deceased, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STRONG of Kansas, Mr. HOOPER, and Mr. LOWREY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13039) to amend the World War veterans' act, 1924; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of South Dakota, Mr. LUCE, and Mr. BROWNING were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 14057. An act for the relief of Edmund F. Hubbard; and

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes.

BOULDER DAM

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 1 o'clock having arrived, under the unanimous-consent agreement entered into this morning, the Chair lays before the Senate the joint resolution (S. J. Res. 164) to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PITTMAN obtained the floor.

Mr. PHIPPS. Mr. President, will the Senator yield to me?

Mr. PITTMAN. I yield.

Mr. PHIPPS. Not knowing that the Senator was working on the proposition, I had prepared a similar resolution, which is almost word for word like it, with the exception of the two concluding paragraphs, which are not objectionable at all in his proposal, but I do not consider them necessary. However, I do think it is necessary to conclude the resolution with the following language. I therefore offer as an amendment, after the last word in the Senator's proposed resolution, to add the following:

The expense herein authorized shall be paid out of the reclamation fund established by the act of June 17, 1902.

Mr. PITTMAN. I have no objection to that.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLASS. Does consideration of the joint resolution displace the unfinished business?

The PRESIDING OFFICER. It does not. We are now proceeding by unanimous consent. The question is on agreeing to the amendment of the Senator from Colorado to the joint resolution.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, in support of the joint resolution, which provides for an engineering board to check up the facts with regard to the engineering and economic feasibility of the dam, I shall discuss briefly some of the reasons urged by the Senator from Utah [Mr. SMOOT] against the construction of the Boulder Dam. Personally, I think it is totally unnecessary, but as there were quite a number who had doubts aroused in their minds by the propaganda that was spread throughout the country as to its engineering and economic feasibility, the House included in the House bill a provision such as I have offered in the form of a joint resolution, and I, therefore, wish to discuss it very briefly.

One of the things that cast doubt in the minds of some Senators with regard to the project's economic and engineering feasibility was the speech made by the Senator from Utah [Mr. SMOOT], in which he stated that this is in an earthquake zone. Here is what the Geological Survey has to say about it. I read just a sentence or two from a letter put in the RECORD by my colleague, the junior Senator from Nevada [Mr. ODDIE], as follows:

In addition, slight tremors that have done no damage to structures have been recorded since 1910 in Nevada, Utah, and Arizona, as follows—

I will only read with regard to these tremors nearest to the Boulder Dam site. That is all that we are interested in—

Salt Lake City, Utah, April 12, 1913, 350 miles northeast.
Salt Lake City, May 14, 1914, 350 miles northeast.
Salt Lake City, Utah, October 2, 1915, 350 miles northeast.
San Francisco Mountains, Ariz., August 18, 1912, 165 miles southeast.
Holbrook, Ariz., 1921, 265 miles southeast.
Victorville, Calif., June 2, 1917, 190 miles southwest.
Needles, Calif., May 24, 1917, 90 miles south.
Olancha, Calif., July 17, 1918, 190 miles northwest.
Bishop, Calif., March 21, 1917, 228 miles northwest.

The nearest point was 90 miles, which was below the canyon entirely, down at Needles in the alluvial country. It can not be contended by the Senator from Utah that the tremors in Salt Lake City, three of which took place there, have in any way endangered any structures in the great city of Salt Lake. As I said, earthquake tremors have been recorded all over the United States, but as far as earthquakes that have caused any great trouble are concerned, they have not occurred in many places.

Mr. PHIPPS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I yield.

Mr. PHIPPS. Bishop, Colo., is located on a creek where there are three dams that have been in use for several years and were in use at the time the reported earthquake occurred.

Mr. PITTMAN. That is true.

Mr. PHIPPS. May I ask the Senator if in his judgment there would be any greater danger to the Imperial Valley if the dam were constructed at Black Canyon or Boulder Canyon, impounding 20,000,000 acre-feet of water, than there would if a dam were constructed at Topock, impounding 8,000,000 feet of water, at a point many miles nearer the Imperial Valley?

Mr. PITTMAN. I think not.

Mr. PHIPPS. Yet the Senator from Utah presented a substitute bill which would authorize the construction of a dam retaining 8,000,000 feet of water at that point upon a favorable report being had from the Board of Engineers.

Mr. PITTMAN. I was simply taking the time of the Senate to show the absolute lack of verity or accuracy or even seriousness of the attack on this dam on the ground that it would be in an earthquake zone. I have shown that Salt Lake City is more nearly in an earthquake zone than is the Boulder Dam site. The Boulder Dam site happens to be one place where they do not have earthquakes or tremors at all.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. KING. I came in just now while the Senator was reading from a letter to which he had referred. Does that statement pretend to record all of seismic disturbances which occurred in Utah? Because, if so, the part which I heard is not accurate. I recall a few years ago in the southern central part of the State a very serious disturbance which destroyed a number of buildings, including a schoolhouse and store in the town of Monroe. That was within the past 10 or 12 years. The Senator knows that in the Rocky Mountains there are many faults and many fissures. I have seen numerous ones in my geological activities in preparation for trials in court and in mining activities in which I have in a limited way participated.

Mr. PITTMAN. There is no doubt about it. There are faults all over the West, and bound to be. Every mining camp is a fault system, so far as that is concerned. That is where the ore comes up. But, as the letter stated, there are no great faults in this basin and no modern faults. None of the faults there in volcanic rock are of any modern times. Faults occurring in recent years have been in alluvial rock.

Mr. KING. In Park City, perhaps the greatest mining district in Utah, there is a throw—the Senator knows what I mean by "throw"—of something like 1,200 feet. There has been a slip and elevation or depression causing a tremendous fault.

Mr. PITTMAN. Does the Senator have any idea of the date of that slip?

Mr. KING. I think geologists differ as to the date. I think it is not of recent date. It is somewhat antiquated, but I do not pretend to say.

Mr. PITTMAN. As a matter of fact, the Sierra Nevada Mountains and the Rocky Mountains are very largely the result of faulting and seismic disturbances, but the date is not very recent and no one has been hurt there. Now, I am going to leave that subject.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. I yield.

Mr. SHORTRIDGE. Under the terms of the joint resolution which the Senator has offered, when is the board of engineers to be appointed to report to the Senate?

Mr. PITTMAN. The joint resolution requires that they report back to the Secretary of the Interior prior to December 1, 1928.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I assume the Senator from Nevada is speaking under unanimous consent so far as relates to his joint resolution now before the Senate?

Mr. PITTMAN. I thought so.

The PRESIDING OFFICER. He is.

Mr. McNARY. After disposition is made of the Senator's joint resolution, what is the order of business?

The PRESIDING OFFICER. Under a resolution submitted by Mr. Hoar in 1888, considered by unanimous consent and agreed to, it was—

Resolved, That after to-day, unless otherwise ordered, the morning hour shall terminate at the expiration of two hours after the meeting of the Senate.

Therefore the morning hour terminated to-day at 1 o'clock, and the Chair understands that at the conclusion of the consideration of the joint resolution now being considered by unanimous consent at the request of the Senator from Nevada, the unfinished business will be laid before the Senate.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield to me for a brief statement?

Mr. PITTMAN. I yield.

Mr. JOHNSON. When the Senate concludes consideration of the joint resolution now before the Senate, the unfinished business would be the Boulder Dam bill. I want to say that there have been two very remarkable demonstrations, last Saturday evening and to-day, in voting upon procedure in respect to this measure. It is perfectly obvious that the measure has a majority, and a very substantial one, in this body. When the measure shall again be put before the Senate I hope that thereafter the friends of the bill will refrain from speaking except as they may be advised the emergency may require, and as it be developed just what is going to transpire, and that those who favor the measure will remain for the purpose of seeing that a vote is had upon the bill. It is my intention, if I can to have the Senate remain in continuous session after the bill shall have been placed before the Senate—continuous session literally, I mean—until there shall have been a vote upon the measure.

Mr. PITTMAN. Mr. President, I turn to one other subject included in the remarkable speech of the senior Senator from Utah [Mr. SMOOT]. That was that the dam was impossible of building because in these great canyons we could not turn the water long enough to get a foundation for a dam; in other words, that we could not build a cofferdam in there and turn the water through a tunnel because the period of low water is so short in that river that we could never get a base sufficiently deep before the water would break in again and fill it up. His objection was that we could never build a dam there because the canyons are narrow and the Colorado River has its tremendous periodical floods, and that we can only work during a brief space of two or three months of the year. If that be true, then the canyon is totally useless for dam construction, either by the Government or private corporations.

Again, he has not only condemned the canyon of Nevada, but he has condemned the canyons of Utah, Colorado, and Wyoming. In his anxiety to show that this dam can not be constructed he has proven, at least to his own satisfaction, that we can not build a dam on the river anywhere in the canyon, because the conditions in the canyon from Wyoming down to its mouth are identical. If the Government can not build it for that reason, no individual can.

But, strange to say, some of the big private companies who have investigated various of these canyon dam sites have found no geological or economic obstructions. They have discovered no deterrent conditions to the building of dams in the canyons, because they have made application to the Federal Power Commission to build dams in the canyons all up and down the river. They have furnished the Federal Power Commission with their plans, as the law requires, and with the approximate cost thereof, and with the character of the work to be done. There is no dispute about that. So again the Senator condemns the whole river in his anxiety to condemn one point.

Now, another proposition. The Senator says it is not economic. Why should it be economic for a private company who has applied to build these dams and not economic for the Government? How does the case stand? The absurdity of the Senator's argument as to cost has been shown. He cites the opinion of two or three engineers that it will cost twice as much as estimated, but at the same time it is disclosed that those engineers have never made a survey or an estimate. On the other hand, the Reclamation Bureau has had one of the most careful surveys and estimates ever made. It was made by Weymouth, who superintended the building of the Roosevelt Dam, who has done more building of dams in canyons than has any other engineer in the United States, and who is familiar with this exact kind of work. He has prepared 10 big volumes of estimates, detailing every cost attached to the project. So that argument goes by the board.

Nevertheless, however, that speech was so carefully and cunningly prepared that it has thrown doubt not in the minds of those who have studied the question, but in the minds even of some of the friends of the measure in the Senate who are unfamiliar with the fact.

The House, recognizing this situation, has placed in its bill which comes to us now the provision which I now offer separately; and that is, that the Secretary of the Interior be directed to appoint an independent board of five engineers, one of whom shall be an Army officer, and that they shall go and check up the questions affecting the economic and engineering feasibility of the whole project. The House did that not because the proponents of the bill thought it was necessary but because speeches like that of the senior Senator from Utah [Mr. SMOOT] have actually cast doubt on the project, no matter how absurd those speeches might be.

Now, I have offered a separate joint resolution, which I hope may pass this body and go over and be passed by the House, in order that the work may commence immediately; that is all. If the pending bill shall pass, then there will be no necessity for action to be taken under the joint resolution, because it will be provided for in the bill; but if this bill should die in conference or by reason of too early an adjournment, then we should have the joint resolution on which to proceed. We are not afraid of the investigation. All we are afraid of is delay; that is all we ever have been afraid of.

If we shall pass the resolution, then we will come to what? These engineers will go out there and they will check every economic, engineering, and geological question involved; they will report back to the Secretary of the Interior, and that report will be submitted to us. The joint resolution provides that there shall not be any construction, whether the pending bill shall pass or shall not pass, until the project has met the approval of the board. No man can have any objection to that. We want such a report. We do not want the same kind of fight again at any time. If the bill shall pass, as I hope it will, such a provision will be in it; if it does not pass, it will be taken care of, anyway. That is the whole argument.

Now, briefly, I desire to refer to another phase of this question. I have opposed final adjournment; I still believe if we shall be given sufficient time we may bring about action on the Boulder Dam bill. My fear has been, there being so many other matters before the Senate which Senators think of importance, and on which time is taken in discussion, that delay might eventually cause Senators to leave. Let me say that the States of Arizona, California, and Nevada are not very far apart on any of the questions involved. We spent four weeks at Denver, Colo., last summer and last autumn discussing them. At that time California's representative and Arizona's representative presented to a commission representing the seven Colorado River States their position. California asked Arizona, "If we agree on the equitable distribution of the benefits of the power development will you then be satisfied?" Arizona said, "If you will agree on two things, the equitable distribution of water and of power; yes." So they worked for weeks. I say that the question of power distribution has already been agreed upon; that is out of the way. The two power provisions, which I offered in committee as an amendment to the bill of the Senator from California [Mr. JOHNSON] and which were reported out favorably by the Senate committee, were also reported out favorably by the House committee and are now included in the House bill as it comes over here.

Those provisions satisfied Nevada and those provisions satisfied the people of Arizona. So we have nothing but a question of the division of water that separates the two States. Nevada is not complaining about water; she has always accepted the little handful of water that has been given her; but when we assembled at Denver the governors of the four upper Colorado River Basin States, trying to reconcile the difference on water between California and Arizona, finally made this proposition:

	Acre feet of water.
California	4,200,000
Arizona	3,000,000
Nevada	300,000

How did they get at that? Under what is called the seven-State agreement we find this clause in Article III:

(a) There is hereby apportioned from the Colorado River system in perpetuity to the upper basin and to the lower basin, respectively, the exclusive beneficial consumptive use of 7,500,000 acre-feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

In other words, those State governors believed that there was only 7,500,000 acre-feet of water to divide, and they proposed to divide it, as I have said, 4,200,000 acre feet to California, 3,000,000 acre-feet to Arizona, and 300,000 acre-feet to Nevada.

California said, "We can not possibly do with that amount of water; we must have 4,600,000 acre-feet instead of 4,200,000 acre-feet." Arizona would not yield more. Then, we came back here, and, while no agreement was reached and never has been, and there is no provision in the bill with regard to the division of water, in a meeting that was held in my office between friendly representatives of California and friendly representatives of Arizona and the Nevada delegation it was discovered that there was another paragraph of Article III, which is (b), which reads as follows:

(b) In addition to the apportionment in paragraph (a), the lower basin is hereby given the right to increase its beneficial consumptive use of such waters by 1,000,000 acre-feet per annum.

In other words, we discovered that there were 1,000,000 acre-feet of water more to divide than we had discussed at Denver. Then we said, "Divide that 1,000,000 acre-feet between California and Arizona." What is the result? California will get 4,700,000 acre-feet, which is 100,000 acre-feet more than she finally insisted on at Denver; Arizona will get 500,000 acre-feet more than she insisted on, and Nevada would get exactly the same as originally planned. So there is plenty of water there.

While that tentative agreement was reached, between certain representatives of the three States after the bill was reported out of the Senate, because this extra million feet was not discovered until after the bill had been reported, for one reason and another, we have the deadlock which we find here. I am not here for the purpose of criticizing anyone as to why this deadlock exists, but it does exist, and it may continue notwithstanding how close we are to reaching a compromise. Therefore, we should pass this joint resolution as a safety measure.

I wish to place in the RECORD at this point a suggested amendment. It is not to be proposed, because that would be perfectly useless, but it has been suggested. It is in accordance with the conference to which I have just referred and it is designed to carry out that idea at some date. It was largely drawn by Mr. Wilson, the commissioner of New Mexico, in the course of the conference to which I have just referred. It is only to be published in the RECORD; it is not offered as an amendment.

The PRESIDING OFFICER. Without objection, the suggested amendment will be printed in the RECORD.

The suggested amendment is as follows:

Strike out all of lines 1 to 18, both inclusive, and insert in lieu thereof the following:

"SEC. 4 (a). This act shall not take effect and no authority shall be exercised hereunder, unless and until the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared: *Provided*, That the ratification act of the State of California shall contain a provision agreeing that the aggregate annual consumptive use by that State of waters of the Colorado River shall never exceed 4,200,000 acre-feet of the water apportioned to the lower basin by paragraph (a) of Article III of said compact, and that the aggregate beneficial consumptive use by that State of waters of the Colorado River shall never exceed 500,000 acre-feet of the water apportioned by the compact to the lower basin by paragraph (b) of said Article III; and that the use by California of the excess or surplus waters unapportioned by the Colorado River compact shall never exceed annually one-half of such excess or surplus waters; and that the limitations so accepted by California shall be irrevocable and unconditional, unless modified by the agreement described in the following paragraph, nor shall said limitations apply to water diverted by or for the benefit of the Yuma reclamation project for domestic, agricultural, or power purposes except to the portion thereof consumptively used in California for domestic and agricultural purposes.

"The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada,

and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 3,000,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) of the 1,000,000 acre-feet in addition which the lower basin has the right to use annually by paragraph (b) of said article there shall be apportioned to the State of Arizona 500,000 acre-feet for beneficial consumptive use, and (3) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (4) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (5) that the waters of the Gila River and its tributaries shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico; but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters apportioned by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply one-half of any deficiency which must be supplied to Mexico by the lower basin, and (6) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water which can not reasonably be applied to domesic and agricultural uses, and (7) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact."

On page 21, line 13, after the word "approval," strike out lines 13, 14, 15, and 16, to the word "date," inclusive, and on line 16, strike out the words "in the latter case," and on line 22, strike out the words "prior to June 1, 1928."

On page 22, strike out all of lines 22, 23, and 24, and on page 23, all of lines 1 to 7, inclusive.

On page 27, line 21, after the word "Dam," strike out the semicolon and insert a period, and strike out all of line 21 thereafter, and all of lines 22 and 23, and on page 28, all of lines 1, 2, 3, and 4.

On page 29, line 21, after the word "States," strike out the comma, insert a period, and strike out the remainder of the line, and all of lines 22 and 23, and on page 30, all of lines 1 to 5, inclusive.

Mr. PITTMAN. With that, Mr. President, I ask for a vote on the resolution.

BOULDER DAM

Mr. KING. Mr. President, the Senator from Nevada has presented a joint resolution authorizing and directing the Secretary of the Interior to appoint a board of five eminent engineers and geologists to examine the site of the proposed Boulder Dam and to review the plans and estimates made therefor, and to report prior to December 1 of this year as to "the matters affecting the safety, economic and engineering feasibility, and adequacy of the proposed dam and incidental works." The resolution further provides that the "work of construction upon the dam shall not be commenced until the plans for the work are approved by the board of engineers" provided for in the resolution. The Senator has supported the resolution with persuasive arguments, and I shall vote for its adoption, although it is not sufficiently comprehensive, and confers authority upon the Secretary of the Interior, instead of the President, to appoint the members of the board.

For a number of years the proposition to build a dam in the Colorado River at or near Boulder Canyon has been before Congress in varying forms. The hearings conducted by both the House and the Senate demonstrate that the project presents serious engineering problems, as well as economic and other questions bristling with uncertainties and fraught with grave consequences. The fact stands revealed that the forces behind the project, forces which have been vigilant and sleepless for years, have been indifferent to vital and serious questions involved in the undertaking. Not only have they ignored the terms of the Santa Fe compact, which under every consideration of justice and equity must be ratified by all the parties thereto, and its terms fully complied with, before any development of the river is authorized, but they have refused to consider important questions connected with the undertaking and have declined to make investigations imperatively required in an undertaking so stupendous as the one called for in the Swing-Johnson bill now before us. It has been confessed by the proponents of the measure that engineering problems more difficult and complicated than have ever before been encountered in the construction of dams are involved in the project under consideration. One would suppose that before an enterprise so stupendous as that called for by the bill before us is seriously considered investigations of every phase and angle of the project would be made, so as to remove all possible doubts regarding the wisdom of the undertaking.

When the proponents of the bill proclaim that the dam contemplated will exceed 660 feet in height and will impound 26,000,000 acre-feet of water, immediately the thought suggests itself as to whether the project is safe or feasible, and whether proper consideration has been given to the varied factors that will be inevitably involved. And yet an examination of the hearings, covering several thousand pages, reveals the fact that sufficient investigations have not been made; that many vital questions are yet undetermined; that data bearing upon the safety of the proposed dam are lacking; that estimated costs are based upon insufficient information and are wholly unreliable; that vital and fundamental questions have been glossed over or brushed aside with impatience; that engineers and technical men disinterested and dissociated from the project or any of its ancillary developments have not been permitted to make the investigations which the magnitude of the enterprise demands. I believe that a dispassionate examination of the record will irresistibly force the conclusion that there has been too much eagerness to have the project adopted and too little serious and rational consideration given to its merits. Dramatics and emotionalism have played a too conspicuous part in the Boulder Dam campaign. Common sense and practical considerations have been in eclipse. There is much evidence in the record of extensive propaganda carried on in behalf of the measure by interests and organizations that would derive financial benefit therefrom.

Extraneous and collateral matters have been brought in and have obscured the real questions involved and the vital issues raised by the project. Officials of the Federal Government whose duty it is to execute the law have become violent partisans and propagandists in favor of the project. They have misconceived their relations to the Government and their duty to the public, and have become partisan and zealous advocates where they should have been silent and faithful officials awaiting the mandate of Congress. The record shows that a Cabinet officer denounced the project as not feasible and unsound, and shortly thereafter the record reveals him as a most persistent and zealous advocate of what he had condemned.

I can not understand why during the years this matter has been before the Interior Department and Congress a real investigation has not been made for the purpose of ascertaining whether the project was feasible, practical, safe and sound, and of such a character as to warrant the Federal Government undertaking its development. I can not understand why the greatest engineering talent in the world was not secured to investigate and report upon the engineering problems, and why electrical engineers and those competent to determine whether the power proposition is practical and economically sound, and whether the Government could ever be reimbursed for the enormous cost which the enterprise would entail were not selected to examine the questions involved.

Congress can not afford to embark upon a sea of uncertainty. It can not afford to take from the Treasury of the United States more than $200,000,000 to be expended upon the Boulder Dam project unless the reasons therefor are not only appealing but commanding, and the wisdom of such a course is beyond question. This is not a matter calling for hysteria or to be determined by emotional appeals. It must first be decided that Congress has the authority to undertake this project; that it is within the constitutional power of the Federal Government. Before even preliminary plans are considered it must be clear that the rights of no State will be violated, and that the enterprise possesses such merit as to justify the Federal Government undertaking its development.

I shall not enter upon a discussion of the Swing-Johnson bill at this time. An opportunity will be afforded before the debate closes to analyze the bill and to express my views in regard to the various propositions connected with its consideration.

I have taken the floor rather for the purpose of discussing the resolution offered by the Senator from Nevada [Mr. PITTMAN]. If it is passed I sincerely hope that engineers and geologists of the highest standing will be chosen to make an exhaustive investigation and a complete survey of the entire project, and a searching examination and proper appraisal of all reports and accumulated data relating to the development of the Colorado River.

In the Sixty-ninth Congress I offered a resolution authorizing the President to make an investigation to determine the most economical, available, and effective means for the utilization of the water resources of the Colorado River Basin, together with its tributaries. Under the resolution the President was authorized to appoint a commission of three persons, two of whom were to be engineers of recognized standing and not interested in the development of any project on the Colorado River. One of the commission was to be a person who had practical knowledge of

hydraulics and of the financing of enterprises for the use of water for irrigation and power purposes. The resolution required the commission to investigate and make findings as to the rights of the States directly interested in the Colorado River, as to the availability of such waters for use in such States; also the flow of the river during a series of years, the uses made of the waters, the extent of silt deposits, and the effect upon diversion works and canals; whether control of the flood waters of the river is desirable and economical, and if so whether such control should be undertaken by the United States or by the States concerned. Full information was to be obtained concerning reservoir sites, their feasibility and the respective utility of each. Thorough investigation was called for as to the cost of dams and other works for impounding the waters of the river, and the general character of the dams and the locations at which they should be made; the potential utility of such impounded waters and the question as to whether there were markets for electric power that might be generated. The commission were also required to investigate the means employed to divert water from the river for the irrigation of Imperial Valley and whether a new canal was necessary and the cost of the same. It is apparent that the resolution called for a comprehensive investigation by eminent and disinterested persons of all the problems connected with the development of the river.

As I have stated, my examination of the hearings and the reports submitted by the Reclamation Service convinced me that the Federal Government, conceding its authority in the premises, should not undertake the development of the Colorado River or the building of Boulder Dam until further data had been obtained and searching investigations had been made by competent engineers whose reports could be acted upon with some assurance of their reliability and competency. The resolution did not meet the approval of the Interior Department or the Senate committee which had before it the so-called Swing-Johnson bill.

If my resolution had been adopted and the investigation had been made as called for, Congress would now be in possession of information and data sufficient to guide it in passing upon measures relating to the development of the Colorado River. However, at this late day the joint resolution offered by the Senator from Nevada, notwithstanding its omissions, should receive sympathetic consideration. It is not as broad or comprehensive as it should be, and I shall point out in a few minutes one or two defects and omissions in the resolution.

I do not wish to be critical, but can not refrain from commenting upon the general position of the Senator from Nevada. One would suppose from his arguments that the Colorado River problem was one which concerned only the States in the Colorado River Basin, namely, Wyoming, Colorado, Utah, Nevada, New Mexico, Arizona, and California.

Mr. President, if the Swing-Johnson bill should become a law it would, in my opinion, call for Federal appropriations of more than $200,000,000. Indeed, there are some who believe that the direct cost would be $250,000,000. And if the project were unsuccessful, as many believe it would be, then the Government's losses would greatly exceed the stupendous sum just mentioned. The taxpayers of the United States are directly concerned in this proposed legislation. Before any measure is passed committing the Government to the development of the Colorado River and the construction of the Boulder Dam and the all-American canal, Congress should be satisfied that the project is within the authority of the Federal Government and that to tax the people of the United States for its execution would be just. The Federal Government has no right to impose taxes upon the people except for the purpose of meeting the necessary and legitimate expenses of the Federal Government. The Federal Treasury is not a fountain to which resort may be had in hours of extremity and need, or to relieve individuals or States of obligations resting on them. To tax the people except for purely governmental purposes is a species of robbery, or, as President Coolidge in effect has stated, such a course would constitute larceny. The people of Massachusetts and Illinois and Georgia are interested, or should be, in a proposition which declares that the Federal Government shall expend $200,000,000 or more in the construction of dams and power plants and canals for the benefit of the people of a certain section of a certain State. It is conceded that Lower California will be the principal, if not the sole beneficiary, of the enormous expenditures which are to be made under the pending legislation. We may not dismiss the subject by saying that it is a matter which alone concerns the seven States just mentioned. Obviously, it must be determined whether Congress has the constitutional authority to pass the measure known as the Swing-Johnson bill. Does the Federal Government have the right to control the waters of the Colorado River and is tributaries and to distribute them and to determine the use to which they shall be put? Has it the right to construct dams in the river and build power plants and distribute electrical energy, ignoring the States and the heretofore recognized doctrine that they own the beds and banks of all navigable streams within their borders, and have the right to control the waters of all streams, whether navigable or unnavigable, within their respective limits? These constitutional questions affect all the States and are of concern to the National Government.

It is a novel doctrine that the Federal Government may interfere with the States in the control of the streams within their borders; that it may deprive them of benefits that they might derive from the utilization of such streams for power and other purposes; that it may tax all the people of the Nation in order to benefit a limited number in a favored section; that its authority over navigable streams is not limited, as the interstate-commerce clause of the Constitution does limit it, to the adoption of such measures as are necessary to prevent interference with navigation. But I shall now leave this point and briefly refer to the inadequate data obtained by the Interior Department bearing upon the development of the Colorado River.

The Senator from Nevada has referred to the so-called Weymouth report and has spoken of it in eulogistic terms. Mr. Weymouth, as Senators know, has been connected with the Reclamation Service for some time. I do not agree with the Senator that this report is comprehensive or sufficiently reliable to justify Congress in acting upon it. Indeed, if I understand the report it calls for further surveys and investigations. I do not believe that any business man would expend his money upon the strength of the Weymouth report or the combined reports which have been obtained by the Interior Department. Indeed, I submit that the hearings show that the Interior Department failed to avail itself of opportunities to secure complete and reliable data. The statements of Engineers Stabler and Kelly conclusively demonstrate that further facts are required before any action should be taken looking to the building of the Boulder Dam.

Mr. President, I dislike to criticize the Reclamation Service, but it is a fact that some of its engineers have exhibited such fallibility and lack of engineering skill as to demonstrate the unwisdom of the Government acting upon their recommendations. Senators are familiar with the fact that some of the reclamation projects recommended by engineers of the Reclamation Service were complete failures and were or will be abandoned. The record of the Reclamation Service is not without its blurs and blemishes. The complaints against this bureau of the Interior Department were so persistent that Secretary Work was compelled to take cognizance of them. A commission was appointed to make an investigation of the various reclamation projects. This commission made a comprehensive investigation of the work of the Reclamation Service. One of the commissioners was Doctor Widtsoe, of my State. No man in the United States knows more about agriculture and reclamation projects than Doctor Widtsoe.

The report of this commission shows that serious mistakes and blunders were committed by the engineers of the Reclamation Service, and that millions of dollars were thrown away in useless and improper attempts to reclaim public lands. The direct losses to the reclamation fund are considerably more than $25,000,000. The report shows that substantially all estimates of the engineers with respect to the cost of dams and irrigation projects were unreliable. The projects cost all the way from 30 per cent to 90 per cent more than the plans and estimated costs indicated. Congress has been compelled to extend the time of payment to those who have gone upon these projects for a period of 40 years without interest. This means, of course, a loss of additional millions of dollars to the reclamation fund. Those who are familiar with Federal reclamation projects know the hardships—indeed, the tragedies—suffered by hundreds of families who left their homes and settled upon lands which they contracted to purchase from the Government. They were misled by the reports of the bureau, and discovered when it was too late that the cost of obtaining water was greatly in excess of the representations made to them. Some of the settlers, after losing all that they had in their efforts to establish homes upon these projects, were compelled to abandon their contracts and the homes which they were seeking to establish. With wearied limbs, and some with broken hearts, they sought homes elsewhere, there to begin life anew. The mistakes and, indeed, the incompetency of many of these engineers should be a warning to Congress and should cause the House and the Senate to pause before committing the Government to the construction of new projects

until investigations have been made by engineers and men of technical and scientific skill and ability, who are not connected with the Interior Department.

Secretary Work is to be commended for his appointment of the fact-finding commission, and his purpose to liquidate some of the unfortunate undertakings of the Reclamation Service and to adopt measures that will enable those who have gone upon many of the projects to meet their readjusted obligations.

Mr. President, I regret to indulge in any criticism of the Secretary of the Interior, for whom I entertain a high regard, but I feel that, in his zeal to secure the passage of the Swing-Johnson bill, he has departed from his position as an executive and has bceome an advocate. He and other officials in executive departments have sought to influence legislation and have exhibited a partisan spirit in respect to this proposed legislation.

Immediately after the adjournment of Congress in March, 1927, the Secretary of the Interior appointed a commission to "advise" him in respect to certain matters connected with the Boulder Dam project. During the session which ended in March of last year questions had arisen as to the feasibility of the project, whether it was economically sound and whether a dam could be built at Boulder Canyon that would be safe and secure. These and other questions connected with the undertaking were discussed. It was known that Arizona was opposed to the Swing-Johnson bill; that that measure was supposed to rest upon the Santa Fe compact, which has not been ratified by all of the seven States directly concerned and who were parties to the compact. It was known that Arizona had not ratified the compact and that Utah had withdrawn its act of ratification. The Secretary of the Interior, with full knowledge of all these facts, appointed a commission to "advise" him concerning certain features of the enterprise. Instead of selecting persons who were not committed to the project, who were in a position to make a disinterested and unbiased investigation, he selected persons most of whom were in harmony with his views and had committed themselves to the Swing-Johnson bill. He declined to appoint any representative from Utah or Arizona, States which were vitally interested but States which had not ratified the compact and were opposing the Swing-Johnson bill. He named Mr. Durand, of California, as one of the commissioners. Mr. Durand has been in the employ of the city of Los Angeles for a number of years working in behalf of the Swing-Johnson bill. The Secretary of the Interior knew that fact and that Mr. Durand had been lobbying for the measure referred to and was at the time in the employ of the city of Los Angeles. He named Mr. Scrugham, of Nevada, as one of the commissioners. Mr. Scrugham had also announced his support of the Swing-Johnson bill and had been zealous in advocating its passage. Obviously he was not an impartial "adviser." He had been working with the Secretary of the Interior to secure the passage of the Swing-Johnson bill. Mr. Emmerson, of Wyoming, was named by the Secretary of the Interior. He also had committed himself to the project and had visited Washington in behalf of the bill.

Mr. James R. Garfield was named as one of the "advisers." He had been at one time Secretary of the Interior, and his position with respect to projects and enterprises of this kind was quite generally known and understood. He was favorable to the Federal Government proceeding with the Boulder Dam and, of course, was in harmony with the Secretary of the Interior. The fifth member of the commission was Senator WATERMAN, of Colorado. He is a man of ability and a lawyer of eminence. He had not, so far as I know, expressed himself at the time of his appointment upon the important and vital questions connected with the plan of the Interior Department. My information is that he did not join with the other members of the commission or submit any report. An amendment which he has offered to the pending so-called Swing-Johnson bill seems to indicate that he has not adopted all of the views of the proponents of the measure referred to, or the extreme views of the Secretary of the Interior.

I communicated with the Secretary of the Interior on the 18th of April, 1927, and challenged his authority to appoint "advisers." The advisers to all intents and purposes were a board or a commission, and the Secretary of the Interior had no authority whatever to appoint such a board or commission for the purpose of acting upon matters submitted for their consideration. The Interior Department had no authority to investigate the feasibility or economic possibilties or benefits to be derived from the erection of power plants upon the Colorado River. Perhaps the Secretary had the authority under certain reclamation acts to obtain advice with respect to proposed reclamation projects, but instructions given to this commission led them into fields which the Secretary was not authorized to explore. It is interesting to note the limitations, however, placed upon the commission. They were not permitted to consider the legal questions involved; whether the Santa Fe compact was controlling; whether the Federal Government could enter the State of Arizona and build a dam without the consent of the State; whether the waters of the Colorado River and its tributaries could be diverted and used and controlled by the Federal Government regardless of the States within which the waters originated or flowed. Their instructions limited them to considering those questions involved in the "essential features of the Swing-Johnson bill." The concluding paragraph of the letters naming the commissioners contains this language:

> It is the desire of Secretary Work to submit a report to Congress at the forthcoming session based on your findings and those of the other advisers covering the essential features of the Swing-Johnson bill now before that body and the probability of reimbursements to the Government for its expenditures in this connection.

It is apparent that the commission were to be tied down in their investigation of the Swing-Johnson bill. They were not to be free to recommend some other bill or suggest some other plan for the development of the Colorado River.

Senators may have seen the separate reports submitted by four of the commission. They certainly can not be relied upon as a guide to Congress in dealing with this matter. It should be said, however, that the commissioners were limited in time, and my information is that they did not make such investigation as the importance of the matter demanded. In my letter to Secretary Work I protested against his action and his selection of three persons who had openly and zealously worked for the Swing-Johnson bill, and one of whom was upon the pay roll of one of the beneficiaries of the measure and had for years been working for the passage of a measure containing the provisions of the Swing-Johnson bill. I called attention to the fact that the State of Arizona was vitally interested and that she had been ignored in the selection of the commission. I also stated that Utah was interested in the enterprise and that she had not been consulted in the appointment of the commission. I stated that—

> In my opinion, the Secretary of the Interior should have selected, not persons who have fully made up their minds upon the questions involved but engineers of national reputation, persons wholly dissociated from the controversy, and who would bring to bear technical skill, and who possess broad and comprehensive views, to the end that a wise and just policy might be recommended for adoption by the States and those directly concerned. But if the plan is to select as advisers partisans from at least three of the States and a representative from a fourth State, with whose views I am unacquainted, I respectfully submit that the number of advisers be increased and that one be selected from the State of Arizona and one from the State of Utah.

In my letter I contested the position of the Secretary of the Interior which in effect was that the Federal Government has the authority to control the waters of the Colorado River and the right to "allocate the unappropriated waters of the basin States so as to make unnecessary any compact between them." This position is taken by some of the officials of the Interior Department. They contend that the States have no authority over the streams, whether navigable or nonnavigable, or the waters thereof, found within their borders. This position indicates the progress being made by bureaucracy in the United States. It seeks to superimpose the Federal Government upon the States and to concentrate not only all political power but economic power in the National Government.

The Secretary of the Interior made no change in the personnel of the commission. Therefore neither Arizona nor Utah was represented. I can not help but feel that the Secretary did not act in a fair and impartial manner, did not treat the States of Utah and Arizona in a just way. And it is obvious that he did not pursue a course calculated to secure information and data that would be of value to the department and to the Congress.

I regret that the Interior Department has in the consideration of the Colorado River matter acted as an advocate, as a bitter partisan, and not as a disinterested, impartial agency of the Government. In view of its unsatisfactory record in the construction of dams and reservoirs and distribution plants and reclamation projects, in view of the well-known fallibility and incompetency of some of its engineering and executive staffs, its course in dealing with the Colorado River development is incomprehensible. It is apparent that the department years ago adopted a certain policy and directed its imperfect and unsatisfactory investigations to the development of arguments justifying the same. And now the Reclamation Service and the Secretary of the Interior are joining in the drive to force through a measure calling for enormous appropriations, when the fact is that the available data forbid the adoption by Congress of the measure before it.

Mr. President, it is to be regretted that the executive departments of the Government are exercising an authority not contemplated by the Constitution of the United States. It is notorious that a majority of important bills brought to the attention of Congress originate in bureaus and executive branches of the Government. Congress is becoming more and more a rubber stamp to place the seal of its approval upon executive measures and policies. It is needless to say that many of the measures brought to Congress by executive agencies are in the interests of bureaucracy and are calculated to increase the power of the Federal Government and its various executive instrumentalities. And unfortunately Congress is accepting with more or less complacency this usurpation of authority by the executive branch of the Government. It seldom acts upon any measure, no matter how insignificant it may be, that has not been recommended by some executive official of the Federal Government. And bills which Senators and Representatives prepare and present are seldom considered by committees or by Congress until some bureau or executive agency has considered them. Measures which strengthen the Federal Government and consolidate its gains originate in executive departments. Much of the time of many Federal employees is devoted to the formulation of measures to increase the number of bureaus and Federal agencies and to multiply the number of officeholders.

When Federal employees band together, as they often do, in behalf of legislation, a force which is well-nigh irresistible is developed, and the demands made secure, in most instances, speedy recognition. The creation of one bureau or agency leads to the creation of additional ones. No sooner is one cell created than it subdivides and later a multitude of cells are found to exist, each expanding and growing ad infinitum. This is a Government of bureaus, and it might be said by bureaus and for bureaus. Suggestions have been made by students of these dangerous evolutionary practices that Congress enact laws making it a misdemeanor for Federal agencies to seek to increase their authority and power and to usurp the functions of the legislative branch of the Government. This, however, will never be done. We are in a powerful current, which is carrying the people and the States toward a highly centralized government, wherein bureaucracy will control and the rights of individuals and of the States be reduced to the vanishing point. Books are written nowadays about the "vanishing rights of the States" and the destruction of personal liberty and that fine spirit of individualism which manifested itself more forcefully and effectively in the earlier days of this Republic. And as bureaucracy grows, paternalism increases in power; and with this new federalism the States shrink and their invasion by the Federal Government evokes less opposition.

The Democratic Party, which has been the champion of the rights of individuals and of the States and of local self-government, I sometimes think, has lost much of its virility and strength, and has been influenced by the heresies and dangerous doctrines of the Republican Party. The country needs mighty leaders who will uphold the standard of liberty, who will battle for the rights of the States and oppose the centralizing movement which inevitably will lead to material changes in our form of government.

But I return to the consideration of the resolution offered by the Senator from Nevada. It contains a provision that the Secretary of the Interior shall appoint the engineers and geologists provided for in the resolution. I wish the Senator would permit an amendment authorizing and directing the President to appoint the engineers and geologists instead of leaving it to the Secretary of the Interior to name them. If we are to judge the future by the past, we may entertain some doubts as to the character of persons that will be selected. I have criticized the Secretary for his appointments upon the commission of advisers. He exhibited, as I have stated, a partisanship that must be deplored, and evinced an antagonism to the States of Arizona and Utah that can not be justified. Four of those whom he named shared his views; three of them had been actively associated with him in seeking to carry out the plan of his department. In other words, he did not act as an impartial executive whose duty it was to execute the law, but sought to force his will upon the legislative branch of the Government.

I believe that the President should appoint the commission, and not the Secretary of the Interior.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield.

Mr. PITTMAN. The joint resolution, in my opinion, means the same thing. It states that his conclusions and actions must meet with the approval of the President. I think the responsibility is thrown on the President.

Mr. KING. Mr. President, I do not quite agree with the able Senator from Nevada. We know that the President, where the law authorizes the head of a department to name members of a commission or to perform certain acts, will be guided by the action of such executive head even though such action is to be approved by the President. In other words, if the responsibility is placed upon a department head to name a commission or board, the President will be disposed to follow his recommendations even though he has a veto power upon their acts. I believe that if the President were directed to appoint the commission he would feel a greater sense of responsibility and would regard the action of Congress as a mandate that he and he alone should select the members of the commission or board. I can not help but feel that if the President were charged with the responsibility of making the selection the result would be quite different from that which will follow if the Secretary of the Interior is directed to name the commission, even though the President may have a supervisory power.

I ask the Senator from Nevada whether he construes the proviso in the resolution, reading as follows:

> That the work of construction shall not be commenced until plans therefor are approved by said special board of engineers. No authority hereby conferred on the Secretary of the Interior shall be exercised without the President's sanction and approval—

as qualifying the authority conferred upon the Secretary of the Interior to appoint the engineers and geologists?

Mr. PITTMAN. Undoubtedly; because it says that no act authorized therein shall be done without the sanction and approval of the President, and one of the acts is the appointment of the board.

Mr. KING. Notwithstanding the provision, I still believe that the resolution should be amended and the authority given to the President to name the board.

Mr. PITTMAN. That is the construction given to it in the House by those who insisted on the amendment, so I think it is safe to assume that is the correct construction. If the Senator would read the debates in the House by those who insisted on the amendment he would understand that is the reason why the amendment was agreed to there.

Mr. KING. Senators, in my opinion, will see that the proviso is directed rather toward the work of construction than the appointment of the board of engineers and geologists called for in the resolution. The proviso states that the work of construction shall not be commenced until plans are approved by the special board of engineers. Then follows the sentence that the authority conferred upon the Secretary of the Interior shall not be exercised without the President's sanction and approval. This sentence seems to be concerned with and seeks to limit the President's authority to the approval of the plans for the construction of the dam. However, the Senator may be right, and the acts of the Secretary of the Interior referred to in the resolution may be subject to the sanction and approval of the President. However, I would experience greater satisfaction, notwithstanding the actions of the Secretary are to be subject to the sanction and approval of the President, if the President alone were to make the selection of the engineers and geologists.

Mr. President, this board will perform a most important function. The uncertain, scrambling, and chaotic data which has been accumulated by the Interior Department must be analyzed and appraised. The questions which should be considered by the board are connected with the very foundation of the project. They are to consider geological conditions, whether faults have occurred in or near Boulder Canyon, whether a mighty dam 667 feet in height constructed in Boulder Canyon would be safe and secure for the years to come. They should consider all of the problems—and they are intricate, perplexing, and difficult—connected with the development of the Colorado River. The Senator from Nevada a moment ago criticized my colleague [Mr. SMOOT] because he had stated that there was evidence tending to show the existence of a fault in Boulder Canyon and that earth tremors had occurred at that point which resulted in falling rock and débris.

The Senator stated that my colleague was inconsistent in contending that a dam could not safely be constructed in Boulder Canyon, but that a safe and suitable dam could be built several hundred miles away. The Senator knows that the Colorado River is sinuous in its course. It crosses from east to west the State of Arizona. A fault might be found in the river at Boulder Canyon, but that would not mean that the fault would follow the sinuosities of the river for hundreds of miles. The fault might run transversely to the river or it might be found in the river channel at Boulder Canyon and yet easterly and northeasterly hundreds of miles away there would be no evidence of any fault. A few feet from the fault the

country rock may be undisturbed and may stand for ages without movement. The evidence before the committees did show that the geological conditions at Boulder Canyon should be studied carefully and searchingly. It would be criminal to expend tens of millions of dollars in the erection of a dam at a point where there were evidences of surface movements, movements of such a character as to make a dam insecure, and the wrongfulness of the act would be greater if the dam were constructed for the purpose of impounding a great volume of water, which, if the dam should break, would work irreparable injury and ruin for hundreds of miles between it and the sea.

The Senator will remember that Mr. Kelly, an eminent Army engineer, has not approved of the Boulder Dam plan, and Secretaries of three departments of the Government in 1924 condemned the scheme involved in the Swing-Johnson bill. These Secretaries were Mr. Work, of the Interior Department; Mr. Weeks, of the War Department, and Mr. Wallace, of the Department of Agriculture. The information which had been brought to their attention, including the reports made by one or more engineers of the War Department, led them after a careful examination of the data to place their seal of disapproval upon the Boulder Dam proposition. My recollection is that the Federal Power Commission also supplied data bearing upon the question. That information, together with data supplied by the Geological Survey and Army engineers and the inadequate reports made by the Reclamation Service, forced the conviction in the minds of the Secretaries referred to that the project was not feasible nor economically sound. In the light of this fact it would, in my opinion, be highly improper for Congress to authorize the project provided for in the Swing-Johnson bill without further investigation, even though there were no legal questions involved and the authority of the Federal Government to undertake the enterprise were unquestioned.

I stated a moment ago that the joint resolution was not sufficiently comprehensive. The board apparently is to be limited to an examination of the proposed site referred to in H. R. 5773 and to a review of the plan and estimates heretofore made. It seems clear to me that the board is limited to the examination of the proposed dam site and matters affecting its safety and the feasibility of its construction as an engineering proposition. I am not clear what is meant by the word "economic" as used. Presumably the board is to consider whether the construction of the dam is a feasible proposition from an "economic" standpoint. Apparently the board is not required to study the geological conditions of the country; whether other dam sites would be more suitable; whether, considering the entire development of the Colorado River, the best interests of all concerned would be subserved by constructing the dam in Boulder Canyon. Nor is the board required to investigate the feasibility of the proposition from a power standpoint, and whether the Government would ever be compensated for the disbursements to be made; whether a power plant should be built, and if so whether markets could be found for the power at such prices as would yield revenue to the Government. The board is not required to investigate the question as to whether the all-American canal should be constructed and what the cost would be. As stated, the resolution, which is an amendment to the House Swing-Johnson bill, seems to have been drawn so as to limit the investigation to be made by the board to the Boulder Dam and to prevent the board from making a thorough investigation of all questions that are directly connected with the Colorado River and its tributaries. The resolution, Mr. President, in my opinion, lacks clarity and comprehensiveness. However, if suitable men are selected they will be able to supply to Congress some information now lacking and which Congress should possess before it undertakes to legislate upon this subject.

There is one question that should be fully considered, and that is the authority of the Federal Government to undertake this project. I have stated, and apologize for the repetition, that the authority of the Federal Government is limited—that with respect to navigable streams it may only prevent interference with their navigability. I should add, however, that it is held that under the interstate-commerce clause dams and various works may be constructed in the interest of navigation, but, generally speaking, the interstate-commerce clause of the Constitution gives no authority to construct dams for the purpose of generating electric power or irrigating private lands. The States, as is held in decisions of the Supreme Court, are the owners of the beds and banks of navigable streams, and the waters within their borders are held in trust for the use and benefit of the people of the States. But under this paternalistic policy which is now so popular the Federal Government may ignore the States; it may take control of the waters of navigable and unnavigable streams and make such disposition of them as it may see fit. It may build dams either upon navigable or unnavigable streams and construct power plants and distributive systems and engage in the activities in competition with individuals lawfully engaged in business pursuits.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. KING. I yield.

Mr. REED of Missouri. I want to get some light on the question which the Senator is now discussing. Those of us who live a long distance from this proposed project, who are living in States where water is plentiful, are unfamiliar with the laws of the States concerned. Is it true that under the laws which prevail in the States through which this stream runs the first appropriator of the water has control, so that there can be no interference with that appropriation?

Mr. KING. By any other person?

Mr. REED of Missouri. Yes.

Mr. KING. Broadly speaking, the rule in the Western States is "first in time, first in right." The first appropriator of water for beneficial purposes acquires what is called a prior right, whether he is at the head of the stream or at a lower point. All subsequent appropriators take subject to this prior appropriation; their rights to the use of the waters of the stream are subordinate to the first or prior appropriator. Various appropriations may be made, but if the stream diminishes in its flow the last appropriator is cut off, and if further reductions are necessary to meet the demands of senior appropriators, the junior or later appropriators must yield.

The Western States, generally speaking, have adopted the rule of appropriation in contradistinction to what is commonly called the riparian-right doctrine. California has what has been called a hybrid system. In part she follows the riparian doctrine and in part recognizes prior appropriation. But the States have the right to determine which system they will adopt and what steps shall be necessary for persons to acquire rights in and to the waters of streams navigable or unnavigable. Most of the Western States have water codes, which prescribe how persons may acquire water rights for irrigation or domestic or power purposes.

It has been recognized from the beginning of our Government that as to navigable streams the States were the owners of the banks and beds thereof, and could prescribe rules and regulations for the use of such streams, subject only to the right of the Federal Government to prevent interference with navigation.

In other words, the States may not interfere with navigation. The Interior Department and, I respectfully submit, those who are advocating this measure, ignore State laws and the rights of the States to control the waters within their borders. The bill before us, in effect, seeks to tear up State statutes and asserts a doctrine that the Federal Government has supreme authority over all streams in all States.

Mr. REED of Missouri. How are State statutes to be affected? Does the Federal Government undertake to assert that such laws are a nullity or is it provided by the bill that before the Boulder Dam project is built the State must consent?

Mr. KING. The proponents of the bill referred to by the Senator, or at least most of them, contend that the development of the Colorado River is a national undertaking; that the Government may develop it in any manner it chooses; that the laws of the States through which the river and its tributaries flow must yield to the Government's will; that it may erect dams and build reservoirs without the consent of the States and in derogation of State laws; that it may appropriate the waters of the river, devoting them to agricultural or power purposes or any purpose it desires, regardless of State laws or State boundaries; that it may construct a dam in Boulder Canyon without the consent of Arizona and Nevada and in disregard of the accepted doctrine that the banks and bed of the river are owned by those States at points where the river is the boundary between them; that it may build plants and sell and distribute electric energy without the assent of the States, and deny to them any regulatory authority, or the right to derive any revenue from the power sold, or tax the property created by the Government expenditures; that it may distribute all the generated power in one State and convey all the water to the same State, though the latter contributes no water to the river system. In other words, the doctrine is asserted that under the interstate-commerce provision of the Constitution the National Government can exercise plenary power and unrestricted control over the river and its waters, regardless of State laws. Nor is the claim made that this authority depends upon whether or not the river is navigable or that the developments contemplated by the pending bill are in aid of navigation or to prevent interference with navigation. This broad power upon the part of the Government is asserted by officials of

the Interior Department, and particularly the Reclamation Service.

However, it would not be fair if I were to proceed no further in replying to the Senator's question. Several years ago, pursuant to legislative action taken by the seven States directly interested in the Colorado River and by Congress, representatives of these States and the Government met at Santa Fe, N. Mex., and prepared what is known as the compact, which was to be submitted to the States for ratification. This instrument attempted to allocate to the upper basin States a portion of the flow of the river and to the lower States—Nevada, Arizona, and California—the remainder. No attempt was made to divide among the upper or lower States the proportion allocated to each State in each section.

The compact was ratified by Wyoming, Colorado, and New Mexico. California ratified, but attached conditions, one of which was that the United States should build a dam in the river and impound 26,000,000 acre-feet of water and develop electric power and construct a canal for the irrigation of Imperial Valley. The cost of the improvements indicated were to be met from the United States Treasury and were roughly estimated at $125,000,000, though it is believed by many persons that $200,000,000 will be required. Utah withdrew her ratification, and Arizona has persistently refused to ratify the compact, contending that her rights were not protected and that California was the beneficiary of the proposed developments. She also claimed that no satisfactory or just arrangement could be made with California for a division of the waters of the river allotted to the lower basin and that she was denied her legal rights to derive revenue from the power generated at the dam which was to be built in the river at a point where it constituted the boundary between Nevada and Arizona.

In my opinion the compact is not to become operative until the seven States ratify it. It is a contract which becomes effective only when all the contracting parties sign and ratify the same. It is certain that the compact would not have been drawn if it had been supposed that it was to take effect before all the States approved its terms.

It was understood that the object of the meeting of the States was to reach an agreement that would for all time determine their rights in the Colorado River. They met as sovereigns to make a treaty which was to be the basis of their rights in and to the waters of the river. It was understood that the upper basin States and Arizona were not ready to utilize that part of the stream to which in equity, if not legally, they were entitled.

Economic conditions and the unfavorable situation of agriculture rendered it inadvisable to immediately undertake the reclamation of additional lands. California's situation is different; and certain sections of the State have demanded that without regard to the compact the Government proceed to build a dam and power plant at Boulder Canyon and generate several hundred thousand horsepower, which, it is claimed, can be used in California. It is also insisted that the Government construct the so-called all-American canal, at a cost which will exceed $45,000,000, to convey water from the river to the privately owned lands in Imperial Valley. I should add that there are arid lands in the same region owned by the United States which can be irrigated from such canal if it is built to them.

Government officials are active in their support of this scheme; they disregard the compact, the wishes of Utah and Arizona. California, which supplies no water for the river, is to secure substantially all of the benefits of this enterprise, carried forward at the expense of the taxpayers of the United States.

It must be remembered that the compact was not designed for the purpose of having the National Government build a dam in the Colorado River or engage in the power business. It was designed to determine the rights of the States in the waters of the river and to protect these rights as against prior appropriations of water within States whose favorable location and present advantages permitted more rapid development.

The bill, however, as offered in the House and in the Senate claims to rest upon the compact, but requires but three States to ratify it. An amendment has been agreed to which requires that six States shall ratify the compact before work on the project shall be commenced.

Mr. REED of Missouri. Then, as I understand, the Senator claims that the building of these works under the terms of this bill would result in the appropriation of the water by the construction of the dam which is farther down, and that a State which has not assented to the arrangement would be left without any protection? Suppose the State went on and used the water; suppose this proposed dam should be built and then after a while Arizona should herself build a dam, not having consented to this, could she not protect herself?

Mr. KING. As I see the situation, there are two propositions involved. As I have stated, there are some who contend that the Government is not bound by any compacts among the States concerning the waters of the river, and that it may make such developments as it desires and such use of the water as it wishes if there is no interference with vested rights. Under this view, if the Government builds a dam and impounds water and utilizes a portion to generate power, neither Arizona nor any other State could prevent such action by the United States unless prior appropriations were interfered with. Arizona might be deprived of any further use of the waters of the river and vast areas of her fertile lands be thus condemned to perpetual sterility.

If Arizona's rights are not protected by treaties or compacts to which the United States and all the States concerned in the river are parties, then appropriations made either by the Government or the States would jeopardize Arizona's right to use any of the waters of the river not heretofore appropriated by her. She could not even within her own borders divert water from the river for use by the State or the people of Arizona if such diversion interfered with the appropriations so made by the Government or the States referred to.

Mr. KENDRICK. Mr. President, will the Senator from Utah yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. KING. Yes.

Mr. KENDRICK. Mr. President, in answer to the question asked by the Senator from Missouri [Mr. REED], I desire to say that, as one of those who favor the Swing-Johnson bill, I do not concede that under the provisions of the bill there is any interference at all with the waters of Arizona. In so far as I know, the bill has no such provision and no such intention.

As a precautionary measure the committee within less than a month, in passing upon the Senate bill, included an amendment requiring California to agree by legislative act that she would not divert an amount in excess of that provided in the agreement entered into at one time by the States but not ratified by their legislatures. That was done in order to safeguard Arizona's share of the water. That amendment was agreed to by the Senator from California and accepted by the committee without a dissenting vote, as I recall, except that of the Senator from Arizona. It is not intended by this bill to impose any coercion upon the State of Arizona.

However, I should like to state further, if the Senator from Utah will permit me——

Mr. KING. I yield.

Mr. KENDRICK. That there are seven States involved, and, speaking in part for Wyoming, one of the upper basin States, I wish to make it clear that my State has as much interest in the so-called Swing-Johnson bill as has the State of California, and she has as much to protect. No representative of Wyoming has any intention or even disposition to deprive a single one of the seven States of their rights in connection with this proposed legislation.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield.

Mr. PITTMAN. What the Senator from Wyoming has said with regard to the action of the committee is true, but, of course, it may be said that the Arizona Senators do not concur in the action which was taken.

Mr. KENDRICK. Mr. President, I should like to interrupt the Senator right there to ask, Does he mean that they do not concur in the proportionate division of the water?

Mr. PITTMAN. No; I mean that there is a dispute as to whether the language of the bill does so provide.

However, I did not wish to discuss that question. I got up to say that I thought the joint resolution providing that the Secretary of the Interior shall appoint a board of five eminent engineers and geologists, one of whom shall be an officer of the Army, with advice and approval of the President, was before the Senate. I hope the Senator from Utah will not branch off on another subject, but will let me get a vote on the joint resolution and then continue his speech on the other subject. I know that I occupied considerable time myself, and I have not much right to ask what I have asked.

Mr. KING. I have stated that I did not intend to enter into a general discussion of the Boulder Dam bill. The question asked by the Senator from Missouri [Mr. REED] and the statements made by the Senator from Wyoming [Mr. KENDRICK] may call for a brief reply. My position is that Utah and Arizona and the Western States, and for that matter all of the States of the Union, have the right to control the waters within their borders. They have the same sovereign right of control

over the streams as the British Crown had over the streams of Great Britain. When the thirteen Colonies became sovereign States they succeeded to the prerogatives of the British Crown with respect to the ownership and control of the streams within their borders. That doctrine has been announced repeatedly by the Supreme Court of the United States. When the West was settled it was discovered that the riparian doctrine would not meet the situation, and the right of individuals to appropriate water for domestic and other useful purposes was recognized, but the States asserted their right to own the beds and banks of navigable streams and their right to prescribe how water rights might be obtained. Under the system established arid lands were irrigated and the deserts were made to blossom as the rose. Quite recently some of the officials of the Interior Department have denied that the States have any authority over the waters within their borders and that the Federal Government may interdict their use or prescribe how the waters of the streams may be used. The Federal power act strengthened this contention, and under that act many of the streams are locked up and the States denied benefits which might be derived therefrom. It is contended by some Federal officials that the Federal Government may allocate the streams within the States, parcel them out to corporations or individuals, and determine just what use shall be made of the same.

Mr. KENDRICK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. KING. Yes; I yield.

Mr. KENDRICK. The Senator must understand and does understand the importance of this legislation to the upper basin States is found in the operation of the Supreme Court decisions in connection with the prior use of water.

The Supreme Court has ruled more than once that the first beneficial use of water establishes a prior right thereto in spite of State lines, and therein lies the danger to the upper basin States. I may say that the tragic effect of such a situation is found in the fact that when the upper basin States do use the water first, they do not deny the States in the lower basin the right to its use or benefit, but after it has been beneficially applied in the lower basin States, in spite of the uneconomic or wasteful effect, the people in the upper basin States are forever denied the right to use it.

This bill provides that before any development shall be initiated there shall be ratified a compact between the States that will forever guarantee to the different States their proportionate amounts of the waters in the Colorado River.

Mr. KING. Mr. President, I do not concur in all the observations made by the Senator. The Swing-Johnson bill as introduced in the House and Senate provided for the construction of the dam canals, etc., when only three of the States who were parties to the Santa Fe compact ratified the same. An amendment has been forced upon the bill which calls for ratification by six States. It is not accurate, therefore, to state that all of the States interested must ratify the compact before the development of the project goes forward. Even if six States were to ratify the compact the seventh State would be in jeopardy and if it succeeded in getting rights to the river, which diminished the alleged acquired rights of the other six, one or more of this number might find their rights affected and seriously menaced. Many of the people who are supporting the bill and the Boulder Dam project, affirm the right of the Federal Government to ignore the States and to prosecute the enterprise without any regard to the States or their asserted rights.

They insist—and that is the position of the Interior Department—that the Federal Government may build dams and conserve water as it sees fit and may develop hydroelectric power and sell and dispose of it without reference to the States in which the power is developed. They insist that the States may not tax the property of the Federal Government resulting from the enterprise or derive any revenues or profits from the power generated within their borders. Under that doctrine no State is safe and is not protected by any agreement entered into by various interested States.

The vital question included in this proposed legislation is whether Congress intends to countenance and approve of the dictum now asserted and is willing to expend millions of dollars to build power plants and distributing systems, thus depriving States of their soverign rights and of property of value to them and to their citizens.

I submit that the Senator from Wyoming is in error in stating that the bill he defended forever guarantees the States interested in the Colorado River their proportionate interests. It neither protects the upper States nor all of the lower States. Arizona's rights are not determined or guaranteed; and if Arizona should at a later day take water from the Colorado River it might be that the upper basin States would be called upon to surrender a portion of the quantity which the compact attempts to allot to them.

If I understand the Senator from Wyoming, I admit that there is danger to the upper States from appropriation of the waters of the stream by lower States. It is therefore imperative that an agreement be entered into by all of the States interested in the Colorado River defining their rights so that they may be protected for all time against earlier appropriations by States more favorably situated. And the United States must be a party to the compact and concede to the States their constitutional rights. It must renounce the claims made in its behalf to which I have referred. California, undoubtedly, is in a more favorable position than any of the other States in the Colorado River Basin. Southern California is growing, and it is believed requires additional water for domestic and other purposes and is in a position also to utilize several hundred thousand horsepower which may be developed upon the Colorado River. Arizona is not in a position to immediately appropriate any considerable part of the waters of the Colorado River. Her demands for power are limited, and while she has large areas of uncultivated agricultural lands, there is no present demand for their use. Perhaps in 25 or 50 years from now Arizona will require waters from the Colorado River to irrigate these lands, and they will then be made into productive fields and furnish homes for thousands of persons.

Utah and Colorado do not immediately require any considerable portion above that which they are now using of the waters of the tributaries of the Colorado River, and yet the great stretches of land within their borders will sooner or later be developed if the States are not wrongfully deprived of their rights in and to the waters of the Colorado River.

Mr. President, the Supreme Court has not decided, as I recall its decisions, just what the rule or the law is with respect to the contentions between sovereign States over the waters or streams arising in one State and flowing into another. It may be that the law of appropriation applies as between the States, and that if the lower States appropriate the waters of a stream the upper States, junior in time of appropriation, may be restricted and subordinated to the claims of the lower and first appropriator.

Mr. KENDRICK. Mr. President, just one question there, because it is important. The Senator does not deny the fact that these decisions have operated contrary to the statements that he has laid down here. He does not deny that the Supreme Court decisions are in effect at the present time, and binding between the States—that is to say, that the prior use of the water in the lower levels of the stream entitles the user to the water without regard to the people of the upper basin, State lines to the contrary notwithstanding.

Mr. KING. Mr. President, I can only repeat what I said a moment ago: There has been no decision which I now recall which definitely decides the question to which the Senator calls attention.

Mr. KENDRICK. There was a decision between the State of Montana and the State of Wyoming, and another decision between Kansas and Colorado, and still another between Colorado and Wyoming.

Mr. KING. Mr. President, the Senator from Nevada [Mr. PITTMAN] is desirous of getting a vote on the pending resolution, and I do not wish to circumvent his wishes.

I shall before the debate closes discuss the Swing-Johnson bill, and the legal questions which it presents. I shall examine the cases just referred to by the Senator from Wyoming. In my opinion they do not go as far as the Senator contends. However, they do admonish the Colorado River Basin States that it is important that they reach an agreement that will be fair and just and afford each full protection of its rights in the Colorado River.

The PRESIDING OFFICER. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3097. An act for the relief of the State of North Carolina;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3917. An act for the relief of the State of Florida;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota; and

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff-Ferry, connecting Montgomery and Jeff Davis Counties, Ga.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; and

H. J. Res. 238. Joint resolution providing for the granting of veterans' preference in civil-service examinations.

REPORT ON FARM RELIEF BILL

Mr. McNARY. There is a great demand for copies of the report on Senate bill 3555, known as the farm relief bill. The number of copies printed has been exhausted. I move that 10,000 copies be authorized to be printed for the use of the Senate document room.

The motion was agreed to.

RELIEF OF DISABLED WORLD WAR VETERANS

Mr. ASHURST submitted the following correspondence, which was ordered to be printed in the RECORD:

MAY 2, 1928.

Hon. FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

DEAR GENERAL HINES: When H. R. 12175 was pending in the Senate of the Sixty-ninth Congress I offered the following amendment, which amendment was adopted by the Senate and which became a part of Public, No. 448, and for the lack of a better description has come to be known as the Ashurst amendment, to wit:

"That any ex-service person shown to have had a tuberculosis disease of a compensable degree, who, in the judgment of the director, has reached a condition of complete arrest of his disease, shall receive compensation of not less than $50 per month: *Provided, however,* That nothing in this provision shall deny a beneficiary the right to receive a temporary total rating for six months after discharge from a one year's period of hospitalization: *Provided further,* That no payments under this provision shall be retroactive and the payments hereunder shall commence from the date of the passage of this act or the date the disease reaches a condition of arrest, whichever be the later date."

Will you please inform me as to the number of ex-service men now receiving compensation under the provisions of my amendment; and also please further advise me as to the gross sum of money (compensation) which to date has been paid to ex-service men under and by virtue of this Ashurst amendment?

Sincerely yours,

HENRY F. ASHURST.

WASHINGTON, *May 4, 1928.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR ASHURST: This will acknowledge receipt of your letter of May 2, 1928, requesting information as to the number of beneficiaries, and the cost, under the provision allowing the $50 statutory award.

You are advised that 39,634 veterans are receiving this statutory award at the present time. To date this legislation has caused an expenditure of approximately $28,800,000.

Very truly yours,

FRANK T. HINES, *Director.*

PROHIBITION REPEAL UNTHINKABLE

Mr. SHEPPARD. Mr. President, I present with the request for printing in the RECORD an address delivered before the Prohibition Conference at Washington, February 28, 1928, by Bishop James Cannon, jr., entitled "Why prohibition repeal is unthinkable."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHY PROHIBITION REPEAL IS UNTHINKABLE

By Bishop James Cannon, Jr.

I am not a very old man, but the outstanding events in connection with the warfare with the liquor traffic of the people of my own State of Virginia and of the United States have all taken place within my lifetime, indeed within my recollection. The eighteenth, commonly called the prohibition amendment, can not be properly understood apart from the conditions and the legislation which preceded it. It is the high-water mark attained after many years of effort by the American people to reduce to a minimum the admitted evils of the traffic in intoxicating liquor. Despite all the jibes, sneers, and denunciations by lovers of liquor more than of their fellow men the one and only purpose of the eighteenth amendment is, quoting the words of the preamble to the Constitution, "To promote the general welfare," by the restriction of the activities of the individual citizen in the manufacture, the sale, the transportation, the exportation, and the importation of intoxicating liquors for beverage purposes. Intoxication is that condition in which a citizen has lost control of his physical, his intellectual, and his moral powers; in short, of himself. The one and only purpose of the eighteenth amendment therefore is to "promote the general welfare" by prohibiting the traffic in that which experience has demonstrated causes hundreds of thousands of citizens to lose control of themselves and to become, therefore, not only unfitted to perform properly the duties which they owe to the State, to society at large, and to their families, but all too frequently, sad to relate, to become a public menace, indeed a public nuisance.

In this brief survey, therefore, which I shall make, the fundamental issue is whether the eighteenth amendment and the enforcement act, commonly called the Volstead law, have promoted and do promote the general welfare, and why prohibition repeal is unthinkable.

It is difficult for the younger generation to visualize, or indeed even to credit, the actual conditions which existed in the "good old days" when men put their feet on the brass rail and blew the foam off the glass—before the passage of the eighteenth amendment. In those days great distilleries and breweries were running openly and legally at full blast, manufacturing hundreds of millions of gallons of intoxicants; saloons running up to the tens of thousands, nearly 200,000 in all, regularly licensed, were found at the country crossroads and on the prominent corners of every village, town, and city and intoxicants were sold and drunk publicly by men and women in hotels, city and country clubs, and on dining cars, and were served at practically all public dinners and banquets.

To-day some men may get intoxicants with their meals illegally, but public social drinking is practically at an end, and the cumulative effect of that fact upon community and home life and upon the amount of intoxicants consumed is tremendous.

In the "good old days" saloons were on the most conspicuous convenient street corners of cities—beautifully furnished, with plate-glass mirrors, with row upon row of colored bottles and cut-glass decanters, with many startling pictures, sometimes with orchestras, song, and dancing, shouting out their invitation to our young life "to eat, drink, and be merry"; and that young life came, and there was an army of thousands, and steadily increasing thousands who, having eaten, drunk, and been merry, marched down to poverty, misery, vice, and crime, and many alas! to drunkards' graves; and those same saloons in those "good old days" conveniently located in the pathway of laboring men going from factory to home, called those men in to squander for strong drink the wages so sorely needed to clothe, feed, and shelter families dependent upon those wages alone for not only the comforts but the necessities of life. To-day there are places where by wink or nod, by hook or by crook, men can get intoxicants and some places where they can still assemble behind closed doors to make a night of it, but the wide-open doorway eagerly alluring every passer-by is no more. The cumulative effect of that fact upon the social, domestic life of the average family and upon the amount of intoxicants consumed is again tremendous.

In the "good old days" to drink until one was a silly fool, frequently an uproarious, disagreeable and dangerous fool, to be carried home or put to bed by others was not only no disgrace, but was a frequent ending of the evening out. In those "good old days" the saloon was the rendezvous, the harboring place, the recruiting station of vice and crime. Its inseparable allies were the gambling house and the brothel. Its back parlors and its wine rooms were the avenues to debauchery and ruin of multiplied thousands of women and girls. The number of girls ruined by hip-pocket flasks to-day are few indeed compared with the slaughter of the innocents in those days. The immorality among the young people of the present day wherever it is found is usually traceable to other causes than the use of intoxicants. In the old days the transit from the saloon to the house of ill fame was easy, and intoxicants could be found there when the saloon was closed.

Nine-tenths of the saloons were beer saloons, most of them controlled by the brewers. With rare exceptions they were absolutely lawless. They refused to be bound by any restrictions. The brewers paid for police protection, and if occasionally some violations were too flagrant, the fines were paid; a show of order was made for a while, but lawlessness continued—only a little more under cover. A great part of the drunkenness was beer drunkenness. My college days were spent at a Methodist college in Virginia and at a Presbyterian college in New Jersey. The authorities of both institutions were opposed to drinking by the students, but there were saloons in both places, and although

the law of Virginia forbade the sale of liquor to minors or to students, I helped to carry my drunken classmates to their rooms and put them to bed. They were drunk, foolishly drunk, disgustingly drunk, usually on beer, bought through a runner of the saloon, and there was far more drunkenness among the young people and among the college students in those days than there is to-day.

I learned to hate the liquor traffic as a young boy before I reached my teens. I accompanied my mother when as an angel of mercy, with her white ribbon Woman's Christian Temperance Union badge on her breast, she visited the homes of the people in need in our community. I saw husbands lying on the bed in a drunken stupor, or so noisy or quarrelsome as to require the police. I saw wives and mothers gaunt and hollowеyed, weeping and despairing, working themselves to death to feed and care for their hungry, half-clothed, barefooted children, while their husbands under the slavery of the appetite for drink squandered all their earnings in the numerous saloons of the town. Later on as a pastor I saw similar horrors, and on one occasion the ladies of my church bought clothing and shoes and a coffin in which to bury a child who had died for lack of proper food, and the next morning when I came to hold the funeral service, I found the father had taken the clothing and shoes to his saloon keeper, traded them for drink, and was back again in the house in a drunken rage. Later on while I was president of Blackstone College my life was several times in danger from men who had lost control of themselves from drink. For example, one night while accompanying a party of school girls I was attacked on the train between Richmond and Blackstone by a man crazy with drink, who drew out and recklessly brandished a long dirk knife within a few inches of my throat until he was overpowered by the train crew. One day I was driving on a road through the slate quarries of Buckingham when the door of a barroom on the hillside was thrown violently open and there rushed forth several men shouting and firing pistols, which had they been able to aim straight would have prevented my being here to-night. I had to close my printing office in Blackstone because my printers could not withstand the temptations of the town saloons. I was obliged to discharge some of the best colored workers I had, because after they were paid they would spend their money in the saloons for liquor and returning to the college would become a menace to the quiet and safety of the other servants. Oftentimes in those days the wives or daughters of men would come to the employers of fathers and husbands and ask that part at least of the father's wages be paid to the wives and daughters so that the family might have something out of the pay envelope before the saloon had taken it all. This is simply a cross section of the "good old days."

POLITICAL DOMINATION, GRAFT, AND CORRUPTION

But it was not only the social conditions created by the saloon which made it a menace to the life of the Nation. In those days the liquor traffic practically dominated the political life of town, city, State, and Nation. Its heavy, brutal, slimy hand was felt in elections of mayors, members of city councils, members of the police force, prosecuting attorneys, judges on the bench, members of legislatures, Members of Congress, and it claimed the right to be consulted even on the matter of presidential nominations. No town or city ordinance, no State or national legislation, which could possibly affect in any way the moral betterment of the community, the diminution of the sale of intoxicants or of opportunities for gambling in any of its forms or restrictions upon redlight districts could be considered without the active and frequently successful opposition of the liquor traffic, acting through some agent or attorney of the State, or the National Liquor Dealers' Association. For nearly 30 years, I personally waged battle after battle with them in town, city, State, and Nation. The traffic had at its command all the forces of the underworld, with every ward heeler and political pimp, who were linked with men higher up in an ascending scale of social, business, and governmental life until the slimy trail led to the office of the boss, or bosses of the city or State. The graft and corruption in connection with prohibition enforcement to-day, concerning which so much clamor is being raised by the opponents of the prohibition law, is small indeed compared with the graft and corruption which prevailed nearly everywhere in the old saloon days. Concerning this horrible condition, the New York Times made editorial declaration:

"The politicians ought to know the country adopted the prohibitory amendment because among other things there had been a corrupting partnership between the saloon and the political organizations. It was difficult, if not impossible, to enforce such regulatory laws concerning the liquor traffic as there were because the saloon keeper had a pull with the politicians, and was permitted to disregard the law as a reward for his assistance in elections. The back room of the saloon was political headquarters, and there was a time when the saloon was even the voting place, and the brewers and distillers subsidized political parties as the price to continue winking at irregularity. That the bootleggers are quite without power in some of our lower political circles could not be denied safely, but it is a petty power compared with that which the saloon keeper of old exercised in practically every State."

This statement of the prevalent, debasing conditions in pre-prohibition days by a newspaper which can not be classed as a friend of prohibition is commended to those opponents of prohibition who are denouncing it because of corruption and graft in connection with the bootlegging traffic. Furthermore, in the "good old days" there was abundant moonshining and nearly two thousand persons who held no State liquor license, paid no United States tax to prevent Federal interference or prosecution. Oh, yes, there were blind tigers and bootleggers abundant also in those "good old days."

Were there sufficient time much more might very properly be said concerning the social and economic and political evils of the old saloon days.

The people of Virginia and of the country as a whole finally became convinced that the conditions to which I have referred above were the natural, inherent, and necessary consequences of the traffic in intoxicants. Moreover, the Christian citizenship of the Nation became convinced that it was responsible for the existence of the legalized liquor traffic until it had done everything possible to brand it as an outlaw and to utterly destroy it. All the prohibition legislation which has been adopted has had for its only purpose the elimination of those evils from the economic and the domestic and the social life which have been found to be the inevitable accompaniment of the liquor traffic.

It was the persistent, defiant lawlessness of the liquor traffic which finally compelled the adoption of national prohibition. Drawing upon my own experience in the State of Virginia for the last 40 years, the steps in liquor legislation have been as follows: Forty years ago licenses were granted by the judges of the court to applicants upon petitions signed by a certain number of citizens who brazenly or shamefacedly certified that the applicant was a man of good moral character and that the proposed place was a suitable and convenient place for the sale of intoxicating liquors! But the ever-present destructive, horrible results of the traffic became increasingly unbearable. The people demanded and secured a local option law, but the effort to secure that law was met by exactly the same kind of opposition and denunciation from the liquor traffic and its friends which is used to-day against national prohibition by the Association Against the Prohibition Amendment.

I well remember when the next step was taken in my own State. It was my privilege to appear at a hearing before a joint committee of the Senate and House of the General Assembly of Virginia to advocate the adoption of what later became known as the Mann law. Judge Mann, the senator from Nottoway, who was later elected Governor of Virginia, one of the noblest men with whose friendship I have ever been honored, and myself were faced that night by a committee which, while personally respectful, was not simply skeptical but was almost contemptuously hostile to the proposed legislation. The committee room was crowded with the representatives of breweries, distilleries, and saloons, and your speaker, as a representative of the church and moral forces of the State, was admonished to go back home and preach the pure gospel and leave politics alone, and the committee promptly reported the bill adversely. But so lawless was the traffic and so aroused was the moral sentiment of the State that two years later the Mann law was enacted by the legislature, which law prohibited the granting of a liquor license in any community of less than 500 population, unless the judge was satisfied that the granting of such a license would not be contrary to the material or moral interests of the community. This law speedily swept every saloon out of the villages and country districts, and the results were so beneficent that in four years the law was extended to apply to all communities of 1,000 and less. The liquor traffic having been driven out of the country districts, the villages, and small towns, was then driven by local-option elections out of all the cities of the State, except three.

Notwithstanding the evident determination of the people to protect themselves, their children and their homes, the liquor traffic utterly refused to recognize the rights of citizens in the dry territory secured by the local option law entrenched itself in the larger cities of the commonwealth and endeavored in every possible way to flood the dry country districts with their prohibited poison.

Finally realizing they could not in any other way protect their communities, their children, and their homes, the people of Virginia and many other States by popular vote adopted state-wide prohibition laws to wipe out the legalized traffic root and branch.

But once again the liquor traffic utterly refused to recognize the right of the people of a State to brand it as an outlaw, and it established liquor-shipping houses in wet cities in wet States which flooded the dry States with circulars, even to boys and college students, with newspaper advertisement, and by automobile, railroad, and water craft, carried the prohibited intoxicants into the dry territory. It was this utter refusal, this defiant lawlessness on the part of the liquor traffic to recognize the right of the States to protect themselves from the traffic, which forced the adoption of various kinds of Federal prohibition laws, and later of the national prohibition amendment. The effort was earnestly made to meet the situation by the adoption of the Webb-

Kenyon bill, and by what is known as the bone dry amendment, but as long as breweries, distilleries, shipping houses, and saloons were operating legally under the law of the States where they were located, there was no possible way to curtail this open, legal production, and these intoxicants once having been produced, and the wet States not only making no effort to pass any form of legislation which would curtail the outflow of intoxicants from their borders into dry territory but rejoicing in the increasing revenues which came to the wet cities and States from heavy license fees, this liquor by hook or by crook, by automobile, express, mail, freight, on railroad trains, on launches, on steamers, leaked, indeed poured into the dry territory.

It can not be too strongly emphasized that it was this lawlessness of the legalized liquor traffic in the wet States, and the utter disregard by the wet States not only of the opinions, but of the rights of the people of the dry States, which not simply precipitated, but compelled nation-wide prohibition.

The statement which is still sometimes made by either ignorant or reckless men, that national prohibition was "put over," while and because the boys were absent in France, has not only no foundation in fact, but utterly ignores the logical necessity for national prohibition as the only protection of the dry States from the legalized liquor traffic of the wet States. As a simple matter of fact, the resolution for the ratification of the eighteenth amendment was adopted by Congress and sent down to the States before as many as 300,000 of our boys had gone to France for I was in Europe myself at that very time and know the facts. And it is another fact which is overlooked that there were never more than 2,000,000 boys in France out of a total population in the United States of over 100,000,000, with over 20,000,000 voters. A large percentage of the boys in France were from "dry" homes, and had the entire million been at home they were not sufficiently numerous to change the result. It is utterly absurd to say that prohibition was put over suddenly while our boys were in France. President Coolidge truly said in his last annual message to Congress "After more than two generations of constant debate our country adopted a system of national prohibition under all the solemnities involved in an amendment to the Federal Constitution. In obedience to this mandate, the Congress and the States with one or two notable exceptions have passed required laws for its administration and enforcement."

There is a clamorous outcry coming to-day from thirsty throats in wet States like Maryland and New York that their State be permitted to determine for themselves what shall be the legalized alcoholic content of beer and light wines, and these present-day State-rights advocates now declare that they are perfectly willing that the dry States shall determine what shall be the alcoholic content of beverages sold within their borders. But all these passionate appeals for liquor State rights must face up fairly and fully the outstanding facts of liquor-legislation history. Where were these belated advocates of the rights of the States when the dry States were demanding the observance of their rights in the past? Why were not the present-day advocates of the rights of the States to determine their liquor laws for themselves out on the State-rights firing line demanding that the rights of the dry States to protection from the liquor traffic of the wet States be respected? How can it be expected that the dry States will pay any attention to such appeals, or have any confidence in such pledges? How, for example, can the dry people of Virginia be expected to believe that the wet city of Baltimore would respect the rights of the people of Virginia to protect their communities, their homes, and their children if Maryland should be permitted to determine what should be the legalized alcoholic content of beer and light wines manufactured in Maryland? Certainly, it can not be expected that the dry States will pay any attention to such appeals or have any confidence in such pledges. All past experience proves conclusively that the liquor traffic respects no pledges and violates all laws, and it would be folly, even were it constitutional—which it clearly is not—for the dry States of the Nation to agree to any such State-rights control of alcoholic content. To legalize breweries and wineries to manufacture such beer and wine as is demanded by such men would mean the return to the brewery-dominated conditions which existed before national prohibition. It would remove the brand of the outlaw which is now upon the traffic, and would permit the legal manufacture and sale of unlimited quantities of beer and wine and surreptitiously of spirituous liquors also in these wet States, much of which would pour into dry territory, just as it did in the past.

In the face of this damning record of the "good old days," the present-day social conscience of our people has demanded the abolition of a traffic which produced such results. This social conscience declares and emphasizes the rights and duties of organized society, and brushes aside without hesitation any claim of any individual to perform any action or to enjoy any privilege which action or indulgence is a menace to the physical and moral welfare of the community in which he lives. This social conscience flatly declares that a man's private life, his right to unrestrained personal activity, ceases the moment any act of his life affects the life of other members of the social order, of which, whether he likes it or not, he is a part. Robinson Crusoe was free to shoot when and where he pleased while alone on the island. When Friday came it was his duty to locate Friday before he fired. Men may own high-powered motor cars for pleasure or business, but the killing of 22,000 and maiming of 676,000 people in the United States of America last year, and a similar awful record in other countries, compel stringent restrictive speed laws and sober drivers.

Men may prefer wooden houses as cheaper or prettier than brick or stone, but the law prohibits such buildings in business districts. Quarantine laws compel men to remain on cholera-infected ships until danger of infection is past, no matter how inconvenient or expensive to the individual such detention may be. A man's income may be no more than he thinks necessary for proper comfort, but organized society—the State—compels him to give up part of that income to pay for roads, police protection, support of paupers, insane, and for education, even though he may have no children. Smoking in powder mills or garages is forbidden, no matter how much desired. When the country is attacked by enemies the Government compels men to leave home and business, and face separation, financial loss, wounds, disease, and death for the defense of the common country.

Many other examples could be given of the restriction of the "private life" of the individual. The advocates of individualism—alas, too often of purely selfish individualism—animated by appetite or covetousness, or both, still raise a great outcry against any law to limit or prohibit the use of intoxicating beverages as "a forcible, immoral, and tyrannical invasion of their private life and personal conduct" (Dr. Nicholas Murray Butler). But such protests and reasoning are but an echo of a bygone age. The social conscience of to-day absolutely refuses to recognize anything as "private life and personal conduct" which affects "the general welfare," and orders that whether willingly or unwillingly all opportunities for the indulgence of appetite be prohibited if in providing such opportunities it has become evident that the best interests of society inevitably suffer. This prohibitory method may not be approved by the selfish offenders; it may, indeed, excite great resentment and a determination to indulge the clamoring appetite despite any law, however drastic, but organized society, or government, has swept in its aim beyond the simple question of the control or the reform of the appetite of an individual for his own sake alone (which is truly most desirable) to the broader question of how society can best protect itself from the refusal of such individuals to abstain voluntarily from a selfish indulgence which admittedly involves danger to the entire social life.

The results which have followed the adoption of this policy of protection of the rights of society from the indulgence of selfish individualism are recognized as one looks upon the horrible picture of the past and then looks upon present-day conditions. The question at issue is not whether the prohibition law is universally observed and enforced; it is not whether there is an element of the population which defiantly declares on the floor of the United States Senate that it will have its liquor, Constitution or no Constitution; it is not whether there are some people and some middle-aged people and some old people who carry pocket flasks, which in other days were much more numerous, but were called "ticklers" or pint bottles; it is not whether certain foolish people think it is smart to talk about their bootlegger, and insist that they will drink alcohol, notwithstanding its evil effect upon them and their friends and families; nor, indeed, it is not whether there are multiplied thousands, or even some millions, of the 120,000,000 of people of the United States who openly declared they will gratify their appetites for intoxicants, regardless of its effect upon the "general welfare." I am not here to declare that the eighteenth amendment and the Volstead Act have been observed or enforced universally.

No laws of any kind in any country, not even the Ten Commandments, which admittedly are approved by the moral sense of the average man, are universally obeyed. Men swear, disobey parents, steal, lie, commit adultery, kill, aye, sometimes they seem to flaunt themselves in the face of God. Certainly no sensible man is so foolish as to expect that the prohibition law will not be violated, just as other laws are violated. But the great question of settlement is whether the results obtained have demonstrated that the present prohibition law is a better method of "promoting the general welfare" than any method which had been tried heretofore for the handling of intoxicating liquors. Are the physical, economic, domestic, and moral conditions better in the United States since the adoption of the prohibition law, or are they worse? Careful investigations by men and women of standing and reputation prove that labor has been enriched, business enlarged, public savings and capital resources vastly increased, social conditions improved, public health benefited, and morality advanced. Home conditions are better on food and clothing, comforts, and conveniences. There has been a striking increase in personal ownership of homes and in recreation, amusements, and school opportunities.

It may be declared that I am not an impartial witness, but I give my testimony for what it is worth. Since the year 1894 I have been engaged in work which has compelled me to travel the greater part of

my time, and I know every village, town, city, and public highway of Virginia from the mountains to the sea. During the past 10 years I have averaged over 150,000 miles of yearly travel. I am familiar with the cities of the South and Southwest to the Pacific coast. I have often been for a brief stay in Philadelphia, Pittsburgh, Cincinnati, Cleveland, Detroit, Chicago, Columbus, St. Louis, Kansas City. I have averaged at least two visits monthly to New York. I have frequently visited Cuba and Mexico. I have averaged two trips yearly to Europe for the past nine years. I have been to the countries of the Near East several times. I have visited Egypt, the east and west coast, central and southern Africa, and the east and west coast of South America, and the Canal Zone.

From the time of my student days in Princeton, 40 years ago, when I frequently spent my week ends in New York visiting the Bowery and Water Street Missions, I have rarely been in any city overnight that I have not walked in various sections of those cities for one or two hours at night studying social conditions, and as I rarely wear clerical clothes I have been able to observe without attracting attention. I positively assert that the transformation has been little short of amazing. Restaurants and night clubs there may be here and there which violate the prohibition law more or less frequently. But there are no open saloons at every turn belching forth the fumes of strong drink, and noisy, boisterous victims of the same. One can walk night after night all through the Roaring Forties and Fifties around Broadway and see little indication of intoxication. In my frequent travels on the trains from the East to California and Mexico I have not in 10 years seen more than five men clearly under the influence of intoxicants in public conveyances, and few disorderly men on the public streets, and there are no stronger or more competent witnesses to the effect of prohibition than brakemen and conductors on trains.

Within a stone's throw of our office in Fleet Street, London, almost under the shadow of St. Paul's Cathedral, there are more than 50 public houses which are filled nightly by men and women lined up at the bar taking, as the trade says, "liquid refreshment," frequently with baby carriages just outside the door guarded by small boys and girls waiting to accompany their too often tipsy mothers home. I have seen more drunken men and women on the Strand and Fleet Street and at the midnight closing of the cafés of Geneva in one night than I have seen in the United States in five years. During my last trip to Cuba the car in which I was driving was struck by a car driven by two Cubans drunk in so-called harmless light wine, and we narrowly escaped the entire demolition of our car and the loss of our lives. During my trips to Montreal and Quebec I saw the same kind of drunkenness from the Government dispensaries which results from the saloons. South Carolina and many towns in Virginia sadly and amply demonstrated that intoxicating liquor would intoxicate even though it were sold in a dispensary presided over by a church trustee or deacon.

Frankly, it does seem impossible to me for any observant, thoughtful, fair-minded man to visit other countries and see the people crowding into saloons, cafés, restaurants, and hotels to drink intoxicating liquors, and then to visit even as wide-open a city as New York and watch the people from the Battery to the Bronx crowding into soft-drink stands, lunch rooms, and restaurants, in which nothing intoxicating is sold, and not be compelled to state that prohibition has had a marvelous effect upon the habits of the American people. The countless millions of bottles of milk which go in the lunch baskets of our laboring people in place of beer is a fact which no fair-minded man can ignore in reaching his conclusions.

In an article in a recent issue of the Saturday Evening Post, which the metropolitan dailies have ignored, Miss Evangeline Booth, the commander of the Salvation Army, asked: "Shall America go back?" and among other opposing reasons said that in their work before prohibition they had to provide clothing for many little children, but now that was rarely necessary. Also that in the rescue work 50 per cent of the help in the homes was given because of drunkenness, while now there was only 1 per cent for that cause. This is unimpeachable testimony from an organization which is both competent and reliable. Statistics of the Children's Aid Society in this same comparatively wet city of New York show that the number of families aided decreased from 2,024 in 1914 to 1,261 in 1925; number of persons given free lodging, from 6,319 in 1914 to 1,646 in 1925. The Bowery Mission tells the same story; men given free lodging, 44,900 in 1914 and 8,760 in 1925; free meals, 309,777 in 1914 and 67,574 in 1925. In a comparison of conditions in England and the United States the following facts are of interest:

Last year there was spent in England and Wales over $1,500,000,000 for intoxicants, over $20 per capita, while at the same time over 1,000,000 men were out of employment and received a weekly dole from the Government. In the United States instead of wasting a billion and a half dollars on intoxicants, Prof. Irving Fisher, who is recognized as one of the ablest and most accurate of our economists and statisticians, declares that the increase in assets in this country from savings and increased efficiency, due to prohibition, amounted to $6,000,000,000 yearly. Certain other figures are very interesting and significant. The accumulated savings in building and loan associations increased from $1,360,000,000 in 1914 to $6,280,000,000 in 1926. The life-insurance companies' increase was from $4,640,000,000 in 1914 to $12,850,000,000 in 1926; savings accounts in all classes of banks increased from $8,710,000,000 in 1914 to $24,700,000,000 in 1926. The increase in the number of depositors this past fiscal year was about 3,000,000, making a total of over 4,000,000 depositors.

While not attributing all these increases to prohibition, certainly not only has the old fashioned "prohibition hurts business" been utterly exploded, but butchers, bakers, merchants, builders, manufacturers, insurance agents, bankers, and pastors must testify that money which formerly went to the saloon now goes to increase the receipts in every department of business life.

Recently an interesting questionnaire was submitted by one of the insurance companies to the executives of clubs and like organizations, asking whether or not the eighteenth amendment had had a helpful effect upon conditions in industry, with which these executives were acquainted. The affirmative vote was overwhelming in every group.

Factory employers clubs, 37 to 19.
Men's lunch clubs, 52 to 16.
Chambers of commerce, 33 to 8.
Women's clubs, 55 to 11
Country clubs, 150 to 26.
Sales executives, 22 to 1

Finally, I would summarize the result of a questionnaire which as chairman of our church board and social service I sent to every minister and lay leader in the M. E. Church, South, about 20,000 scattered throughout the various States. Over 12,000 answered the questionnaire. I think it is the simple truth to declare that the Christian ministers and laymen who answered the questions are the equal of any other similar number of men in their good, practical sense, knowledge of human nature, knowledge of conditions in communities in which they live, sincerity, integrity, and moral character. If they are not patriotic citizens, if they do not love their country or fellow-countrymen, if their sincerity can not be trusted, I know of no men who are patriotic, sincere, and trustworthy. Their testimony from every part of the country, while not unanimous in every point, is practically so, for of approximately 12,000 replies, all but six declared that since prohibition home conditions are better as to food, clothing, comforts, conveniences, increase in personal ownership of homes, recreations, amusements, and school opportunities. All but 10 declare that they personally observe less drinking in homes, in public places, and among young people. All but 12 declare that there is not as much political graft and corruption to-day as when the saloon dominated town, city, State, and national elections. All but 9 declare that, in light of all the facts, they still positively favor national prohibition.

I will close this testimony as to the results of prohibition with the last public utterance on the question by one of the leading industrialists of the world, Henry Ford, who said: "Prohibition is a good thing for the country and should be continued. I am in a position to know that it has been of untold value to the workingman. Surveys made in my own plants show this. The conditions among workingmen now compared with the period before prohibition are as different as is day from night. The country is better off with prohibition; alcohol is no good for anyone."

And now with these authentic memories of the past, with these facts of the present, what for the future? From an experience of over 30 years of continual conflict with this common enemy of the human race, I give it as my carefully considered judgment that at no time during the past 15 years have the liquor forces been more unpatriotic, more thoroughly disloyal and lawless, more unscrupulous and shameless, more defiant, assertive, and aggressive than they are to-day.

We are met here to-night not as Republicans or as Democrats. We are here as the representatives of a part of the moral religious forces of this great Nation. We have labored earnestly and fought persistently for these long years to secure one of the greatest social enactments ever approved by the people of any country, of any age. With the admittedly imperfect enforcement up to the present time exceedingly valuable and helpful results have been secured. We face to-day a serious situation. The enemies of prohibition have come out into the open and are forcing the fighting. To be specific, the future effectiveness of national prohibition, whether we like it or not, will be tremendously affected by the results of the approaching presidential campaign.

The prohibition question has never been nor can we agree that it shall become simply a matter of partisan politics. It is a great moral issue and, therefore, far transcends any questions of tariff, finances, foreign policy, etc. It is a question which touches the every-day life of our people, our schools, our business, our homes, our children, our churches. We must absolutely refuse to surrender our convictions on this great moral question to aid in securing a purely political-party triumph in the selection of a President, Republican or Democrat, whose election would be a menace to the success and permanence of our beneficent, salutary prohibition law. We must in all sincerity and good conscience declare that we can not, that we will not, support any man for the Presidency who may be nominated on a platform including a prohibition-enforcement plank inserted to secure

dry votes, but who, owing to his wet or doubtful record, it is hoped can secure also the votes of wet sections of the country, which section would favor him solely because of his nonenforcement record, or his advocacy of State determination of the alcoholic content of intoxicants, or because of his critical, hostile attitude toward prohibition workers and the prohibition law.

Personally, I do not believe that the dry voters of the Nation in either party will be willing to surrender their moral conviction in order to secure a purely political-party triumph. I do not believe our people will commit moral suicide for victory of any political party or for the spoils of office. We call upon all dry delegates to both nominating conventions, not only to use their influence to defeat the nomination of men who are opposed to the prohibition law, but that they use their influence to secure the nominations of men whose record will insure their active support of the enforcement of the prohibition law. We must positively declare that we will hold our political leaders of both parties responsible for the proper representation in the nominating conventions of the views of the moral religious forces of our Nation.

The determination of this great issue is, I believe, with the dry citizens of our country, men and women. If they declare unitedly, persistently, and positively and openly that they will not vote for "wet candidates" they can secure the nomination of candidates by both parties who by their utterances, acts, and records are thoroughly committed to the effective enforcement of the eighteenth amendment and the statutory legislation pertaining thereto. This is a time when Christian citizens must render to Cæsar the things which are Cæsar's as well as to God the things which are God's.

If our great effort to promote the general welfare by the self-denial of the individual should ever fail, it will be because Christian citizens do not respond to the appeal of the great apostle: "We then that are strong ought to bear the infirmities of the weak and not to please ourselves, for even Christ pleased not Himself."

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDING OFFICER. Senate bill 728 is before the Senate as in Committee of the Whole.

Mr. HAYDEN. Mr. President, as the Senator from Nevada [Mr. PITTMAN] stated, there are two primary issues which have divided the States of Arizona and California with respect to this legislation. The one and the major issue is with respect to an apportionment of the waters of the Colorado River in the lower basin, which, as the Senator has said, is progressing toward a just settlement. The other, and a very important issue, relates to power.

I oppose the passage of the Swing-Johnson bill in its present form because I am convinced that every desirable result can be accomplished without requiring the Federal Government to enter into the business of manufacturing and selling hydroelectric power at Boulder Dam.

The first section of the bills S. 728 and H. R. 5773 authorizes the Secretary of the Interior to construct, equip, operate, and maintain a complete power plant at said dam.

Section 6 of the Johnson bill provides that the Secretary of the Interior may enter into contracts of lease for the use of water at Boulder Dam as an alternative to the construction of the power plant by the Federal Government. This provision has been eliminated from the Swing bill as it passed the House, so that the Secretary of the Interior must build the power plant.

The cost of this power plant is estimated at $31,500,000. It is the purpose of the proponents of this legislation that the electrical energy thus generated shall be sold to the city of Los Angeles and to other municipalities in southern California. These cities and towns having taxable wealth of over a billion dollars, are asking Congress to provide Federal funds to build a power plant for their benefit which we in Arizona say they should build for themselves.

FEDERAL GOVERNMENT SHOULD BUILD DAM

The people of Arizona believe that Congress should appropriate money to construct a great dam in the Colorado River for flood control and to provide water for the irrigation of public lands. By the Federal water power act Congress has provided a means whereby a license may be issued for the privilege of developing electrical energy at such a Government dam and the license may require annual payments for the use of water sufficient to repay, with interest, all or any part of the money advanced from the Federal Treasury for the construction of the dam.

The Federal water power act grants preference to States and municipalities in the issuance of such licenses at Government dams. I do not believe that the States of California, Nevada, or Arizona will take advantage of this preference. I feel certain that the city of Los Angeles, and the other municipalities to be associated with that city as applicants, would be the best and most responsible agency with which the Federal Water Power Commission could enter into a contract for the repayment of the cost of such a dam.

To make it certain that no private power company shall obtain any advantage from the construction of the dam, I am perfectly willing that the bill be amended to provide that the Federal Power Commission may not issue a license at Boulder Dam except to the city of Los Angeles or to an association of municipalities of which that city is a member. The demands of the States of Arizona and Nevada for cheap power can be satisfied by providing that the licensee shall furnish such power as may be required to supply the needs of the two States at cost plus 6 per cent.

PUBLIC OWNERSHIP FAVORED

I would make certain this preference to Los Angeles and the other southern California municipalities because I favor public rather than private ownership. My convictions in that respect are justified by the great success which has been made through public control of the development of hydroelectric power on the Salt River reclamation project in Arizona. Some 7,000 water users, to whom were transferred the care and operation of that project in 1917, have extended its scope by borrowing money on their own credit for the construction of power plants which have been exceedingly profitable. With a fourth dam on Salt River, which will soon be constructed, the farmers of that project, without any further Federal assistance, will then derive an income of $2,500,000 a year from the sale of electric energy. In a few years, when the project is paid out, they will each receive their irrigation water free of any cost and a dividend from power in proportion to the number of acres that they own.

Such a development could not have taken place if the Salt River project had remained under the control of the Interior Department. The United States Reclamation Service rendered good service in constructing the Roosevelt Dam and other features of the project, but bureaucratic management from Washington, after the works were completed proved to be very inefficient and most unsatisfactory. The transfer to local public control has demonstrated that good business management can be best attained by those directly interested in the success of any enterprise when free from interference by Federal bureaucrats.

LOS ANGELES PUBLIC OWNERSHIP SUCCESSFUL

Just as the Salt River Valley Water Users' Association has demonstrated the success of public control of an irrigation and power project so has the city of Los Angeles proven that public ownership can be most successful. The bureau of power and light of that city is furnishing electric current for domestic use at 5 cents per kilowatt-hour, which is 2 cents cheaper than the average price charged for that service by private power companies in the United States. In the past 12 years that bureau has made profits for the city amounting to more than $18,000,000. The net profits last year were approximately $3,500,000.

It is my belief that by associating themselves under the leadership of Los Angeles in the business of generating power on the Colorado River, the municipalities of southern California can duplicate what has been done by the Hydroelectric Power Commission of Ontario with cheap power from Niagara Falls. In that connection, however, I must not fail to say that the Government of the Dominion of Canada is not engaged in the power business, and such a precedent would likewise keep the Government of the United States out of that business. I must also make known the fact, as stated by Sir Adam Beck, that the Ontario "'Hydro' pays taxes both to municipalities and to the Provincial Government to the extent of hundreds of thousands of dollars annually" and "in addition, the commission has paid millions of dollars in customs duties to the Government of Canada, directly and indirectly, on materials and equipment which must be imported from the United States and other countries."

TAX EXEMPTION PROTESTED

The proponents of the Swing-Johnson bill not only ask that the Federal Government shall furnish money at less than the market rate of interest to build a power plant costing $31,500,000, but that this power plant and all electrical energy produced by it shall be considered Federal property and, therefore, exempt from taxation by the States of Arizona and Nevada. It is against this exemption from taxation that the people of Arizona most earnestly protest. The States of Arizona and Nevada can have no just cause for complaint if their natural resources are developed under a policy of public ownership rather than by private enterprise so long as the two States

receive an equivalent amount of revenue. But to use Government ownership as the excuse for a power development which is almost wholly for the benefit of a third State, California, and thereby deprive Arizona and Nevada of the taxes that they would receive if a license were issued by the Federal Power Commission to a private power company at Boulder Dam is an injustice which Congress should not perpetrate.

DIFFERENCES OF OPINION CAN BE RECONCILED

There are those who assert that the differences of opinion with respect to the development of hydroelectric power at Boulder Dam or elsewhere on the lower Colorado River are irreconcilable.

One group, which I am sure reflects the views of the President of the United States, insists that the Federal Government should not go into the power business. Another group, who are ardent advocates of public ownership, insists that, to prevent control by private monopoly, the Federal Government should own and operate any power plants constructed at Boulder Dam. The extremists of this latter group insist that any power thus produced must be tax exempt.

This bald statement of the two positions does not leave any apparent opportunity for compromise but fortunately there is a way whereby the Federal Government may be kept out of the power business, while, at the same time, public ownership can even be promoted and encouraged. Public ownership does not necessarily mean Federal ownership. The United States of America is not required to manufacture and sell all of the power in the Nation in order to prevent monopoly.

LOCAL POWER NEEDS BEST SERVED BY STATES OR MUNICIPALITIES

Power is a commodity which can only be used locally and the demand for it varies in different parts of the country. The Federal Government can only produce electrical energy as an incident to some constitutional power which has been delegated to it by the States. Any State can lawfully engage in industrial pursuits if its people so desire and the same is not only true of, but a common practice by, municipalities which derive their powers from the State. Therefore there are both geographical and legal reasons why, in the great majority of instances, those who advocate public ownership should be willing to keep the Federal Government out of the power business and leave that field of commercial activity to municipalities or to States.

I speak from long experience when I say that the public can best be served by allowing each State or local community to utilize its own initiative and to make its own business arrangements. The production and sale of electrical energy is a business which can be better managed by the people directly interested than by the Congress of the United States or by any bureau created by Congress.

ACTUAL EXPERIENCE ON SALT RIVER PROJECT

Let me tell the Senate what I know of my own knowledge of the difference between business conducted at long range by Federal authorities and the same business when controlled by those who live near it and who have a vital interest in its success. I was born in an irrigated valley and I know that the business of supplying water to farm lands is one which requires skill and constant attention. In accordance with the reclamation act of 1902 the Federal Government conferred the greatest possible blessing upon that valley by providing funds for the construction of the Roosevelt Dam and a complete system of canals and laterals. One would naturally suppose that gratitude for this great favor would be so potent an influence as to prevent the slightest criticism of any of the means or methods employed by agents of the United States in delivering water to the farmers of the Salt River Valley after these great irrigation works were completed, but such was not the result.

I was first elected as a Member of the House of Representatives at a time when the great dam had been finished and the canal system was in operation. My files will disclose ceaseless complaints of inefficiency and mismanagement by the United States Reclamation Service, a bureau of the Interior Department. The trouble began with the project manager, who was paid so small a salary that a competent man could not be retained in that position of responsibility. Under him were civil service employees who did not owe their jobs to the farmers whom they served and who could not be discharged except after investigation and hearing by the Civil Service Commission in Washington, nearly 3,000 miles away from the project. The Federal eight-hour law prevailed, and a day's work for common laborers included the time required to ride in a truck from the headquarters out to some canal-cleaning operation, miles away.

Many details of construction and many petty changes in plans were referred to the Reclamation Service in Washington, which often resulted in exasperating delays. The Salt River project was but 1 of 30, and what was to be done there must wait for the attention of the director or the chief engineer. The money for operation and maintenance had to be paid into the Federal reclamation fund, then be paid out again, and every account must be audited by the auditor for the Interior Department. I could go on with the details, but I have recited enough to make plain the reasons why the farmers of the Salt River Valley appealed to me as their Congressman by all means to relieve them from the supervision and control of a Federal bureaucracy.

FEDERAL RECLAMATION AID TEMPORARY

I not only read the reclamation act but the debates in the House and Senate when that law was enacted, and came to the conclusion that it was never intended that the Federal Government should remain permanently in the business of impounding and selling irrigation water to the farmers. That beneficent act was designed to promote the reclamation and settlement of arid lands, and when that object was accomplished the entire benefits were to pass to the water users, except that they were required to repay the cost of the project works. An opportunity came to amend that law, and the words that I wrote are in the reclamation extension act of August 13, 1914, which reads:

Provided, That whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe.

LARGEST REPAYMENT TO RECLAMATION FUND

The farmers of the Salt River Valley took advantage of that law. Under a contract with the Secretary of the Interior they took over the control, operation, and management of their project and jointly and severally agreed to pay the total construction charge due every year. They have met their obligations under this contract with remarkable success. Only once—in the year when the prices of agricultural products were so greatly depressed, due to the policy of deflation—have they been compelled to ask for an extension of time. On the 1st day of last December they paid in cash to the United States Treasury the sum of $708,951.14, the largest check ever received from any source for a repayment to the reclamation fund.

What happened after these water users, who now number over 7,000, assumed the control and management of the Salt River project? The complaints to me as their Congressman ceased. Whatever difficulties they had were settled among themselves and were not appealed to Washington. They employed a capable engineer and began by paying him twice the salary that the United States Reclamation Service could allow under congressional limitations. The Federal civil-service requirements no longer prevailed and the officials of the Waters Users' Association could hire and fire whom they pleased. Laborers no longer loafed on a government job but did as honest a day's work as the farmers themselves.

The landowners of the Salt River project early realized that in the waters impounded by the Roosevelt Dam and the fall of the Salt River they possessed a most valuable asset. There was no money available in the reclamation fund for any extensive power development, so, before they took over the project, they assessed themselves to the extent of $1,200,000 and turned the money over to the reclamation service for the construction of power plants.

AN EXPERT ON HYDROELECTRICAL ENGINEERING

As I have said, after assuming control they employed a competent engineer who has the vision to see the possibilities in a project and who has developed into one of the most highly qualified experts on hydroelectric power in America. On behalf of these organized farmers he has made most advantageous contracts with copper-mining companies to whom power has been furnished cheaper than it can be produced by coal or oil. Under his supervision the Mormon Flat Dam was built, which produces 10,000 horsepower; the height of the Roosevelt Dam was next increased and then he supervised the construction of the Horse Mesa Dam, which added another 40,000 horsepower.

This engineer is Charles C. Cragin. When first employed, I believe that his salary was fixed at $10,000 a year, but, with every demonstration of his ability, his compensation was promptly increased until it became $15,000 per annum. About two years ago, when he made a new contract which meant an increase in the income of the Water Users' Association of approximately $2,000 a day, the board of governors, without solicitation on his part and as a surprise to him, increased his salary to $20,000 a year.

That one fact, better, perhaps, than any other, illustrates the difference between local and Federal management of the power

business. There are hundreds of able engineers in the service of the United States, but not one of them ever commanded such instant recognition of his ability. It does not require an act of Congress, it does not require political influence at the National Capital, for the bureau of power and light of the city of Los Angeles or the board of governors of the Salt River Valley Water Users' Association, the two outstanding examples of publicly owned and controlled power developments in the Southwest, to employ a talented engineer and to pay him what his services are worth.

FACTS REGARDING SALT RIVER PROJECT POWER

I hold in my hand a copy of the Associated Arizona Producer, of Phoenix, Ariz., which is the official newspaper of the Salt River Valley Water Users' Association, an organization consisting of over 7,000 landowners in the Salt River Valley. The Water Users' Association assumed the care, operation, and management of the Salt River project on November 1, 1917, with a debt to the United States reclamation fund of $10,166,000 for the construction of the Roosevelt Dam and other features of that project. To-day the total investment in project works is over $25,000,000, and their debt to the United States has been reduced to $6,570,000, the present rate of reimbursement being over $650,000 a year.

The Salt River Valley farmers have not called upon the Federal Treasury for any money since they took over the project in 1917. By their own efforts and with their own credit, which is of the highest, they have constructed the Mormon Flat Dam, 147 feet high with a storage capacity of 63,000 acre-feet, and the Horse Mesa Dam, 266 feet high with a storage capacity of 245,000 acre-feet. They have increased the height of the Roosevelt Dam to 228 feet and the capacity of that reservoir to 1,637,000 acre-feet.

These organized farmers have built with their own money power plants which produce 71,000 horsepower of electric energy. Probably within the next four or five years every landowner in the Salt River Valley will secure his water for irrigation absolutely free of cost, even freer than the rain to farmers elsewhere, because each one of them will receive an annual power dividend in proportion to the number of acres that he owns. As the result of the utilization of water power in connection with irrigation, no other irrigated area anywhere can compare with the Salt River Valley in Arizona.

ELECTRIFICATION OF THE SALT RIVER VALLEY

On Tuesday, May 8, 1928, the shareholders of the Salt River Valley Water Users' Association voted additional bonds to the extent of $4,100,000 to build a fourth dam and power plant on the Salt River at Stewart Mountain and to build a distribution system which will carry electrical current to the home of every farmer in that valley. Each shareholder has as many votes as he owns acres of land up to 160 acres, and this new proposal was adopted by a vote of 110,364 to 23,244 out of a total registered acreage of 200,000.

The new Stewart Mountain Dam will be built 180 feet above bedrock and will impound 70,000 acre-feet of water, making the total height of all dams controlled by the Water Users' Association 1,036 feet, the total head utilized for power 757 feet, the total reservoir storage capacity 2,015,000 acre-feet, and the total production of power on the Salt River project 95,000 horsepower. I give these figures to demonstrate that these organized farmers are in the power business in a wholesale way.

The electrification of the Salt River Valley means that the housewife in every farm home will have at her command every modern convenience which the inventive genius of the electrical industry of America can produce. Not only will the farm homes be placed upon a parity with city homes, but cheap power will be available for pumps, separators, and every other kind of farm machinery.

STATEMENT BY F. A. REID

I can not better set forth the benefits which are to come from this latest advancement than to read the following statement made just after the bond election by Mr. F. A. Reid, president of the Salt River Valley Water Users' Association, whose foresight and business ability has immensely aided the success of this power development:

> The overwhelming vote in favor of Stewart Mountain development is the most important thing that has happened in the Salt River since the major development of the project was started by the pioneers of this valley. Credit for the result is due entirely to the well-organized and intelligent work of the shareholders who favored the complete development of the project's resources.
>
> Not only did the vote to-day carry the Salt River project a long step forward, but it was a decisive and resolute—not a timid or faltering—step. The returns left no doubts behind and no room for any doubt.

The farmers of the valley may well congratulate themselves on the results of this day's work. We are convinced that the electrification of the valley will do more toward bringing this project to the attention of the whole wide world than any other one thing that could be done. When this development has been completed the Salt River project will be the only cooperatively owned and profitable irrigation and power project of its kind in existence.

The power that can be sold from this improvement will amount to around $600,000 per annum, or approximately $250,000 a year above the amount necessary to pay off the bond issue, both principal and interest. This, added to the present income, will give the project better than $2,500,000 gross income per annum from its hydroelectric developments.

The Salt River project to-day is the outstanding irrigation project in the world.

DISTRIBUTION THE CHIEF COST OF POWER

This copy of the Associated Arizona Producer, a newspaper published in Arizona, states that the power output of the Salt River project in 1927 was over 200,000,000 kilowatt hours, most of which was sold at a low rate to copper-mining companies. There is a diagram showing power costs, divided into generation 10.1 per cent, transmission 5.1 per cent, and distribution 84.8 per cent. Below the diagram are these words:

> This diagram is intended to answer the oft-repeated question, "Why is it that we pay from 4.6 cents up for power for domestic use while it is sold to mines and electric companies at from three-fourths of a cent to a cent?" Looking at the great dams and power plants and the costly high-voltage transmission lines, one is inclined to say, "Here is the big cost of electric power." From the diagram, however, the main costs of domestic power are seen to lie in the distribution. Consider, further, that all this equipment must be held ready to serve, and the fixed charges on the investment go on for each of the 8,760 hours of the year, regardless of the number of hours the consumer uses electricity. Is it any wonder, then, up to a certain point, the more power you use, the lower the cost of furnishing it and the lower rate you will be charged?

I have here, Mr. President, a telegram which I have just received from Mr. Cragin in reply to an inquiry of mine as to what rates were charged for power to farmers on the Salt River project. Mr. Cragin in his telegram, which is addressed to me and dated Phoenix, Ariz., May 28, 1928, states—

> Present rate 10 cents for first 20 kilowatt hours per month; 3 cents for all over until load factor reaches certain point when rate is 1½ cents. This rate on approximately 1,000 consumers last year averaged 4⅛ cents with $1 a month minimum bill. Our calculations show this rate can be maintained with fair rate of return on investment, which our organization must obtain, for benefit of those who do not receive power.

Let me point out that the average price charged in Los Angeles per kilowatt-hour is 5 cents; the average price charged by private power companies through the United States is 7 cents; but the average price paid for power by the farmers in the Salt River Valley is 4⅛ cents, showing that they not only make a fine profit out of the business by the sale to others, but that the farmers themselves receive power at an extremely low rate.

PARADISE-VERDE THE NEXT DEVELOPMENT

In the near future Mr. Cragin will commence the construction of the Stewart Mountain Dam, funds for the building of which were included in a recent bond issue voted by the water users of the Salt River Valley. By means of that dam the very last kilowatt of power will be squeezed out of the water originally impounded in the Roosevelt Reservoir before it is used for irrigation. There will then be four dams on Salt River, and the water will be backed up from the top of one to the foot of another, so that all the fall will be utilized. When the Stewart Mountain Dam is finished the farmers of the Salt River Valley will cooperate with the landowners in the Paradise-Verde irrigation district to develop the power possibilities of the Verde River, the principal tributary of the Salt River. There is no doubt that Mr. Cragin and the competent engineering force which has been built up under his direction will make an even greater success on the Verde. Within the next few days a cooperative engineering survey of the Verde River irrigation and power project will commence, the Salt River Valley Water Users' Association having provided $20,000 for that purpose.

Mr. President, I have not recited these facts in any spirit of boasting about an Arizona accomplishment. My only purpose is that the Senate may know that I speak for a people who are thoroughly wedded to the principle of public rather than private development of hydroelectric power. The Salt River project is publicly, not privately, owned. It is, as President Reid of the Salt River Valley Water Users' Association has well said, an outstanding example of community cooperation.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Arizona yield to the Senator from Maryland?

Mr. HAYDEN. I yield.

Mr. BRUCE. I should like, as a matter of curiosity, if nothing else, to ask the Senator why he prefers public operation of a great water power like this to private operation.

Mr. HAYDEN. I base my position upon the experience which I have just recited. We find that where a group of citizens in a municipality, for example, or an irrigation district or a water-users' association, have a business that is under their own hands which they can attend to themselves, they can develop good business management, just as good as if it were managed by some one for a profit, because they really look after their own profit. What I am opposed to is the Government attempting to engage in such a business at a distance of 3,000 miles away.

Mr. BRUCE. I understand.

Mr. HAYDEN. If the Senator paid attention to my remarks——

Mr. BRUCE. I was listening.

Mr. HAYDEN. He noticed that when this same Salt River project was managed by the Bureau of Reclamation from Washington the management was unsatisfactory, but when the farmers themselves took it over they made a great business success out of it.

Mr. BRUCE. In other words, what the Senator says tends to confirm the conviction which I have always entertained as respects the superiority of private and individual management of a property of that kind to purely governmental control. I thank the Senator. I see his point and I can realize the soundness of it without difficulty.

Mr. HAYDEN. It is true that the Federal Government furnished the initial capital which made possible all that has been done. By an investment of approximately $10,000,000 from the reclamation fund over a hundred million dollars of values have been created. Desert land that was worthless has been made to grow abundant crops of high value. Cities and towns have been built where otherwise they could not possibly exist. The Government of the United States has successfully performed a Federal function and the Treasury is being fully repaid for the advances made.

LOCAL SELF-GOVERNMENT SUCCESSFUL

Having performed that function, having done its full duty toward the advancement and civilization of a part of the public domain, the Federal Government has stepped out of the picture and left the local community, now firmly established as a going concern, to manage its own business. The community has responded by demonstrating an ability not only to protect itself from private greed, but to successfully finance its own future without further drain upon the National Treasury.

Therefore I say that actual experience has demonstrated to my complete satisfaction that the United States should not engage in the business of manufacturing and selling electric energy except as an incident, and a mere incident, to some legitimate function of government. If the Federal Government does enter that line of commercial activity it should abandon the effort at the first opportunity when the public interest will permit. In turning over the business, preference should always be given to a publicly owned and controlled organization, created by and operating for the direct benefit of the locality to be served.

Let me make myself clear, so that my position can not be misunderstood. Congress after protracted debate and mature consideration adopted the principle in the Federal water power act that preference should be given to States and municipalities in the use of any power site under Federal control. I voted for that bill. I was a member of the committees of the House of Representatives that drafted it, and I know that Congress deliberately asserted the principle that public rather than private control of the Nation's water-power resources should be favored and fostered. The water power act, however, did not put the Federal Government in the water-power business. The Government was carefully kept out of that business which can be carried on under that law, either by private capital or by public ownership, with preference always for public ownership. My whole conception of the duty of Congress in any instance is to follow that principle.

PRINCIPLE OF LOCAL CONTROL APPLIED TO BOULDER DAM

Now, what is the application of all that I have said to Boulder Dam? Is this a case where the circumstances are so different, where the conditions are so extraordinary that Congress should abandon a well-established rule, which has been fully justified by experience, and embark upon a complete plan of Federal ownership and operation of a great power plant? Is there no other way in which the consumers of the power produced at Boulder Dam can be protected from exploitation by private monopoly? Must the Federal Government either do this thing or turn Boulder Dam over to the Power Trust? Is there no alternative?

The answer to all these questions is so simple that it scarcely needs to be stated. The Federal Government has but one constitutional function to perform on the Colorado River, and that is to impound its waters for the reclamation of public lands and incidentally by controlling its floods, to protect public property. The Supreme Court has decided that this is a legitimate and entirely proper activity which the Constitution fully authorizes and which, in this case, can be accomplished by building a dam. Just as at other reclamation dams, power can be generated whereby all or any part of the cost of the dam may be reimbursed to the Federal Treasury. But the Federal Government does not have to actually generate the power in order to secure repayment of the money advanced for the construction of the dam. The power site may be leased and a charge made for the use of the water to generate electric current which will just as conveniently and just as surely return the entire sum to be reimbursed.

SWING-JOHNSON BILL COULD BE ADMINISTERED TO FAVOR PRIVATE POWER INTERESTS

The question then narrows down to the sole issue as to whether the principle of public ownership can be maintained in full vigor and unimpaired by making such a lease. I insist that it can to an even greater extent than is provided in the Swing-Johnson bill. There is nothing in the Senate bill to prevent the Secretary of the Interior, whoever he may be, from selling the power generated at a Government power house at Boulder Dam to a private power company which can then retail it for its own profit. This bill can be so administered as to confer great benefits upon the so-called Power Trust. We all know that it could be possible that we might have a Secretary of the Interior who would do that very thing. However high-minded the purpose of its coauthors, the effect of the Swing-Johnson bill would be to furnish money out of the Federal Treasury at a lower rate of interest than is available to a private corporation for the construction of a power house for its exclusive use and benefit. The Power Trust can in no event object to such governmental benevolence.

There is a way to make it certain that neither the so-called Power Trust nor any corporation even remotely affiliated with it can directly seize and enjoy the exclusive benefit of cheap power at Boulder Dam. All that is necessary is to accept conditions as they exist. To-day the bureau of power and light of the city of Los Angeles is recognized as the most outstanding example of successful public ownership in the United States.

"POWER CONTROL" A VALUABLE BOOK

Mr. President, I desire to read from a recently published book, entitled "Power Control," by H. S. Raushenbush and Harry W. Laidler. The Federal Trade Commission is following the leads given in this book in many of its investigations at the present time. I find the volume one of the most interesting that I have read in some years. Many of the editorials printed in the Hearst newspapers are taken bodily from the book. The authors are not given credit in the editorials, but, nevertheless, the plagiarism is no doubt flattering to them.

With respect to the success that the city of Los Angeles has made of the power business, I read from page 171:

> The Los Angeles Bureau of Power and Light is now recognized as the largest municipally owned electric generating and distributing system in the United States. An audit of the bureau's books and financial operations made by the international accounting firm of Price, Waterhouse & Co. stated that on June 30, 1927, the bureau possessed assets totaling approximately $65,000,000, with outstanding bonds against the bureau of $35,000,000, leaving a margin of $30,000,000 in assets over and above outstanding bonds, and a clear equity over all indebtedness of approximately $23,000,000. One-third of its bonded indebtedness has thus far been paid off, chiefly out of surplus.
>
> Its gross income for the fiscal year June 30, 1927, was $12,000,000 and its surplus earnings approximately $3,250,000, after full allowance had been made for operation and maintenance charges, the payment of interest on outstanding bonds, and a reserve for depreciation in accordance with public-procedure practice. The total surplus earnings of the company, according to the audit of Price-Waterhouse, from 1916 to 1927, were more than $18,000,000.

The city of Los Angeles is, as stated by the senior Senator from California [Mr. JOHNSON] in his report on this bill, at the head of a group of cities and towns in southern California having taxable wealth of over a billion dollars. Such being

the fact, why not direct in this bill that the Federal Power Commission shall grant to this highly responsible association of municipalities a lease to develop all the power at Boulder Dam?

COMPLETE PUBLIC OWNERSHIP

Let the combined cities and towns of southern California, whose credit is such that they can readily finance the enterprise, build the power house at Boulder Dam and a transmission line to carry the electric current to their own limits and then sell it as cheaply as possible to their own citizens. Is not that public ownership to a complete degree? Would the public which is to be served get any better service if the United States built and operated the power house and sold the current to this same group of cities? Is there any necessity for the use of Federal funds to build a power house when the municipalities which are to use the power are amply able to advance the money to build it themselves?

To carry out that suggestion, Mr. President, I offer the amendment which I send to the desk and which I ask to have read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 2, lines 18 to 21, amend by striking out the words:

Also to construct and equip, operate, and maintain at or near said dam, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir.

On page 2, after line 24, insert a new section, as follows:

SEC. 2. A license or licenses for the use of water and necessary privileges for the generation and distribution of electrical energy at said Boulder or Black Canyon Dam shall be issued as provided in the Federal water power act for such licenses at other Government dams: *Provided*, That the Federal Power Commission shall issue such license or licenses only to the city of Los Angeles and to other municipalities in the State of California or to an association of such municipalities authorized by the laws of said State jointly to engage in the business of generating, transmitting, and delivering electrical energy.

The PRESIDING OFFICER. Does the Senator from Arizona offer this as an amendment at the present time?

Mr. HAYDEN. I do.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona.

Mr. JOHNSON. Does the Senator wish it voted upon now?

Mr. HAYDEN. It may lie on the table.

Mr. JOHNSON. Let it lie on the table.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

Mr. HAYDEN. Mr. President, I want to state frankly to the Senate one of the reasons why both my colleague the senior Senator from Arizona [Mr. ASHURST] and I favor such a plan as is proposed in my amendment. Not only would we favor it because we have been and are now consistent advocates of public ownership, but before a license can be issued by the Federal Power Commission the applicant must show compliance with the State laws respecting the right to engage in the power business. In that regard I read from the latest copy of the regulations of the Federal Power Commission:

SEC. 4. Exhibit D: Evidence that the applicant has complied with the requirements of the laws of the State or States within which the project or projects will be located with respect to bed and banks and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of the license applied for. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from States, counties, and municipalities before the project or projects can be completed and put in operation (in triplicate).

APPROPRIATIONS OF WATER UNDER STATE LAWS

SEC. 5. Exhibit E: Statement, in triplicate, of the nature, extent, and ownership of the water rights which the applicant proposes to use in the development of the project or projects covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certified statement from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use water for the operation of the project works, duly certified evidence of such approval or permission or a showing of cause why such evidence can not be reasonably submitted shall also be filed. When State certificate is involved, one certified copy and two uncertified copies will suffice. If statement submitted with application for preliminary permit gives the information required above, a reference thereto will suffice.

That regulation is based upon a provision in the Federal water power act which, as I have previously stated to the Senate, I consider to be of most vital importance if the rights of the States are to be preserved.

The effect of my amendment is that the associated municipalities of southern California must apply to the State authorities in Arizona and Nevada for a clearance, to obtain which they will have to agree to pay the State taxes. If a private power company made such an application it could not expect to escape the payment of any tax levied by the two States so long as the tax is uniform and the rate no greater than that imposed on other property of like character.

INCREASED TAXABLE WEALTH IN CALIFORNIA

Can there be any sound reason why a city or a group of cities who are engaged in the business of producing power for the benefit of their inhabitants should avoid the same payments? There might be good reason for a State to exempt a municipality within its own boundaries from paying taxes on its power plant because the State could recoup itself manyfold by taxing other and larger values ultimately created by the power. In this instance the power plant will be in Arizona and Nevada, but over 90 per cent of the electrical energy generated by it will be transmitted to a third State, which is California. The great increases in the value of other property will be taxable in California and not in Arizona and Nevada. The only possible income that the two States, where the power plant is to be located, can ever obtain must be collected from that source and from that source alone.

"BUSTED-BOOM" MEMORIES CAN NOT BE TAXED

There are those who live in the immediate neighborhood of the Boulder or Black Canyon Dam site who urge the approval of this bill because of the local benefits which will come from the expenditure of Federal funds during construction. If $41,500,000 is expended on a dam and $31,500,000 on a power plant the merchants and tradesmen, the owners of real estate, and all others in the vicinity will experience a limited period of great prosperity. Seventy-three million dollars is a lot of money to be turned loose in any community, so we can not justly criticize those who look at this problem from that point of view.

By sad experience the people of both Arizona and Nevada know that such prosperity is most transitory. There is nothing so dead as a mining camp after the "boom has busted," and so it will be at Boulder Dam. There may be two shack towns there on the banks of the Colorado. Then the pay roll will come to an end, the workmen will go away, and Arizona and Nevada will have nothing left but the memories of a great activity.

These memories, however fond they may be, can never be listed on the tax roll. The chief advantage that comes from a hydroelectric power plant is that great quantities of energy can be produced with but little human labor. After it is once built there will be need for but a few men to oil the machinery and adjust the penstock gates. Unless some arrangement is made whereby the States of Arizona and Nevada can derive revenue from this Boulder Canyon power, the taxpayers throughout the two States will continue to bear the same heavy burden as though the great dam had never been built.

WHAT STATE IS SELFISH?

We are told that this is an utterly selfish plea which the two States are making when they ask for a revenue which is equivalent to taxes. That Arizona and Nevada should not stand in the way of a great national development even though it does not benefit their people. Let us see if the proponents of this bill are entirely free from selfish motives. They would first have the Federal Government furnish money at lower than the market rate of interest to build a power house. The associated cities of southern California, with an assessed valuation of over a billion dollars, would certainly have no difficulty in borrowing $31,500,000 to build the power house at Boulder Dam, but they might not be able to obtain the money at so low an interest rate as 4 per cent. Is there not an element of selfishness in asking Uncle Sam to be their banker?

If these California cities should build their own power house it and the power produced by it could be taxed by Arizona and Nevada. To save themselves money, and for no other reason, they not only ask the United States to build a power house for their use, but to declare it to be Federal property and therefore nontaxable by any State. If such a demand is not based upon selfishness, I do not know the meaning of that base word.

"HOLIER THAN THOU" HYPOCRISY

A dollar saved is just as big as a dollar made. Every dollar that these California municipalities can save by defrauding the people of Arizona and Nevada out of revenue justly due

them for the use of their natural resources will be another dollar kept in California. The "holier than thou" attitude of some Californians in discussing this issue of selfishness is only a shield to cover their hypocrisy.

Why should they not pay what in all fairness should be paid to Arizona and Nevada, particularly when the sum asked is so small that when passed on to the hundreds of thousands of consumers it will never be noticed? After the tax is paid the power which comes from Boulder Dam will still be cheaper than that obtainable from any other source in California. I can not better conclude my remarks on this subject of selfishness than to repeat in substance what I said before a committee of another body on January 21, 1927:

I object to the bill because its primary purpose is to force the settlement of a controversy between States. It is proposed to use the power of Federal Government to give one State an advantage over her sister States.

The State of California is the offending State. The State of California seeks an unfair advantage through this legislation. California is the only State, as has been very well stated by Mr. COLTON and Mr. LEATHERWOOD, which takes no risks, which assumes that everything must be done exactly as that State desires. I shall discuss the terms of the bill. I believe that I can demonstrate that it is wholly and selfishly a California measure and not in the interests of the other States of the Colorado River Basin.

CALIFORNIA CAN AFFORD TO BE LIBERAL

A great State like California is rich enough not to need all the benefits she is demanding from the Colorado River. The lower Colorado River Basin is an economic unit. It is but a night's ride by railroad train from Phoenix to Los Angeles, and people frequently make the trip by automobile in a day. If Arizona prospers, it will be sure to benefit one of the great cities of the world. The coming metropolis at Los Angeles will need the crops grown on Arizona's irrigated lands. California can afford not only to be just to Arizona but liberal.

There is no necessity for the narrow, selfish attitude that California, and California alone, shall get all the benefits of congressional action on the Colorado River. Arizona rightfully considers the bed of the Colorado River, the water in the river, and the fall of that river to be natural assets of that State, just as much as coal is a natural asset and resource of Alabama and iron ore of Minnesota. Arizona is entitled to compensation for the use of her natural resources, and all that she asks is a reasonable payment in lieu of taxes. Under the present circumstances the Congress of the United States should not act upon this bill, but should make known to the State of California that she can not come here and have a bill forced through which does an injustice to other States.

ATTITUDE OF HERBERT HOOVER

Mr. President, I want to point out that during the discussion before committees of Congress on the bill one who is recognized to be, and in my opinion is, possibly the greatest authority on the Colorado, has repeatedly stated that legislation of this kind should not be passed which, in effect, repeals the Federal water power act. I want to read to the Senate some expressions of the attitude of Herbert Hoover on the question of the Government of the United States entering into the power business at Boulder Dam. At a hearing before the House Committee on Irrigation and Reclamation on March 3, 1926, only two years ago, Mr. Hoover said:

There has also been great conflict over the method of financing the projects. The cost of this development has been estimated by engineers of the Department of the Interior as $41,500,000 for the dam, $31,000,000 for the all-American canal, $31,600,000 for electrical generator equipment at the dam, interest during the construction period, $21,000,000.

It is obvious that the National Government could not be called to take on enormous expense of this character and that the burden should be borne by the beneficiaries, although the Nation as a whole would receive great benefits from added wealth and taxation. The people of the Southwest have at all times been willing to assume the burden, but there are most vivid conflicts as to how it might be accomplished.

After listening to that statement, I asked Mr. Hoover:

Mr. Secretary, you spoke about some arrangement to effect a contract for the purchase of power. Before this committee at various times there have appeared in opposition representatives of municipalities in southern California, chiefly Los Angeles, and representatives of private power companies, showing great disagreement as to what should be done with the power produced by this dam. Have the municipalities and power companies of that State reached an understanding at this time to divide the power produced at the dam?

Secretary HOOVER. I think you might enlarge the number of disputes by adding Arizona and some portions of Nevada, as well as other municipalities in California besides Los Angeles. I think there are nine different claimants for power. It is not confined to power companies near Los Angeles.

The proposal here is that the Secretary of the Interior should find a method to divide this power in such a way as to satisfy them all. The bill provides that this job is left to the Secretary of the Interior.

I ask the Senate to note these words:

On that proposition I would like to make this suggestion for the consideration of the committee: That it is desirable to provide that the Federal Power Commission should make the division of power entirely under the water power act, including the whole of the act. The licenses should, of course, be issued subject to the approval of the Secretary of the Interior in order to secure the financial arrangements which would bring to him the necessary revenue to carry the amortization and interest on bond issues.

Mr. HAYDEN. That is an amendment I certainly intend to insist shall be made to this bill. At the last Congress the three members of the commission appeared before this committee and stated—

Those three members of the Federal Power Commission were Secretaries Weeks, Work, and Wallace. Then I read to Mr. Hoover this extract from their statement:

"Congress also, in the Federal water power act, created a single executive agency for the administration of all water powers under Federal ownership or control. The plan thus adopted is proving eminently satisfactory. We believe any change in such method of administration is undesirable, and therefore, whether the Boulder Canyon Dam or some other be built and whether at public or private expense, we believe the disposition of any power developed should be handled by the Federal Power Commission under the general terms of the Federal water power act, and not as proposed in the bill."

I think the statement there made is perfectly sound. Congress spent 10 years in trying to work out a compromise which would permit water-power development in the United States.

Secretary HOOVER. I have the impression that it makes no difference in the intrinsic handling of the problem. I think you ought to maintain the national policies laid down in the water power act.

Mr. SINNOTT. How far would you go toward recasting that law?

Secretary HOOVER. I would issue licenses for use of water at the Boulder Canyon Dam in the same way as they would be issued if there was no dam.

That is all I have proposed here. I have proposed that the Federal Government shall build a great dam on the Colorado River; that it shall not build a power house, but that the power house may be built under a license issued by the Federal Power Commission, and that the commission be limited in issuing such license to the city of Los Angeles or to municipalities in southern California associated with that city who are abundantly able out of their own finances to build a power plant. It should not be a charge against the Federal Treasury.

On September 30, 1924, Secretary Hoover delivered a radio address in Washington, broadcast over nationally intercommunicated stations. I read from the last page of that address:

Paralleling and paralyzing every argument against Government operation is one insistent note. That is the preservation of the vital initiative and enterprise of our people. That is the mainspring of progress. Bureaucracy is the dead hand on initiative. Government can correct abuse without entry into business. If it can not, then democracy shall have failed.

We are asked to abandon all that we have builded as the land of opportunity by injecting into it an economic patent medicine from Europe. Socialism may have a place with some of the nations of Europe because of their failure to provide freedom, opportunity, and service. It has no place with us. We are building here a form of social organization of our own. We differed with European ideals 300 years. We have to-day in America the widest extended and most efficient utility services in the world. We have developed an effective method of controlling abuses. We contribute more to invention and improvement than all other peoples combined. We are asked to abandon all this and embrace new social ideas, increase our cost of service, decrease our national efficiency, undermine our democracy, destroy the fundamentals upon which our Nation has become great. This is not progressive, for it is not progress. It is destruction.

FOUR CABINET OFFICERS RECOMMEND THAT THE FEDERAL WATER POWER ACT SHALL APPLY AT BOULDER DAM

This idea that I am now advancing that the water power act should apply to Boulder Dam is not new. I can not better state my views on that subject than by reading brief extracts from the hearings held before a committee of another body on January 21, 1927, when I said:

I favor an amendment to this bill to make the Federal water power act applicable to the Boulder Canyon Dam. I have supported such an amendment after listening to four members of the President's

Cabinet who appeared before the Committee on Irrigation and Reclamation and advocated that policy. Secretary Weeks, Secretary Work, and Secretary Wallace appeared before our committee not only in person but by a joint letter in writing, recommended that any legislation authorizing the construction of a dam at Boulder Canyon should provide that the Federal water power act shall operate there. They all opposed its being taken out from under the water power act by a special law. In addition, Secretary Hoover appeared before the committee and testified to the same effect.

When four Cabinet members calmly passed upon this issue and advocated that the Federal water power act should apply to this dam, I agreed with them and have not changed my opinion in any respect since. That was the sound and sensible conclusion which all four of them presented to the Committee on Irrigation and Reclamation.

* * * * * * *

I was a member of the committee which reported the Federal water power act to the House. It is a good law. It lays down a general water-power policy for the United States. In that act preference is guaranteed to States and municipalities where applications are made for power, so that, other things being equal, the public rather than private enterprise gets the benefit. I believe in that policy. I can see no reason why the Boulder Canyon Dam should be taken out from under that general act.

THE AMERICAN FEDERATION OF LABOR

I am sure that the Members of the Senate will listen with attention to a resolution adopted by the executive council of the American Federation of Labor at its meeting in Miami, Fla., recently. I have here a letter, reading as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 30, 1928.

Hon. CARL HAYDEN,
Senate Office Building, Washington, D. C.

DEAR SIR: Inclosed you will find a copy of the declaration made by the executive council of the American Federation of Labor at its meeting in Miami which you requested be sent you.

Yours respectfully,

W. C. ROBERTS,
Chairman Legislative Committee.

The resolution reads as follows:

We are in favor of the Boulder Dam project; we favor it being constructed with such safeguards thrown around it as to fully protect the interests of all the people, and we favor the distribution of the water for domestic, irrigation, and power-generating purposes being placed under the direction, control, and authority of the Federal Power Commission created by the Federal Government.

I agree with that resolution almost 100 per cent and I desire to see the Swing-Johnson bill amended to carry out its purpose.

SUBSTANCE OF THE FEDERAL WATER POWER ACT

As to the nature of the Federal water power act, I desire to read an extract from an article published in The Nation's Business for September, 1922, which summarizes the provisions of that act and which I believe to be correct, except that it does not bring out a fact which should be emphasized, which is that States and municipalities shall have preference when a license is to be issued:

The fundamental provisions of the Federal water power act may be summarized as follows:

1. Permanent public ownership and control of power sites on lands of the United States and of power privileges in navigable and international streams.

2. Development of such power sites and power privileges by private capital under public supervision and regulation.

3. Authority for such development to be given, in the form of licenses limited to 50 years' duration, unalterable for their term, and issued at the discretion of the administrative authority.

4. At the expiration of the license the United States to have the option of acquiring the properties of the licensee for its own use, of requiring their transfer to another, or of issuing under the terms of then existing law a new license to the original licensee.

5. If the properties are taken over by the United States or transferred to another licensee, the original licensee to be granted adequate compensation for the properties taken.

6. No capitalization for purposes of rate making or of public purchase of licensed properties, tangible or intangible, in excess of the investment therein.

7. Compensation to be made for rights granted and for the use of lands or other properties of the United States.

8. Profit sharing with the public of earnings in excess of a reasonable return on the investment.

9. Plans of projects to be so drawn as to provide for, or to be adapted to, a comprehensive scheme of development of the resources of the region for all beneficial public purposes.

10. A common policy and a single executive agency in the administration of all water powers under Federal control.

The act is administered by the Federal Power Commission, composed of the Secretaries of War, Interior, and Agriculture, chosen because of their official relations to navigable waters, public lands, and national forests, respectively.

PRESIDENT COOLIDGE IS OPPOSED TO THE FEDERAL GOVERNMENT ENGAGING IN THE POWER BUSINESS AT BOULDER DAM

The President of the United States has never advocated that the Federal Government go into the power business. Upon the contrary, his firm conviction that the Government should stay out of that business and all other fields of commercial activity has been so often expressed as to leave no doubt about his position on that issue. President Coolidge has communicated five annual messages to Congress in which he has mentioned the Colorado River. I shall read what he said on that subject in each one of them and let the Senate determine whether the advocates of Federal ownership can extract any comfort from his words.

I read first from the message of December 6, 1923:

Public improvements. The time has come to resume in a moderate way the opening of our intra-coastal waterways; the control of flood waters of the Mississippi and the Colorado Rivers; the improvement of the waterways in the Great Lakes toward the Gulf of Mexico; and the development of the great power and navigation projects of the St. Lawrence River, for which efforts are now being made to secure the necessary treaty with Canada. These projects can not all be undertaken at once, but all should have the immediate consideration of the Congress and be adopted as fast as plans can be matured and the necessary funds become available. This is not incompatible with economy, for their nature does not require so much a public expenditure as a capital investment which will be reproductive, as evidenced by the marked increase in revenue from the Panama Canal. Upon these projects depend much future industrial and agricultural progress. They represent the protection of large areas from flood and the addition of a great amount of cheap power and cheap freight by the use of navigation, chief of which is the bringing of ocean-going ships to the Great Lakes.

On December 3, 1924, the President said:

Waterways. Meantime our internal development should go on. Provision should be made for flood control of such rivers as the Mississippi and the Colorado, and for the opening up of our inland waterways for commerce.

In a message communicated to the Congress on the first Monday in December, 1925, President Coolidge said:

Preliminary measures are being taken on the Colorado River project, which is exceedingly important for flood control, irrigation, power development, and water supply to the area concerned. It would seem to be very doubtful, however, whether it is practical to secure affirmative action of the Congress, except under a joint agreement of the several States.

The Government has already expended large sums upon scientific research and engineering investigation in promotion of this Colorado River project. The actual progress has been retarded for many years by differences among the seven States in the basin over their relative water rights and among different groups as to methods. In an attempt to settle the primary difficulty of the water rights, Congress authorized the Colorado River Commission which agreed on November 24, 1922, upon an interstate compact to settle these rights, subject to the ratification of the State legislatures and Congress. All seven States except Arizona at one time ratified, the Arizona Legislature making certain reservations which failed to meet the approval of the governor. Subsequently an attempt was made to establish the compact upon a six-State basis, but in this case California imposed reservations. There appears to be no division of opinion upon the major principles of the compact, but difficulty in separating contentions as to methods of development from the discussion of it. It is imperative that flood control be undertaken for California and Arizona, preparation made for irrigation, for power, and for domestic water.

Some or all of these questions are combined in every proposed development. The Federal Government is interested in some of these phases, State governments and municipalities and irrigation districts in others, and private corporations in still others. Because of all this difference of view it is most desirable that Congress should consider the creation of some agency that will be able to determine methods of improvement solely upon economic and engineering facts, that would be authorized to negotiate and settle, subject to the approval of Congress, the participation, rights, and obligations of each group in any particular works. Only by some such method can early construction be secured.

In his message at the beginning of the second session of the Sixty-ninth Congress in December, 1926, the President said:

In previous messages I have referred to the national importance of the proper development of our water resources. The great projects of extension of the Mississippi system, the protection and development of the lower Colorado River, are before Congress, and I have previously commented upon them. I favor the necessary legislation to expedite these projects.

In his last message to Congress only a few months ago, in December, 1927, President Coolidge said:

Legislation is desirable for the construction of a dam at Boulder Canyon on the Colorado River, primarily as a method of flood control and irrigation. A secondary result would be a considerable power development and a source of domestic water supply for southern California. Flood control is clearly a national problem, and water supply is a Government problem, but every other possibility should be exhausted before the Federal Government becomes engaged in the power business. The States which are interested ought to reach mutual agreement. This project is in reality their work. If they wish the Federal Government to undertake it, they should not hesitate to make the necessary concessions to each other.

Let me repeat, Mr. President, these words:

but every other possibility should be exhausted before the Federal Government becomes engaged in the power business.

The House of Representatives did not heed the counsel given by the President. It has amended the bill so that the Federal Government and the Federal Government alone can build a power plant at Boulder Dam. The alternative which is provided in the Senate bill is not in the House bill. I propose, if I can, to induce the Senate of the United States to follow the advice of the President of the United States and to keep the Federal Government out of the power business.

REPUBLICAN NATIONAL PLATFORM

This much must be said for the President of the United States, that he is literally and sincerely attempting to follow out the platform upon which he was elected. The platform adopted by the Republican National Convention, held in Cleveland, Ohio, in June, 1924, contains a plank which fully and completely supports the position of President Coolidge on the issue of Government ownership. He at least is trying to carry out the mandate of his party to the letter. I read from that platform, as follows:

GOVERNMENT CONTROL

The prosperity of the American Nation rests on the vigor of private initiative which has bred a spirit of independence and self-reliance. The Republican Party stands now, as always, against all attempts to put the Government into business. American industry should not be compelled to struggle against Government competition. The right of the Government to regulate, supervise, and control public utilities in the public interest we believe should be strengthened, but we are firmly opposed to the nationalization or Government ownership of public utilities.

Under the head of "Waterways, Flood Control, and Water Power," the last Republican national platform says:

WATERWAYS, FLOOD CONTROL, AND WATER POWER

Fully realizing the vital importance of transportation in both cost and service to all our people we favor the construction of the most feasible waterways from the Great Lakes to the Atlantic seaboard and the Gulf of Mexico, and the improvement and development of rivers, harbors, and waterways, inland and coastwise, to the fullest extent justified by the present and potential tonnage available.

We favor a comprehensive survey of the conditions under which the flood waters of the Colorado River may be controlled and utilized for the benefit of the people of the States which border thereon.

Now mark these words:

The Federal water power act establishes a national water-power policy, and the way has thereby been opened for the greatest water-power development in our history under conditions which preserve the initiative of our people while protecting the public interests.

What I am asking Congress to do by the amendment I have offered is to leave the Federal water power act in effect, just as it should be if the Republican national platform were carried out.

Mr. President, I have digressed for a brief time from the line of argument which I was making a few days ago, wherein I cited various precedents for the payment to the States of Arizona and Nevada of the amount of money which they would receive if power were developed on the Colorado River by private enterprise. I had commented upon a speech delivered only a month ago by the senior Senator from Nevada [Mr. PITTMAN] wherein he had made reference to the general oil leasing act, the Federal water power act, and other acts of Congress which provided for compensation to the States for the use of their natural resources. I frankly stated to the Senate that I did not expect to be able to present the case with such brilliancy as it was presented to the Senate by the senior Senator from Nevada, but I would follow in his footsteps and cite a number of other precedents.

NATIONAL FOREST ROADS AND TRAILS

Among them I desire to direct the attention of the Senate to the fact that not only does the United States pay over to the States wherein the forests are located 25 per cent of the gross receipts from all of the national forests, in addition to expending 10 per cent of such gross receipts for road building within the counties where the forests are located, but Congress also annually appropriates $7,500,000 for the construction of forest roads and trails. Authority for that appropriation is found in the act of November 9, 1921, which reads in part as follows:

SEC. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of $5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and $10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per cent, but not to exceed $3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

In carrying out that authority of law, Congress has in recent years annually appropriated $7,500,000 for the purposes stated.

STATES RECEIVE EQUIVALENT OF TAXES

From these three sources, then, 25 per cent of the gross receipts paid over directly to the States, 10 per cent of the gross receipts, which are utilized to construct roads and trails in the national forests, and the additional appropriation of $7,500,000, which is apportioned among the States in the manner indicated by the act, the States containing national forests annually receive benefits which are practically equivalent to the taxes they would receive if these timberlands were privately owned.

I make that statement advisedly, Mr. President, because I at one time requested the Arizona Tax Commission to make a careful investigation into the matter, and they reported to me that if the standing timber now in the national forest reserves were on private land and were assessed upon a basis comparable to that on which privately owned timber in the State was assessed, the total contribution which would be received by the State and counties from taxes on it would be practically equivalent to the money obtained from these three sources which I have named.

The question whether the counties and States are to receive revenue from taxation from forest lands is a very live issue throughout the entire West, and I am sure that every Senator who comes from a forest-reserve State, if he will have the matter examined into by the State taxing authorities, will find, as I have found, that we have no cause for complaint under the present arrangement, but that in truth and in fact the Federal Government is by these various means and methods actually contributing to the States the equivalent of the taxes which they would otherwise receive.

NATIONAL FOREST LANDS IN NAVAJO COUNTY, ARIZ.

To illustrate the effect of ownership by the United States of large areas of nontaxable land, let me cite an instance in Navajo County, Ariz., which recently came to my attention.

The Aztec Land & Cattle Co. sought to exchange 85,000 acres of land in the Sitgraves National Forest in Arizona for timber to the value of $109,000. Very shortly after this proposal was made I received a protest from the county authorities, claiming that this 85,000 acres of land were now taxable in the county, and were included in certain high-school districts where bonds had been issued. In order to determine whether the county would gain or lose, I referred the matter to the United States Forest Service, and found that if this land were included within the national forest and became thereby a basis for the apportionment of road and other funds, in truth and in fact the county would not lose anything; and I therefore so advised the board of supervisors, and, as I understand, they have withdrawn their protest against the proposed exchange.

AMENDMENT TO FEDERAL AID ROAD ACT

Another illustration of how the Federal Government makes up to the public-land States for the loss of revenue by reason of the inability of the States to tax Federally owned land is found in the act of November 9, 1921. The original Federal aid act of July 11, 1916, provided that for every dollar appropriated by Congress the States should provide a like amount for the construction of public roads. The money appropriated—and it now amounts to $75,000,000 a year—is apportioned among the several States in proportion to their area, their population, and the mileage of post roads. Area is about all that we have in many of the Western States that amounts to anything as a factor in obtaining Federal-aid road funds; but that very fact emphasizes the burden which we have forced upon us in the building of many, many miles of Federal-aid highways across lands that are nontaxable because they are the property of the United States.

This so-called 50-50 proportion we found to be unbearable in the West. The State of Montana was utterly unable, one year, to meet the sum of money apportioned for Federal aid, and allowed over a million dollars to lapse into the Federal Treasury, because it could not be matched. I know that my own State has experienced difficulty in meeting the apportionment of Federal aid that has been made to it, and it is only in some cases by reason of county road-bond issues that that cooperation could be made.

In recognition of that fact, Congress provided in the act which I have cited—

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per cent of the total estimated cost thereof—

Now, note these words:

except that in the case of any State containing unappropriated public lands exceeding 5 per cent of the total area of all lands in the State, the share of the United States payable under this act on account of such projects shall not exceed 50 per cent of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State.

THE ODDIE ROAD BILL

Recently, both Houses of Congress passed a bill introduced by the junior Senator from Nevada [Mr. ODDIE], which contained a further recognition of the fact that by reason of ownership by the United States of large areas of lands within the Western States, maintained in public ownership in many instances to carry out the national policy of conservation, the States wherein these reserved lands are located were utterly unable to build a proper highway system. The bill, S. 3674, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, provided that for the purpose of carrying out that act there might be appropriated $3,500,000 for each fiscal year during the next three years for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

In his report upon that bill the Senator from Nevada [Mr. ODDIE] pointed out that in 11 Western States there are great areas of land owned by the Federal Government.

In the State of Washington the percentage of the total area Federally owned is 30.6 per cent; in Montana, 30.8 per cent; in Oregon, 45.6 per cent; in Idaho, 57.3 per cent; in Wyoming, 51.8 per cent.

In the State of California the Federal Government owns 40.7 per cent of the total area of the State; in Colorado, 32.2 per cent; in New Mexico, 37.7 per cent; in Utah, 63.3 per cent; in Arizona, 66.8 per cent; and in Nevada, 84.2 per cent.

The Senator from Nevada presented an argument to the Senate which was so convincing that the Senate, by a vote of yeas 57 to nays 22 sought to pass this bill over the President's veto. The Oddie bill was a further recognition of the principle that the Federal Government should contribute to make up the loss to States caused by withholding public lands, forest reserves, Indian reservations, and national parks from local taxation.

Let me assure the Senate that the junior Senator from Nevada [Mr. ODDIE] is just as earnest and just as insistent as the senior Senator from that State [Mr. PITTMAN] that full and complete justice shall be done to the State for which they both speak in this body. Like his colleague, Senator ODDIE fully realizes that if the power generated at Boulder Canyon is sold in California at a fair price it will be exceedingly profitable to the people of that State and that they can well afford, without in any way hampering the growth and prosperity of California, to pay to Arizona and Nevada just compensation for the use of their lands and their waters.

The junior Senator from Nevada is a trained engineer, a man of mathematical mind, who can conclusively demonstrate to the Senate the great benefits which will flow to California from the proposed development at Boulder Dam. He can likewise prove—and I am sure that the Senate will be glad to have him do it—that if every demand that Nevada and Arizona now make were complied with to the letter the people of southern California would still receive a cheaper and a more certain supply of electrical energy than will be available to them from any other source in the years to come.

Senator ODDIE knows that the Colorado River, where it forms their common boundary, is a natural resource, an asset, of the States of Arizona and Nevada in which the two States share equally. He knows that the people of Arizona and Nevada are entitled to enjoy a fair share of the benefits which will flow from the development of this gift which nature has made to them, which is theirs and which does not belong to the people of California who would use it. He will not fail to expose the cleverly designed plan of the Californians, first, to induce the United States to go into the power business, and second, to use that Federal activity as the excuse for mulcting Arizona and Nevada out of their taxes.

PURCHASE OF LANDS FOR INDIANS

A few days ago the senior Senator from New Mexico [Mr. BRATTON] directed the attention of the Senate to a proposal to purchase lands for the Navajo Indians. No one in my State objects to the purchase of such lands, except that where privately owned lands now upon the tax roll are purchased for the use of Indians, the title to the property then vests in the United States, and the lots are thereby automatically taken out of taxation.

The Navajo Indians on the Fort Defiance jurisdiction in Arizona desired to purchase the surface rights to 90,598 acres of leased railroad-grant lands in Apache County. The lands are only valuable for grazing purposes, and are assessed, if my information is correct, at 93 cents an acre.

The board of supervisors of Apache County, Ariz., when they were advised of the proposal to purchase these railroad-grant lands which are now leased by the Indians, wrote to me protesting that it would be unfair to the county to allow these lands to be bought by the Indians, and thereby taken out of taxation. The same condition exists in other counties in Arizona. The Indians of the western Navajo Reservation desire to purchase 26,000 acres of land belonging to the Babbitt Bros. Trading Co., valued at about $3 an acre. That value is primarily due to the fact that upon these lands is located a bountiful supply of water at Tappan Springs. The western Navajos also desire to purchase adjacent areas owned by the Campbell Francis Co. and the M. I. Powers Cattle Co. The Navajos of the Leupp jurisdiction desire to purchase 11,520 acres owned by Mrs. E. J. Marty.

About a year ago Chee Dodge, the president of the Navajo tribal council, and a number of other Navajo Indians came to Washington to see if an arrangement could be made whereby these lands could be purchased by them through an appropriation out of the Federal Treasury, later to be reimbursed by money received from oil wells that have been found on their reservation. The Navajo Indians express a perfect willingness to pay a tax to the State of Arizona. They realize that the counties are required to furnish police protection over these areas of land, that they have bonded themselves to build roads and schools, and that it would be a grave injustice to the county to allow lands of this character to be purchased by the Indians and taken out of State taxation.

I make this statement as one other illustration of the fact that it is a matter of very great importance to many States

of the West as to whether, when the Federal Government engages in some new activity, however beneficial it may be, that activity will deprive them of a revenue to which they would otherwise be entitled.

THE LITTLE SILVERSMITH CASE

In this connection I am going to take the time of the Senate briefly to read a letter from the Commissioner of Indian Affairs with respect to the case of Little Silversmith. It may be that some one will think I am straying a bit from the direct line of my argument, but I assure the Senate that this has just as much to do with the Boulder Canyon Dam as the invention of cast-iron plows or sewing machines to which the senior Senator from California referred a few days ago. The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 27, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR: Referring to your telephone call this morning making inquiry about a decision as to the right to tax the sheep of the Navajo Indians, there is inclosed a copy of the opinion of the circuit court of appeals in the case of United States *v.* Burr W. Porter, et al., which passes on that question, as applied to sheep not on the reservation.

I understand that there are some other cases pending in the United States district court involving other phases of this question, but so far as our records show, no decision has been rendered.

Cordially yours,

CHARLES H. BURKE, *Commissioner.*

Now, I read the decision of the circuit court of appeals in the Silversmith case.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

United States of America, as guardian of Little Silversmith, Mrs. Little Silversmith, his wife, and Ann Silversmith, Mary Silversmith, and Jane Silversmith, daughters, Indian wards of the United States, appellant, *v.* Burr W. Porter, John H. Udall, and W. F. Lesueur, members of the board of supervisors of Apache County, in the State of Arizona, J. A. Minker, county assessor in and for said Apache County, and George Jarvis, treasurer of said Apache County, appellees. No. 5237

Upon appeal from the United States District Court for the District of Arizona.

Before Gilbert, Rudkin, and Dietrich, circuit judges.

Rudkin, circuit judge: The present suit was instituted by the United States against the taxing officers of Apache County, Ariz., to restrain them from assessing, levying, and collecting taxes on about 1,000 head of sheep and 100 head of cattle, owned by certain Indians belonging to the Navajo Tribe. From a decree of dismissal the present appeal was prosecuted. The material facts, taking the view most favorable to the appellant, are as follows: The Indians on whose behalf the suit is prosecuted are members of the Navajo Tribe and have never severed their tribal relations. By article 12 of the treaty of 1868 between the United States and the Navajos it was agreed that the sum of $150,000, appropriated or to be appropriated, should be distributed as follows:

"Second. The purchase of 15,000 head of sheep and goats at a cost of not to exceed $30,000." (15 Stat. 670.) Under date of August 19, 1870, the agent for the Navajo Tribe reported to the superintendent of Indian Affairs that a count of the Navajos, made on the 18th of the previous October, disclosed a total of 6,181 Indians, including men, women, and children; that on November 25 he received 14,000 head of sheep and 1,000 head of goats, in accordance with article 12 of the treaty, and that the sheep and goats thus received were issued to the members of the tribe. There was further testimony tending to show that each Indian received two sheep, and that four or five years later one sheep was issued to each Indian in the like manner; that the father of Little Silversmith was one of the Indians to whom distribution was made; that many years ago the father marked four ewe lambs and gave them to Little Silversmith for herding the sheep; that the four ewe lambs remained with the father's flock until about 26 years ago, when the number had increased to 50; that the 1,000 head of sheep mentioned in the complaint are the increase of these 50; that the Indians wove blankets from wool grown on the sheep and traded the blankets to the Mexicans for horses; that the horses were exchanged for cattle; that some 30 years ago the father gave Little Silversmith a bull and a calf, and that the 100 head of cattle, described in the complaint, are the increase of these two.

Owing to the great lapse of time, the testimony tending to show that the father of Little Silversmith participated in the distribution of sheep was necessarily indefinite and weak, and some of it of doubtful competency, but we have assumed that such was the fact for the purposes of this appeal.

Section 20 of the enabling act under which the State of Arizona was organized and admitted provides "that no taxes shall be imposed by the State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing as other lands and other property are taxed any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any act of Congress, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe." (36 Stat. 570.)

The personal property described in the complaint is owned and held by an Indian, outside of an Indian reservation, and we perceive no reason why it is not subject to taxation by the State.

In United States *v.* Rickert (188 U. S. 432) it was held that personal property consisting of cattle, horses, and other property of like character, issued to the Indians by the United States and used by them on their allotments, was not subject to assessment and taxation by the State; but in that case the property was issued to an allottee pursuant to acts of Congress and treaties, was branded "I. D." (indicating Indian Department), and was in possession of the allottee for use on his allotment. Under such circumstances the court held that the property was in fact the property of the United States and was put into the hands of the Indians to be used in execution of the purpose of the Government in reference to them. M'Knight *v.* United States (130 Fed. 659), United States *v.* Pearson (231 Fed. 270), and United States *v.* Dewey County (14 Fed. (2d) 784) are based on similar facts. In all of these cases the property was issued to the Indians under regulations of the Indian Office providing: "When cattle are issued to Indians, either for work oxen or for breeding purposes, each animal must be branded, in addition to the I. D. brand, with a private mark to indicate the person to whom it is issued. A record of such private marks must be kept in the agency office. The agent is also required to see that the increase of all issued cattle is similarly branded." Under such circumstances it is easy to see that the property is in fact the property of the United States.

In this case it does not appear that the sheep were issued under any such regulations; and in view of the small value of the property issued to each Indian, it is not at all clear that any limitation on its use or disposition was imposed or intended. Furthermore, the Indian in whose behalf this suit is brought received no property from the United States. His lambs and calves came to him by gift or purchase from his father, and the right of the father to make such disposition of his property does not seem to be open to question. According to the testimony, he now owns and holds about 1,000 head of sheep, 100 head of cattle, 100 head of horses, and has purchased automobiles from time to time, all of which, he claims, was procured from the same source or by the same means. He lives outside of the reservation, under the protection of the State, and it would be going a long way to hold that he is under no obligation to contribute to the expenses of the State government simply because his ancestor received a couple of sheep from the Government nearly two generations ago and that ancestor gave him four lambs and two calves a generation later.

The record would seem to afford no basis for the claim that the United States has any such interest in the property as would exempt it from taxation by the State; and the decree of the court below is therefore affirmed.

(Indorsed:) Opinion filed November 1, 1927. F. D. Monckton, clerk, by Paul P. O'Brien, deputy clerk.

I read that case, Mr. President, to illustrate, not only the difficulties that we have in the Western States in taxing property wherein it is alleged the Federal Government has an interest, but to further show that whenever a favor is once granted by Congress to any person or to any group of people they immediately take pride in calling themselves instrumentalities of the United States and seeking further exemption from taxation. One would hardly think that any United States attorney would have gone to the trouble to appeal a case of this kind, and yet it was done in this case on behalf of the Indians, and it was such a flimsy case that it was dismissed by the circuit court of appeals in the manner I have indicated.

MEMORIAL BY CALIFORNIA LEGISLATURE

I now want to give another illustration of the detrimental effect of large areas of untaxed Federally-owned land within a State. Rich and powerful as is the State of California, only last year her legislature made complaint to that effect in the memorial to Congress. The memorial was in support of a bill, H. R. 7075, introduced by the late John E. Raker, a Representative in Congress from the State of California. The bill is in part as follows:

A bill to provide compensation in lieu of taxes for the several States with respect to certain lands of the United States within the borders of said States, and for other purposes

Be it enacted, etc., That when used in this act, unless the context indicates otherwise, the term "lands of the United States" means lands set apart, reserved, or withdrawn under the provisions of section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," and acts amendatory thereof and supplemental thereto, or obtained or acquired under the act of March 1, 1911 (36 Stat. 961), and acts amendatory thereof and supplemental hereto.

The term "Secretary" means the Secretary of Agriculture.

SEC. 2. That the United States Government hereby assumes, subject to the conditions of this act or any subsequent act of Congress, the payment to the several States of sums of money equivalent to the amounts which such States would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals.

The first two sections of the bill are all I will read, but they illustrate the demand which was made by the Congressman from California.

I desire to read now, however, "Assembly Joint Resolution No. 4, relative to memorializing Congress to adopt a bill to provide compensation in lieu of taxes for the several States with respect to certain lands of the United States within the borders of said States, and for other purposes," which was adopted by the California Legislature and filed with the Secretary of State on March 16, 1927, only a little over a year ago. The memorial reads:

Whereas there has been introduced a bill in the House of Representatives of the United States, being H. R. 7075, Sixty-ninth Congress, first session, which provides: "That the United States Government hereby assumes, subject to the conditions of this act or any subsequent act of Congress, the payment to the several States of sums of money equivalent to the amounts which such States would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

Whereas under an act of Congress of the United States approved March 3, 1891, large areas of territory with the timber and other resources thereon and therein were "set apart, reserved, and withdrawn from entry" in the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona, and New Mexico and in a lesser degree in several of the other States of the Union; and

Whereas the United States Government has withdrawn, set apart, and reserved within permanent national forests 18,891,161 acres of land within the State of California, approximating one-fifth of the total land area of the State, said lands being set apart, withdrawn from entry, and reserved for the purpose of conserving the resources thereof and particularly the standing timber thereon for the benefit of future generations of mankind; and

Whereas the lands of the United States above referred to comprise in several of the counties upwards of one-half of the area within the borders of the counties, and, although exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all the people of the United States, which fact places these lands on the same basis, as to use, as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving, and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes, results in throwing a heavy tax burden on privately owned property in the same political subdivision of government, thus making the financing of local government a difficult problem indeed; and

Whereas this area is not and can not be taxed by any of the 39 counties of California wherein this vast domain is situated, although each of said counties is required to and do perform therein and thereon all necessary and requisite police powers, equip, maintain, and operate schools; equip, maintain, and operate courts for the punishment of offenders against the forest and other laws; construct, repair, and maintain trails, roads, and bridges and to do and perform such other acts, duties, and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

Whereas when State government was instituted and the several States admitted into the Union they were divided into counties and townships, and each of the States, counties, and townships were guaranteed the full right of enjoyment of all the territory and resources within their respective borders, the declared policy of the United States Government being to dispose of all the public domain, and article 10 of the declaration of rights, which formed the basis for the Union of the States, provides that "No State shall be deprived of territory for the benefit of the United States." In setting apart, reserving, and withdrawing from entry 19,000,000 acres of land for national-forest purposes within the boundaries of a single State surely territory has been taken from that State for the benefit of the United States; and

Whereas the following clause is contained in the enabling act of every State admitted into the Union, beginning with Ohio in 1803: "The State when admitted shall be on a basis of equality with the original States in all respects whatever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity—and we deem the national forests to be such a problem—and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government, and "set apart, reserve, or withdraw" the same from entry for the benefit of all the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

Whereas the Congress of the United States has enacted legislation known as the exchange bills, and under the provisions of said law, private owners are enabled to exchange cut-over lands for standing timber on the lands of the United States, and since said law has become operative, private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange hundreds of millions of feet of standing virgin timber from the United States, and as a result of the operation of such legislation, counties in which such exchanges have been made or in which such exchanges may hereafter be made, have had or will have taken from them and removed from the assessment rolls of such counties many thousands of dollars in assessed valuation, and in addition to this loss of assessed valuation such counties are losing the percentage which they would receive were a sale made instead of an exchange, and as Colonel Greeley, Chief Forester of the United States, has said of this law, "The forest counties lose both going and coming"; and

Whereas the Congress of the United States has enacted the so-called Clark-McNary law, and under the provisions of section 7 of said law private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing, and other rights and when so conveyed become a part of the national-forest reserve and not open to entry or taxation, and should timber owners in some of the counties in several of the Western States exercise their just right under this law and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the West out of business, because such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same State the county to which it is annexed will receive not an asset but a liability; and

Whereas it is only just and right that a heavy burden of local taxation should not be placed annually on the people of any State, in which, and by reason of the fact that, extensive areas of territory having great natural resources, guaranteed to them in the beginning and later legislated from them, have been set apart, reserved, and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the Government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it: Now therefore be it

Resolved by the assembly and senate, jointly, That the Legislature of the State of California approves of the purpose of the Raker bill referred to and respectfully requests its support and adoption by the Congress of the United States at the earliest possible date; and be it further

Resolved, That any moneys to be paid to the State of California, by the United States under the provisions of the Raker bill or any similar bill, or any law enacted by the Congress of the United States, based on forest values of the forest counties of California, shall be divided among said forest counties in proportion to the forest values fixed by the United States Bureau of Public Roads: *Provided,* That by the term "forest counties" is meant those counties of California, a part of which are in the present national forests: *And provided further,* That any portion of the timber sale, grazing, or other receipts of national forests returned by the Federal Government to the State of California, are excepted herefrom; and be it further

Resolved, That the chief clerk of the assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to the Governors of the States of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico, and Arizona with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the chief clerk of the assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to all the Members of the Congress and Senate of the United States.

I have read that resolution to show that even the great State of California has felt the burden of the nontaxed Federal lands within its borders.

Mr. HEFLIN. Mr. President——

Mr. HAYDEN. I yield to the Senator from Alabama.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Alabama desire to take the floor?

Mr. HEFLIN. I do, and the Senator from Arizona has yielded to me.

The PRESIDING OFFICER. The Chair will inform the Senator from Arizona that he can not yield the floor and hold it at the same time. If he yields to the Senator from Alabama he loses the floor.

Mr. HEFLIN. The Senator from Arizona can yield to me for a time, and then if the Senator from Arizona desires recognition and can catch the eye of the Presiding Officer, he can get the floor again, I take it.

The PRESIDING OFFICER. For his second speech.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Alabama yield to his colleague?

Mr. HEFLIN. I yield.

Mr. BLACK. I desire to ask unanimous consent to insert in the RECORD an article, being a statement by the Senator from North Carolina [Mr. SIMMONS].

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. I am compelled to object. I have been compelled to object to similar requests from other Senators. The Senator will pardon me, but it is essential that I take this course.

Mr. BLACK. I understand the Senator's position.

The PRESIDING OFFICER. Objection is made. The senior Senator from Alabama is recognized.

During the delivery of Mr. HAYDEN's speech—

Mr. TYSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I shall be glad to yield, if I may. For what purpose does the Senator rise?

Mr. TYSON. I simply want to ask unanimous consent to have published in the RECORD an editorial from a Tennessee paper.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator yield for that purpose?

Mr. HAYDEN. I shall be glad to yield if I may.

Mr. JOHNSON. Mr. President, I am reluctantly compelled to object.

The PRESIDING OFFICER. Objection is made.

During the delivery of Mr. HAYDEN's speech—

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. HAYDEN. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I ask to have inserted in the RECORD a communication from the junior Senator from Missouri [Mr. HAWES] with reference to the convict labor bill.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President, I am compelled very reluctantly to object, because during the progress now upon this bill I do not intend to permit any business to be transacted except that which is pending before the Senate; and I do hope the Senator will pardon me for the objection I thus make.

Mr. WALSH of Massachusetts. I appreciate the Senator's position. Of course, the communication is not my own; it is that of another Senator.

The PRESIDING OFFICER. Objection is made.

INLAND WATERWAYS CORPORATION

During Mr. HAYDEN's speech—

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. HAYDEN. With pleasure.

Mr. McNARY. I ask unanimous consent to submit a conference report.

Mr. JOHNSON. Mr. President, I understand that such a report is one of the highest privilege, to which objection can not appropriately be made. Am I correct in that?

Mr. CURTIS. It has been so ruled by the Chair. The Vice President so held the other day.

The PRESIDING OFFICER. If there is no objection, the report will be received and read.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

Restore the matter stricken out by said amendment, and after the word "*Provided*," in line 25, insert the following related matter: "That for the purpose of this paragraph the facilities of the corporation on the Mississippi River and its tributaries shall be considered one unit, and those on the Warrior River and its tributaries as one unit: *Provided further*."

And the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable."

And the Senate agreed to the same.

CHAS. L. MCNARY,
FREDERIC M. SACKETT,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

JAMES S. PARKER,
E. E. DENISON,
SAM RAYBURN,
Managers on the part of the House.

Mr. McNARY. I ask for the immediate consideration and adoption of the report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the report? The Chair hears none.

The report was agreed to.

After the conclusion of Mr. HAYDEN's speech—

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day—May 28, 1928—that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 19. An act for the relief of Frank Topping and others;
S. 374. An act for the relief of Lulu Chaplin;
S. 605. An act for the relief of Capt. Clarence Barnard;
S. 764. An act for the relief of J. F. Nichols;
S. 1122. An act for the relief of S. Davidson & Sons;
S. 1287. An act for the relief of the Near East Relief (Inc.);
S. 1434. An act for the relief of Mattie Holcomb;
S. 1448. An act for the relief of Omer D. Lewis;
S. 1594. An act for the relief of Capt. Joseph W. Loef;
S. 1637. An act for the relief of Martha Henson;
S. 1691. An act for the relief of William A. Light;
S. 1852. An act to correct the naval record of John Lewis Burns;
S. 2473. An act for the relief of Will J. Allen;
S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";
S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*
S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;
S. 2697. An act for the relief of Hattie M. McMahon;
S. 2764. An act for the relief of Nelle McConnell;
S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;
S. 2966. An act for the relief of Oliver C. Sell;
S. 3201. An act for the relief of Paul D. Carlisle;
S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;
S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of

the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes;

S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 82. Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4346) to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. FROTHINGHAM, and Mr. WRIGHT were appointed managers on the part of the House at the conference.

The message also announced that the House had adopted the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 37. Concurrent resolution providing that, in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907, the Committee on Banking and Currency of the House of Representatives be empowered to have printed in one volume for its use 3,000 additional copies of the hearings held before that committee during the Sixty-ninth Congress, first session, on the bill (H. R. 7895) relating to the stabilization of the price level of commodities; and

H. Con. Res. 43. Concurrent resolution to establish a commission to be known as the United States Yorktown Sesquicentennial Commission, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota, and it was signed by the Vice President.

GOVERNOR SMITH'S CAMPAIGN IN NORTH CAROLINA

Mr. HEFLIN. Mr. President, Senators will recall that on last Saturday when I was addressing the Senate I predicted that North Carolina would defeat the Smith delegates to the Houston convention. The State has done so in admirable fashion, and about three-fourths of the delegates, at least, will be controlled by the Senator from North Carolina [Mr. SIMMONS] and Judge HULL, of Tennessee, who was the candidate. A majority of the convention gives them control, and the delegation from North Carolina, will be for Judge HULL, of Tennessee, and will be against Governor Smith to the end.

Mr. President, the Senator from North Carolina since hearing the result of the election in that great old State has issued this statement to the Democrats of the country:

> That Governor Al Smith can not and will not be nominated at Houston is the prediction of Senator F. M. SIMMONS in the following statement predicated on the results of the North Carolina precinct meetings held in that State May 26.
>
> The result of the Democratic precinct meetings in North Carolina held Saturday was a smashing defeat for Governor Smith and a strong indorsement of CORDELL HULL for the Democratic presidential nomination.
>
> This defeat is so signal there can be no doubt about it, and efforts of Republican as well as Democratic newspapers supporting Smith to throw doubt upon it is merely in keeping with their program of claiming everything with a view of selling the people the idea that Smith's nomination is inevitable.
>
> The intensity of the Smith drive in North Carolina was greater than that in any other Southern State because they considered me the leader in the South against Smith's candidacy.
>
> Governor Smith, chief of the Tammany sachems, recently spent 10 days in North Carolina, bringing down to aid him in planning his campaign in the State the successor of Tweed, Croaker, and Murphy, in the person of Mr. Olvany, the present head of that powerful and highly financed organization, and every possible effort was made by his North Carolina supporters to capture the State. The signal failure of these efforts makes it certain that the whole South will be to the end practically a unit against the nomination of Governor Smith.
>
> I do not believe that Governor Smith has now safely assured as many as 500 votes, and instead of that number increasing I think it will continue to diminish from now on. The Democratic Party never has and never will, in my judgment, concur in and submit to the things which Tammany Hall and Governor Smith, its outstanding figure, represent and stand for.
>
> Viewing the situation as it now stands, and the developments which I think will take place between now and the Houston convention and at that convention, I am profoundly convinced that Governor Smith can not and will not be nominated, and if perchance he should be nominated he can not be elected.
>
> All that is necessary to make victory certain at Houston for the opponents of Governor Smith is courage on the part of the leaders of those who oppose his nomination and exercise of diligence and vigilance in meeting the efforts of such a powerful and highly financed organization as that behind the candidacy of Governor Smith.

Mr. President, the hardest fight made in any Southern State by the Roman-Tammany organization was made in North Carolina. I saw its operations at first hand. I made four speeches in that State, speaking to some 25,000 people in those four addresses. I was told on every hand that money was being lavishly used, "but," they said, "you can not catch them; they are so smooth." Well, that is the old Tammany plan. They take the cash; they give it to somebody; nothing is said; the transaction is closed; they leave no tracks behind; there are no records kept; no check stubs or vouchers.

But, Mr. President, I want to tell the Senate what occurred at Asheville. The Senate committee recently visited Raleigh and examined some of the witnesses, just a few, the leaders of Governor Smith's campaign in North Carolina. What do you suppose they told the committee? They said, "Yes, we have been up to Asheville; we met Mr. Olvany there, and we had conferences with Kenny." And you will recall that Kenny was the man who said that he had already given money to Governor Smith's campaign and that he would give as much more as they wanted him to give. So Kenny was there, sojurning in Asheville for 10 days. Kenny, the rich contractor was there. Those witnesses, leaders for Governor Smith in that old north State, were up there, they admitted, frequently, having conferences with Smith's man Kenny. But it also dropped out in the testimony that one Mr. Moore, I believe—I see the Senator from South Dakota and will ask him if he recalls whether it was Larry Moore who testified that he had been on a duck hunt up in New Jersey and that he chanced to meet Olvany, the leader of Tammany, the high muck-a-muck of Smith's organization.

Mr. BRATTON. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. I yield.

Mr. BRATTON. I think the Senator from Alabama has two men confused. My recollection is that Mr. Jesse Davis was the man who said that he had been on a duck hunt, and that later he and Mr. Larry Moore met in New York and had lunch with Judge Olvany.

Mr. HEFLIN. The Senator from New Mexico corrects me to say that the gentleman who went up to New Jersey was Mr. Davis, another Smith leader in North Carolina, instead of Larry Moore. I think he is correct about that. I had a chance only to read the testimony once and very hurriedly.

Well, Mr. Davis, another one of Mr. Smith's leaders in North Carolina, was on a duck hunt up in New Jersey and met Mr. Olvany and was so impressed with Mr. Olvany and the works that he represents that he went back to New York after that, and on that occasion, I think, he took Mr. Larry Moore and they had lunch with Mr. Olvany. The story grows more interesting. "Walk into my parlor," said the spider to the fly. So when Mr. Davis and Mr. Moore went in and had lunch or dinner with this leading Tammanyite all the plans were laid to carry North Carolina for Smith. Now, what do they think of Mr. Davis, and what do they think of "Larry O. Moore"? How poetic and euphonious the sound—up yonder in Tammany? They were going to deliver the Old North State to Governor Smith; they were getting weary of the old leader-

ship. I told them in my speech down there that there were two or three fellows ambitious to come to the Senate from that State, but that if the present able Senators from that State continued to look as well physically and get about as well here as they were doing now they would serve at least two more terms each; that the ambitious gentlemen in North Carolina would have quite a while to wait; and if they were seeking to get a new leadership in North Carolina and displace the two grand men who represent that State in the Senate that they were wasting their time.

Mr. President, the homes of both the Senators from North Carolina have gone against Smith. His opponents in North Carolina have three-fourths of the delegates, while all they really need is a bare majority in the convention to control it. So the adherents of Governor Smith failed to carry North Carolina.

They went there with their Tammany organization with the campaign planned in detail; they taught them in precinct meetings in the nighttime; they had automobiles traversing that State day and night, so I was told, at the places where I spoke; and whispered conversations were carried on as to how to carry the State for Smith. So they had their precinct arrangements, their county arrangements, their district arrangements, and state-wide arrangements, all going like clockwork, but it seems that something has happened. Governor Smith's record has been revealed, and what Tammany is, and what Tammany stands for, and all that that means tied on to the National Government. It opened the eyes of those people, and no longer are they to be deceived by this band-wagon-jumping program that has been arranged and carried on successfully in some States that always go Republican. Mr. President, some competent and courageous historian will some day write up this very strange and mystifying story. There has never been anything like it; no Senator in this body has ever seen anything like it in either party. "Favorite sons" have sprung up temporarily and disappeared, and Smith has, they tell us, obtained the delegation; strong men, so-called, have retired from the scene and left him stalking across the Nation by himself, plucking up, somehow, a delegation here and another one yonder, some of the other candidates leaving the field almost entirely open to him.

Why has this thing been done? I will tell you why. It is part of the Roman Catholic program. They have gone to some of the other candidates, I think, and have told them to "get out of the way; you ought not to stand in the way of Governor Smith; we have Catholic voters in your State, and we will punish you if you do not retire in favor of Smith." I think that has occurred. One by one they have apparently fallen off. They have left almost alone a nation-wide contender, the Senator from Missouri [Mr. REED], who, next to Smith, seems to have more delegates to his credit than has any other candidate. There are delegates not to the credit of either one of them; in fact, the Southern delegates will not vote for Smith.

I do not expect to see Arkansas's delegation vote for Smith. I think some gentlemen have an idea it is going to vote for him, but there are going to be some meetings held in Arkansas before the Houston convention and there will be resolutions passed, and these gentlemen will be requested to hold Arkansas true to the faith. The same thing will happen in Oklahoma. Neither one of those States would go for Smith if the Democratic people had a chance to vote; neither of them would cast a single vote for Smith in the Houston convention if the rank and file of the party had been permitted to express their choice of presidential candidates, but unfortunately they were not permitted to do that. So the rank and file of the Democrats of Arkansas have not been allowed to say who they want for President.

I repeat there never has been a campaign manipulated like this one so far as the Democratic side is concerned. In the first place, McAdoo retired. I do not fully know why. I do not think he should have done it unless Smith would agree to retire. If I had been in McAdoo's place, I would have said to Governor Smith, "You and I were the leading candidates when the convention broke up in New York in 1924. They suggest, and have for some time suggested, that both of us should withdraw and retire from the scene. I am willing to do so if you will."

McAdoo had 75 or 100 more delegates then than Smith has now, and more, I think, than he will ever get at Houston. McAdoo could have very well made that proposition to Smith. McAdoo having said to Smith, "If you will retire, I will, and we will leave an open field for new candidates to come in"; then, if Smith had not agreed to it, let McAdoo stay in the race. But strange politics we see. Roman politics. I wonder if they frightened or intimidated McAdoo? Meredith ran a while up in Iowa; and Wilbur Marsh and his Roman crowd, in control of the machinery, carried that State for Smith; and Wilbur Marsh says that they carried it by circulating my speeches. I am not surprised, because every time he circulated one of my speeches the Roman faithful knew what the Pope wanted, and immediately they voted to carry out his program; so he knew what would get them. If he could not reach them otherwise, as soon as he showed them one of my speeches and showed them what the Pope wanted done in the United States they said, "That settles it." So he admits, in that statement, that it was a Roman Catholic machine that took Meredith out of the running in Iowa.

I have told the Senate before that the States that Governor Smith carried are States in which Democrats have only a few votes. We never carry them; and, even in those places, Smith's candidacy has not brought out one-fifth of the Democratic strength.

Senators, they boost this man as a vote getter. He is not a vote getter. There are fifty-odd counties in New York State that he never has been able to get and he has been governor four times. There are counties in that State where the great American population never have voted for him. He has controlled those counties where the Catholics rule, but he has not carried the great American counties in New York State. The Roman counties have gone for him, but not the American counties.

What happened up in Wisconsin? I want to remind you again of what happened there. The Senator from Missouri [Mr. REED] polled 35,000 votes, and Smith between 5,000 and 8,000, and Smith got the delegation. "He is a vote getter." Well, that is like burglarizing a man's house. You say he is a smooth artist. He goes after the goods and he is a goods getter. Well, now, JIM REED was entitled, by every rule of right and law of justice, to the delegation from Wisconsin. I repeat that if I had been a candidate against him, and had polled the vote that Smith polled, I would not have had the delegation. I would have said, "They belong to him." You may be able to work some trick locally; but if 35,000 men and women voted for him, as against 5,000 or 8,000, he is entitled to the delegation.

What about Oregon? Is Governor Smith a great vote getter? REED and WALSH together, and WALSH had withdrawn from the race, got more votes than he got in Oregon. That shows that a majority of the Democrats in Oregon do not want Governor Smith nominated for President by the Democratic Party.

So the States that he has carried are States like Massachusetts, where the Roman Catholic machine has control, with 36 delegates, and 34 of them Roman Catholics. There are only two Protestants on the delegation, I am told. This is the Roman program that I am talking about; and the South, the Gibraltar of the Democratic Party, does not like this dangerous and un-American program. It does not like these secret and questionable proceedings. The South wants to preserve the Democratic Party in its integrity. The South does not want to surrender her ideals, her great principles. She does not want to turn over the leadership of the party to Tammany, with its slimy trail of graft and corruption coming down from Boss Tweed to the present hour.

There are scandals around Tammany Hall that smell to high heaven. To-day the Tammany organization is under fire by the press, her officers are being called in and called upon to explain graft and scandal in their administration. The paper yesterday morning, I believe, said that the chief heads called in by Mayor Walker were whispering around amongst one another, asking, "What does all this mean?" It had never been done before in Tammany. Why, they are seeking to make people believe that now, just before the presidential conventions meet, that Tammany is against graft and corruption. He who appointed this man Van Namee, a member of the public utilities commission, to go out and gather his campaign fund; he who has Kenny by his side, with his millions, who has made them out of contracts in New York City and New York State, who says he has already given money to Governor Smith and he will give all they want—this man Smith is now running for President, and Mayor Walker, his side partner and head of Tammany, must make some show at this particular time that he is going to investigate the age-old graft and stop Tammany graft in New York City.

Mr. President, there is a story in an editorial there about how graft started in New York City from an apple cart. A fellow peddling apples on the street was rolling his little cart along. He was allowed to stay only so many minutes in a place. The policeman on that beat would come up and pick out the best apples he had and allow him to stay a few minutes longer. So that is the way Tammany started her graft scheme—by taking apples off the apple boy's cart to allow him to violate the law by staying a little longer and by receiving pay for the violation. The editorial illustrates how the system started; and now it has

spread and spread until nearly everything that is done has graft in it for Tammany. The officers get graft; the organization gets graft. In the case of the street-cleaning contract and the contract for cleaning snow from the streets, when snow comes, and other contracts like that, the paper says it is 50-50. The government puts up $200,000 for a certain purpose and $100,000 of it is stolen. It is a part of the graft system of Tammany, and Tammany is backing Governor Smith.

If ten millions are put up for another purpose, five millions are graft the paper tell us; and to-day it is the worse grafting system upon the face of the earth. And out of that comes a candidate for President of the United States, and boasts that they are going to nominate him, and have the biggest notification rally that was ever planned or pulled off in the United States. Counting chickens before they are hatched.

Mr. President, three or four weeks ago it dropped out from the inside workings of the Smith campaign that they had to have North Carolina in order for Smith to make sure of the nomination. They have lost it. Thank God, North Carolina has gone against him. The backbone of the Smith movement is now broken. Texas, with her 40 votes, will stand against him to the end. Georgia, with her votes backing her able son, Senator GEORGE, will vote against him to the end. Every other southern State except Louisiana will do so I believe, and I am not certain about what Louisiana will do. There may yet be a contesting delegation from Louisiana. I am hoping that there will be; and I believe when the people get through with their mass meetings in Arkansas and in Oklahoma neither one of those States will go for Smith.

I regret to see any southern State dickering with that crowd. I hate to see any Democrat who has professed to love the principles of Jefferson talk about voting for such leadership as this; and I especially object to having a delegation in any State from the South where those people would be against Smith overwhelmingly selected by a committee, and then, after they are selected, having these Smith agents and his campaign committee saying that Arkansas will go for Smith. How queer and how strange! What is in the background of all that? At first I got the impression that the Arkansas delegation was against Smith. Senator CARAWAY had said that Arkansas was 50 to 1 against Smith. The senior Senator from Arkansas [Mr. ROBINSON] was a candidate, a favorite son. Of course, most of them who aspired thought him a candidate in earnest and were not going into the State to contest with him. After certain developments here in the Senate I had hoped they would have a primary down there. I told the Senate once before, and I confess it again, that I would have entered the contest as a candidate against Senator ROBINSON in Arkansas. I was very anxious to let us settle the question as to how that State would go regarding Smith. I would have run as an anti-Smith man, and I would have put the issue to the people, and let them express themselves at the ballot box. But, like a thunder clap from a clear sky, Senator ROBINSON withdrew, and no candidate was voted on by the people; and, when he withdrew, an uninstructed delegation was selected all of a sudden by a committee, and he and his colleague were on it. It was not selected by the Democrats of Arkansas; and now I understand that this little Albert Fox of the Post, Smith's political agent, was down there.

I should like to have the committee call him and ask him if he did not tell certain newspaper men that he was present in the committee room in the State of Arkansas when they selected the Arkansas delegation, and that he participated in the selection of them, and that a New York man, a Smith man, was there and participated in it, too; and I should like to have them ask Mr. Albert Fox, when they said, "Those who favor this candidate or that candidate for delegate, say 'aye,'" if he did not tell these newspaper men that he voted and the New York man voted.

Now, what do you think of that, Senators? But "Smith is a vote getter." It does not make any difference how he gets them. Whom did Fox represent? Nobody; and there was Smith's man from New York and another outsider sitting in a committee room, with the hands of Arkansas Democrats tied, selecting a delegation to go to Houston; and when the committee meeting was over little Albert, sweet Albert Fox [laughter], came out and announced that at least 17 or 18 out of 19 were for Smith!

I interrogated the junior Senator from Arkansas [Mr. CARAWAY], and his voice failed him, and he could not answer. He did not answer. He has not said yet on this floor, neither has the senior Senator, how that delegation stands on Governor Smith, who favors social equality and who sanctions open dance halls in New York City, where negroes and whites dance together, and who failed to have the Tammany Democrats in Congress to vote with us against the antilynching bill aimed at the South.

Now and then the Smith crowd, in calculating the votes they have, do not claim Arkansas, but to-day, when North Carolina gave them a solar-plexus blow, they swing Arkansas back into the column. What about that, Senators from Arkansas? They are claiming it now. The situation is getting desperate with Smith. He has lost North Carolina. They set their hearts on North Carolina, but when North Carolina shook off the Tammany gang, like dewdrops from a lion's mane, and said, "We will have none of you," they come out and say, "Put Arkansas back in the column," and here our good friends sit silently by and say nothing. The Democrats of Arkansas feel toward Governor Smith just like the Democrats of Alabama feel.

I am reminded of a play I saw in Washington when I first came to Congress, where an Irish girl was performing, and they asked her if a man had come in there, and which way he went. He walked right in and hid around behind a curtain and then went out. She just stood there blinking her eyes and said, "I never saw him come in, I never saw him go out, I never saw him nohow." So that is the way of our good friends from Arkansas, they are as silent as the tomb and dumb as oysters on the subject. Neither one of them has told us what Arkansas will do, and yet the people of that State, like the people of my State, and those of North Carolina and Georgia and the other Southern States, are not for Al Smith. They ought not to be delivered to him, and if they are delivered to him, they will be delivered over the protests of the upstanding men and women Democrats of Arkansas. I am going to talk to the people in Arkansas some between now and the meeting of the national convention at Houston, and I am going to call on them for action. I want them to express themselves. I do not propose that a southern State, where Democracy lives and thrives when it is feeble in other sections, shall be turned over to this group that votes the Republican ticket and murders the Democratic ticket every time they get a chance.

In 1916, as I told you, they voted against Wilson. They did their best to defeat him because he would not go to war with Mexico for the Roman Catholic Church. In 1920 they voted against Cox, and voted the Republican ticket. In 1924 they voted the Republican ticket, voted against Davis, after helping to put John Davis on us. John Davis is a clever, fine fellow, but he is the poorest politician who ever stood in front of a political army. He does not know half as much politics as my boy knows, and yet John is a good, clever fellow. But they helped to put John on us in 1924, and after they got him on us and made him come out at their bidding and repudiate the convention that nominated him, they threw him down. That convention refused to bring any fraternal order into its proceedings. It declined to denounce the Ku-Klux Klan at the instance of Al Smith and his Roman crowd, and they took John Davis upon the mountain and showed him what all they would give him if he would fall down and worship them, and John, in an evil hour, stood up and denounced the Ku-Klux Klan as Al Smith and his crowd told him to do, and straightway lost four States by it.

Davis had no right to do that. The convention refused to denounce the klan. It said they had nothing to do with it. And some said, "If we are going to denounce the Ku-Klux Klan we will denounce the Roman Catholic Knights of Columbus." They ought to have denounced them if they were going to denounce the klan, because the Klan is a Protestant institution, and nobody but a Protestant can belong to it. The Knights of Columbus is a Roman institution, and nobody but a Roman Catholic can belong to it. So if you are going to denounce either one of them, why not denounce them both? But John Davis violated the platform of his party and followed off after the Romanists and did their bidding.

What have they done? They bolted the ticket in 1916. What happened two years after that? They nominated and elected Governor Smith Governor of New York. What dream came into their minds? They said, "We must not have another Democratic President other than Smith; he is our man. We will keep the way clear. We will beat them in in 1920," and they did it. "We will beat them in 1924 if they will not nominate Smith. Then when 1928 comes the Democrats will be so hungry to return to the fold of power and get back up to the pie counter and around the flesh pots of Egypt that they will take anybody we put up, and we will just keep electing Smith Governor of New York and keep defeating the National Democratic ticket until we get this chosen of Rome and put him forward, and then we will get behind him and elect him. We will horn off every other candidate in 1928. We will try the Roman tac-

tics upon them and move them off the stage of action." And they have in a measure succeeded in doing that. Did you ever see anything like it? Never.

The Senator from Missouri [Mr. REED] is a candidate in the race coming on to-morrow in West Virginia, the man who stood here by the side of Senator GOFF and Senator NEELY and helped to keep the New York crowd from crucifying the coal interests of West Virginia. What are they going to do to-morrow; vote for REED or vote for Smith? Will they champion the cause of those who smote West Virginia hip and thigh, or will they stand by the fearless gladiator from Missouri, who drew his sword and fought valiantly against those who wanted to destroy the coal property of the people there?

Mr. President, the Senator from Missouri has fought in this Chamber to oust grafters and put them in the penitentiary. The Governor of New York comes out of an organization that lives and flourishes on graft. The Senator from Missouri—he and I differ on many things, and we agree on many—has stood in this Chamber and fought corruption in high places. He has ably and eloquently prosecuted those who would pervert this Government from the ends of its institution, who have bought seats in the Senate as they would buy seats on a stock exchange. He has stood here, and, in the name of his country, lashed them and helped to drive them from high place, while the backers of the organization of the Governor of New York are now being arraigned in the courts of justice for graft, scandal, and corruption.

Tammany is on trial. Tammany has never been free of crime since Tweed blackened her name in the early days. She flourishes on it. They announced some time ago that if Smith should be nominated they would supply all the campaign fund that was necessary; they would not call on anybody else for contributions. So Governor Smith is not only to be our candidate, they tell us, the anointed of Rome, the specially picked man of Tammany, but they are going to gather up out of their grafting and corrupting fund the money to carry on the campaign, and foist him upon the American people as the Chief Executive of the Nation.

Mr. President, it will never be the judgment of the American people. I know something about politics. I know what this means to my party. It means a revolution in it. There is no good in his nomination to the Democratic Party. The time has come when we have to sever relations with that Tammany group; God speed it now. If the Jeffersonian Democracy must perform this surgical operation and lop this evil off her body politic, let us cut it off now.

Mr. President, every party ought to rise higher and higher in the scale of being as the years come and go. It ought to be able to lay stronger claim every year for the support of the people than it laid before. It ought to grow in usefulness. Its principles ought to become sounder and sounder, its character more pure and spotless.

Now we are asked by a certain group to turn over to them a party against whose good name no crime or scandal stands to this good hour. The Democratic Party is as old as the Government, has come along with it from its birth time to this hour, and I challenge any man to put his finger upon a national scandal or a national crime attaching to the Democratic Party. You can not do it. I am proud of the record of my party, and I do not want to see those who ought to stand here and fight against turning it over to this crowd in New York, by their supineness and their easy acquiesence in what is going on, permit this thing to happen. I do not want to see the Democratic Party turned over to the leadership of Governor Smith. God forbid.

Senators, what are we from the South thinking about just to sit around without protesting at every opportunity against the nomination of Governor Smith? I have received many telegrams commending my course, and Senator SIMMONS is now receiving telegrams from all over the South and from northern Democrats saying: "The southern Democrats ought to come out as you have come out and fight this Tammany bunch. It means death to our party if they succeed." That is what we ought to be doing here. Every Senator who hails from that great section should bestir himself and become active in this fight now.

I want to show you a sample of Tammany rule. Here is the City Record of New York City, the approved budget for 1928. Listen to this and you will get a glimpse of what Tammany has in store for the Nation. This letter to me is from a fine American citizen, Paul M. Winter. He has just written a book called What Price Tolerance? that every American should read. He says:

HEWLETT, LONG ISLAND, N. Y.

DEAR SENATOR HEFLIN: I am forwarding to you a copy of the official New York City Record for December 31, 1927, giving the appropriations to charitable institutions in New York City. These appropriations will be found on pages 58, 59, and 60, and cover the appropriations for 1928.

A tabulation of the appropriations show that Roman Catholic institutions received $4,117,000, * * * while Protestant institutions received the small sum of $65,000.

I told you Saturday that Governor Smith offered an amendment in the constitutional convention of New York State to the provision of the State constitution which provides that no public funds shall be used for any sectarian school. We all have such provisions in our State constitutions. Governor Smith sought to amend it so that they could appropriate public-school funds to the parochial schools of New York City. That was the purpose of it. It can not be denied and he has not denied it.

Now we see what they are doing in Tammany. The Protestant people for charitable causes get $65,000 and the Roman Catholics get their hands in the treasury and take out over $4,000,000 of the people's money. That is another sample of Roman rule in the United States. That is another sample of what is coming to the American people if Smith gets in the White House.

Senators, if they ever foist that Tammany rule upon this Nation, with the graft that they could connect themselves with at the seat of the National Government, God save this country from the terrible future that awaits it. It must not be.

I am trying to give my party and my country warning. I am trying to avoid this terrible pitfall that is just in front of us. I do not want to see the party drawn into this vortex of ruin, and I am giving warning, not only warning but giving reasons why this man should not be nominated to take over the leadership of the great Democratic Party.

Mr. President, I had in some paper here, which I can not now lay my hand on, the speech of a Catholic bishop at San Antonio, Tex. He was making a speech about a bishop who fled from Mexico and recently died in Texas. He arraigns this Government in the most terrific fashion. He condemns its program of peace toward Mexico. He denounces Calles as a murderer and almost puts us down in the catalogue of indorsing murder. He cries out and wonders when some strong man will rise up and demand that these things cease in Mexico. "So far," he said, "nobody except the holy father, Pope Pius XI," had protested. He is hinting at President Coolidge. He wants him to come in and hinting, I think, between the lines, that if Alfred Smith gets in they will be a little nearer war with Mexico than they are now. He said these terrible things are going on in Mexico and that he does not see how a civilized country can stand silently by and permit it.

As I read that I thought, "Bishop, what about Italy? You stopped Protestants from carrying on their schools there. You say that education in Italy is a matter for the Catholic state and the Catholic Church to look after in Italy. You Catholics closed the lodges of Masons in Italy—Protestants and Jews—Masons are denied the right to assemble in their lodges. You have burned their Masonic halls to the ground in Italy. Your black shirts under Mussolini murdered 137 Masons in the city of Florence in one night. You appropriated their property to your own use and you have the grand master of Masonry in prison now at the instance of Mussolini for nothing else except telling his members that they were entitled to meet in their lodges. That is going on in Italy, Catholic Bishop of San Antonio. Why do you not say that somebody ought to frown down upon that? Why do you not use your Catholic influence upon your Pope and upon your brother Mussolini? They are two of a kind. They are hand in glove. They are working together and the day is not far distant when they will oust the King of Italy and Mussolini will take his place. Why do you not think of that, bishop, you Bishop of San Antonio?

While you are telling about the outrages committed in Mexico, I am telling you about the outrages committed against Protestants and Jews in Italy, where sits your king of the Roman Catholic kingdom of the earth, where Mussolini, the head of your world military establishment, could put that down and give those people their rights in their native land. Protestant Italians are barred from going to the Masonic lodge. They are prevented by Mussolini with the sanction of the Pope. You carry on this conduct in Italy, and then you ask this Government to interfere with its Army because your priests and bishops of Mexico will not register like other preachers. You say, "No; if we did that we would acknowledge the temporal government above the spiritual." Calles said, "The ministers register in the United States; they register in every county and State. They are just like other people when they come to vote. They go and put their names down and give their residence and address. They go in and perform their duty under the law, but you will not register. You have run up against the constitution of the country. You have failed to comply with it. You back off from it, and because you fail to comply with it

and we in charge of the Government insist that you do, you say we are persecuting you and you ask the United States to come with its Army and make us let you run the country and tear our constitution to tatters and put the Pope back in power."

That is what it means. That is what this program means behind Al Smith.

Talk about the wets. Of course they will get a few hickory-nut-headed fellows by that kind of talk, but the driving power back of it all is the understanding of the faithful that they are getting a Catholic at the head of the party and at the head of the country if they can elect Al Smith. If they could nominate him, if they could elect him, they would rejoice because there is some chance to "blow the foam off the glass," as Al Smith said in New York, but they would rejoice in their heart of hearts that they had a Roman Catholic at the head of the greatest government in the world, with its untold resources and riches that they would be able to tap in time to come for the good of the world-wide Roman government.

Senators, wake up. Let southern Senators rise in their places like the able Senator from North Carolina [Mr. SIMMONS]. You saw what the people of his home State did when he got up and made his speech against Governor Smith and Tammany. Now you make yours, Senators, and let us rally about a common center for the good of our party and country. We are going to hold this man. He is not going to get this nomination. He must not get this nomination. This Roman ghost that stalks in this Nation must be driven from the scene. When the ghost of Hamlet's father appeared about the castle in Denmark, Marcellus, a castle guard, observed it and said, "Speak to it, Horatio." Senators, this ghost is stalking in the country and in the Capital, too. It is stalking in the States. This Roman Catholic ghost is stalking in the hallowed precincts of the Democratic Party, in the temple of liberty in this western world. Speak to it, you who love your country.

I am not saying to Catholics that I would make them change their religion. I do not care how they worship. But I am saying this to them, and I will tell them something they will remember some day, that they can not carry on their teachings in their parochial schools of union of church and state. The States of the Union will take steps to stop it. A platform will be adopted in some national convention at an early date that will condemn that practice. We can not permit them to teach union of church and state when the fundamental doctrine of this Nation is separation of church and state. They are seeking to destroy our public-school system. We regard it as the bulwark of democracy and liberty.

We are willing for them to worship as they choose, but we are not willing for them to destroy the religion of other people and make them conform to the Catholic religion. Let them have their religion, but they must let us alone, and let them tear out of that book of Doctor Ryan's, the professor at the Catholic University of America right here in Washington, what he says about the day coming when the Catholics get strong enough that they will proscribe other denominations and set up the Catholic state, and then, they say, "What chance will the Protestants and Jews have against the Catholic state?" The Bible speaks about spreading a net in front of a bird and trying to catch him. They have become bold enough to announce their program in our face. Think of that in this morning of the twentieth century, in the greatest Government in all the earth; this group having become so bold that they will not only fly the Roman cross above the American flag, but do these other terrible things.

I see the Senator from Maine [Mr. HALE] in his place. I have received letters from all over his State indorsing my position about taking the Roman flag down and letting Old Glory fly first. I got a letter from Mr. Gridley Adams, chairman of the Flag Commission of America, and 113 patriotic societies. Practically all of them said they indorse my position. But this group has got bold enough now to take pictures of the Roman flag flying above the Stars and Stripes. They are getting bolder and bolder every day. They have gotten bold enough to print their cross on the back of our dollar bill, working the rosary beneath it, the string of pearls, and doing it without authority, and now they come with the cardinal colors and put them in the President's room right here in the Capitol just because they think Al Smith is to be inaugurated next March.

Bolder and bolder! Oh, the gall that bunch has. They are announcing that when they get strong enough they will not permit us to carry on church propaganda, they will not permit us to have protracted meetings and invite outsiders to come in and join. They do say they might permit those who are already in the church to go ahead in their way until they die out, and then the "jig is up" with that denomination. But we are not to get in any new members. Oh, no; they are going to set up the Catholic state, and they ask the question in that book, What chance would we have against the Catholic state?

I am warning against that day. Let us stop this thing at the threshold. Let us not let them enter the temple. Let us beat them back as they come marching with this grim and dangerous program against the free institutions of America. I call on southern Democrats to stand up here and from day to day help hold the line. We have Governor Smith beat. He is not going to be nominated. Let us make it sure that he is not going to be nominated by gripping the forces that we have and by letting the other delegates already selected know that his nomination means defeat—an almost certain death to the Democratic Party.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated below:

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Commerce.

VETERANS' PREFERENCE IN CIVIL-SERVICE EXAMINATIONS

Mr. BROOKHART. Mr. President, I desire to make a privileged request. I ask unanimous consent that House Joint Resolution 238, now on the Vice President's desk, be laid before the Senate and put upon its passage.

Mr. ASHURST. Let it be read.

The joint resolution (H. J. Res. 238) providing for the granting of veterans' preference in civil-service examinations was read the first time by its title and the second time at length, as follows:

Resolved, etc., That in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia government, honorably discharged soldiers, sailors, and marines of all our wars, and widows of such, and wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified for appointment, shall have 5 points added to their earned ratings; and in such examinations 10 points shall be added to the earned ratings of applicants who, because of disability, are entitled either to a pension under the pension laws or to compensation or training under the World War veterans' act, 1924. Whenever a minimum earned rating in an individual examination subject is required for further consideration in the examination, these additional points shall apply to determine whether veteran applicants of the above-named classes are entitled to such consideration, and in case of separate examinations these additional points shall be added to each examination.

SEC. 2. This resolution shall take effect as of May 1, 1927, and shall apply to all civil-service examinations given since that date.

Mr. ASHURST. There is no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. HAYDEN. Mr. President, I shall now discuss the question of just exactly what the States of Arizona and Nevada want with respect to hydroelectric power, if developed at Boulder Dam by the Federal Government. The answer is that the two States want to receive the same income that they would receive if the power possibilities there were developed by private capital.

I shall read to the Senate a list of applications now pending before the Federal Power Commission, which shows that there are a number of persons, corporations, and municipalities who desire to develop power on the Colorado River where that stream forms the boundary between Arizona and Nevada. I have a letter from the Federal Power Commission, dated April 10, 1928, addressed to myself, and reading as follows:

DEAR SENATOR HAYDEN: In compliance with the request that you made over the telephone yesterday to Mr. Merrill, I am sending you herewith a memorandum of the applications pending before the commission which involve the Colorado River and the Arizona-Nevada State line.

This letter is signed by the "chief engineer in the absence of the executive secretary."

I now call attention to the location and description of projects affecting both Arizona and Nevada, filed with the Federal Power Commission as of April 10, 1928:

The distance in river miles from Yuma, Ariz., is used in locating and describing the following projects: The California-Nevada State line is at mile 240, and the Nevada-Arizona line at mile 390. Location shown on drawing, prepared November 17, 1925, by Federal Power Commission:

Project No. 59. (Ed. L. Beyard, of Seligman, Ariz.)—A series of six dams with reservoirs between river mile 340 and 790, of which one at mile 340 is on the Arizona-Nevada State line, with an alternate location at mile 375.

Project No. 111. (Southern California Edison Co., of Los Angeles).—As amended June 3, 1925, a series of five dams with reservoirs between mile 375 and 925, of which one at mile 375 is on the Arizona-Nevada State line.

Project No. 238. (City of Los Angeles, Calif.)—One dam at mile 340, with reservoir extending to mile 440.

Project No. 258. (Southern California Edison Co., of Los Angeles).—One dam at mile 300, with reservoir extending to mile 375.

Project No. 265. (Guy P. Mohler).—Two dams or a series of dams from mile 255 (Bullshead Rock) to mile 340 (Boulder Canyon).

Project No. 391. (G. Henry Stetson, of New York City).—A dam at mile 255, with reservoir extending to mile 295.

Project No. 392. (G. Henry Stetson, of New York City).—A dam at mile 395 (Boulder Canyon), with reservoir extending to mile 520.

Project No. 668. (Southern California Edison Co.).—A dam at mile 200, with reservoir extending to mile 300.

G. HENRY STETSON

Of these various applicants there are three which, in my opinion, are financially able to build a dam at Boulder or Black Canyon. One of them is G. Henry Stetson, a son of John B. Stetson, the famous hat manufacturer of Philadelphia. If Mr. G. Henry Stetson has behind him the Stetson fortune, combined with other financial assistance which he may probably obtain, it is reasonable to believe that he can finance the construction of a great power project at Boulder Canyon and at Bulls Head Rock in the Colorado River if a license were to be issued to him by the Federal Power Commission.

SOUTHERN CALIFORNIA EDISON CO.

The next applicant is the Southern California Edison Co. I desire to read extracts from a letter from John B. Miller, president of the Southern California Edison Co., dated February 18, 1924, addressed to Hon. ADDISON T. SMITH, chairman, and the members of the Committee on Irrigation and Reclamation of the House of Representatives. Mr. Miller says:

Southern California Edison Co. is a California corporation, engaged exclusively in the business of generating, transmitting, and distributing electricity as a public utility. It operates in 10 counties in central and southern California, as follows: Fresno, Tulare, Kings, and Kearn, in central California, and Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, and Orange, in southern California. While it has retired from retail business in the city of Los Angeles, it furnishes at wholesale a large part of the electricity used by that city, now having an estimated population of 1,000,000 people. At the close of the year 1923 it had 247,953 consumers. During the year 1923 it generated 1,548,896,120 kilowatt-hours of electricity and supplied a maximum peak demand of 418,900 horsepower. It now has an installed capacity of 503,000 horsepower, of which 376,200 is hydroelectric and 126,800 steam. * * *

This company is willing to undertake the task of development on the Colorado River under the terms of the Federal water power act, which provided for a limited tenure of 50 years, with the right of the Government at the end of that period to take over the property under license at a net investment figure, and which strictly prohibits capitalizing for rate purposes any intangible rights growing out of the ownership of water rights or the possession of the license, and which further subjects the company as licensee to strict regulation as a public utility in the matter of rates, service, issuance of securities, and the like. Furthermore, this company is willing, under direction of the Federal Power Commission or other proper governmental authority, to so construct its power dam or dams and operate its reservoirs as to coordinate its activities with the plan which may be adopted by the Government for flood control and irrigation.

The company's plans for financing Colorado River development are along the same lines as those which it has successfully followed in California. The company's credit position in the financial world is such that we are assured that bonds can be marketed to cover two-thirds of the construction costs through investment bankers who reach the investing public throughout the country, and that stock can be sold directly to the people to supply the remaining one-third. Immediately upon securing the necessary Federal and States' authority we are prepared to undertake and finance construction work at the rate of $30,000,000 to $40,000,000 per year.

To give the Senate an idea of the magnitude of the operations of the Southern California Edison Co. I read from a leaflet issued by the Wagner Electric Corporation, of St. Louis, describing the Big Creek power project constructed by that company:

An effective illustration is furnished by the Big Creek development of the Southern California Edison Co. Up to the end of April, 1923, this big hydroelectric development has cost $68,000,000. Of this sum $32,300,000 has been spent for labor and $10,800,000 expended for foodstuffs. As this is being written, the project is giving employment to 7,296 men, with a pay roll of more than $40,000 a day.

There appeared before the House Committee on Irrigation and Reclamation Mr. R. H. Ballard, the vice president and general manager of the Southern California Edison Co., who presented the letter from its president, Mr. Miller, parts of which I have read. I find in this pamphlet, recently printed by the proponents of the Swing-Johnson bill, this statement copied from the hearings before that committee:

Mr. BALLARD. This company (Southern California Edison), if given authority by the States whose water rights are affected, and if granted a license therefor under the Federal water power act, is prepared to undertake and itself finance dam construction on the Colorado River which will not only serve the purpose of hydroelectric power production but will also provide the same full measure of flood control and supply of water for irrigation of arid lands as is contemplated under the pending bill. Its applications for license to carry on power development on the Colorado River are already on file with the Federal Power Commission and can be referred to for particulars. (P. 434, hearings, H. R. 2903, 68th Cong.)

Yes, sir; the board has discussed it, and the president has discussed it with the board—the feasibility and practicability of it—with the result that the president's letter to you gentlemen states the willingness of the company to proceed at once with an expenditure of from $30,000,000 to $40,000,000 a year on the work. (P. 492, hearings, H. R. 2903, 68th Cong.)

There also appeared before our committee Mr. H. A. Barre, executive engineer of the Southern California Edison Co., of Los Angeles. I might say in passing that I consider Mr. Barre one of the most able witnesses I have ever heard testify before any of the committees of Congress on the subject of the Colorado River. I questioned Mr. Barre on March 26, 1924, and quote from the hearing as follows:

Mr. HAYDEN. Now, please tell the committee what you would do if the application of the Southern California Edison Co. were granted by the Federal Power Commission. Where you would build your first dam?

Mr. BARRE. If the Federal Power Commission would ever act on that application and give us permits to go out and find out all the details involved in that proposition, we could give you the answer in words of one syllable.

That has not been done. What we have done is to make reconnaissances and investigate the various possibilities.

* * * * * * *

Mr. HAYDEN. You consider the Kelly or Callville site desirable, Mr. Barre, by reason of its accessibility?

Mr. BARRE. That is one of the features that appealed to me.

Mr. HAYDEN. What other favorable features has it?

Mr. BARRE. It is a little bit shorter line. And the principal feature is that it is not necessary to go to an extreme departure from engineering practice in order to build the job there. It is very similar to things that everybody has been doing and knows how to do, without having to go out and be a pioneer and a hero, and all that kind of stuff.

I might properly say that the Callville, or the Kelly, site, to which he refers is a dam site at the lower end of the Boulder Canyon, which has the advantage of accessibility, not being in the heart of a great canyon as is the Black Canyon site.

* * * * * * *

Mr. HAYDEN. If your company had the right to develop the river, where would you build the first dam, at Boulder, Black Canyon, or Glen Canyon?

Mr. BARRE. If our company had the whole thing before us, we would first form a coordinated plan for the development of the whole river and pick out the item in that plan that was the most advantageous. I think that what we would do would be to start at a convenient point between Boulder and Black Canyon, in that territory, and build a dam of moderate height, perhaps 350 feet, which would give a large amount of primary power and a very great amount of secondary power which could be quite usefully used in connection with the existing steam plants in the California market. In other words, it is not necessary at the kick-off to have 100 per cent primary power. You can fit your power job to what you have to do.

* * * * * * *

Mr. HAYDEN. The advantages of developing power down stream rather than above the national park is the saving in transmission distance to the California power market?

Mr. BARRE. The saving in transmission distance, and because the sites are better and construction facilities are better.

The Southern California Edison Co. has been the pioneer in long-distance transmission of power in the United States. It was the first company to step up power to 220,000 volts for transmission purposes. It has recently built at Long Beach, Calif., the most modern steam plant for the generation of electric power in existence. From the testimony that I have read it is quite evident that there is on file by that company bona fide applications for the construction of power plants on the Colorado River where that stream forms the common boundary between Arizona and Nevada which, if granted by the Federal Power Commission, would provide a revenue to the States of Arizona and Nevada, because all such private developments would be taxable.

THE CITY OF LOS ANGELES

I now come to the next, and to my mind the most important, applicant for a license on the Colorado River where it forms the boundary between Arizona and Nevada. I refer to the application of the city of Los Angeles now pending before the Federal Power Commission.

The senior Senator from California [Mr. JOHNSON], in his report on this bill, states:

In the hearings on the project a mass of testimony was produced bearing upon the market for power. Showings were made as to the future requirements and markets for such power in Los Angeles, Pasadena, Riverside, and other cities of southern California, of the States of Nevada and Arizona, of transcontinental railroads, and the private distributing companies. It was also developed that southern California cities, in connection with a greatly needed domestic water supply from the Colorado River, would require a large block of the power for pumping purposes.

The majority report further states:

The Secretary will not be contracting with organizations of doubtful solvency. As to domestic water, as well as power and pumping purposes, his contracts will be with cities or an association of cities with an assessed wealth of well over a billion dollars.

I read to the Senate not long ago from this book, Power Control, with respect to the great success that the city of Los Angeles has made through its bureau of power and light. I showed that the gross income from power by that city last year was over $12,000,000 and that a net profit of approximately $3,250,000 was made. The city of Los Angeles is an applicant for a license to build a power plant at Boulder Canyon.

I read further from this pamphlet, prepared by the proponents of the pending bill, from the testimony of Mr. Ralph L. Criswell, who says:

The position of the city of Los Angeles is, that after all the requirements in Arizona and in Nevada and in the other municipalities and political subdivisions of southern California have been satisfied, and that power has been allocated to them in accordance with their requirements, the city of Los Angeles would contract with the Government to take all the remaining power.

On page 10 of a pamphlet recently issued by the Boulder Dam Association I find this statement:

Various agencies of established solvency are available with which the Secretary of the Interior may make contracts for water or power, and thus guarantee the financial integrity of the project.

I ask Senators particularly to note that statement, that the contracts may be made either for water or for power; and that is in line with the provisions of the Senate bill, which allows the Secretary of the Interior, as an alternative, to contract for the use of water at the dam to generate power, rather than for the sale of power at a Government power plant.

A metropolitan water district, embracing a large number of southern California cities and having an assessed valuation of over a billion dollars, will contract for the storage of water for domestic purposes and for power to pump this water to an elevation of some 1,500 feet. Power, the great financial asset of the project, will be contracted for by such applicants in California as the water district referred to, cities such as Los Angeles, Pasadena, Glendale, and Riverside, and utilities like the Southern California Edison Co. and the States of Nevada and Arizona. All these agencies are announced applicants for power. Their contracts will be good.

These statements all go to prove that the municipalities of southern California greatly desire to obtain cheap power from the Colorado River, and one must conclude that the application for a license filed by the city of Los Angeles with the Federal Power Commission was made in good faith.

It is therefore certain, Mr. President, that if either the application of the Southern California Edison Co. or the application of the city of Los Angeles for permission to develop power on the Colorado River at or near Boulder Dam were granted by the Federal Power Commission the States of Arizona and Nevada would obtain an income by way of taxation from that source.

As I have stated a number of times during the course of this debate, the position of the people of Arizona is that it is perfectly proper for the Federal Government to build a great dam on the Colorado River to impound its flood waters, to utilize those waters for irrigation of public lands, and incidentally to serve the purpose of flood control. No one has any objection to that; but what we do object to is that the Federal Government should take a wholly unnecessary step and actually generate power itself. But that is not all, for the Californians also desire to declare the power plant and the power produced there to be the property of the Federal Government, and thus deprive the States of Arizona and Nevada of a revenue which they would obtain if these applications under the water power act were granted.

It is perfectly obvious that if the city of Los Angeles or the Southern California Edison Co. are willing to build a dam and a power plant, either one of them would be more than willing to build the power plant alone if the Government should build the dam. Cities with an assessed valuation of over a billion dollars certainly should have no difficulty in floating bonds to the amount of $31,500,000 to build a power plant. According to the amendment which I now have pending, and which I am now discussing, a license shall be issued by the Federal Power Commission for the utilization of the site at Boulder Dam to generate hydroelectric power, and the commission will be limited in issuing the license to the city of Los Angeles or to any group of municipalities in southern California associated with that city. Such a procedure would preserve the principle of public ownership and it would, upon the other hand, keep the Federal Government out of the power business.

It is therefore very certain that if Congress should decide that the Federal Government shall not enter into the power business on the Colorado River, if jurisdiction is not taken away from the Federal Power Commission, as is proposed in the Swing-Johnson bill, there are bona fide applicants who are financially qualified to undertake the construction of a power plant at Boulder or Black Canyon. A license can be granted by the Federal Power Commission only after the laws of Arizona and Nevada are fully complied with, which means that the States would receive their taxes. Certainly the Southern California Edison Co. would not expect the States of Arizona and Nevada to forego that right, and neither should the associated cities of southern California, who are in the power business for the profit of their citizens.

Consequently, to pass any bill which in effect repeals the Federal water power act, so far as Boulder Dam is concerned, is a grave injustice to Arizona and Nevada. The applicants for licenses that I have named are financially able to carry out their proposals to develop power on the Colorado River, so that the loss of revenue to the two States is real, not imaginary; is certain, not problematical.

THE WORD "ROYALTY"

I am frank to say, Mr. President, that we in Arizona have made a mistake in discussing this question of revenue to the State of Arizona from power generated on the Colorado River by using, in times past, the word "royalty." I myself was guilty of that mistake, which has helped to create the impression that Arizona's demands with respect to power are unreasonable.

I have here a copy of an address which I delivered under the auspices of the American Legion at Prescott, Ariz., on August 2, 1923. In that address I used the term "royalty"; but, in order that the Senate may understand what I meant by that word, I desire to read a few extracts from what I said at that time:

There is not demand in Arizona to-day for so much as a twentieth part of the power that could be produced within the Grand Canyon region. Time alone can tell how much hydroelectric energy may be consumed in this State, but it is safe to say that there will still be power available long after all those now living have passed away. Our chief object, then, is not to worry about what may happen after we are gone, but to devise some means whereby at least a partial use can be made of this great supply of "white coal" in our own day and generation.

If Arizona can not use a fraction of the power that may be derived from the Colorado River, should we stand in the way of the use of a part of it in other States? Suppose that cheap power does double the present population of Los Angeles and southern California by making that city and section a great manufacturing and industrial center, how will Arizona be injured? Will there not be more mouths to feed and more backs to clothe, and will not that create a demand for the products of Arizona's irrigated farms and stock ranges? How

can we fail to share in the prosperity of so close a neighbor? It seems to me that there can be no just cause for jealousy, but, upon the contrary, we should rejoice at the prospect thus presented, for anything which promotes the welfare of the great Southwest, of which we are an integral part, is bound to redound to our benefit.

But some say that if southern California so greatly needs power from the Colorado River, and if that section is to profit so much by its use, why should not Arizona obtain a share of this new wealth by requiring that a division be made at its source? Since the power sites are all within or partly within Arizona and the principal power market is in California, would it not be equitable for Arizona to require the payment of a fair charge per horsepower on the hydroelectric energy thus used? I am frank to say that this proposal appeals to me as just and reasonable. I believe that a study of the situation will disclose that a rate of royalty can be agreed upon which will not be burdensome to California and yet will be of material benefit to the taxpayers of Arizona.

If the State of Arizona is justly entitled to collect a royalty on power, I believe that that right will be conceded not only by California, the principal place where it can be collected, but by the United States, which should have no objection so long as California is willing to pay. I can speak with better authority for the Federal Government, because Congress has enacted two laws which are precedents for such a charge. The Federal water power act recognizes the principle that even though the United States owns all the power sites, yet the State in which they are located is entitled to some revenue from their use. The Federal Power Commission is required to collect a reasonable annual charge or royalty for the use and occupancy of any power site, and the money received is divided, 12½ per cent to the United States to pay the expenses of the commission, 50 per cent goes into the reclamation fund to construct irrigation projects in the West, and 37½ per cent to the State wherein the power development takes place.

The second precedent is the law which donates 25 per cent of the receipts from the national forests to the States. Not only is this amount paid to the States in lieu of taxes, but 10 per cent more is expended each year on roads within the forest reserves. In addition to these contributions to the upbuilding of the State, the Federal Government is also expending several hundred thousand dollars each year in Arizona for the construction of highways within or partly within the national forests.

If it is proper for Arizona to receive a share of the income from the national forests and a share of the income from power sites, then there is no principle involved, but merely a question of how much. The Federal Government has not failed to be fair in other cases, and it is reasonable to suppose that upon a proper showing in any instance this State will be treated justly.

VARIOUS PROPOSALS BY ARIZONA, CALIFORNIA, AND NEVADA RELATIVE TO POWER

I now desire to direct attention to various proposals that have been made by commissioners representing the States of Arizona, California, and Nevada during attempts to negotiate a compact between those three States of the lower basin with respect to a settlement of the controversy that has existed between them. I do not intend to read the entire document in each case, but only such parts as relate to power.

I hold in my hand the Colorado River development plan submitted by the State of California on December 1, 1925. Article VI of this proposed compact deals with power. This is the California proposal to Arizona:

That in the event the United States of America shall construct a dam in the main stream of the Colorado River at or near Boulder Canyon, creating a reservoir of not less than 20,000,000 acre-feet of water, at which hydroelectric power shall be generated by persons or agencies other than the United States of America, then such persons or agencies generating such power at said dam shall each pay to the Secretary of the Interior one ($1) dollar per annum for each operative horsepower which may be installed by him for it or for his or its benefits, in addition to any and all other requirements by the United States, which said sums so paid shall be paid by the Secretary of the Interior to the States of Arizona and Nevada, in equal parts, annually, said payments to be made at such times and under such reasonable regulations and in such installments as the Secretary of the Interior may, by general order, prescribe. No payment under this article shall be required until power-generating machinery upon which said payment is based shall have been placed in actual operation. The provisions of this article shall not be construed as affecting, or intending to affect, the taxing power of any of the signatory States, but that in the event any of such persons or agencies generating power at said dam shall pay any tax, assessment, impost, or other liability, demand or charge upon said power or works therefor, under the taxing power of the State, or subdivision thereof, then and in that event, for the year immediately following such payment, the amount of money so paid shall be deducted from the amount to be paid to the Secretary of the Interior as hereinabove in this article provided, for the benefit of the State to whom such payment was made. The payment of said sums to the said Secretary of the Interior for the benefit of Arizona or Nevada shall be in lieu of all license or other fees now or which may hereafter be required by the said States, or either of them, for the use, license, or privilege of storing water, or building and operating generating plants, transmission lines, or otherwise in connection with the said dam.

The sum and substance of the California offer was that in addition to any and all charges payable to the United States for power generated at Boulder Dam the consumers of power in that State would pay 50 cents per horsepower per annum to each of the States of Arizona and Nevada. In other words, California admitted the principle in that offer made on December 1, 1925, that the States of Arizona and Nevada are entitled to compensation in lieu of taxes.

The Arizona-Colorado River Commission made a counter proposal on December 17, 1925, Article VII of which deals with power. It will be understood that each of these proposals was in the form of drafts of a proposed tristate compact dealing with power, water, and other matters, I read Article VII:

ARTICLE VII

Any State in which reservoir sites exist in the Colorado River or its tributaries, directly or through any district or agency created in pursuance of and hereafter authorized by the laws of said State, may build dams, hydroelectric power plants, and appurtenant works in such State and operate or lease the same.

I may say in this connection that at that time the idea was rather strongly advocated in Arizona that the State itself should engage in the business of generating power. Arizona is one of the few States of the Union permitted under its constitution to engage in industrial enterprises. I might further add that President Coolidge has more than once suggested that the States themselves should undertake this development, rather than the Federal Government. I continue reading from Article VII:

Such State or States may sell or lease the power produced by such dams or power plants, and may impose taxation on such dams, power plants, transmission lines, and other property incident thereto, and may collect royalties on the power produced by such dams or power plants, or any of them, or impose a tax on such power or provide for both such tax and royalties on such power. Where development works are constructed in two or more States the entire hydroelectric plant, including dams, reservoirs, power houses and appurtenant works, shall be considered a unit in all matters relating to the financing of construction, the operation, lease, collection of royalties, and taxation, regardless of the location of the power plants with reference to State boundaries.

The cost of the construction of all such development works shall be borne by the respective States, districts, or agencies created in pursuance of the laws of such States, and all power and revenue from the sale or lease of power, or royalties on the same, or taxation of such power or works shall be divided among the States in direct proportion to the present amount of fall which the river makes in each State between the dam and the elevation of the bed of the stream reached by the backwater when the reservoir is filled. Where the river forms the boundary between two States, each State shall be allotted one-half of the fall which occurs in the present river bed on such joint boundary for the purpose of computing the relative proportions allotted to each State.

"EQUAL DIVISION" OR "FALL OF THE RIVER"

Permit me to say that the State of Arizona continued to advocate that proposal of a division of power benefits in accordance with the fall of the river within the State until the governors' conference, which was held in Denver last summer. At that time I addressed a letter to the governors of the States of the upper basin, suggesting that the State of Arizona was perfectly willing to adopt the rule of equal division of the benefits or the rule of fall of the river, provided that either rule was made uniform throughout the Colorado River Basin. In the lower basin, where the Colorado River forms the common boundary between Arizona and Nevada, it would be to the advantage of Arizona to adopt the principle of the fall of the river, but above the Grand Canyon, where a dam in Marble Gorge or Glen Canyon would back the water into the State of Utah, it would be disadvantageous to the State of Arizona. The governors were advised that Arizona was willing to adopt the rule of equal division with Nevada if Utah would agree that in the future, if a power development took place on the Colorado above the Grand Canyon region, Utah would not assert a claim to power benefits based upon the fall of the river but would divide the benefits equally with Arizona. I received a letter from the governors of the four upper basin States, in which they stated that in their opinion the better practice would be to follow the principle of equal division of power revenues between the States, and since that time Arizona has adopted that idea in all proposals made. My letter to the four governors and the reply thereto are as follows:

DENVER, COLO., *September 28, 1927.*

To the Governors of the States of the Upper Basin of the Colorado River:

GENTLEMEN: Arizona and Nevada are agreed upon the principle that the States are entitled to receive compensation for the use of their lands and waters when hydroelectric energy is generated by means of dams, reservoirs, power plants, or other works or structures wholly or partly within their boundaries.

The two States are not in accord as to how such compensation should be divided between them. Arizona contends that the proceeds should be divided according to the fall in the river within each State above the point where the hydroelectric energy is generated. Nevada insists that the division should be equal.

In order to bring about an agreement which will end the present controversy Arizona is now willing to adopt either the theory of "fall of the river" or that of "equal division" so long as this rule is to be uniform throughout the Colorado River Basin.

I am sure that an expression of opinion upon this issue from you gentlemen, as the chief executives of your States, will be exceedingly valuable in securing the establishment of a precedent which will be most persuasive when other compacts are negotiated for a division of the compensation received for the use of lands and waters which are located in two States.

Yours very respectfully,

CARL HAYDEN, *United States Senator.*

THE STATE OF COLORADO,
EXECUTIVE CHAMBER,
Denver, September 29, 1927.

Hon. CARL HAYDEN,
United States Senator from Arizona,
Denver, Colo.

DEAR SENATOR: Your letter asking an expression from the Governors of the States of Colorado, New Mexico, Utah, and Wyoming as to what, in their opinion, would be an equitable basis of division of compensation received for the use of the lands and waters employed in the generation of hydroelectric energy by means of dams, reservoirs, power plants, or other works or structures partly within the boundaries of each of the States of Arizona and Nevada is respectfully acknowledged.

During the pendency of the above controversy before the Denver conference we have given the matter our serious consideration. Unfortunately, we have found no rule by which to make an evaluation of the different physical factors contributing to the power under conditions such as are involved in this instance. We are, however, conscious that these factors are so interdependent that each is valueless without others, and that each State is sovereign over the respective factors within its borders, subject only to such constitutional authority as is vested in the United States Government. In view of these facts, as between the two States owning the banks and bed of the river—one owning a large part of the fall of the river and the other a very large part of the area flooded, and the dam site owned jointly—we respectfully suggest that each State should, as between themselves, share equally in the benefits accruing to them from the generation of hydroelectric power.

Very respectfully,

WM. H. ADAMS,
GEORGE H. DERN,
FRANK C. EMERSON,
By JOHN A. WHITING, *Commissioner.*
FRANCIS C. WILSON,
Interstate Water Commissioner for New Mexico.

Returning to the draft of the three-State compact proposed by Arizona on December 17, 1925, I read a further article, which provides:

ARTICLE XI

In the event the United States shall undertake the construction, financing, and operation of any development on the Colorado River for flood control, irrigation, or power purposes, such repayment to the Government shall be made in accordance with the reclamation act and amendments thereto. Each State shall assume an obligation in proportion to the allotment of water and power as provided in this agreement, and assure the Government the repayment of all construction costs together with any interest charged for the full amount so advanced.

It will be noted that the commissioners representing the State of Arizona were careful to say that the Federal Government should be assured of the complete return, with interest, of all money advanced for the construction of any project on the Colorado River.

NEGOTIATIONS IN LOS ANGELES, JANUARY, 1927

Unfortunately, nothing came of these negotiations which were conducted in December, 1925, but commissioners representing the three States of the lower basin again met in January, 1927, and the Arizona proposal of December 14 was adopted as a working basis. I have here a copy of a proposal submitted to Arizona and Nevada by California on January 24, 1927, as one section of a three-State compact. This proposal deals with power only and was made at a meeting in Los Angeles, Calif. I read:

It is expressly agreed and understood as part of this tri-State compact between the signatory States that taxation and the basis of taxation upon power developments on the Colorado River within the States of Nevada and Arizona shall always be reasonable as compared with other property in the respective States.

It is further agreed that the signatory States may secure reasonable revenue from hydroelectric power projects on the Colorado River in such States by taxation at rates equitable and uniform with those on other taxable property within the State, subject to laws of the United States. In case of Government-built projects, the States in which such project is built shall be entitled to compensation equivalent to what they would receive in taxation from private projects, provided that such equivalent compensation in any State shall be based on the average tax rate or rates in that State applied to the assessed valuation of the project: *Provided further,* That if in the opinion of one of the signatory States the amount of the assessed valuation, as applied to any project or projects in which that State is interested appears excessive, then that State shall have the right of appeal to a board of equalization for an adjustment of such assessed valuation. This board of equalization shall be composed of a representative of the State making the assessed valuation, the State appealing such assessed valuation, and a representative of the Interstate Commerce Commission.

It is further agreed that no tax or equivalent revenue shall be levied by or paid to any State on account of any power project until the project shall have been completed to the point of being placed in operation.

It will be observed that in this proposal made by the commissioners representing the State of California on January 24, 1927, the principle that the States of Arizona and Nevada are entitled to receive revenue from taxation of hydroelectric power is specifically conceded.

I have here a draft of a proposition dealing with power which was prepared by the Arizona commission at Los Angeles in response to the proposal submitted by California on January 24, 1927, which I have just read. This draft, which was presented by the Arizona commissioners, reads as follows:

LOS ANGELES CONFERENCE, *January, 1927.*

PROPOSITION DEALING WITH POWER, WHICH WAS PREPARED BY THE ARIZONA COMMISSION AT LOS ANGELES IN RESPONSE TO A PROPOSITION SUBMITTED BY THE CALIFORNIA COMMISSIONERS ON JANUARY 24, 1927

a. It is expressly agreed and understood that the signatory States to this compact, and their legal subdivisions, shall possess the right to derive revenue for public purposes from power developed within their territory or on their boundary, provided that the rates of taxation and the assessed valuation of each State shall be reasonable, equitable, and uniform with those that the State imposes upon other property. In case of projects built on the main Colorado River by the Federal Government or those constructed on the boundaries of two or more States, the States and the legal subdivision on the boundaries of which such projects are built shall be entitled to compensation equivalent to what they would receive from the utilization of their natural resources by a tax on private or corporate development, if these projects were within their own borders. Provided, that no tax or equivalent revenue shall be levied by or paid to any State on account of a power project except to the extent the project shall have been proportionately completed and placed in operation.

b. Provided, that in computing such equivalent compensation the tax rate shall be that of the States and their legal subdivisions, and the valuations shall be uniform and equitable with the value of other hydroelectric power within the States party to this agreement, and provided further, that if in the opinion of one of the signatory States the amount of the assessed valuation as applied to a Federal Government built project or projects, or one constructed upon the boundaries of two or more States, appears to be excessive, that State shall have the right to appeal to a board of equalization for an adjustment of such valuation.

Personnel of the proposed commission to be decided later, if its duties are agreed upon.

In case of appeal, the decision of the board shall be final and binding, subject only to appeal to the Federal courts.

SUDDEN BREAK-UP OF LOS ANGELES NEGOTIATIONS

Duly accredited representatives of the three States were in conference in Los Angeles, actively engaged in a serious attempt to settle their differences with respect to power to be developed on the Colorado River. The question of just compensation for the use of the natural resources of Arizona and Nevada by California was under active consideration. But

suddenly a great change took place. The California commissioners stated that they were in receipt of a telegram from Washington, and that it was no longer possible for them to continue the discussion of power revenues as suggested by Arizona, or upon any other basis. The California commissioners withdrew the proposition which they had originally tendered and abruptly ended the negotiations with Arizona and Nevada.

Until the negotiations at Los Angeles were interrupted by this apparently most compelling telegram from Washington, the three States of the lower basin of the Colorado River were making a business arrangement among themselves which was satisfactory to themselves. What concern could it possibly be to the Federal Government or to any Federal official, if California should agree with Arizona and Nevada that the two States were to receive taxes from power at Boulder Canyon which were to be reasonable as compared with other property?

If such taxes were to be unreasonably high, so high as to be a burden that the Boulder Dam power project could not bear, then the Federal Government might have just cause to interfere. But if the tax was no real burden and California agreed to pay it to Arizona and Nevada above and aside from all moneys due the United States, then no Federal official could have any right to complain. Whoever he was that sent that telegram rendered poor and shabby service to California. He forced the commissioners of that State to break off negotiations with Arizona and Nevada when a complete accord among the three States was practically consummated.

PROPAGANDA ADVERSE TO ARIZONA

After the break up of the negotiations at Los Angeles much propaganda appeared in the press wherein the State of Arizona was charged with making extortionate demands upon California for a royalty or tax on power. The Boulder Dam Association of California issued a pamphlet labeled "The story of a great Government project for the conquest of the Colorado River," which, after stating that Arizona's demands were "prohibitive," says on page 9:

> Arizona demanded a royalty of $6 per horsepower of installed capacity for any power developed on the river within her boundaries including development on Government projects.

I recently read an article in the North American Review for March, 1928. The author of the article, Mr. J. M. Scanland, evidently believed these misrepresentations of Arizona's position on power for he said, in discussing the Colorado River project:

> The proposed tax would amount to about $6,000,000 a year, and this would add greatly to the wealth of Arizona, as it would be collected for an indefinite period.

From among the more recent attacks upon Arizona, I direct the attention of the Senate to the following editorial printed in the San Francisco Chronicle of April 20, 1928:

HOLDING UP THE BOULDER DAM BILL FOR PURPOSE OF RANSOM

By virtue of their position as Senators, ASHURST and HAYDEN, of Arizona, have the power to filibuster against the Boulder Dam bill and so delay it and conceivably prevent its passage as ASHURST did at the last session.

By so doing the position of Senators ASHURST and HAYDEN and the position of Arizona itself would be nothing for pride. Arizona throughout has stood in no proud position on the Colorado River matter. The State has done nothing but block every effort of the other river States to reach a solution of the problem. Arizona has given no cooperation, has never been willing to yield an inch in the compromises always necessary when the interests of so many parties are involved, but from beginning to end has stood stubbornly on the ground that her demands must be met in full or there will be no dam.

And on what basis does Arizona so stiffly insist that all the other river States bow to her? To the river above the dam site Arizona contributes nothing but a trifle of ill-smelling alkali water from the Little Colorado. And this she proposes to reserve to herself out of any settlement, and the other States are willing. All her claim to the pound of flesh she demands rest on nothing more than the accident that one bank of the river at the dam site is an Arizona bank.

Arizona supplies none of the waters in question; the flow of the Little Colorado being reserved she could not build a dam at Boulder Canyon, nor make much use of it if she could. But she declares—and Senator ASHURST shouts it for her—that the dam will pay its last penny of tribute to her or there will be no dam.

In other words, Arizona demands that a ransom shall be paid to her for the safety of the Imperial Valley, every year until the dam is built, in imminent peril of destruction. As a holdup this differs little from those that used to be staged by Arizona highwaymen.

The best answer that I can give to this assertion that Arizona demands her "pound of flesh" in return for "but a trifle of ill-smelling alkali water" is to read a letter that I wrote to the Director of the United States Geological Survey last March, and his reply thereto, which shows that the run-off of the Little Colorado was 384,000 acre-feet last year:

UNITED STATES SENATE,
Washington, D. C., March 20, 1928.

Dr. GEORGE OTIS SMITH,
Director United States Geological Survey,
Washington, D. C.

MY DEAR SIR: On January 30, 1923, I was advised by your office, in answer to a series of questions, that—

"The available records for Little Colorado and Williams Rivers are too short to permit of reliable deductions as to the mean annual flow. The average annual contribution of these streams to the main Colorado has been estimated at 200,000 acre-feet for the Little Colorado and 75,000 acre-feet for Williams River."

I shall be obliged if you will advise me whether you now have more reliable data as to the flow of these streams. I also desire similar information relative to Cataract Creek in Arizona and other streams flowing into the Colorado River between Lees Ferry and the mouth of the Gila, such as the Paria and the Virgin Rivers.

Yours very respectfully,

CARL HAYDEN.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, March 23, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: In reply to your letter of March 20, regarding flow of streams tributary to the Colorado:

A gaging station was built on Little Colorado River at Grand Falls during 1925 and put into operation on November 15 of that year. The run-off from that date to the end of the report year, September 30, 1926, was 173,000 acre-feet, and for the year ending September 30, 1927, it was 384,000 acre-feet.

Records of the flow of Paria River at Lees Ferry have been obtained since November 22, 1923. A summary for the years ending September 30, 1924 to 1926, is as follows:

	Acre-feet
November 22, 1923, to September 30, 1924	16,300
Year ending September 30, 1925	29,500
Year ending September 30, 1926	32,100

A station was also established on Bright Angel Creek near its mouth in the fall of 1923. A summary of the run-off for the years ending September 30, 1924 to 1926, is as follows:

Year:	Acre-feet
1924	24,100
1925	19,800
1926	31,400

No records have been obtained since 1923 of the flow of any of the other streams tributary between the Gila and Lees Ferry.

Yours very cordially,

GEO. OTIS SMITH, *Director.*

From this cleverly written book entitled "Power Control," to which I have previously referred, I read the following, from page 211, with reference to the Arizona demand for revenue from Colorado River power:

Arizona, which failed to ratify the original compact and which has led the opposition to the Swing-Johnson bill in Congress, has asked the right to collect each year from any hydroelectric power produced by the Federal Government on the Colorado River, a sum equal to the taxes which will be paid on the same site owned and developed by private enterprises.

Arizona's first demand was a royalty tax amounting to about $6 per horsepower, which, assuming a constant capacity of $600,000 horsepower at Boulder Dam, would come to the sum of $3,600,000 annually. With this principle once established, they might expect to collect from the entire 4,000,000 horsepower available on the Colorado within Arizona the sum of $24,000 annually or approximately $60 for every inhabitant of the State. This $3,600,000 royalty would so lower the annual return on Boulder Dam that its entire cost would take much longer to pay off. At one time some of the advocates of immediate development in California were willing to agree that some royalty should be paid to Arizona, although, if such an agreement were consummated, it would merely mean the giving away of rights which California did not possess. Senator HIRAM JOHNSON has not approved of any such arrangement. After the entire investment of the Government has been repaid, all the revenue, whether from power sold at the switchboard of a Government plant or from water leases to private companies, should go to the Government to repay its advance of credit. After this has been returned the policy of allocating the revenue from power will be a matter for further decision.

The authors of this book are even unkind enough to taunt the States of Arizona and Nevada for their present lack of wealth. I read from page 213 as follows:

These compacts and withdrawals have a background of poverty. Certain of these Southwestern States are very undeveloped, have only

slight natural resources other than this water power, and want in any way possible to secure an income from it. If a project of a Government-owned plant fails because of their opposition, they may receive some additional revenue through the taxes paid by private companies which develop power. To the extent that they consume the power themselves, they will of course pay back to the company such taxes. Otherwise the consumers in the other States will pay them.

NO REAL BASIS FOR MISREPRESENTATIONS

Now, Mr. President, I want to advise the Senate of the slight basis that existed for all of this misrepresentation of the State of Arizona with respect to the alleged extortionate demands for a royalty on power.

Nothing will be found in any record made at any meeting wherein the State of Arizona ever put any such a demand on paper. No one was more greatly surprised than I to hear the charge made that Arizona demanded a royalty of $6,000,000 a year from Boulder Canyon Dam or that Arizona demanded a royalty of $6 per horsepower for electrical energy produced on the Colorado River which might be transmitted into California.

In an effort to ascertain what basis there could possibly be for such a demand, I inquired of the Arizona commissioners who were in attendance at the meeting in Los Angeles shortly after which this propaganda commenced. What I learned is that the Californians seized upon a suggestion advanced at the Los Angeles meeting by Mr. F. A. Reid, president of the Salt River Valley Water Users Association, a successful business man who is thoroughly familiar with the hydroelectric power business owing to his having had supervision of the Salt River project development. I have heretofore mentioned the excellent way in which he has directed the affairs of that cooperative organization of Arizona farmers. Mr. Reid, who was one of the Arizona commissioners, informed me that during the course of the discussion at Los Angeles it was said that power was worth about $30 per horsepower laid down in the market at Los Angeles. It was also stated that electrical energy could be produced at Boulder Canyon and delivered in Los Angeles for about $18 per horsepower, making a saving of $12 per horsepower.

Mr. Reid remarked that if Boulder Canyon power was worth $30 and could be delivered in Los Angeles for $18, Arizona and Nevada were willing to divide the saving with California, which was $12. In other words, California would get power from the Colorado River $6 cheaper than it could be produced in Los Angeles, and the States of Arizona and Nevada would take and divide between them the other $6.

That statement was made only in the course of a conversation across the conference table; it was never placed in writing; and yet our California opponents have used Mr. Reid's remark over and over again, unceasingly repeating it in such a way as to lead the uninformed to believe that $6 per horsepower is the irreducible minimum demand made by Arizona for a royalty on Colorado River power. There is no truth in the assertion; there never was any truth in it. It was merely a statement made in accordance with Arizona's repeated claim for an equal share of the benefits to come from any Colorado River development. Could there be anything more natural than for Mr. Reid, or anyone else who is fair-minded, to say that if power could be delivered from Boulder Canyon into California at a saving of $12 per horsepower that California should take half of that saving and Arizona and Nevada would take the other half? In no event would Arizona be able to obtain the whole of the $6 per horsepower, because $3, or half of it, would have to be paid to Nevada. Whatever demand Arizona has made it was always contemplated that Nevada should share in it. As I have said, the negotiations in Los Angeles were broken off upon receipt of a telegram from Washington advising the California commissioners not to agree to any kind of compensation to Arizona and Nevada for the use of their lands and their waters for the generation of electrical energy. We have never been able to learn who was the author of the telegram; we do not know who gave the California commissioners the advice to break off the negotiations. They were broken off, however, and no settlement of the controversy came out of that meeting in January, 1927.

THE DENVER CONFERENCE

Nothing further was done until the governors of the four States of the upper basin—Colorado, New Mexico, Utah, and Wyoming—invited the Governors and commissioners of Arizona, California, and Nevada to meet in Denver last summer in an effort to work out a solution of the difficulties in the lower Colorado River Basin. The conference at Denver was presided over by Gov. George H. Dern, of Utah. There were in attendance Governor Emerson, of Wyoming; Governor Adams, of Colorado; and Governor Dillon, of New Mexico, with their commissioners and assistants. There were likewise representatives of the States of Arizona, California, and Nevada, who came there to submit the matters in controversy to the governors of the upper-basin States as mediators.

The governors of the upper-basin States first asked Arizona and California and Nevada to each make a statement in writing with respect to their respective demands for water, and later as to their views with respect to power.

ARIZONA POWER PROPOSAL AT DENVER

I hold in my hand a copy of the proposal submitted by the Arizona Colorado River Commission at that time, which is again in the form of an article to be included in a proposed tri-State agreement. It reads as follows:

ARTICLE V

(a) It is expressly agreed and understood that the signatory States in this compact, and their political subdivisions, shall possess the right to derive revenue for public purposes from power developed within their territory or on their boundary.

Such revenue may be derived by any manner or kind of taxation in each State as may be imposed by such State under its constitution and laws, but whatever kind or manner of taxes are imposed the total revenue derived from such taxation in any State shall be limited to the amount that would be derived from a property tax at the rate levied by such State or taxing districts therein upon other like or similar property within the State upon the property employed or used in the production of such power on the same basis of valuation used by such State or taxing district in taxing other like or similar property therein. The value of the right to utilize natural resources for the production of power, including dam sites, reservoir sites, the water and the fall thereof, in the production of said power may be considered as property used in the production of said power and included in the valuation upon which the limitation of such tax is based.

In order that the benefits of the development of the Colorado River may be distributed among the respective States as if said development were made by private capital the United States agrees that if it shall undertake the construction of any Federal project or projects on the main Colorado River wholly or partly within any of the States party hereto it will make provision in the sale or lease of power or power privileges from such project or projects for payment to the respective States of the same amount of revenue from the power produced by such Federal project or projects as such States would derive under this agreement if such Federal project or projects had been constructed by private capital.

If in the opinion of any of the signatory States the taxes imposed by any other State upon a project constructed by the Federal Government or a project constructed on the boundary of two or more States are excessive, such State or States shall have the right to appeal to a board of equalization for an adjustment of the valuation limiting such taxation. The Colorado Control Commission shall constitute such board of equalization. In case of appeal the decision of this board shall be final and binding, subject only to appeal to the Federal courts.

No revenue shall be received by or paid to any State on account of taxation of a power project, except to the extent the project shall have been complete and placed in operation.

ONE MILL PER KILOWATT-HOUR TO ARIZONA AND NEVADA

When at various times Arizona has proposed to California that payments be made in lieu of taxes, the California commissions have said that they were fearful of the indefiniteness of such a proposal. The Californians have stated that they would prefer that an arrangement be made based upon a rate per kilowatt-hour. Arizona has never insisted upon any such arrangement. As a matter of fact, Arizona has preferred to let the entire question of revenue rest upon the taxation basis. However, in response to this California demand for a statement of the rate of compensation per kilowatt-hour, Arizona has suggested that the rate be 1 mill, one-half of which would go to Arizona and the other half to Nevada.

I find that such a proposal in writing is contained in a memorandum of Arizona's views with respect to an agreement between the States of Arizona, California, and Nevada, which was submitted to Nevada's commissioners in Denver. I read from that memorandum:

We assume that the principles set forth in the Pittman resolution, as submitted to the conference of governors, will be accepted as the settled policy of the Colorado River Basin States, and be incorporated into State agreements. We further assume that the general principles set forth in the written proposition relating to power submitted to the conference by the Arizona commission on September 24, will meet with the approval of the several States interested in the proposition. Subject to such general principles and as further suggestions for a specific agreement among the lower-basin States with reference to power, the Arizona Colorado River Commission submits the following:

* * * * * * *

That allocation of power benefits be made to each of said States as follows:

"(a) Power benefits from any reservoir wholly in one State shall be wholly to the State in which such reservoir is situated. Power benefits from any dam partly in Arizona and partly in Nevada shall be divided equally between Arizona and Nevada. Power benefits from any dam partly in Arizona and partly in California shall be divided equally between Arizona and California. The assent of Utah and New Mexico to this method of division of power benefits between Arizona and California and Arizona and Nevada shall be deemed and held to be an agreement of each of said States to divide equally with Arizona all power benefits from any reservoir partly in Arizona and partly in said State. If any lower-basin State declines to accept this basis of equal division, Arizona shall not be obliged to accept the same from Nevada or California.

"(b) In the case of Government projects the period for the repayment of the Government of the construction costs shall be so adjusted as to permit of the sale or lease of power or power privileges from said project in addition to the costs of maintenance, operation, and betterments and repayments to the Government of 1 mill per kilowatt-hour of power or power privileges sold or leased from such project, which shall be paid to the States interested in the proportions provided for in subdivision (a) of this section."

I have now read to the Senate the various proposals in writing that have been made by Arizona and California with respect to a settlement of the power controversy in the lower basin of the Colorado River.

I now direct the attention of the Senate to an article which appeared in the Community Builder, a magazine published in the city of Los Angeles, which contains a statement by the present Governor of Nevada relative to the demands of that State:

NEVADA AND THE COLORADO

By Hon. F. B. Balzar, Governor of Nevada

The proposed legislation for the development of the lower Colorado River is of vital interest to the whole Southwest, and is probably the most misunderstood and misrepresented piece of legislation that has ever been before the western country.

This is due, primarily, to two features:

First. The political fortunes of those interested in furthering the legislation.

Second. The interests of the particular areas which hope to benefit by the proposed development.

Under the proposed legislation, as presented by the Swing-Johnson bill, the dam will be located in Nevada and Arizona and all of the projects benefiting by the construction are located in California—the 1,000,000 acre-feet of water to be developed for use in southern California cities and the 1,000,000 installed horsepower to be delivered in southern California in the southern California power markets.

The controversy that has arisen then is whether or not the proposed development is entirely fair to the States in which the project is located since it is not possible to tax Government property; and, since this is the only major development possible between Arizona and Nevada, whether or not the two States should in some manner be compensated for the loss of benefits they might receive if the project were developed by private capital.

Attempts have been made from time to time by certain of the States to shift the blame for failure to agree on methods of development of the lower Colorado River, but a review of the hearings from time to time upon the proposed legislation would lead us to believe that at different times possibly all of the States have been somewhat out of line. Californians may, in their eagerness for development and the procuring of more large blocks of hydroelectric power to stabilize their markets, forget that the taking of the largest natural resource in some other State entirely for that development may be somewhat selfish, and Arizona may overestimate the benefits accruing to the California developments and at certain times demand too much. Nevada, therefore, believes that there is a way of dealing fairly with these three States in legislation that will create great wealth for the southwest country and at the same time allow the States in which the project is located an opportunity to benefit if profits are made from the development. Nevada submitted the following recommendations to the Senate Committee on Irrigation and Reclamation January 20, 1928:

"First. That Nevada and Arizona should benefit from the proposed development, at least to the extent that they would benefit if developed by private capital, second only to Government payments and any reasonable reserve.

"Second. That the power be not sold as low as the repayments to the Government will permit, but should be sold at a competitive figure, comparable with the cost of power available elsewhere for these markets.

"Third. That arrangements be made for the sale of the power so that fair offers may be had and that legitimate bidders be not handicapped.

"Fourth. That suitable readjustment periods be arranged for the power charges per kilowatt-hour and also for the proper charges for other service rendered.

"Fifth. That proper charges be made for other service rendered—flood control, silt control, irrigation water storage, and domestic water storage.

"Sixth. That the States shall have the right to withdraw, upon proper notice, certain blocks of power to be used within their own boundaries.

"Seventh. That a board be arranged for from the three lower States to assist the Secretary of the Interior, or any agency supervising the sale of the power and other service rendered, in an advisory capacity to fix the proper charge per kilowatt-hour for power and proper charges for other service rendered.

"Eighth. That an attempt be made to equalize in some manner among the three States the benefits from reclamation financing.

"Ninth. That after the Government advance is entirely repaid the benefits from this development accrue to the States.

"We are convinced that if the above recommendations are carried out the project is economically sound, and we will support legislation containing these provisions."

* * * * * * *

Our State has expended considerable money in retaining power experts, whose ability and integrity is unquestioned, to check the power set-up in the pending legislation, and we are convinced we have our feet on the ground in this matter, and are ready to discuss it in detail at any time.

In Secretary Works's letter to Congress of December, 1926, he pronounced the project feasible by collecting only $1,500,000 per year from other service flood and silt control, and irrigation and domestic water, and that the project could repay the Government investment under 25 years, including a 9-year absorption period. This would make a total of 34 years from the date of completion of the project until the Government would be repaid.

Under the proposed legislation, 50 years is allowed after completion of the project, including the 9-year absorption period, thus leaving 41 years to repay the initial investment instead of 25 years.

Amortization 25 equal payments	$5,000,000
Amortization 41 equal payments	3,048,780
Total	1,951,220

The difference in annual payments between 25 and 41 equal payments is approximately $1,950,000. This amount would be available on the Secretary's own set-up, changing nothing but the amortization period, and could be diverted either to the States or to amortize the Government investment in a much shorter period.

This does not take into account revenues above $1,500,000 from other than power sources, which a study of the situation seems to justify.

It is not to be assumed that Nevada has taken an arbitrary position in these matters. She has submitted her statement, power report, conclusions, and recommendations as a basis to work out legislation.

Any implication that Nevada is attempting to burden the project with unjust charges is entirely erroneous; on the contrary, we want the project. Our only request is that after these benefits accrue to certain projects thus financed that these developments pay toward operation and maintenance, interest, and amortization charges, such amounts as are justified by the benefits they are receiving. In all cases except power the charges would be for permanent service and, once the original cost is repaid, there would be no further charge except for operation and maintenance.

The power then sold at a figure comparable with other power costs for these markets would total a certain sum of money, and any amount each year above the charges due the Government and a reasonable reserve fund could be diverted to the States in which the dam is to be constructed, without hazard to the project, either from the standpoint of the Government or organization under the particular units being financed.

California's interest in the construction is—

First. That the all-American canal is entirely within her State and will relieve the Imperial Valley of the burden of a contract between that valley and Mexico wherein they are to deliver one-half of the water carried by their present canal to Mexico on demand.

Second. That it will make possible the reclaiming of about 450,000 acres of new land under the all-American canal.

Third. That it will store 1,000,000 acre-feet of domestic water for southern California cities.

Fourth. That it will stabilize the power market by the addition of over one-half million firm horsepower in the southern California power markets.

Arizona's benefits will be—

First. That 891,000 acres of land can be irrigated from the water stored by this project after a dam is constructed at Parker.

Second. That small blocks of power may be used in mining interests in the vicinity of the development.

Nevada's benefits will be—

First. That there are approximately 80,000 acres of land that can be irrigated from the waters stored by this development.

Second. That small blocks of power can be used in the vicinity of the development for mining or other purposes.

It is our belief that a way can be found along the lines suggested by us to deal fairly with the interested States, and Nevada will be found squarely behind any legislation that in her judgment works this out properly.

Mr. President, I have now read to the Senate the various written proposals that have been made containing the views of the three States of Arizona, California, and Nevada in regard to power produced on the Colorado River. In all of them the central idea is that the States are entitled to compensation equivalent to the taxes that they would receive if the power development were undertaken by private enterprise.

THE ALL-AMERICAN CANAL SUBSIDY

Let me say in this connection that as the Johnson bill stands, the burden has been removed from power generated at Boulder Dam to the extent of a mill per kilowatt hour by the provisions in the bill which require that the cost of the all-American canal shall be paid for by the landowners in the Imperial and Coachella Valleys.

As I stated a few days ago, there is no doubt that it was the intention of the Senator from California, when he introduced this bill, to make the all-American canal a free gift to the farmers of the Imperial and Coachella Valleys, and to charge the entire cost of that reclamation project to power; but the Committee on Irrigation and Reclamation of the United States Senate, when they came to understand that proposition, utterly rejected it. The bill has been amended in its first section so as to require that the all-American canal shall be paid for by the farmers in the Imperial and Coachella Valleys upon the same terms as any other reclamation project.

I stated to the Senate that the only engineering estimate of what the cost of the all-American canal subsidy would have been if it had been carried out as it was originally provided in the Swing-Johnson bill had been made by Mr. George W. Malone, State engineer of Nevada. In his testimony before the Committee on Irrigation and Reclamation of the Senate, Mr. Malone stated—and that statement never has been controverted—that it amounted to seven-tenths of a mill per kilowatt-hour. In other words, if the power at Boulder Dam had been required to pay, over the amortization period provided for in the bill, the sum of $31,000,000 for the construction of the all-American canal, that would have amounted, during that period, to seven-tenths of a mill per kilowatt-hour.

I further demonstrated to the Senate that the cost of the all-American canal, instead of being $31,000,000, was in truth and in fact $42,000,000, because the bill provides for the construction of the canal not merely from the Laguna Dam through the sand dunes to Imperial Valley but to Coachella Valley. That canal, as shown by the Fall-Davis report, if constructed for 140 miles up to and around Coachella Valley, would cost $11,000,000. So that to carry out the purpose of the bill as it is now before the Senate, the construction of a canal from the Laguna Dam, serving the Imperial and the Coachella Valleys in California, will cost $42,000,000, according to the estimates of the engineers of the United States Reclamation Service.

If we change the basis of computing what the all-American canal subsidy amounted to from $31,000,000 to $42,000,000, it is quite evident that, if $31,000,000 represents seven-tenths of a mill per kilowatt-hour, $42,000,000 will represent a mill, or approximately that, per kilowatt-hour. By the elimination of that subsidy, as has been done by the committee amendment to this bill, it is possible to sell power to the consumers in Los Angeles a mill cheaper than before. That is undoubtedly the situation as the bill now stands. If the consumers of power in Los Angeles were entirely satisfied to obtain power as cheaply as it was offered to them under the former arrangement, and if a mill has been saved by striking out the all-American canal subsidy, Los Angeles and the other California municipalities can give that mill to Arizona and Nevada—half a mill to Arizona, and half a mill to Nevada—and still obtain power for their citizens just as cheaply as it was proposed in the beginning.

CALIFORNIA COULD AFFORD TO PAY 1 MILL PER KILOWATT-HOUR TO ARIZONA AND NEVADA FOR POWER

That brings us to the question as to whether consumers of power in southern California can afford to pay to Arizona and Nevada what would be the equivalent of the taxes that would be paid if Boulder Dam power were developed by private capital.

Let us first consider the proposed charge of 1 mill per kilowatt-hour. Los Angeles is the chief consumer, as is very properly stated in the report filed by the senior Senator from California [Mr. JOHNSON]. I have in my hand editorials from the Washington Herald, a Hearst newspaper, which I suspect were originally written in Los Angeles and reprinted here in Washington. One of them states:

If that 600,000 horsepower of electric energy is developed at Boulder Dam the largest block of it will be sold to Los Angeles. Under the Federal water power act, preference must be given to cities as purchasers. Los Angeles stands ready and eager to buy it.

Los Angeles owns its own electric light plant and serves its own citizens. It gets its current from its own power plant, through which runs the water of the great Los Angeles Aqueduct. The city urgently needs more current to serve its growing population. It will get it from Boulder Dam.

Los Angeles charges its citizens only 5 cents per kilowatt-hour for domestic current. Compare that with your own electric light bill. It is about 50 per cent below the average rates of private companies in the United States.

The public-owned Los Angeles system also charges low rates to manufacturers, and cheap electricity has become a leading reason for the flight of industry to Los Angeles.

In spite of these low rates, the city of Los Angeles last year earned a profit of $3,500,000 on its electric-power system, after deducting all interest, sinking fund, and depreciation charges.

Another editorial from the Washington Herald reads:

You see Los Angeles has played the mischief with the private electric interests by building its own electric light plant and distributing electricity at 5 cents per kilowatt-hour to citizens.

Los Angeles now has only enough cheap power, manufactured on its aqueduct system, to serve part of its population. If Boulder Dam is built, Los Angeles will extend its public-owned system to serve its entire population, and other southern California cities may purchase and operate their electric light plants to provide cheap electric current for their citizens, too. Incidentally, Los Angeles makes a profit of $3,500,000 a year from its electric-light system.

Great Heavens, what an example—it is ruinous. To-day the capitalization of local electric-light companies all over the country is being swollen by mergers and supermergers, and State public utility commissions let them earn 7 or 8 per cent on the whole pyramided stock. Of course, a company so overcapitalized, charges much higher rates than the publicly owned Los Angeles system.

I find on page 171 of this book, Power Control, the following statements:

In 1916, after negotiations for the purchase of the distributing system of the Southern California Edison Co. and the Pacific Light & Power Co. had failed, the city started the construction of its own electric distributing system. The first consumer was connected in the fall of 1916 and a rate of 5 cents per kilowatt-hour (afterwards raised to 5.6 cents and now again at 5 cents) established.

After a few months of intensive competition in which the municipal system was able to take over from the private corporations more than 70 per cent of their business in the limited competitive area, these two private corporations agreed to sell. In 1919 bonds were voted for their purchase, but these bonds were held up in court until 1922, through the continuous attack on the extension of the municipal system by private interests.

On purchasing this system, the city found 117,000 consumers of that company paying 6.2 cents per kilowatt-hour, which rate was reduced to meet the 5.6-cent rate of the municipal system. This reduction meant an immediate saving of $600,000 a year to these consumers. The remaining private company thereupon reduced its rate to 5.6 cents, a reduction which saved to the consumers some $400,000.

From these presumably reliable sources of information it will be observed that the consumers of power in Los Angeles are now paying 5 cents per kilowatt-hour for domestic current. Five cents is 50 mills. They are paying on the average 2 cents per kilowatt-hour less than the charge made by private power companies in the United States. In verification of that statement I again read from page 103 of this book, Power Control, which is so full of interesting facts:

For the Nation as a whole the Electrical World (May 8, 1926) estimated that the average residence bill in 1926 was 7.64 per kilowatt-hour; the average rural bill, 12 cents; and the average bill for commercial lighting, 5.75. From these estimates it seems likely, considering the relative amounts of energy used by city and country, that the combined bill for domestic and rural uses would be between 8 and 9 cents. On the other hand, recent statistics furnished by the National Electric Light Association gives a revenue averaging about 7 cents per kilowatt-hour for energy supplied "for domestic services (all uses)"—lighting and heating, cooking, etc.

According to this book the average rate charged to consumers of domestic electric current in the United States by private power companies is over 7 cents. The Los Angeles

municipal rate to domestic consumers is 5 cents. The difference between 5 cents and 7 cents is 20 mills. Can anyone say, therefore, that the payment of half a mill per kilowatt-hour to Arizona and half a mill per kilowatt-hour to Nevada, which is the largest amount ever demanded by either of the two States, would in any manner affect the price of power paid by the consumers served by the Los Angeles municipal system? The original cost of power has but little, if anything, to do with it. That is the truth, as I shall further demonstrate. The Los Angeles Bureau of Power and Light has a practical monopoly of the sale of electricity for domestic use within that city and furnishes 90 per cent of all current for industrial purposes. The addition or elimination of a mill per kilowatt-hour would cause no noticeable loss in the number of customers served by that bureau.

Such being the fact, there can be no justification for the propaganda which has been spread broadcast throughout the United States that the State of Arizona has attempted to impose an extortionate demand upon the State of California, has attempted to collect such a high rate of royalty that it would jeopardize the success of the entire scheme of developing power on the Colorado River at Boulder Dam.

GENERATION THE LEAST PART OF POWER COSTS

In the course of my remarks I have referred to the division of power costs to consumers under the Salt River project; Arizona, where, according to the official newspaper of the Salt River Valley Water Users' Association, the Arizona Producer, the generation of power costs 10.1 per cent of the retail price, the transportation of power 5.1 per cent, and the distribution of power in the Salt River Valley 84.8 per cent.

I hold in my hand a bulletin issued by the Ohio Chamber of Commerce, from which I shall read this interesting extract:

PARTS OF RETAIL DOMESTIC ELECTRIC RATE GOING TO GENERATION, TRANSMISSION, AND DISTRIBUTION

Mr. Lester S. Ready, chief engineer Railroad Commission of California, analyzed the experience of a large hydroelectric system in California, which system included both large and small hydro plants and necessary stand-by steam plants, and found "the biggest single item of expense in the service to the small lighting consumer is that which is incurred almost between the street and the consumer's premises. Interest, depreciation, maintenance, and operating expenses in connection with the service wires and meter, the reading of the meter, making out and presentation of bill, collection of money, amounts to approximately 75 cents per month per consumer and represents practically 2 cents per kilowatt-hour of average use. For the consumer using but 20 kilowatt-hours this is practically 4 cents per kilowatt-hour. The average cost of energy to some 200,000 residential consumers was 5.3 cents per kilowatt-hour." Prorating the general expenses and taxes over the system on the basis of four-ninths to generation, one-ninth to transmission, and four-ninths to distribution gave:

Generation, 0.72 cent, or 14 per cent of domestic cost.

Transmission, including 0.34 cent for steam stand-by cost, 0.64 cent, or 12 per cent of domestic cost.

Distribution, 3.94 cents, or 74 per cent of domestic cost.

Getting current for nothing at Boulder Dam would make little difference in a Los Angeles electric consumer's bill.

I believe that last statement to be true. The generation of power under modern conditions amounts to practically nothing—distribution is the chief element of cost. I am further convinced that no one can justly say that any demand that has been made by the State of Arizona for compensation in lieu of taxes would in any manner affect the business of generating power at Boulder Dam, or would ever be noticeable in any electric-light bill paid by any consumer of power in the city of Los Angeles.

AVERAGE TAX 2 MILLS PER KILOWATT-HOUR

Having shown that the consumers of power in southern California can afford to pay 1 mill per kilowatt-hour in lieu of taxes, let us return to the proposition that Arizona and Nevada are entitled to receive compensation in lieu of taxes, not in the form of mills per kilowatt-hour but only upon the same basis of taxation as is fixed for other property. I find on page 188 of this most interesting book, Power Control, this statement:

The 1922 census shows a charge for taxation of about 2 mills per kilowatt-hour on the amount of energy the industry reports that it sold in that year. Disregarding for the moment all taxes the hydroelectric commission pays and the services rendered at cost in lieu of taxes, the increase in its expenses through customs duty on equipment imported from the United States an increase of 2 mills per kilowatt-hour in its cost rate would seem still not bridge the remarkable gap between its rates and the rates charged in the United States.

I do not know whether the authors of this book, who seem to have been very careful and reliable in the preparation of their facts, are correct in the statement that the average cost for taxation paid by private power companies in the United States is 2 mills per kilowatt-hour. But if they are anywhere near correct I direct the attention of the Senate to the fact that the most that Arizona and Nevada have ever asked is half a mill a kilowatt-hour to each State, which would be one-half of the average rate, according to this book, paid by the private power companies in the United States.

ONTARIO "HYDRO" PAYS TAXES

Mr. President, heretofore in my remarks I have directed attention to the fact that the Ontario Hydro Commission, which is recognized as one of the most successful hydroelectric developments in the world, is not a creature of the Dominion of Canada and does not represent the general Government of Canada in the power business. It is a commission created by the Province of Ontario and pays its taxes to the Dominion, to the Province, and to cities and towns, the same as any other taxpayer.

I have here a pamphlet entitled "Re Wyer-Walcott Report—Smithsonian Institution. Misstatements and misrepresentations derogatory to the Hydroelectric Power Commission of Ontario contained in a report published by the Smithsonian Institution entitled 'Niagara Falls: Its Power Possibilities and Preservation,' under the authorship of Samuel S. Wyer, examined and refuted by Sir Adam Beck, Toronto, Canada, 1925."

From page 7 of this pamphlet I read as follows:

ONTARIO MUNICIPALLY OWNED SYSTEM DOES PAY TAXES

In his report Mr. Wyer, seeking to explain why in Ontario the rates are "considerably below those prevailing in the United States," asserts:

"The governmentally owned hydroelectric system * * * in Ontario is not taxed."

He further states:

"This means a gain of about 10 per cent to electric consumers, with corresponding loss to taxpayers, as compared with conditions in the United States."

The "governmentally owned hydroelectric system" to which Mr. Wyer refers is, of course, the Hydroelectric Power Commission of Ontario, and when he states that this organization "is not taxed" Mr. Wyer affirms what is absolutely false.

The Hydroelectric Power Commission of Ontario pays taxes both to municipalities and to the Provincial government to the extent of hundreds of thousands of dollars annually not only on land which it occupies but in connection with other properties which it operates. In addition, the commission has paid millions of dollars in customs duties to the Government of Canada, directly and indirectly, on materials and equipment which must be imported from the United States and other countries, a charge for which there is no similar expense of comparable magnitude in the construction and operation of United States utilities.

Far from being losers as compared with the United States taxpayers, Ontario taxpayers enjoy a decided advantage. In the United States the municipalities in their rates for street lighting, waterworks, pumping, and other municipal services pay a profit to the shareholders of the public-utility corporations, which must come out of the pockets of the taxpayers. In Ontario these municipal services are supplied at cost, and in this regard the saving to the taxpayers has been estimated to be substantially in excess of $1,000,000 annually.

I do not know whether the senior Senator from Nebraska [Mr. NORRIS], who has of late been kind enough to give me his undivided attention, heard what I had to say earlier in the day with respect to the power situation in southern California as compared to that which now exists in Ontario, Canada. I stated to the Senate that in my judgment there was no reason why the municipalities in southern California, with the city of Los Angeles at their head, should not duplicate in southern California what the Hydroelectric Power Commission of Ontario has done with cheap power from Niagara Falls. The California cities and towns are so situated that with cheap power from the Colorado River they can successfully compete with any private power company in that State.

If that is true, if they are to be in that position, what is the necessity for the United States Government building a power plant for them on the Colorado River? Is there any more need than there was in Canada for the Dominion Government to build a power plant at Niagara Falls for the Ontario Hydro? In my opinion the Dominion of Canada acted wisely in keeping out of the power business as a Dominion, and the people of Ontario were wise in developing under their own control and management a system of public ownership which has been the marvel of the electrical world. It is no more marvelous than that which has already taken place in southern California and that which can take place by further development of power on the Colorado River. But in each instance there should be no exemption from taxation. The

Ontario Hydro pays taxes to the Dominion Government, to the Province of Ontario, and to the municipalities in which it does business. The municipalities of southern California, if they desired to go over into Arizona and Nevada and develop hydroelectric power, should likewise pay the State taxes, because they are also in the power business for profit. The proof of it is that the city of Los Angeles last year made a profit of $3,500,000.

COMPENSATION IN LIEU OF TAXES BY STATES TO LOCALITIES

I now desire to direct the attention of the Senate to a series of State laws which provide for compensation to localities where private property has been acquired by the State for public purposes. In each instance, the local community would otherwise suffer a loss in taxable income because the State had embarked upon some enterprise or adopted a policy which was for the benefit of its people as a whole. These States have recognized their duty to protect a part from injury by the whole just as Arizona and Nevada, as a part of this Union of States, are now asking that Congress shall protect them from the loss of a revenue that they would otherwise obtain if the Federal Government refrained from going into the business of producing hydroelectric power at Boulder Dam.

I have here a series of extracts from State statutes which were prepared for me by the legislative reference service of the Library of Congress and which I desire to read.

In the State of Connecticut, Laws 1925 (c. 246, p. 4051)—

the act provides for the reimbursement of towns for loss of taxes on property owned by the State and used as a State correctional institution, hospital for tubercular or insane or feeble-minded, military camp ground, fish hatchery, game preserve, forest reservation or park, and for Fitch's Home for the Soldiers. The land shall be valued on the basis of acreage, and no higher valuation shall be placed on any such lands than the average value of improved farm land as valued for purposes of taxation.

In that instance the State of Connecticut recognized that the local communities should not be deprived of revenue because lands are taken for a public purpose.

I now quote from the statutes of Illinois, Laws 1927 (p. 835, subsection (d)):

When any State institution is located in a school district having fewer than 1,000 inhabitants and the State owns one-eighth or more of the total land areas of each district, and pupils who are members of families employed in said institution, attend the public school in said district, the State shall pay an amount equal to the sum which would be assessed against the land for taxes if privately owned, based upon the tax rate for school purposes in the district.

The State of Illinois has recognized that where there is a large area of State land in a school district the other local taxpayers can not and should not be justly called upon to support the public schools without extra State compensation. It is the same principle which Congress has recognized in a case where the United States owns large areas of untaxed forest lands within a State.

I now quote from the Massachusetts Laws of 1927 (ch. 321, sec. 20, p. 400):

[A full compensation for any loss of taxation or any other loss caused by the carrying out of the provisions of this act (relating to the metropolitan water district), the metropolitan district water supply commission shall pay to the county of Hampshire the sum of $55,000,] which sum shall be paid at the time of the annexation of the towns of Enfield, Greenwich, and Prescott to adjacent towns. On the land in these three towns acquired previous to the date of annexation, the commission shall pay to each said town, in which the respective land is located until such time as the annexation of said town, as provided in section 13 of this act, a sum in lieu of taxes computed and paid as in sections 6 and 7 of said chapter 59 of the General Laws, but including for this period the buildings and structures thereon. Subsequent to said annexation, neither the commission nor the metropolitan district commission shall pay any taxes or make any payments in lieu of taxes on land or buildings within the present limits of said towns of Enfield, Greenwich, and Prescott.

Next, I quote from the Michigan Laws of 1925 (No. 91, p. 123):

Lands owned and held by the State for State game reserves and State game farms shall be valued for taxation purposes by the board of State tax commissioners. The assessing officers of the several assessing districts of the State in which such lands are located shall enter the valuation on the assessment roll and assess such lands at the same prorate as other real property in the district.

There is no difference in principle between a State game preserve in Michigan, which takes private property out of taxation in a local district, and a reservation of Federal lands from taxation in a Western State, or the utilization of the resources of those States by the United States for the generation of hydroelectric power.

I come now to Missouri, laws of 1925 (sec. 11943d, p. 111):

* * * The State forester shall lease for grazing purposes the lands comprised in State forests. * * * Proceeds from the rentals of such forest lands and the income derived from the sale of timber shall be set aside and apportioned to the school districts in which such forest lands are located, provided such district levies a maximum of 65 cents on the $100 of assessed valuation for school purposes.

In New Jersey laws of 1926 (ch. 168, p. 277) it is provided:

There shall be paid annually to each township or other municipality in which lands are held as State forest reserves the sum of 10 cents per acre for each acre of such reserves in the township or other municipality.

I cite the following reference to the law of New York:

(Cahill's Consol. Laws of 1923, ch. 61, sec. 4, p. 2110)

Exemption from taxation: * * * (2) Property of this State other than its wild or forest lands in the forest preserve.

(Cahill's Consol. Laws, 1923, ch. 61, sec. 22 amended by Laws of 1927, ch. 258, p. 696)

All wild or forest lands within the forest preserve and also all such lands owned by the State in the towns of Altona and Dannemora, county of Clinton, except the lands in the town of Dannemora upon which buildings and inclosures are erected and maintained by the State for the use of State institutions, together with said buildings thereon, shall be assessed and taxed at a like valuation and rate as similar lands of individuals within the tax districts were situated. * * *

(Laws of 1925, ch. 390, sec. 446a, p. 713, amending conservation law)

Real estate owned by the State and acquired for river regulation by storage reservoirs shall be assessed and taxed in the same manner as wild and forest land within the forest preserve pursuant to section 22 of the tax law. * * *

I also desire to refer to the law of Texas, as follows:

(Laws of 1927 (1st Ex.), ch. 81, p. 224, amending Rev. Stat. 1925, art. 7150)

Property heretofore or hereafter acquired by the State for prison farms or other prison purposes shall not be exempt from payment of its pro rata of any bond tax of a public-school district of which said territory or property was a part. * * *

In Vermont it is provided:

(Laws of 1919, No. 28, p. 34)

All lands held as State forest reserves shall be appraised under the provisions of section 722 of the General Laws and set to the State in the grand list of the town where located and the State shall pay taxes thereon. (Section 722 amended by Laws of 1919, No. 28, p. 34–35.)

(Laws of 1925, No. 22, p. 36)

All public lands held by the State as game refuges shall be appraised at a sum not to exceed $3 per acre and set to the State in the grand list of the town where located and the State shall pay taxes thereon.

In an additional list furnished by the Legislative Reference Service of the Congressional Library I find the following with reference to Iowa:

(Statutes of 1924)

SEC. 6954. County lands. All lands in this State which are owned or held by any other county or counties claiming title under locations with swamp-land indemnity scrip, or otherwise, shall be taxed the same as other real estate within the limits of the county.

Here is a reference to the Massachusetts general law of 1921:

(Ch. 58, secs. 13–17, as amended by ch. 54, laws 1922)

The commissioner of corporations and taxation shall between April 1–June 1, 1925, and in every fifth year thereafter determine the fair cash value of all land in every town owned by the Commonwealth and used for the purposes of a public institution under the department of mental diseases, the department of public welfare, or the department of correction, a fish hatchery or game preserve, a State military camp ground, or a State forest.

The treasurer not later than November 20 shall reimburse each town in which the Commonwealth owns land for the purposes named an amount in lieu of the taxes upon the value of such land as reported to him by the commissioner determined by multiplying each thousand dollars of valuation or fractional part thereof by the rate provided for under section 58, chapter 63.

That, it seems to me, may be used as a very good comparison of the situation with respect to the relationship which the Nation as a whole bears to two undeveloped States such as Arizona and Nevada.

I find in North Carolina consolidated statutes annotated of 1919 the following law:

(Vol. 2, sec. 6124)

State forests acquired by the State, by donation or purchase, shall be subject to county taxes assessed in the same basis as are private lands, to be paid out of money in the State treasury not otherwise appropriated.

In order to carry out a conservation policy in the State of North Carolina certain lands are taken out of private ownership and thereby become exempt from county taxation. But the State of North Carolina, recognizing that an injustice would thereby be done to one of its subdivisions, has very properly provided that the same taxes shall be paid by the State to the county as would be paid if the lands were in private ownership. That is all Arizona and Nevada are asking with respect to power if developed by the Federal Government, or under its auspices, on the Colorado River. We have not the slightest objection to the Federal Government building a great dam and allowing power to be generated, but we do say that if the United States shall go into that business either directly or indirectly, that fact shall not be used as a subterfuge to deprive our States of the taxes which they would otherwise receive if the power were developed by private enterprise.

I find the following reference to the laws of the State of Pennsylvania:

SECS. 11, 117, 11, 118. Tax for roads and schools: Fix an annual tax of 2 cents per acre on all lands acquired by the Commonwealth for forest reserves for benefit of schools in the districts in which reserves are located, and 2 cents per acre for benefit of roads in townships where reserves are located.

SEC. 11, 121. Tax for county purposes: Fixes an annual charge of 1 cent per acre on all lands acquired for State forests for the benefit of the counties in which they are located. (Public law 78, sec. 1, 1919.)

In addition to the State laws providing for compensation to localities which I have cited I have here the text of a number of acts passed by States which I shall not take the time to read, but which I ask unanimous consent may be printed in the RECORD.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

VERMONT

NO. 22. AN ACT TO SUBJECT GAME REFUGES TO LOCAL TAXATION

[H. 123]

It is hereby enacted by the General Assembly of the State of Vermont—

SECTION 1. Taxation of game refuges: All public lands held by the State as game refuges shall be appraised at a sum not to exceed $3 per acre and set to the State in the grand list of the town where located, and the State shall pay taxes thereon.

SEC. 2. This act shall take effect from its passage.

Approved March 9, 1925.

PENNSYLVANIA

An act (No. 61) providing a fixed charge on lands acquired by the State to be held as State forests, and the distribution of the same for county purposes within the counties where State forests are located

SECTION 1. *Be it enacted, etc.,* That from and after the passage of this act, all lands now acquired or hereafter to be acquired by the Commonwealth for State forests shall be subject to an annual charge of 1 cent per acre for the benefit of the counties in which said State forests are located.

SEC. 2. The Commissioner of Forestry shall certify the respective areas in the counties to the State Treasurer, and the State Treasurer shall pay the amount of the charge in favor of each county in the same manner as the fixed charges upon State forests for road and school purposes are now certified and paid.

SEC. 3. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Approved the 18th day of April, A. D. 1919.

WM. C. SPROUL.

NEW JERSEY

CHAPTER 168

An act to amend an act entitled "A further supplement to an act entitled 'An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State board of forest park reservation commissioners and defining its powers and duties,' approved March 22, 1905," which further supplement was approved April 13, 1908

Be it enacted by the Senate and General Assembly of the State of New Jersey:

First. There shall be paid annually to the treasurer of each township or other municipality in which lands are held as State forest reserves, under the act to which this act is a supplement, the sum of 10 cents per acre for each acre of such reserves in said township or other municipality. Said payment shall be made on the order of the State board of forest park reservation commissioners, or its successors in office, from the appropriation made for the maintenance of State forest reserves.

Second. This act shall take effect immediately.

Approved March 26, 1926.

NEW HAMPSHIRE

(Laws 1925, ch. 4)

SECTION 1. Amend section 1, chapter 67, of the laws of 1923 (ch. 193, secs. 15, 16, and 17 in the report of the commissioners to revise, codify, and amend the public laws), by inserting in line 1 after the word "national," the words "or State," and by inserting in line 2, after the word "situated," the words "whether acquired by gift, purchase, or in any other manner," so that said section as amended shall read as follows:

SECTION 1. Any town in which national or State forest reserve lands are situated, whether acquired by gift, purchase, or in any other manner, may apply, by its selectmen, to the tax commission annually before September 1 for an abatement of its portion of the State tax, to an amount not exceeding one-half the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable. The tax commission shall give notice of such application and of hearing thereon by publication in some newspaper published in the county in which said town is situated, and after hearing and investigation, and upon good cause, may make an abatement of such an amount as equity may require, subject to the limitations above provided. If an abatement is granted the commission shall certify the fact and the amount to the State treasurer, who shall account to said town for such abatement out of any funds in the Treasury not otherwise appropriated. In making any abatement the commission shall consider among all other facts the amount of compensation, if any, which such town has received in any one year from the Federal or State government through sale of trees from such land.

SEC. 2. This act shall take effect upon its passage.

Approved February 18, 1925.

TAXATION OF MUNICIPAL PROPERTY IN CALIFORNIA

Mr. HAYDEN. Mr. President, it is interesting to note that there is a provision in the constitution of the State of California which reads as follows:

CALIFORNIA

(Constitution, Art. XIII, sec. 1)

Revenue and taxation * * * and such (property) as may belong to the United States, this State, or to any county, city and county, or municipal corporation, within this State shall be exempt from taxation except such lands and improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation: *Provided,* That no improvements of any character whatever constructed by any county, city and county, or municipal corporation shall be subject to taxation. * * *

I do not know what was the origin of this provision of the California State constitution, but I suspect that it appears in that document by reason of the activities of the city of Los Angeles in acquiring property along the now famous Owens River Aqueduct in Inyo County. I have here a statement from the board of public service commissioners of Los Angeles, published in 1916, which states:

The city (Los Angeles) has not exercised its right of exemption from taxes but has always paid its taxes as a private owner would. To May, 1913, the city had purchased, under the act of Congress (June 30, 1906, ch. 3926, 34 Stat. L. 801) Government lands to the extent of 27,906 acres and 97,023 acres of private lands, or a total holding in Owens Valley of 124,929 acres. * * *

It would therefore be nothing new, novel, or unusual for the city of Los Angeles to pay taxes on property owned and controlled by it outside of its city limits. That is all that Arizona and Nevada are asking the city of Los Angeles and the other southern California municipalities to do if they come to Boulder Dam on the Colorado River to obtain hydroelectric power.

THE CITY OF TACOMA

Through the kindness of the senior Senator from Nebraska [Mr. NORRIS] I have obtained excerpts from a letter addressed to him by Mr. Homer T. Bone, counsel of the port of Tacoma, Wash., dated February 20, 1925, from which I read as follows:

You ask about the light department paying certain money into the general fund. Under ordinances of the city of Tacoma the light department pays 5 per cent of its gross earnings into the general fund to

relieve the taxpayers. The light department is run as a separate business institution, to the end that its financial affairs may not be intermingled with general municipal accounting. The city "buys" current from its light department to light the streets, and the city council has been appropriating $50,000 per year to pay to the light department for this service, although the actual cost of the current to the light department has been two or three times this amount of money. The light department also pays a part of the cost of maintaining the city attorney's office, a substantial sum as rental to the city for its offices in the city hall, and rental to the city on land owned by the city and occupied by a steam generating plant owned by the light department. All of this is in addition to the 5 per cent gross tax which you mention in your letter.

Under the law of this State publicly owned property does not pay taxes, and this 5 per cent tax is merely a contribution which the city council by ordinance levies against the funds of the light department to help the general taxpayer.

I gather from this statement by Mr. Bone that the authorities of the city of Tacoma have arrived at what to my mind appears to be a sound and sane business conclusion, and that is that the manufacture of electric current and its sale to citizens is a business and not a governmental function of the city. Rendering such service should be treated on a strictly business basis and kept separate from the other municipal activities of the city. Therefore a charter provision has been adopted which in effect levies a tax upon that part of the city's business which would be the same as would be paid by a private power company if it were engaged in the business of selling power in the city of Tacoma. The following is an excerpt from the Tacoma city charter:

SEC. 50. The council may by ordinance impose upon any of said subdepartments for the benefit of the general fund of the city a reasonable gross earnings tax, which shall not be disproportionate to the amount of taxes which said subdepartment would pay if it operated as a private utility, and shall not exceed 7½ per cent, and shall charge to and cause to be paid by each of said subdepartments a just and proper proportion of the cost and expenses of all other departments, boards, or offices of the city rendering services thereto or in behalf thereof.

SHALL POWER BE TAXED?

Mr. President, it might be said that there was no justification for the adoption of such a provision in any city charter, because the city could tax other values created by cheap power when made available within its limits. The other values thus brought into existence are so much greater that whatever might be added to the assessment roll by a direct tax on power would be of but little consequence.

I find that a similar argument has been made in favor of a very low tax rate on properties belonging to private power companies, or even an exemption from taxation of such properties. The following extract from an editorial in a publication called Water Resources expresses that point of view:

TAX THE PRODUCT AND NOT THE POWER

The Federal Government as well as the governments of the several States have the viewpoint that the power in water generated by rapids and waterfalls is taxable as a revenue source. This attitude is not uniform in the States. In Maine, for instance, under the decisions of the supreme court of that State, water powers, although they represent great value in the view that is held there, are not taxable as property. This decision is not in conformity with the law of many other States.

Extension of revenue sources for governmental expenses are vigilantly sought and the horizon of tax pursuit scanned with hopeful vision. On this subject Governor Baxter, of Maine, said of the situation there: "With the ever-increasing demands for appropriations now made upon our legislature, some new sources of revenue must be obtained, else the burden of taxation can no longer be borne by our citizens."

Water Resources expresses the opinion that the taxation principle of seeking revenue in water power itself is wrong from an economic standpoint. The revenue source should be in the values created by the utilization of water power.

The values that would come into taxable application multiply themselves manyfold. Aside from the wealth translated into manufactured products the taxable source would extend itself in a myriad of directions.

The people of Arizona heartily agree with the general idea expressed in that editorial, provided—and ever and always provided—that the values which come into taxable application are within the same State. The Federal Government now has an investment in the Salt River project of over $6,000,000 which is not taxed. The title to the Roosevelt Dam rests in the United States and is not on any Arizona tax roll. But by reason of the construction of that dam the assessed value of property in my State has been increased by over a hundred million dollars and will be much greater as time goes on.

Under such circumstances it is not a matter of grave concern to the taxpayers of Arizona whether the Roosevelt Dam is ever made subject to taxation. But suppose that the site upon which it is located were in California and practically all the hydroelectric power produced by it and the other project works were transmitted into Arizona. With the site a natural resource of California but all the new wealth created by it in another State, would not the people of California feel that they were entitled to some revenue from that source?

STATE SEVERANCE TAXES ON NATURAL RESOURCES

Other States have taken that attitude by taxing the use of their natural resources at the source of production. Let me direct the attention of the Senate to a number of State laws imposing severance taxes on natural resources. The Commonwealth of Pennsylvania contains within its borders great deposits of anthracite coal. That excellent kind of coal is not found to any great extent in other States, so vast quantities of it are exported.

In order to obtain revenue for Pennsylvania the legislature of that State authorized the collection of a tax of 1½ per cent of the value of every ton of anthracite coal mined and prepared for shipment. No tax, however, is levied on bituminous coal, which has a greater use in Pennsylvania.

The constitutionality of this law enacted by the Pennsylvania Legislature was contested in the courts, but the Supreme Court of the United States held it to be valid in the following decision, the syllabus of which I shall read:

(Heisler *v.* Thomas Colliery Co. et al. U. S. Reports, vol. 260, p. 245. Error to the Supreme Court of the State of Pennsylvania. Argued November 14, 15, 1922. Decided November 27, 1922)

First. In view of the differences between anthracite and bituminous coals in properties and uses, a Pennsylvania tax is not unreasonable and arbitrary because levied on the one but not on the other, and is therefore unobjectionable under the equal protection clause of the fourteenth amendment.

Second. The commercial competition between these two products is not a sufficient reason against classifying them separately for taxation purposes.

Third. The fact that useful products are obtained from bituminous coal which are not produced from anthracite serves to justify the State policy of favoring the former in taxation.

I pause to direct careful attention to the fourth section of this syllabus, which refers to a finding of the Supreme Court that the motives of a State in levying a tax on its natural resources can not be questioned.

Fourth. Whether a statute or action of a State impinges on interstate commerce depends upon the statute or action and not upon what was said about it or the motive that impelled it.

So held, where it was argued that anthracite being virtually confined in production to Pennsylvania but largely consumed by the necessities of other States, the tax law in question was advocated by the Pennsylvania Governor as a means of levying tribute on the other State consumption.

MINNESOTA TAX ON IRON ORE

Another fair example of what a State may do to collect revenue from its natural resources is found in the tax levied by Minnesota on iron ore, of which, as everyone knows, an immense tonnage is shipped each year to other parts of the United States. That State collects 6 per cent of the amount of all royalties received for permission to explore for, mine, and remove iron ores, and derives a handsome income from that source.

The act of its legislature which imposed this tax was also attacked, but the United States Supreme Court likewise sustained it in the case of Oliver Iron Mining Co. *v.* Lord et al., United States Reports, volume 262, page 172, from the syllabus of which I read:

First. The tax imposed by Laws of Minnesota, 1921, chapter 223, on the business of mining iron ore, measured by a percentage of the value of the ore mined or produced, is an occupation tax.

Second. The mining of ore, even when substantially all of the ore mined is immediately and continuously loaded on cars and shipped into other States to satisfy existing contracts, is not interstate commerce and is subject to local taxation.

I shall not weary the Senate by reciting all the details of the various acts passed by State legislatures on this subject, but will only read the following summary which was prepared for me some time ago by the legislative reference service of the Library of Congress:

STATE LAWS IMPOSING SEVERANCE TAXES OR MAKING SPECIAL PROVISIONS RELATIVE TO TAXATION OF NATURAL RESOURCES

Alabama (Laws 1919, No. 328, p. 419): Privilege tax on operators of coal mines (except wagon mines from which coal is not loaded onto railroad cars or barges) equal to 2 cents a ton on all coal mined.

Alaska (Laws 1923, ch. 101, p. 274): License tax on mining operators equal to 1 per cent of net income in excess of $10,000.

Arizona (Rev. Stat. 1913, Civ. Code, sec. 4982): Tax on mining property (at same rate as on other property) based upon gross production and net proceeds of mines.

Arkansas (Laws 1923, ch. 118, p. 67; c. 681): Tax on manganese ore. Severance tax of 2½ per cent of gross cash market value of production of any natural resources; special rates on producers of bauxite (25 cents a ton), coal (1 cent a ton), and timber (7 cents a thousand feet, board measure).

Colorado (Comp. Stat. 1921, sec. 726): Valuation of producing mines of gold, silver, and other precious metals (but not including iron, coal, asphalt, etc.), at one-fourth the value of the gross proceeds.

Idaho (Comp Stat. 1919, sec. 3361): Taxation of net proceeds of mines at same rates and under same regulations as other property.

Louisiana (Laws 1922, No. 140, p. 295): Severance tax on all natural resources at rate of 3 per cent on gross market value of production of oil and gas, and 2 per cent on all other resources.

Michigan (Comp. Laws 1915, ch. 36, p. 519): Asserts sovereign right of State in all mines of gold or silver; and lays tax of 4 per cent (but not more than 2 per cent on iron ore) on "all ores and the products of all mines."

Minnesota (Laws 1923, ch. 226, p. 258): Tax of 6 per cent on amount of royalties received for permission to explore for, mine, and remove ore.

Montana (Rec. Code 1921, ch. 164, p. 860): Annual net proceeds of mines and mining claims taxable as other personal property.

Same (Laws 1923, ch. 67, p. 174): License tax on producers of petroleum or other mineral oils, or 2 per cent of gross value on oil produced, not including oil used in pumping. (Laws 1925, p. 489): Tax varying from one-fourth to 1 per cent on gross value of all metals or precious stones mined.

Nevada (Rev. Laws 1912, sec. 3687): Proceeds of mines taxable as other personal property.

New Mexico (Laws 1921, ch. 133, p. 283, sec. 505): Valuation of mineral property for taxing purposes, on basis of average annual output.

North Dakota (Laws 1923, ch. 319, p. 482): Tax of 3 cents an acre on deposits of coal or other minerals the ownership of which has been severed from the ownership of the overlying strata or surface of the land.

Oklahoma (Comp. Stat. 1921, sec. 9814): Tax of one-half of 1 per cent on value of asphalt and of gold, copper, etc., ore produced; 3 per cent on petroleum and natural gas, in lieu of general ad valorem property tax, and to conform thereto.

Oregon (Laws 1923, ch. 185, p. 268, sec. 10): Tax of one-half cent a barrel on oil produced and marketed; payable to county.

Pennsylvania (Laws 1921, No. 225, p. 479): Tax of 1½ per cent of value on every ton of anthracite coal mined and prepared for shipment.

South Carolina (Civ. Code 1922, sec. 357): Taxation of land actually mined based on gross proceeds (determined by cash market value of material mined). (Laws 1923, No. 11, p. 21, sec. 11): License tax on operators of mines, equal to one-tenth of 1 per cent on value of products mined.

Texas (1923 called session, ch. 45, p. 98, amending Comp. Stat. 1920, sec. 7383): "Occupation tax" equal to 2 per cent of average market value of gross production of petroleum and other oils. (Same, ch. 18, p. 176): Occupation tax equal to 2 per cent of average market value of sulphur produced.

Utah (Laws 1919, ch. 114, p. 319): Metalliferous mines assessed for taxation at $5 an acre, plus a value equal to three times the net annual proceeds.

Vermont (Laws 1919, No. 28, sec. 2): Special tax of 10 per cent on gross stumpage value of timber cut from lands classified and regularly taxed as forest reserves.

Washington (Laws 1921, ch. 124, p. 401): Taxation of net proceeds of mines at same rate and under same regulations as other property.

West Virginia (Laws 1921, ch. 110 (Barnes' Code 1923, p. 522, sec. 2)): Privilege tax on persons engaging in mining or producing coal, oil, and other mineral products, equal to two-fifths of 1 per cent of value of articles produced.

Wisconsin (Statutes 1923, p. 799, sec. 70.33): Lead and zinc-bearing lands assessed for taxation at value based in part on gross amount of sales of ore extracted.

Wyoming (Comp. Stat. 1920, sec. 2906): Gross production of mines, oil well, etc., assessed at valuation fixed by State board of equalization.

To sum up let me say that if Louisiana can collect taxes on all natural resources; if Arkansas can do the same on any natural resource, including timber; if Michigan, South Carolina, and West Virginia may tax the production of their minerals; if by various laws many States are deriving an income from the use of their natural resources; why should Arizona and Nevada be denied the right to obtain some payment in lieu of taxes from a water-power site, which is the greatest natural resource that the two States possess?

In concluding this discussion of State severance taxes on national resources I shall read an extract from my minority views on the Swing-Johnson bill as introduced in the last Congress:

No coal is mined in Arizona and no large oil wells have been discovered. The production of petroleum is taxed by the State of California and the production of coal is taxed by the State of New Mexico. If an electric light and power company purchases fuel oil in California or coal in New Mexico to be used for the generation of electric power in Arizona, can any one deny that the Arizona consumers of electricity ultimately pay the taxes assessed by the States where those commodities are mined?

The people of Arizona and Nevada can see no essential difference between electric power produced by water and that produced by coal or oil. If anthracite coal, which is specially taxed by the State of Pennsylvania, is burned under a boiler to produce electric current, that power will be no more nor no less useful than the same kind of power when generated on the Colorado River. Arizona and Nevada therefore ask that California, the principal consumer of the power to be produced from the waters of that stream, shall agree to pay a reasonable charge in lieu of taxes and that Congress, in approving a compact to that effect between the three States, shall agree to the collection of such payments in connection with any dams owned or operated by the Federal Government. In approving such an agreement among the three States Congress will do nothing different than what has already been done with respect to receipts from the national forests or from coal, oil, and gas produced on the public domain.

THE DELAWARE RIVER COMPACT

The disagreement over an apportionment of the waters of the Colorado River is similar to the controversy respecting the Delaware River compact, but the means used to accomplish results are very different. New York, New Jersey, and Pennsylvania each desire to impound the flood waters of the Delaware to meet an ever-increasing demand for domestic use in their cities. The three States appointed commissioners, who negotiated a compact which was promptly approved by New York and Pennsylvania, but New Jersey rejected it.

If New York and Pennsylvania had followed the methods which have been heretofore adopted on the Colorado they would have asked Congress to pass an act dividing the waters among them. Such a plan was never even proposed, because those in authority in the three States well knew that the Delaware River does not belong to the United States, but to the States within which it flows, and that Congress has no power under the Constitution to pass such a law.

Any one of the three States could have asked the Supreme Court to define its right to the waters of the Delaware. That court has the undisputed power to settle such controversies and has repeatedly done so in long-drawn-out and bitterly contested cases. But instead of appealing either to the Supreme Court or to Congress, New York and Pennsylvania again appointed commissioners to treat with New Jersey. A new compact has been made which, when approved by their legislatures, will undoubtedly receive favorable action by Congress.

The nature and extent of the powers granted to Congress may be better understood by the thirteen original States, but every other State has been admitted into the Union on an absolute equality with them. The States drained by the Colorado River own the waters of that stream to exactly the same extent as New York, New Jersey, and Pennsylvania own the waters of the Delaware. If Congress should attempt to seize the Colorado River over the protest and in defiance of the laws of any of the interested States, the act would be as futile as a like attempt to nationalize the Delaware River.

This is a copy of the proposed compact between the Commonwealth of Pennsylvania, the State of New Jersey, and the State of New York as to the waters of the Delaware River. I desire to direct the attention of the Senate particularly to three provisions of this compact.

In Article VI, paragraph (1), occurs this language:

Authority for every development shall be obtained, and every development shall be carried out, under the laws of the State in which it is located.

Certainly such a provision as that should be in any bill passed by Congress for an apportionment of the waters of interstate streams.

Article XVII of the Delaware River compact reads as follows:

Any property of a signatory State of or the holder of an authorization of such State, acquired in the exercise of any right or privilege

under this compact, which is located in any other signatory State shall be subject to taxation as private property under the general laws of the State in which it is located.

Here we have three of the thirteen original States in the Union engaged in making a compact for the protection of their mutual interests who very carefully provide that tax exemption shall not extend beyond the limits of the State owning the property to be taxed. If any property is found in another State it shall be taxed as other property in that State.

A third provision is found in Article IX, the second paragraph of which provides:

That all such dams shall be built so as to conform to the requirements relating to physical construction and safety in the State or States in which they are located.

There, again, is a clear recognition by three of the oldest States in the Union that one State has no jurisdiction over property or works located in another.

THE HOBOKEN DOCKS

This consideration of the terms of the Delaware River compact reminds me of a condition at Hoboken, N. J.—one of the three States interested in that compact—which raises an issue that is quite similar to the problem with which Arizona and Nevada are now confronted in this bill which authorizes the construction of a dam and power plant at Boulder Canyon. The Federal Government, acting under its war power, took complete jurisdiction of the docks and wharves at Hoboken, N. J.

During the World War the Government operated these docks and used them for governmental purposes in transporting troops and supplies to and from Europe. Since the close of the war the Federal Government, by presidential proclamation, has retained possession of these docks, which represent 15 per cent of the taxable ratables of the city of Hoboken, and rents them out to private corporations for private commercial uses at rates which net the Government approximately a million dollars a year. The sovereign State of New Jersey and the municipality of Hoboken are thereby denied the right of deriving revenue from taxation and receive no compensation in lieu thereof from these properties, although the police powers of the State and the city are required to fulfill all of their normal functions as related to these docks and wharves.

Aside from the issue of whether the Government has authority under the Constitution of the United States to hold these docks and use them for private commercial purposes through leases made to private agencies, the question occurs to me as to whether the Government should in any sense of fairness hold such property to the detriment of the city of Hoboken and the State of New Jersey without paying to the State and its subdivisions the same amount in lieu of taxation as though the docks had remained in private ownership.

This is one of the chief issues which has arisen in connection with the pending Boulder Canyon Dam bill. The Swing-Johnson bill is predicated upon the idea that the Government of the United States has the right to take a power site between the States of Arizona and Nevada and utilize the fall of the river in those States and the water of the river to develop hydroelectric power, the great bulk of which is to be transmitted to California. Furthermore, the bill proposes that the United States shall seize the bed and banks of the Colorado River, the water in that river, and the fall of that river, all of which are property of the States of Arizona and Nevada. These properties of the two States are to be taken from them, and they are to be denied the right of deriving revenue in lieu of taxes from the Boulder Dam project.

I have here an extract from the laws of New Jersey passed in 1926—Joint Resolution No. 6—which reads:

Whereas the piers in the city of Hoboken belonging to two German steamship companies were taken over by the United States Government during the war and are now held by the Shipping Board without payment of taxes, whereby the city of Hoboken has been deprived of payment of taxes to the amount of over $3,000,000, and the tax rate of the city has been increased from 22.01 to 47.50, it is desired by the legislature that the Shipping Board be compelled by the Federal Government to pay the arrears of taxes and be directed to pay all future assessments for taxes which may be levied against such property, so that such property shall not be exempt from taxation.

This taking of property for a war purpose was, of course, entirely justified; but when the war was over it degenerated into a ruthless exercise of Federal power. Justice James F. Minturn, of the Hudson County Court, in a charge to the grand jury of that county, stated:

A successful enemy could not well have imposed a greater indemnity upon a conquered city.

I desire to read certain editorial comments from New Jersey newspapers on this seizure of property by the Federal Government and the consequent denial of the payment of taxes to the State of New Jersey and to the city of Hoboken. I read from an editorial published in the Newark (N. J.) Evening News of Thursday, September 17, 1925:

LIGHT ON GOVERNMENT OWNERSHIP SHED BY HOBOBEN PIERS

When he charged the Hudson County grand jury in April to make a presentment in the case of the Government's retention of the Hoboken piers, Justice Minturn minced no words.

The time had come, he declared, to deal "in the light of public necessity, common honesty, and equal justice" with an "unreasonable and illegal expropriation" of private property that had resulted in grave public loss through withholding it from taxation.

The editorial concludes:

No more instructive lesson in the evils of government in business and of public control and operation of the essential machinery of private enterprise has been presented. Only legal technicalities deny the force of the jury's conclusion that, while governmental freedom from taxation is a proper principle so long as government remains within its own sphere, its entrance into activities having nothing to do with governing, can not morally maintain its refusal to meet the obligations which are met by others engaging in the same activities.

I next read from an editorial published in the Newark Star-Eagle of Saturday evening, September 19, 1925:

THOSE PIERS AT HOBOKEN

The city of Hoboken is having a grim experience with Government ownership, not as it is theorized about but as it is practiced.

During the war the Government took over the Hoboken property of the German steamship lines. This property represented one-third of the city's assets for taxable purposes. It had been the source of that much of the local revenue.

* * * * * * *

Now, Hoboken has to do for its citizens what every other community has to do for its people—paying for the services, whether or not its taxable assets are butchered one-third. So the tax rate in Hoboken has been boosted from $22.01 in 1918 to $47.50 in 1925. Government ownership has done that. A grand jury has denounced the Government for this sorry bit of business. But it does not appear that anything can be done about it. Washington, not Hoboken or New Jersey, has the say in the matter.

The advocates of the principle of Government ownership touch lightly, if they touch at all, upon such things as taxes. You will not find the subject mentioned in speeches and essays in favor of the Government taking over the railroads. Yet there are States which would feel bankrupt if the railroads could not be levied upon for taxes. They would have the hardest kind of a time in shifting taxes from railway property to already distressed taxpayers.

Government ownership nine times out of ten means a transfer of self-supporting institutions to the list of public-supported institutions. It means the increase of the public-servant class and the decrease of the members of the revenue-producing class. It means the placing of new burdens upon people who under almost all circumstances have hard enough time getting along in the world.

I conclude by reading from an editorial published in the Hudson Dispatch, Union City, N. J., Thursday, December 24, 1925:

HOBOKEN PIERS NOT A TEST OF GOVERNMENT OWNERSHIP

* * * * * * *

The taking over of those piers during the war was a necessary part of the conduct of war.

But the holding of those piers during times of peace is one of the most outrageous pieces of work ever perpetrated upon a city by the United States Government or by any other government.

* * * * * * *

Government ownership may mean inefficiency, Government ownership may mean inequality in the handling of tax burdens, it may mean many things that are not harmonious with American conceptions of business. But Government ownership, bad as it is, should not be judged by the outrage committed by the United States Government and by persons close to the Government in its brutal handling of the Hoboken pier situation.

The Hoboken case to which I have referred was of sufficient importance to attract the attention of the State Legislature of New Jersey. Compare that old and great State with the baby State of Arizona, the last to be admitted into the Union. New Jersey has 12 Members of the House of Representatives, while Arizona has but one; they have $5,062,950,000 assessed valuation of property subject to general property taxes, while we have $652,444,000. New Jersey has a total receipt from all revenues of $61,293,000, while Arizona receives but $6,572,000. That well-established Commonwealth produced manufactured goods to the

value of $3,396,627,729, while our young State produced in the same period only $123,377,206. Therefore if this item of taxation is important to such a wealthy State as New Jersey, surely its citizens will sympathize with the loss of taxation to a new and sparsely settled State like Arizona.

During Mr. HAYDEN's speech—

ISSUANCE OF IMMIGRATION VISAS

Mr. REED of Pennsylvania. Will the Senator from Arizona yield for the presentation of a conference report?

Mr. HAYDEN. I yield for that purpose.

Mr. REED of Pennsylvania. I present a conference report on Senate Joint Resolution 5 and move its immediate consideration.

Mr. COPELAND. What measure is that?

Mr. REED of Pennsylvania. It is Senate Joint Resolution 5, introduced by the Senator from New York [Mr. COPELAND].

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 5) entitled "Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That section 4 of the immigration act of 1924 is amended by striking out the word 'or' at the end of subdivision (d) and by striking out the period at the end of subdivision (e) and inserting in lieu thereof a semicolon and the word 'or' and by adding after subdivision (e) a new subdivision, to read as follows:

"'(f) A woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien, but at the time of her application for an immigration visa is unmarried.'"

SEC. 2. Subdivision (a) of section 4 of the immigration act of 1924 is amended to read as follows:

"(a) An immigrant who is the unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by a marriage occurring prior to June 1, 1928."

SEC. 3. Section 6 of the immigration act of 1924 is amended, to take effect July 1, 1928, to read as follows:

"SEC. 6. (a) Immigration visas to quota immigrants shall be issued in each fiscal year as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; and (B) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 18 years, of such immigrants skilled in agriculture, if accompanying or following to join them.

"(2) The remainder of the quota of each nationality for such year, plus any portion of the 50 per cent referred to in paragraph (1) not required in such year for the issuance of immigration visas to the classes specified in such paragraph, shall be made available in such year for the issuance of immigration visas to quota immigrants of such nationality who are the unmarried children under 21 years of age, or the wives, of alien residents of the United States who were lawfully admitted to the United States for permanent residence.

"(3) Any portion of the quota of each nationality for such year not required for the issuance of immigration visas to the classes specified in paragraphs (1) and (2) shall be made available in such year for the issuance of immigration visas to other quota immigrants of such nationality.

"(b) The preference provided in paragraphs (1) and (2) of subdivision (a) shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise, in the next calendar month."

Amend the title so as to read: "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States"; and the House agree to the same.

DAVID A. REED,
HENRY W. KEYES,
Managers on the part of the Senate.

ALBERT JOHNSON,
THOMAS A. JENKINS,
JOHN C. BOX,
Managers on the part of the House.

The report was agreed to.

CALL OF THE ROLL

Mr. HAYDEN (at 8.50 o'clock p. m.). Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Kendrick	Reed, Pa.
Barkley	Deneen	Keyes	Robinson, Ind.
Bayard	Dill	King	Sackett
Bingham	Edge	La Follette	Sheppard
Black	Edwards	Locher	Shipstead
Blaine	Fess	McKellar	Shortridge
Blease	George	McMaster	Smith
Bratton	Hale	McNary	Steiwer
Brookhart	Harrison	Moses	Stephens
Broussard	Hawes	Norris	Thomas
Bruce	Hayden	Nye	Tydings
Capper	Heflin	Oddie	Vandenberg
Copeland	Howell	Phipps	Warren
Curtis	Johnson	Pittman	Wheeler

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, there is a quorum present.

CERTAIN CONTRACTS BY THE SECRETARY OF WAR TO BE IN WRITING

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

CIVIL-SERVICE EMPLOYEES—BOULDER DAM, MUSCLE SHOALS, AND POLITICAL HISTORY

Mr. BLEASE. Mr. President, this morning there was some discussion in reference to a resolution which I offered requesting that certain people working in the various departments of the Government should furnish the names of the members of their families who are working in any department of the Government and the amount of salary which each is receiving. The Senate saw fit to refer that resolution to the Committee on Civil Service. I had hoped the Committee on Civil Service would report the resolution this afternoon. The Senator from Michigan [Mr. COUZENS] announced that he was in favor of the resolution but stated that he had never heard of it and that if it was before the Committee on Civil Service he had no information to that effect.

(At this point Mr. BLEASE made some comments on the clerk of the committee, which, for reasons afterwards explained by him, he asked and obtained leave to withdraw.)

Mr. BLEASE. There is a paper published down in South Carolina called the News and Courier. The editor of it has not very much love for me, I know, and, of course, I have about as much for him as he has for me, so I do not suppose there is anything lost between us. But I find in his paper that for one time in his life he has agreed with me. I hope it will not have any bad effect on him.

Mr. COPELAND. It may ruin the Senator.

Mr. BLEASE. My friend from New York says it may hurt me. That may be so, but I have two years to get over it, and I am in pretty good shape yet.

I read from the News and Courier of Sunday, May 27, 1928.

FAMILIES TO THE PAY ROLLS

About two weeks ago Senator BLEASE introduced a resolution in the United States Senate requesting that information be furnished about kinship of employees in bureaus and departments of the Government

to their chiefs. That was an excellent resolution, and the News and Courier, heartily praising it, suggested that it be amended by provision that information be furnished the country about appointments of kindred by Senators and Representatives.

That may be the reason why some of these fellows are fighting the resolution so hard.

In 1924 the charge that a Senator of South Carolina had appointed members of his family to places on the Government pay roll was made on the stump (not by Mr. BLEASE). Everyone knows that many Senators and Representatives from many States appoint their kindred to paying offices, but little is said of it until it seems profitable for a candidate seeking to defeat one of these incumbent Congressmen to bring it to public notice.

The bestowal of offices by Representatives and Senators upon sons, daughters, wives, brothers, sisters, uncles, cousins, and "in-laws" is indefensible; but it goes on and it is covered up. Discussion of it may be heard on the hustings, but one seldom hears of it from Members of Congress.

The records of all the Members of Congress from South Carolina, both Houses, for the last 30 years in respect to this matter would be interesting—why may they not be had? Other newspapers besides the News and Courier are keen to give to the public information about family appointments by Members of Congress.

When the people elect a man to Congress they do not intend to elect the whole family to the pay roll—but sometimes they do.

If there is anybody in the Senate who has members of his family, daddies or mammies, sons-in-law, or any kind of "laws," or some other kind of kin, who does not want to see my resolution pass, that is all right, but let him get up here and say so. Why kill the resolution because there is something in it that might hurt one of us? I am perfectly willing, in response to this newspaper editorial, for the people of South Carolina to know who is on my pay roll. I would be delighted for them to know. It is an open book, and they can write to the financial clerk any time, and I am satisfied that he will be glad to give them the information. But to save my life I can not see why the Senate wants to smother a resolution and why the Committee on Civil Service wants to bury in its private cemetery a resolution asking that the departments of the Government furnish to their chiefs and to the Senate the names of the people who are on their pay roll, and the names of the members of their families who are working for the Government and what salaries they receive.

It is reported to me, and I believe on good authority, that there is one family in Washington receiving $17,000 a year from the Government pay roll. Yet, some Senators get up here and talk about unemployment. Unemployment? Why should a man who is receiving $7,000 a year, as one man here is, because he has influence, because he has power, get in touch with his "boss man," to use a familiar expression, and his "boss man" takes some of his family away over yonder in the department, and another "boss man" takes care of them, and then he takes care of some of the members of the family of that other "boss man" and places them in his department to try to hide it? The result is that the departments here are honeycombed with sons and daughters, sons-in-law and daughters-in-law, nephews, and nieces of people who are in them who have the power and the influence to compel the appointing power to do that kind of work.

That is not a democratic government—and when I say "democratic" I do not mean our side of the Chamber here. It is not an honest government. For instance, we see people in the street idle, young ladies going around here, good stenographers, competent, well fitted for any position they could get; young men going around begging for jobs; but they can not get a job, and why? It is because some pet in the department has got it honeycombed with his kin people.

If a man is the head of a family and is working for the United States Government and is receiving a sufficient salary to feed and clothe and educate his dependents, if you please, he is getting his share from the United States Government. He is receiving everything that the United States Government owes him. Why not then let him be satisfied with the receipt of his salary and taking care of his dependents, and then let some other man have an opportunity or some other man's daughter or some other man's son, who would help the father or help the widowed mother in feeding and clothing and taking care of the other members of the family? Why not give such a person an opportunity instead of closing the door to the widow woman or to the orphan boy or orphan girl and saying to them, "You must make a living some other way."

Mr. BRUCE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I yield.

Mr. BRUCE. I would like to ask the Senator whether he found any of these offices have become hereditary?

Mr. BLEASE. Oh, yes. It has got so that it has mighty near been made a part of the Constitution by adoption. Sons succeed fathers, daughters succeed mothers, and so on all the way through. That is what I am complaining about right now. They call that "civil service," but I say it is the greatest humbug that was ever put on the statute book. Somebody said the other day that Grover Cleveland suggested it, but that does not make it anything extraordinary. Grover Cleveland was not a man I ever heard accused of accumulating any great amount of things. He got to be President, but how did he get to be President? It was by an unfortunate split in the Republican Party, just like the one Woodrow Wilson took advantage of.

The civil service? What is civil service in the Post Office Department? Civil service in the Post Office Department is what the boss of a particular State wants; at least, that is the way it is in the South, and it seems to be the same way up here. Who ever saw the paper of a boy or girl who stood a civil-service examination? The Republican dictators down here. They tell who are to be put on. They tell who are to be given the jobs. You can not get a job unless you have a pull. Every white man in this country knows it and two-thirds of the negroes are beginning to learn it, ignorant as they are. It is pull, not civil service. Yet the Senate sits here and refuses to consider a resolution that hopes to relieve such a situation and says to the poor boys and girls who have stood these examinations and whose names are to-day on the list, "You can not get in here for the simple reason that you have not got political pull that somebody else has who can get the position."

Mr. President, I have said this much in view of the editorial from which I have read. I desire also to call the attention of the people of the country to some of the things going on here in Washington, and I propose to do it outside of the Senate Chamber as well as in the Senate Chamber, not only in the State of South Carolina but elsewhere. I was surprised that my friend, the senior Senator from Maryland [Mr. BRUCE] had not seen the item in this morning's Washington Post concerning the liquor raids conducted by the police of Washington on Saturday night last and the liquor which they seized. The article states how much they seized, and if one will read it through he will see in connection with the names of the persons arrested "colored," "colored," "colored." I did not notice that they got any embassy employees or attachés; I did not read that they raided any restaurants that I might name that are selling liquor all the time; I do not read that they caught any white folks who when they give receptions in their homes serve liquor, wine, and beer. All they could catch in the great net which they threw over the city on Saturday night were a few darkies.

They say they love the darkies; they want them to sit side by side with the white girls; they want to make those girls buy Hart's German cologne so as to keep the stench of the negro down. Yet with all that, Mr. President, they do not catch anybody worth while. Why do they not get some big folks handling liquor? I could give them some names but, of course, I would not do that. [Laughter.] Why is it? It is because we have a Republican Administration and it does not want to catch Republicans. If the people will elect a Democratic President we will enforce the law for you.

Now there is another matter to which I wish to call attention—the Muscle Shoals humbug. I did not quite finish my speech on that subject the other night. One of the Senators told me he was getting tired of listening to me, and I quit. I read from an article in Farm and Fireside entitled "The Muscle Shoals humbug":

THE MUSCLE SHOALS HUMBUG—IT'S TIME FOR FARMERS TO STOP THE USE OF THEIR NAME TO PULL CHESTNUTS OUT OF THE FIRE

By Wheeler McMillen

Nitrates for fertilizers can not be made profitably at Muscle Shoals. This fact has long been known to the nitrate experts of the country, whose findings have been freely published.

Yet, session after session, Washington lobbies have been urging farmers to write their Congressmen and pass resolutions in behalf of this or that Muscle Shoals offer "to make cheap fertilizer." In plain words, the influence of farmers has been used as a cat's paw in efforts to pull the meaty power chestnut out of the Muscle Shoals fire.

Behind all this is a story of shrewdness and stupidity, of blindness and deception—

I hope the President will read this, so that he can put it in his veto message on the Muscle Shoals rascality, which was adopted here the other night—

of "fooling the farmer," that is painful to tell. Farmers are hard to fool when they have the facts but they have not had the facts about

Muscle Shoals. Their hopes have been falsely raised, their influence has been misused and their confidence abused.

Of the many offers made to Congress for Muscle Shoals, all agreeing to manufacture nitrates for fertilizer, we do not believe that any has been made because the interests concerned desired to manufacture fertilizer. It would appear that the offers have been for the purpose of getting control of the water power, which is valuable.

The Wilson Dam and the nitrate plants at Muscle Shoals were erected to meet the great war-time need for nitrates in explosives. The Nation could not afford to depend upon imported nitrates in time of war. At the time no process for fixation of atmospheric nitrogen was fully developed in America except the cyanamide process, which requires plentiful and cheap electric power. So the properties were erected to manufacture nitrates for explosives in war time and for fertilizers in peace time.

(At this point Mr. BLEASE yielded to Mr. REED of Pennsylvania, who presented a conference report on House bill 13039, which appears at another place in to-day's RECORD.)

Mr. BLEASE. Mr. President, I will resume reading the article from Farm and Fireside at the point I had reached when interrupted:

After the war America learned details of how Germany had supplied herself with nitrates. She did it with the newer synthetic ammonia process, requiring little power but much coal. Before the war Germany had to import 125,000 tons a year. Now, beyond her own increased uses, she makes 150,000 tons to export. This process, described in Farm and Fireside for July, 1927, is much cheaper than the cyanamide process.

Within a shorter period than has already elapsed since the Muscle Shoals controversy started, the United States may not only have nitrates sufficient for all our home uses but also nitrates to export. Down at Hopewell, Va., an enormous plant is already in process of construction and all the contracts for its completion are let, where nitrates for fertilizers will be made by the synthetic process. Read carefully the following authorized statement, issued by the owners of the new plant:

"Allied Chemical & Dye Corporation for the past five years has had in operation a laboratory plant, involving an investment of approximately $4,500,000, devoted to the manufacture and intensive study of fixation nitrogen products.

"This work, to date, justifies the initiation of new installation of large capacity, with a view to producing, from raw materials available in the United States, fixation nitrogen products in quantities sufficiently large to enable the United States eventually to be independent of importation of these products as units of fertilizers, as well as making the United States independent of importation during periods of war.

"The economics, as to location and technical process, at Muscle Shoals not proving of interest, the company has acquired a large acreage, accessible to both rail and deep-water carriers, at Hopewell, Va., for the location of the first installation."

This concern has spent $4,500,000 to study and perfect for use here the synthetic process. Now it is spending several times that number of millions in preparing for production on so large a scale that it will be able to supply the entire needs of this country and have a surplus to export.

Note the last paragraph. "The economics, as to location and technical process, at Muscle Shoals not proving of interest," the statement reads.

In plain words, after a thorough study of the Muscle Shoals proposition, one of America's biggest corporations not only found no possibility of making fertilizer economically at Muscle Shoals but is so thoroughly convinced that no one else can make nitrates there economically that it is going ahead with a multi-million-dollar plant. No such investment would be risked if there was any likelihood that fertilizers made at Muscle Shoals ever could undersell their Hopewell products.

In the face of this devolopment, in the face of the insistence of almost every air nitrate expert in the country, including the Fixed Nitrogen Research Laboratory of the Government, that nitrate fertilizers can not be made cheaply at Muscle Shoals, and despite the fact that cyanamide plants abroad are being converted into synthetic-ammonia plants, certain farm organization representatives have continued to tell farmers that Muscle Shoals will yield them cheap fertilizers.

These men first were for Government operation of Muscle Shoals. Then they fought for the Ford offer and at that time introduced testimony before Congress that the cyanamide process was obsolete. After Ford blandly withdrew his offer without explanation these men and their organization indorsed the offer of a cyanamide company. This offer the organization's Washington representatives now vigorously support.

The competition of cheaper method has made Muscle Shoals a myth and a will-o'-the-wisp so far as cheap fertilizers are concerned. Cheaper nitrates are coming to the American farmer by way of competition between German importations, Chilean importations, and domestic manufactures by the synthetic ammonia, coal-using process. Cheap coal, not cheap electric power, is now the important factor.

No company can make nitrates in the obsolete Muscle Shoals plant and compete in price. Various of the offers either depend upon the likelihood that no court would compel the continuance of fertilizer manufacture at a loss upon technical loopholes, upon charging the necessary loss upon a minimum amount of fertilizer as part of their rental for the valuable power, or upon making a minimum amount in some other way, since fertilizer is a condition for getting the power.

The fertilizer tail to the Muscle Shoals power kite has been a convenient line and bait with which to kid the farmers. Every interest that has set its covetous eyes upon that great and useful power has seen the possibility of using the farmers to help influence Congress in its behalf. Only Congress has power to determine what shall be done with Muscle Shoals, so the question is unavoidably political, and farmers are a large body of people with political influence and votes.

There is not space here to make an analysis of the various bids submitted for Muscle Shoals and such a discussion would be beside the point anyway. The point is that everyone who thoroughly understands the Muscle Shoals situation is fully aware that it is a power proposition, for the use of which the Government should make the wisest possible arrangement for the public interest. Whatever the final settlement of the matter, the interests of the Government and the public should be properly conserved. The farmers' only concern in the problem is their concern as citizens to that end.

"The truth about Muscle Shoals" was told by L. E. Call in the October, 1924, Farm and Fireside, where he said that the cost of producing nitrogen at Muscle Shoals would be prohibitive.

The political influence of farmers should not be prostituted to subserving the efforts of any interest coveting the possession of a national natural resource. Particularly shameful is the utilization of that influence before Congress without an adequate understanding by farmers of the facts concerning the proposals in behalf of which their good name is used. And still more pernicious is the deception of farmers by creating among them a false hope.

Mr. President, I wish I had had that some time back, but I did not have it. I want to put it in the RECORD, as I believe I am the only man, possibly, in my section of the country who voted all the way through against this Muscle Shoals proposition.

I have now, Mr. President, a very much more interesting paper that I wish to read. I believe day after to-morrow is what they call Memorial Day in the North, and I want to give these people who are going to celebrate Memorial Day something to think about.

I read an article the other night—and I wanted to read this one at the same time, but I was advised to quit—on Abraham Loncoln, written by a gentleman of Gladstone, Oreg. That was a very interesting paper. I hope some of the students of history, some of the younger people, will read that RECORD. It will give them a better understanding of who Abraham Lincoln was, from whence he came, and whither he went. It will give them a better insight into why the South seceded from the Union. It will show them that Fort Sumter belonged to South Carolina and not to the United States of America. It will show them that when South Carolina had her first secession convention she did not have in mind the question of freeing or not freeing the colored race.

There was a fight commenced at that time which is being renewed to-day, I am glad to say not on the battlefield. I am glad to say it will not be renewed on the battlefield; but that fight was made to give to each State the right to control its own affairs. It is a rather surprising fact that some of the people who sat in the Senate then, representing certain States, took the opposite position to what some of those gentlemen now take when the South wanted to hold for herself the right to pass such laws as she pleased, the right to permit each State to govern its railroads, its common carriers, its corporations, its local affairs, its home matters. Prejudice entered into that fight, however.

There were people on the other side who could not see as far ahead of them as a blind horse on a moonlight night, but they see now. Their children see; and we find sitting on the other side of the Chamber over there men who are just as strong for State rights to-night as were Calhoun and Lee, Stonewall Jackson, Jeff Davis, and the other men who sat on this side. The men who sat on this side were men of wisdom. The men who sat on the other side were color blind. All they could see was the nigger, and when they got to the nigger his face was so black that they could not see through it.

What was the result? They had the four years' fight. That was all right. Then up to 1904 they had been gradually taking rights from the States. They have been gradually stealing the rights of the various States of the Union, picking them up along, time after time, time after time. At that time the then Presi-

dent of the United States, through his advisers, realized the fact that they were getting to the breaking point. Then they got a Congressman from over here in Ohio by the name of Dick to introduce a military bill called the Dick law. That bill requested every State in the American Union to surrender its military forces to the Government of the United States.

I am sorry to say that the Southern States went blind then. They saw a silver dollar; they got one before each eye, and they could not see any farther. They went blind on the dollar question. In my State they said, "Why, you ought to adopt this law, because it will give our military boys here so much more money. They will have prettier uniforms. They will get to go off on an encampment. They will get to go out somewhere and let the girls fall in love with them because they have got on brass buttons." That seems to be very attractive to a woman, for some reason; I do not know why, but it seems to be true in all wars that they go crazy during the war and just a little while after.

Then the Southern States adopted this Dick law. They turned the military of the different States over to the Federal Government and called it the National Guard. I am proud to say that my record is clear on it. I did everything I could in the Legislature of South Carolina then, being a senator, to keep the State of South Carolina from adopting this law, but I could not stop them. They would do it.

Then what happened? Just as soon as the Federal Government got the military power they began to steal more rights from the States. They would take away the control of the railroads; they would create bureaus up here to fix rates for everybody. They would take away the building of the highways as far as possible. They endeavored to take away from them the education of their children. They have gradually stepped along, step by step, until they have just about taken every right that a State has; and if it continues very much longer the result will be that we might just as well do away with State legislatures, and just let the United States Congress make the laws for this country, as it does for the District of Columbia, and have a governor appointed for each State by the President of the United States, who shall carry out and look after the laws as passed by Congress. And yet we find southern Senators, sons and grandsons of Confederate soldiers, sitting here in Congress, and have been for years gone by, from my own State as well as other States, and voting to allow Congress to steal that very power from the Southern States.

I confess I can not understand it. I do not see how a man could come in here from a Southern State and remember what these men fought for on the battlefields of Virginia and deliberately sit in his seat and vote for this bureaucracy—a bureau for everything. Congress has turned its power over to bureaus and the Director of the Budget, as my distinguished friend from New York [Mr. COPELAND] suggests. It has not turned it over to him, though; he is boss of the whole darned business. You can not do anything unless he tells you that you can. He bosses the President. He has got Cal Coolidge cowed. He has got to send for him to find out whether he can draw his salary every month or not. He is one man that has cowed our Cal. He is the boss man, the big Ike; and there are Congressmen and Senators right here to-day who voted to make him so.

That is the way I got here—fighting that very thing; I will tell you that. I saw my chance to walk in that middle door yonder by making my fight directly and positively on State rights; and do not forget that I sung it on every stump, and that is why I am here—fighting the men who had been here, who were going to give this power to these bureaus, who were voting to take these rights away from the States, who were violating every principle of the Constitution of this Government by delegating to these people the right to make laws, instead of having Congress make those laws themselves. If other men were exposed as I exposed my crowd, there would be some new ones in this body and over yonder, both, from the Southern States. But the newspapers keep the people hoodwinked as to what is the matter, just like they did over here in North Carolina. They had everybody believing that Senator SIMMONS was going to be wiped off the face of the earth, and somebody was going to carry the State over him. Well, you saw what those hill-billies and cotton-mill boys did to Al Smith when they got a crack at him; did you not?

You commenced to hear something about State rights when you touched Mr. Liquor. When they passed this law, the eighteenth amendment, and began to take liquor away from the eastern part of this country, you heard something about State rights then.

There are more State-rights people on the other side now than there ever were. It was all right to take their children, to take their women, to take their cotton mills, to take their railroads, to take everything; but when you touch their liquor bottle then they begin to holler "State rights." They began to say, "We are in favor of State rights. Let our States say whether we want liquor or not. Let our States say whether we want wine and beer or not." That is the reason there are so many State-rights people on the other side now. You see how they switch. It all depends, to use a common expression, on whose ox is gored.

Mr. President, now I want to read The Background of the President of the Confederacy by William Arthur Sheppard, of Greenwood, S. C., and New York.

THE BACKGROUND OF THE PRESIDENT OF THE CONFEDERACY

By William Arthur Sheppard

The election of Abraham Lincoln as President of the United States in 1860 was a fire bell in the night to the people of the cotton-growing States. Throughout the South the news was accepted as a signal for action. On November 14 a meeting was held in the courthouse at Abbeville, S. C., and as a result a call was issued for a convention at the county seat. On November 22 the village witnessed the largest and most enthusiastic crowd ever assembled there. Every section of the district was represented. Military companies from Greenwood, Cokesbury, Ninety Six, Bradley, Due West, Donalds, Wyckliff, and Calhoun Mills were in attendance. Hon. A. G. McGrath and Gen. M. L. Bonham delivered addresses. William L. Yancey, of Alabama, and Thomas R. R. Cobb and Robert Toombs, of Georgia, sent letters, regretting their inability to be present. Senator Toombs wrote with characteristic vigor: "If you believe this [that Lincoln would relent], God Almighty help you, for no arm of flesh can save you. No! Strike, my countrymen, strike, strike now; to-day is yours!"

Among the leaders of the South who urged drastic action were Robert Barnwell (Smith) Rhett, of South Carolina; Robert Toombs, of Georgia; and William Lowndes Yancey, of Alabama. It will be well to bear in mind, however, that these men were not out of step with the people. The whole history of the country clearly shows that from the adoption of the Constitution there were grave doubts in the minds of many as to the attitude the Federal Government would take toward local government. This was a natural result of the hardships suffered by the pioneers at the hands of unscrupulous men who had gained the good graces of distant Government officials. Until 1865 the State of South Carolina was ruled by the parishes along the coast. Early in the life of the Nation, Patrick Calhoun rode his horse across the State to Charleston to urge the establishment of courts of justice in the back country. This sentiment of supporting home rule had spread with the tide of immigration to the southwest after the Revolutionary War. The "orator of secession," William Lowndes Yancey, of Alabama, was a native of the Piedmont country of South Carolina.

The political leaders of the South often found it necessary to change their stride in order to keep pace with the people. John C. Calhoun supported the tariff and internal improvements by the United States early in his public career, but with the "exposition of 1828" he expressed the will of his constituents. Whatever the pressure that had been brought to bear, his change of front attuned him with his State.

The citizens of South Carolina who gathered at Abbeville on November 22, 1860, expressed themselves in language that could not be misunderstood. The resolution offered by Edward Noble and ratified by the meeting said "That in the opinion of the people of Abbeville district the election of Abraham Lincoln as President of the United States and of Hannibal Hamlin as Vice President, upon doctrines destructive of the rights and interests, the equality and safety, of the Southern States by the factions and sectional vote of northern confederates utterly perverts the spirit of the compact formed by the Federal Constitution; that it must be promptly and sternly resisted by the State of South Carolina, and that the secession of the State from the Federal Union is the proper mode of resistance."

The convention which met in Columbia, and subsequently in Charleston because of an epidemic raging in the capital, passed on December 20, 1860, the ordinance of secession. President James Buchanan had less than three months to remain in office and was inclined to move slowly, believing a "period of reflection" would bring the State again within the Union.

The commissioners who had been sent to Montgomery to form the Confederate government worked at their problems with almost complete accord. There was a sentiment of "reconstruction" prevailing among the men who had fought against dismembering the Union, but they believed now that it was the best to deal with the situation as one government with another. The establishment of the Confederacy was uppermost in the minds of the statesmen, and although the city was crowded with those who had come to offer their services, there was no evidence of frantic office-seeking politicians. Howell Cobb, of Georgia, president of the congress, wrote in a letter to his wife: "Little or nothing is said about president of the Confederacy, and yet we shall elect one in a day or two. * * * All that I have seen and learned since I got here has satisfied me that it is a most undesirable position. I rather think that Jefferson Davis will be the man, though I have not heard anyone say that he is for him. The

truth is—and it is creditable to our public men here—there is no effort made to put forward any man, but all seems to desire in everything to do what is best to be done to advance and prosper the cause of our independence."

What manner of man was this to whom the southern people naturally looked for leadership? How did it come about that the air was charged with the expectancy that Jefferson Davis would be president of the Confederate States? Here was a place to be filled with the form of a giant. The establishment of a government is no child's play, and yet for such a time as this public sentiment looked to but one statesman.

II

Out of the mists of history looms Pencader Hundred, Newcastle County, Del., as the genesis of the Davis family in the United States. The members of a Baptist Church constituted in Pembrokeshire, Wales, in 1701, landed in Delaware in September of that year and settled for a time at Pennepek. Later the colony removed to Pencader Hundred, near Iron Hill, and established what is known to-day as the Welsh Tract Meeting. The congregation of Welsh flourished, adding from time to time other immigrants from the mother country, and in 1735 several families drew out to form the Welsh Neck congregation on the Peedee River in South Carolina.

On June 25, 1823, Samuel Davis wrote to his son, Jefferson, from Philadelphia that it was the most beautiful city he ever saw—"the place where my father drew his first breath." Further search seems to establish Shion Dafydds as the first of Jefferson Davis's ancestors to arrive on the American Continent. Shion Dafydds or John Davis appears in the records in 1717, when he and his brother bought a tract of land from William Davis, gentleman. Evan Davis, son of John, was living in Delaware as late as 1748, but at some time between 1748 and 1856 he removed to the Welsh Neck community, of South Carolina. Evan Davis was married to the widow Williams, nee Emory, probably after his arrival in South Carolina, and in 1756 a son, Samuel, was born to the couple.

The trail of the Davis family becomes more difficult after leaving the Welsh tract in Delaware. When Col. Banastre Tarleton marched through South Carolina in 1780 he found Williams and Davis families living on the banks of the Peedee River, between Darlington and Cheraw. The census of 1790 lists many such families, and confusion is added by identical Christian names. Jefferson Davis believed his grandfather moved from Philadelphia to Georgia, but that seems improbable, because Samuel was born at a time when Georgia was sparsely settled. Welsh Neck had been established 20 years when Samuel Davis was born, and the Kiokee Church, of Columbia County, Ga., which has become associated with the Davis family history, was constituted in 1772 by Rev. Daniel Marshall. The Kiokee Church was not chartered until December 23, 1789, when Samuel Davis was 33 years old.

Samuel Davis served during the first years of the Revolution in the command with his half brothers, Daniel and Isaac Williams. Later he organized a company, which he led at the siege of Savannah. After peace had been declared he returned home, to find that his mother was dead and the farm reclaimed by nature. The State of South Carolina granted Captain Davis 1,000 acres of land in recognition for his services during the war. The location of his home after his marriage to Jane Cook, a Scotch-Irish daughter of South Carolina, has not been established. Inasmuch as his bounty was located in South Carolina, and his wife was a native of the State, the theory is plausible that he lived until 1796 on the eastern bank of the Savannah River.

Serious men gave thought to the tide of immigration flowing out of South Carolina early in the life of the Nation. The fresh country in the West opened to settlers made inroads on the population of the Eastern States. The trek which began in the Southern States was later followed by mass movements out of New England, and the manufacturers, who were recently established, sent up wails of despair. As late as 1830 Charleston had not recovered from the blow her commerce received by the exodus of the population from the back country. The wharves, once teeming with activity of shipping, now seemed deserted. Long rows of shops were empty when once they paid good income to their owners. In 1853 Hugh S. Legaré, American Chargé d'Affaires in Brussels, wrote to his friend Alfred Huger, in Charleston, that he first thought the movement would be confined to isolated sections, but the disease was now universal, and he feared South Carolina would be abandoned like a steppe in Mongolia.

Enamored with a passionate love for his family, the desire for their welfare, took Samuel Davis by easy stages from the valley of the Savannah River to Woodville, Wilkinson County, Miss. Having found there a greater degree of comfortable surroundings than he had ever known, Mississippi became his home. Whatever his shortcomings, he had established his children on virgin soil, and in a few years Joseph, his eldest son, had reached the estate of a millionaire.

III

Jefferson Davis was born to Samuel and Jane Cook Davis in the valley of the Green River in Kentucky on June 3, 1808. His early years were spent in school in Mississippi, where he had the advantage of schoolmasters who came with the pioneers from New England. The Davis family were staunch in their support of education, and their efforts to prepare their children bore fruit in producing in the eldest son the leading lawyer of Mississippi. The pursuit of letters took Jefferson over a tortuous course. He was a child of seven years when he was sent to St. Thomas, a Catholic institution in Kentucky. There he remained two years under the kindly care of priests whom the boy remembered with gratitude in later life.

At the age of 9 Jefferson was sent to Jefferson College, in Adams County, Miss. His stay at the college was of short duration because of better facilities offered by John A. Shaw, a scholar from Boston. At 13 years of age he returned to Kentucky to enter Transylvania University, where he remained four years, leaving to matriculate at the United States Military Academy at West Point, N. Y.

The schools Jefferson Davis attended probably lacked something in living up to the names which they bore, but the experience he gained in various sections of the country was worth much in his formative years. West Point was considered the best school in the United States in the days of his attendance there. Davis stood well in his classes, and at one time his good record saved him the disgrace of expulsion because of a boyish prank. He was looked upon by his fellow students as a leader, even as he had been at Transylvania, where on his departure teachers and students had drunk to a toast: "May he become the pride of our country and the idol of our Army."

IV

One hundred years ago smug respectability sat on the throne in Washington. The democracy brought to the Nation by the triumph of Thomas Jefferson had succumbed to the stranglehold of the bankers and manufacturing interests. Government was something for aristocracy, and the common man had no place in the exclusive society of the National Capital. Out of the West came a warrior whose nostrils quivered at the sound of battle, and in the fall of 1828 the intelligence and culture of the ruling party received a shock. Andrew Jackson, hard-bitten and attenuated, red-haired and of fiery temper, was swept into the Presidency by the down-trodden and despised.

In July of that year Jefferson Davis received his diploma from West Point. Commissioned second lieutenant in the Army he reported, after a furlough, for duty at Jefferson Barracks, Mo. From 1828 to 1835, when he resigned his commission, Davis served faithfully in opening up the frontier of the Nation, gaining distinction for his bravery and diplomacy in handling intricate problems arising with hostile Indians. In 1831, while commanding a lumbering expedition on Yellow River, an outpost in a country unexplored by white men, he was stricken with pneumonia, superinduced by overwork and exposure to a rigorous climate. For many months, with only his faithful servant, James Pemberton, to care for him, he lay on the brink of death. A splendid physique and indomitable courage served him well, but the disease left its indelible marks. Never again did he enjoy robust health, and much of the criticism aimed at him in later years was due directly to a body broken in the service of the United States Army.

V

Jefferson Davis was drawn into politics by reason of the fact that he was a natural leader. Men looked to him in his home county when the Democratic Party, of which he was a member, was being overwhelmed by the Whigs under the guidance of Sergeant S. Prentiss. Davis was defeated in his attempt to gain a seat in the State legislature, but his courageous stand against repudiation of the Union Bank bonds and his ability as a public speaker brought him into outstanding prominence. After the campaign of 1843 he was repeatedly called to public service, although his inclination led him to the agricultural pursuits at Briarfield, his Mississippi estate, and the calm of his library. Always a deep student, he preferred retired contemplation to active public life, but there was in his character a deep sense of duty. In 1845 he was elected Representative from Mississippi. When the Mexican War broke out Davis was elected colonel of a volunteer regiment and he resigned his seat in the House to answer the call of his home State. When peace had been declared he was appointed to fill an unexpired term in the Senate and he took his seat at the opening of the first session of the Thirtieth Congress. In 1850 the Mississippi Legislature elected Davis to a full term of six years.

Had Jefferson Davis been driven by a consuming ambition, he stood in 1850 in fair way for an acid test. John C. Calhoun had died March 31, the Senate had a Democratic majority, the balance of power in the House was held by the Free Soil Party, and Davis was looked to by the country as Calhoun's successor. Again Mississippi Democrats called on their favorite son, and again he answered the summons. Although confined to his room by recurring illness, which had been aggravated by a severe wound received in the Mexican War, Davis returned to the State and made a canvass of every county in an attempt to defeat the Union Party candidate, Henry S. Foote, for governor. The Senator was defeated, but he reduced the Union Party majority from 7,600 to 1,000 votes.

Free once more to return to Briarfield, he was in desperate need of rest and recuperation. His retirement to private life, however, was of

short duration. After repeated urging he accepted a place in the Cabinet of President Pierce as Secretary of War.

Four years as a Cabinet official proved Jefferson Davis's ability as an executive. He brought to bear on the office his broad training he received in the backwoods schools and at West Point, together with actual field experience in the West and in Mexico. The record he left places him high on the roster of the Secretaries of War. The Army was reorganized, new regiments were added, a new system of regulations was inaugurated, rifled muskets and pistols were manufactured, and experiments were made for the casting of heavy guns. He also had surveys made of the routes from the Mississippi River to the Pacific coast for a proposed transcontinental railroad. Added to his other duties was the task of completing the National Capitol and the problem of furnishing the city of Washington with an adequate supply of water.

VI

The news of Jefferson Davis's election as President of the Confederate States of America was brought to him while he was superintending work being done in his garden at Briarfield. He had made no effort to gain the office not merely, but he had no thought but to serve in the capacity of commander in chief of the Mississippi Militia, to which position he had been elected. Immediately on arriving in the State he had set about preparing the troops for action. He was one of the few southern men who looked for a "long and bloody war." While there was a holiday spirit in the Southern States over the estabishment of the new government, Davis was apprehensive of the dangers to be faced.

Many southern people believed the North would not fight. Charleston looked across the bay and awaited the surrender of Fort Sumter. Augusta, home of many men of the Union Party, breathed an air of quiet restraint. Savannah hoisted the new flag above the public buildings. Montgomery accepted the Confederacy as an established fact. The city was known throughout the South as the capital, and Jefferson Davis was referred to as the President. The secession of the South, which had long been threatened, was now realized. The man at the helm of the new government was there by right of unquestioned leadership.

VII

The justice of a cause counts for little once the battle is joined. The brassy throat of the bugle sounds its call through senate chambers, theories of government become academic, men and munitions are pawns in the struggle for supremacy, and victory rests at last on the brow of undiminished resources. When the tumult and the shouting dies the conqueror receives the plaudits of a hero-worshiping world; on the vanquished is heaped the obloquy of quondam friends and foes. Men ill fitted to pass judgment stand in public places, and with blatant voices cry down the efforts of those who had the din of battle in their ears. Too long has Jefferson Davis been in the shadow of Fort Sumter and Appomattox. Too long has he lain in the chains of Fortress Monroe. Too long has he been buried in musty archives of a dead Nation. The time has come for the world to turn its eyes to the banks of the peaceful James and behold the man.

Thomas Jefferson came fresh from the conflict with privilege and gave to the world in his inaugural address, delivered March 4, 1801, the shibboleth of democracy. Seven years later, in the valley of the Green River, in Kentucky, a boy was born to embody that creed and hold its banner high. From the beginning to end, throughout a long life of feverish activity, he lived with eyes fixed to one guiding star. When Robert E. Lee wrote his son that duty is the sublimest word in the tongue, he might well have added: "I have seen it in the flesh, for I toiled by the side of the President of the Confederate States."

Mr. President, that is a wonderful tribute paid by a South Carolinian to the man who was elected to preside over the Southern Confederacy. We do not have any desire to fight that war over, nor have we any desire to create any ill feeling or to renew any ill feeling; but we do feel, as this historian has said that the time has come when there should be placed in the CONGRESSIONAL RECORD matters pertaining to the Southern side of the controversy, matters which were placed in the hands of honest people, people who wished to know the truth about why the South fought and what the South fought for, and furthermore to show that the leaders, the men who stood in the Senate of the United States and in the House of Representatives of the United States and stood for the doctrine of State rights were not talking mere idle talk, but were talking for a great principle, in order to show what character and what manner of men these men were who led the South out of the Union and who said to the world, "We stand upon the divine principle of every man having the right to do as he pleases with his own so long as he does not trample upon the rights of his neighbor," and who stand at the foremost in the history of the country in statesmanship, in war, and in peace; and in justification of the privates, the men back home who took the word of these men who were here and followed them to the death, and whose sons and grandsons have no apologies to make for the actions of their fathers and grandfathers but who are proud of the deeds which they performed and the records which they made.

Mr. President, I am informed that the clerk of the Committee on the Civil Service is a woman. A woman can not fight. Therefore I withdraw my remarks in reference to the clerk of that committee about the resolution which I introduced to obtain certain information from the departments.

If I had known the clerk was a woman I would not have made the remarks. I made them because I thought the clerk was a man, and I thought that when I went out of this hall to-night he would be man enough to resent it and give me an opportunity to give him what he deserves if he had been a man, or to give it to me. I would not have cared much which. There is no harm in fighting if you get beaten if you are fighting for a principle. If the clerk of the committee had been a man and hiding and concealing this resolution of mine, as I was informed was being done, I would have expected him to resent it, Senator or no Senator. No one but a coward would take an insult from a Senator. He may have to take it when he is on this floor, but when we walk out of the door of this Chamber he is a coward or he will resent any insult offered him on the floor. No one but a coward will take advantage of the floor of the Senate to insult somebody when he thinks that somebody can not resent it. Therefore, I apologize to the lady and ask that my remarks in reference to the clerk of the committee be stricken from the RECORD.

Mr. DALE. Mr. President, whatever the Senator from South Carolina sees fit to say about the chairman of the Committee on Civil Service passes by me as the idle wind. It is well he has withdrawn the remarks that he made about the secretary of the committee. The resolution to which he refers has been before the committee at every meeting the committee has held, placed there by the secretary of the committee. No blame whatever rests upon the secretary of the committee as to that resolution. Whatever blame there may be as to the resolution not being reported out of committee rests on me, and I am willing to take it. I am glad, Mr. President, that the Senator from South Carolina shows that he has manhood enough to withdraw his remarks.

I have the impression, Mr. President, that I had probably better sleep over what I would say rather than say it now. Therefore, I shall say no more to-night about this matter which the Senator from South Carolina has seen fit to bring up; but I am mighty glad that he has withdrawn the remarks he made.

The PRESIDING OFFICER. Without objection——

Mr. BLEASE. Mr. President, I want it distinctly understood that I have made no apology to the Senator from Vermont and I am responsible to him when he wants to settle any difference with me at any time, and place, anywhere.

Mr. DALE. I am delighted that the Senator has seen fit not to apologize to me. I do not ask for any apology from him. I will be glad to meet the Senator at any time, but I want to say this to him, that I shall be glad to meet him as a gentleman and not as a fisticuffer.

Mr. BLEASE. Then, let the Senator treat me as a gentleman and report my resolution and not hide it.

The PRESIDING OFFICER. Without objection, the remarks referred to will be withdrawn.

AMENDMENT TO WAR VETERANS' ACT

During the delivery of Mr. BLEASE'S speech—

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me to present a conference report?

Mr. BLEASE. I yield with pleasure.

Mr. REED of Pennsylvania. I present a conference report on the bill (H. R. 13039) to amend the World War veterans' act, 1924, and ask unanimous consent for its immediate consideration.

Mr. JOHNSON. Is the Senator presenting a conference report?

The PRESIDING OFFICER. The Chair will inform the Senator from California that he is.

There being no objection, the Senate proceeded to consider the conference report, which was read, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13039) to amend the World War veterans' act, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 17, 19, 23, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and

agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "(3)", and on page 5, line 12, of the House bill, after "(1)" insert a comma and "(2)" and a comma; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Strike out the quotation marks at the end of the Senate amendment; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate insert the following:

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity: *Provided*, That the payment of compensation shall be further continued after the age of 18 years and until completion of education or training (but not after such child reaches the age of 21 years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the director, which shall have agreed to report to the director the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 10. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is amended to read as follows:

"'SEC. 206. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act, and except where there is an official record of the injury during the service or at the time of separation from active service, or where prior to April 6, 1930, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title, for death or disability whenever occurring, proximately resulting from such injury.'"

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment, insert the following:

"SEC. 11. That the second paragraph of section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), is amended to read as follows:

"'The time herein provided may be extended by the director up to April 6, 1930, for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.'"

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert "12"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert "13"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "14"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In the matter proposed to be inserted by the Senate amendment strike out the comma after "made"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "15"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: " : *Provided further*, That no person who has surrendered his United States Government life (converted) insurance for its cash surrender value shall be entitled to apply for insurance under this section to the extent of the amount of the insurance so surrendered: *Provided further*, That the provisions of this section shall not apply to any person who did not serve in the military or naval forces of the United States in the course of the World War"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "16"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SEC. 17. That section 305 of the World War veterans' act, 1924, as amended (sec. 516, title 38, U. S. C.), is amended by striking out the period at the end thereof and inserting a colon and the following: '*Provided further*, That compensation which is uncollectible by reason of the provisions of section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, 1924, as amended, shall be considered as uncollected compensation for the purposes of this section.'"

And the Senate agree to the same.

DAVID A. REED,
REED SMOOT,
WALTER F. GEORGE,
Managers on the part of the Senate.

ROYAL C. JOHNSON,
ROBERT LUCE,
GORDON BROWNING,
Managers on the part of the House.

Mr. ASHURST. Mr. President, let me inquire of the able Senator from Pennsylvania what statute of limitations has been agreed upon by the conferees?

Mr. REED of Pennsylvania. The statute has been fixed at six years throughout the United States. At the present time it ranges from 3 years to 20 years, according to the State in which the action is brought. We thought it was better to have it uniform throughout the country.

Mr. ASHURST. I congratulate the able Senator from Pennsylvania on the good work he has done in behalf of the ex-service men. I think this bill is a just and fair one, and probably the best service I can render is to let the report be adopted without further comment. I should like, however, to ask the Senator a further question. There was an amendment added to the bill which passed in 1926, the so-called Ashurst amendment, which provided for the payment of $50 to certain ex-service men with cases of arrested tuberculosis. That provision of the law has not been touched or disturbed?

Mr. REED of Pennsylvania. There has been no change made in it.

Mr. ASHURST. I take the Senator's word freely. I ask, Mr. President, to include in the RECORD a short statement about that amendment.

Mr. JOHNSON. Mr. President, I object to the inclusion of the statement in the RECORD.

Mr. ASHURST. If my good friend objects, I will have to read it; it will take me only a few moments.

On May 2, 1928, a letter from General Hines——

Mr. JOHNSON. Mr. President, I rise to a point of order. Who has the floor?

Mr. ASHURST. I have the floor and I yielded to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. JOHNSON. Mr. President——

Mr. ASHURST. I yield to the Senator from California.

Mr. JOHNSON. I do not ask the Senator to yield to me. I ask who has the floor.

The PRESIDING OFFICER. The Chair understands the Senator from Pennsylvania has the floor and yielded to the Senator from Arizona for a question.

Mr. REED of Pennsylvania. I have asked for immediate consideration and adoption of the report, and now I surrender the floor.

Mr. ASHURST. That is debatable, and on it I wish to be heard.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. ASHURST. I can save time by asking that this statement be included in the RECORD without comment; otherwise I will be compelled to read it.

Mr. JOHNSON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ASHURST. Does the Senator from California still insist on his objection?

Mr. JOHNSON. Yes; I have objected to inserting anything in the RECORD to-day since the Boulder Dam bill became the unfinished business and has been before the Senate. I shall insist upon that rule.

Mr. ASHURST. Very well. The Senator has that right, and I do not quarrel with him. I must say that the Senator from California, with unusual ability and with a zeal that would be commendable if it were in a better cause, has promoted and pressed the Boulder Dam bill. If he has done nothing else he has aroused my admiration for him as a strategist and as an able, industrious man. Now, will he not yield and let me put this statement in the RECORD? [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSON. Mr. President, I would be delighted to yield to put the statement in the RECORD as is suggested, but I have made a rule that I have enforced against at least seven Senators in relation to inserting matters in the RECORD, and I can not in one instance yield without yielding in all.

The PRESIDING OFFICER. Objection is made.

Mr. ASHURST. The able Senator from California is just, but he is not generous, and sometimes in life it is better to be generous than it is to be just.

Mr. REED of Pennsylvania. Mr. President, may I say to the Senator——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Pennsylvania?

Mr. ASHURST. Certainly.

Mr. REED of Pennsylvania. I know that the Senator wants the statement to which he has referred to go in the RECORD, but he knows that I am equally anxious that this conference report shall be adopted.

Mr. ASHURST. I think the best service I can render the ex-service men is to sit down, and I will do so. [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLEASE. That is what I want to speak on.

The PRESIDING OFFICER. The motion is debatable, and the Chair recognizes the Senator from South Carolina.

Mr. BLEASE resumed the reading of an article from Home and Fireside and was interrupted by——

Mr. REED of Pennsylvania. Mr. President, will the Senator from South Carolina yield for a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. BLEASE. With pleasure.

Mr. REED of Pennsylvania. I wish to ask the Senator whether he will not be willing to let the conference report be agreed to, inasmuch as the papers must go to the House to-night, and I am fearful that if the adoption of the report should be delayed it might jeopardize the passage of the bill. I do not want to ask any undue advantage of the Senator, but it really is an important matter to the veterans, and the Senator can make his remarks on the Boulder Dam bill just as well after the report shall be agreed to.

Mr. BLEASE. As there is so much money in the Treasury and this is about the only way I can see to get it out, I will consent.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 3097. An act for the relief of the State of North Carolina;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3917. An act for the relief of the State of Florida;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; and

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga.

PROPOSED DEPARTMENT OF EDUCATION

Mr. ASHURST proceeded to address the Senate on Senate bill 728.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

Mr. ASHURST. With the understanding that I do not lose the floor or become prejudiced in any right, I will take pleasure in yielding.

Mr. SHIPSTEAD. Will the Senator yield for the purpose of having the Chair lay down a matter from the House of Representatives?

Mr. ASHURST. That is a privileged matter; and, while I should be glad to yield, the Senator has that right, so of course I yield. The Senator, however, would not be required to ask me to yield. As I say, that is a privileged matter.

The PRESIDING OFFICER (Mr. BROOKHART in the chair) laid before the Senate the following concurrent resolution from the House of Representatives (H. Con. Res. 40), which was read:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Education of the House of Representatives be, and is hereby, empowered to have printed, with illustrations, 10,000 copies of the hearings held before the committee during the current session on the bill (H. R. 7) to create a department of education, of which the Public Printer shall deliver 1,000 copies to the folding room of the Senate and 9,000 to the folding room of the House of Representatives for equal apportionment to the Members of each House, respectively.

Mr. SHIPSTEAD. I move concurrence in the resolution.

Mr. BINGHAM. Mr. President, I move that the matter from the House be referred to the Committee on Education and Labor.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

Mr. ASHURST. Mr. President, I must not be taken off the floor in that fashion.

Mr. NORRIS. Mr. President, I do not want any misunderstanding. The Senator from Arizona can not yield for action of that kind without losing the floor.

Mr. ASHURST. And, of course, I can not do that.

Mr. NORRIS. I would not say this if the Senator had not said he did not want to lose the floor. That can not be done without his losing the floor, because other business will have intervened.

Mr. BINGHAM. The Senator can yield for the Chair to lay before the Senate a message from the House without losing the floor.

Mr. NORRIS. Each one of the Senators has made a motion. If the Senator from Arizona yields for that he has lost the floor and would have to take his chances on getting it again.

Mr. SHIPSTEAD. I ask unanimous consent——

Mr. NORRIS. Even that will take the Senator off the floor—any action by the Senate. It is an impossibility for the Senate to take any action without taking the Senator off the floor.

Mr. BINGHAM. Mr. President, a parliamentary inquiry: In view of this matter being a privileged matter, is it not true that it has been previously ruled, within the past 24 hours, that a conference report might be received and might be acted upon without a Senator losing the floor?

Mr. LA FOLLETTE. This is not a conference report, Mr. President.

Mr. NORRIS. The presentation of a conference report is a privileged matter; but action on it is not privileged, and, even if it were, it would take the Senator off the floor.

Mr. LA FOLLETTE. Mr. President, this is not a conference report.

The PRESIDING OFFICER. It is a message from the House.

Mr. NORRIS. All right; but it is not privileged for Senators to make motions in regard to it, or to have any action taken by the Senate in regard to it, without taking the Senator off the floor.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

Mr. DILL. Mr. President, a parliamentary inquiry: Is the Senator from Arizona limited as to the time he speaks upon the unfinished business, or in the number of speeches he makes upon it?

The PRESIDING OFFICER. He is limited as to the number of speeches; not as to time.

Mr. ASHURST. Mr. President, I did not hear the Chair. I must not permit any advantage to be taken of me. I ask the Chair to speak up. What is the Chair's ruling? I want to hear it. I am pressed here by 20 to 1, but I am able to defend myself, and I want a fair ruling from the Chair. The Chair knows that I can speak twice on every question and every amendment. Let the Chair say so.

Mr. NORRIS. That is what the Chair said.

Mr. ASHURST. I want him to say it loud enough so that I can hear it. I may be ringed by foes 20 to 1, but I still have courage, if I have not votes.

The PRESIDING OFFICER. That is what the Chair said.

Mr. ASHURST. I want the Chair to say it loud enough so that I can hear it.

The PRESIDING OFFICER. The Senator was making too much noise. That was why he could not hear the Chair.

Mr. ASHURST. I wish the Chair would make a little more noise, so I can hear him. I do not fancy this thing of mumbling something, and then being told that you have waived your rights, when you did not hear the Chair. Let the Chair speak out as though he meant what he said.

Mr. BRATTON. Mr. President, if the Senator will yield, I withdraw the suggestion of the absence of a quorum.

Mr. SHIPSTEAD. Mr. President, in view of the objection made, and in view of the parliamentary situation, I withdraw my original request. It was not my intention to take the Senator from Arizona off the floor.

The PRESIDING OFFICER. The Chair thinks, under the rule, the Senator would have a right to make the motion without removing the Senator from Arizona from the floor.

Mr. SHIPSTEAD. That is what I thought.

Mr. BINGHAM. Then I move that the matter received from the House be referred to the Committee on Education and Labor.

Mr. NORRIS. Mr. President, I am just as anxious to see that no advantage be taken of the Senator from Arizona as anybody else; but I suggest to the Senator from Arizona that if this motion is received by the Senate and acted on, there can not be any doubt about it; he would lose the floor.

Mr. ASHURST. But the Chair has just ruled that that was not the case.

The PRESIDING OFFICER. The Chair will read the rule, and we will see.

Paragraph 7 of Rule VII says:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for that purpose. Any motion so made shall be determined without debate.

Mr. NORRIS. But, Mr. President, the Senator has to get the floor to make a motion. The Senator has to have the floor to suggest the absence of a quorum; and when he gets the floor, and the Senate acts on what he does, who ever has the floor can not hold it. Otherwise he could run on forever and consume days in the meantime.

The PRESIDING OFFICER. It being a privileged matter, the Chair thinks——

Mr. NORRIS. From the fact that a motion is privileged it does not follow that a Senator can be interrupted in his speech to make it. The Senator who desires to make the motion has to get the floor, and he can not get the floor when somebody else has it.

The PRESIDING OFFICER. It being in order at any time, the Chair thinks a Senator would have a right, if another Senator refused to yield, to make the point of order.

Mr. BINGHAM. Mr. President, I move, then, that this matter from the House be referred to the Committee on Education and Labor.

The PRESIDING OFFICER. As many as favor that motion will say "aye." [A pause.] Those opposed will say "no." [A pause.] The Chair is in doubt.

On a division, the motion was rejected.

Mr. ASHURST. Now, Mr. President, I ask that this intermediate matter be placed either at the beginning of my remarks or at the end of them. I was in good faith trying to give the Senators—and I am delighted and gratified that so many Senators were listening—a description of the Colorado River Basin, and the vast thousands of people who will read this will not be edified if they have to jump in their reading or if their interest is shunted off by some motion of some kind or some suggestion as to a rule.

Therefore I ask that all this intermediate matter, including what I am now saying, be placed either at the inception or the conclusion of my remarks. May I secure that permission?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHURST. I thank the Chair.

Now, let me say this to the Chair:

The Chair has had an experience in his career that I will not refer to that happened in this Chamber. I do not believe that the Chair would permit one to be overcome by foes of 15 or 20 to 1, and that is the reason why I felt that my heated remarks were justified. If I have said anything that was unparliamentary, or that in any degree tended to reflect upon the Chair, I apologize, because there is a sincere friendship existing between the present occupant of the Chair and myself; and when I see one of my friends draw a dagger from his breast, it hurts me more than to have 50 daggers come from open enemies.

Therefore I ask the Presiding Officers during the remainder of this session not to mumble some decision from their lips that nobody hears, and that tricks and jockeys away the speaker's rights, but I ask the Presiding Officers either to sit or to stand and announce their decisions so that we will all know what they are deciding. Am I right about that?

I am not complaining so much about the present occupant of the Chair as I am complaining of other Senators, including myself. We have fallen into the habit of making mumbling decisions, and nobody knows what we have done and said. A Senator near me says maybe they do not know what they are saying; that is probably true in some of the cases.

Having delivered myself of these few felicitous remarks, I will proceed with the discussion of a description of the Colorado River Basin.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

The PRESIDING OFFICER. The question is on the first committee amendment to the bill.

Mr. ASHURST. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "floods" and the comma, it is proposed to insert "improving navigation."

The PRESIDING OFFICER. The question is on agreeing to the amendment, on which the Senator from Arizona [Mr. ASHURST] is entitled to the floor.

[CONTINUED UNDER DATE OF MAY 29]

HOUSE OF REPRESENTATIVES

MONDAY, *May 28, 1928*

The House met at 11 o'clock a. m. and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the source of all life and the giver of all that makes it worth while, hear our prayer. Do Thou help us to see through our sorrow and to know Thee through the subtle processes of our hearts. Father in Heaven, Thou, who didst not spare Thy only begotten son, we can not ask Thee to withhold us from the dark of Gethsemane. Sheltered and unafraid, as we tarry there, we would bear the rod with its chastening stroke. The Lord look upon us as we declare our faith in Him who is the resurrection and the life. He has glorified the tomb and has made His cross the headstone of every grave in the dust of mother earth. A splendid oak of the highlands has fallen and our hearts are sore. In him was no guile; his hand was never extended in infidelity; his was a great heart and an honest mind. He was so constant in his labors, so just in his decisions, so manly in his bearing that we would keep in sacred memory his moral grandeur. Yes, he wore truth upon his brow and kept falsehood under his feet. Father, console the sorrowing ones with the tenderest care. Abide with these his honorable colleagues and keep them in that wonderful peace that passeth understanding. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, May 26, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage, and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes;

H. R. 13622. An act to amend and supplement the Code of the Laws of the United States of America; and

H. R. 14057. An act for the relief of Edmund F. Hubbard.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

H. R. 13512. An act to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

The message further announced that the Senate had passed with amendments upon the bill (H. R. 13039) entitled "An act to amend the World War veterans' act, 1924," insists upon its amendments, asks a conference with the House of Representatives on the said bill and amendments thereto, and appoints Mr. REED of Pennsylvania, Mr. SMOOT, and Mr. GEORGE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 2319) entitled "An act for the relief of John W. Stockett," requests a conference with the House on the disagreeing vote of the two Houses thereon, and appoints Mr. HOWELL, Mr. CAPPER, and Mr. BAYARD to be the conferees on the part of the Senate.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1448) entitled "An act for the relief of Omer D. Lewis."

The message further announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 1769) entitled "An act for the relief of the legal representatives of the estate of Haller Nutt, deceased," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NYE, Mr. MCMASTER, and Mr. STEPHENS to be the conferees on the part of the Senate.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio."

RIVERS AND HARBORS BILL

Mr. FREEMAN. Mr. Speaker, by direction of the Committee on Rivers and Harbors, through its chairman, the gentleman from New York [Mr. DEMPSEY], I introduce a bill for the improvement of rivers and harbors and file with it a report relating to the same.

The SPEAKER. Referred to the Union Calendar and ordered printed.

GOOD ROADS—TARIFF ON TOMATOES

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subjects of good roads and tariff on tomatoes.

The SPEAKER. Are they the gentleman's own remarks?

Mr. GOLDSBOROUGH. My own remarks; yes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GOOD ROADS

Mr. GOLDSBOROUGH. Mr. Speaker, it is very gratifying to know that the annual appropriation for permanent roads throughout the United States is guaranteed by the President's signature to the bill last Saturday, after considerable hesitation on his part.

There is a great deal of legislation which is in the interest of some certain class, but, when a road is built, something is being done in the interest of the great masses of the people, because a road is equally for the benefit of all, while the cost of building the road falls on those best able to bear it.

Mr. Speaker, when I was a boy our roads on the Eastern Shore—typical of roads throughout the United States—were in such condition that much human labor and time was spent on the road which could have been utilized at one end or the other of the trip in productive industry. Many people did not realize that an improved road always more than paid for itself because of its economic convenience. It is true we have not all the improved roads we need, but I believe in the next few years every nook and corner of the great congressional district of the Eastern Shore of Maryland will have an improved road, and I hope this will be the condition throughout the country.

Mr. Speaker, when you legislate in favor of good schools and good roads you are legislating in the interest of real democracy, because you are bestowing a great benefit on every class in the community, from those who pay the most in taxes to those who pay none at all, which is democracy in a very real and a very high sense.

TARIFF ON TOMATOES AND FAVORABLE LEGISLATION ON THE FIVE-EIGHTHS BUSHEL BASKET

Mr. Speaker, the efforts of the Members of Congress of both of our great political parties to endeavor to bring to the serious attention of the Members of the Ways and Means Committee of the dominant party the condition of the tomato farmer and canner because of the flood of Italian tomatoes which has demoralized our canned-tomato market and made it impossible for our farmers to receive proper compensation for their tomatoes, have proved unavailing.

I have been making a constant appeal to the United States Tariff Commission for relief through the provisions of the law which enable the President to grant an increase in tariff of 50 per cent over that provided by the tariff act in his discretion. The President is supposed to rely on the Tariff Commission for information. I believe the Tariff Commission—with some of the members of which I am on intimate terms personally, one member of the commission being the Hon. Alfred P. Dennis, a resident of Somerset County, on the Eastern Shore of Maryland—is now making a very thorough investigation of this matter.

On April 13, 1928, I received a letter from Mr. Dennis, an excerpt from which is as follows:

> We are getting pretty well along with our tomato investigation. The domestic costs have been obtained by our field accountants and we are about 85 per cent along in obtaining evidences of the Italian costs from the examination of invoices at the port of New York. This material will all have to be digested, a public hearing held, and a report prepared for the President.

At this point I am taking the liberty to insert as a part of this speech a letter embodying resolutions from the Tri-State Packers' Association, including the States of Maryland, Delaware, and New Jersey, relating to work done by me in behalf of the ⅝-bushel basket, and also a letter from the Maryland Farm Bureau Federation, and a letter and resolution from the Tri-State Packers' Association relative to my previous work in behalf of the tariff on imported canned tomatoes.

TRI-STATE PACKERS' ASSOCIATION,
OFFICE OF THE FIELD SECRETARY,
Easton, Md., April 25, 1928.

Congressman T. ALAN GOLDSBOROUGH,
Washington, D. C.

DEAR CONGRESSMAN GOLDSBOROUGH: I am pleased to hand you herewith a copy of a resolution unanimously passed at our spring meeting held in Baltimore:

"In view of the importance of the five-eighths basket to the canning industry of Maryland, Delaware, and New Jersey: Therefore be it

"*Resolved*, That we, the canners of these three States, wish to express our thanks and appreciation to you who have so ably and successfully opposed the elimination of the ⅝-bushel basket as a legal market hamper; and be it further

"*Resolved*, That the secretary be instructed to forward a copy of this resolution to each of the Senators and Congressmen above mentioned."

Very truly yours,

F. M. SHOOK, *Field Secretary.*

MARYLAND FARM BUREAU FEDERATION,
Baltimore, Md., March 18, 1926.

Congressman T. ALAN GOLDSBOROUGH,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN GOLDSBOROUGH: Permit us to acknowledge receipt of yours of March 16 in reply to ours of March 15 with reference to the importation of Italian canned tomatoes into this country.

We were aware that you had been working with the Tri-State Canners' Association, the National Canners' Association, and various other farm organizations on this matter. We have already communicated with Mr. Fooks, of Preston, Md., and with the National Canners' Association.

We appreciate your efforts in this matter and feel that you will continue to do everything within your power, as you have in the past, to protect the farmer's interest.

Yours very truly,

M. M. STEWART, *Secretary-Treasurer.*

TRI-STATE PACKERS' ASSOCIATION,
OFFICE OF THE FIELD SECRETARY,
Easton, Md., August 10, 1926.

Congressman T. ALAN GOLDSBOROUGH,
Denton, Md.

DEAR MR. GOLDSBOROUGH: The tri-State canners are particularly impressed with your efforts in helping our committee in the matter of securing an increase in the rate of tariff on canned tomatoes.

At a meeting of our association held in Easton on Friday, August 6, a formal resolution expressing this feeling was passed unanimously. I am pleased to inclose you herewith copy of same.

Very sincerely yours,

C. M. DASHIELL, *Secretary.*

[Inclosure]

Whereas the Tri-State Packers' Association, through its officers and committees, in its endeavors to secure an increase in the tariff on the importation of canned tomatoes has been in touch with various Members of Congress, all of whom have given us valuable aid and assistance, and

Whereas Congressman A. M. FREE of the fifth district of California and Congressman T. ALAN GOLDSBOROUGH of the first district of Maryland have been particularly active in furnishing us valuable information and statistics, and by their untiring efforts securing for us valuable aid in presenting our case to the proper authorities: Therefore be it

Resolved, That the thanks of this association be extended to Congressman FREE and to Congressman GOLDSBOROUGH for their efforts in our behalf.

TRANSCONTINENTAL HIGHWAYS

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Arthur H. Hall, of Danville, Ill., before the convention of the Good Roads Association at Des Moines, Iowa, dealing with the question of good roads and pertaining especially to a bill I have introduced.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLADAY. Mr. Speaker, under special permission to extend remarks, I desire to submit the following address delivered by Arthur R. Hall, of Danville, Ill., before the Sixteenth Annual Convention of the United States Good Roads Association at Des Moines, May 30, 1928.

Mr. Hall was the originator of what is known as the "Vermilion County Illinois Plan" for building hard-surfaced roads. Under his initiation this same idea was expanded into the Illinois Hard-Surfaced Road System, and under this plan the hard-surfaced road system of Illinois has been constructed. Mr. Hall is known as the Father of Good Roads.

H. R. 6957, providing for the construction of a nation-wide system of hard-surfaced highways, embodies an elaborated extension of Mr. Hall's Illinois plan.

Mr. HALL. Mr. Chairman, for more than 2,000 years before the coming of motor cars people traveled the hard-surfaced Appian Way and gave it an honored place among the great projects of the world.

Centuries later Napoleon urged France to build a great hard-road system. While these French highways had been in daily use for a hundred years, their inestimable value was not fully realized until motor trucks and transports roaring back and forth over their hard surfaces brought up men and guns so rapidly and in such numbers that the invading German legions were stopped just outside the lines of Paris.

Without these hard roads Paris would have fallen. No one can realize what such a catastrophe would have meant to the world at large, let alone to France. Billions of dollars could not have replaced the beautiful works of art, the splendid buildings, and the accumulated treasures of the centuries.

In our splendid isolation we have less to fear from possible war than crowded Europe. And yet, while we talk of outlawed war, if we are honest with ourselves, we recognize down deep in our inner consciousness that some day our own beautiful Capital or our own great cities may need defense. If that time should ever come, the great hard-surfaced highway system provided for in the Holaday bill would return in money value many, many times its cost. As a defense measure alone, then, the building of such a system of national roads would be fully justified.

But we need not seek to justify the building of these roads on the grounds of national safety. From a commercial standpoint, from an economic standpoint, from a social standpoint, such a hard-road system would continue to return valuable and increasing dividends on the original investment.

Let us see, then, what the Holaday bill really is. Speaking as I do for Congressman HOLADAY, my duty requires me to give a rather detailed explanation of his bill, now pending in Congress. I shall try to be as brief as the importance of this question will permit. It would be like carryng coals to Newcastle to argue the benefits of good roads to this gathering.

As I may have occasion to refer at times to the Federal highway act, I want to make it plain here and now that I am not opposed in the slightest degree to such Federal aid. I believe that the Federal aid already given to the improvement of our highways has been justified. I believe, too, that even though the Holaday bill provides for many great trunk-line highways, our Government will for years to come find ample opportunity and sufficient cause for continuing to aid the States in the improvement, within their own borders, of thousands of miles of the roads over which their rural mail carriers and local people must travel.

Good roads pay big dividends and are a real investment. The United States is amply able and can well afford to build, without any assistance from the States, the first-class nation-wide system of high-type hard-surfaced post roads provided for in this bill.

WHAT IS THE HOLADAY BILL?

The fundamental purpose of the Holaday bill, as indicated by its title, is to provide for the construction, maintenance, and regulation within and by the United States of America of a nation-wide system of durable hard-surfaced post roads and their appurtenances and the provision of means for the payment of the cost thereof. These paved highways are to be constructed by the United States alone without any direct help from the States.

The fact that these highways can be built in this manner, right now while we live, appeals very strongly to most of us. We want to see results in our own lifetime. By authorizing an issue of its bonds the United States would be placed in position to contract for and construct these roads at once. In that way the people would get to use the roads while the bonds were being paid for.

Illinois tried this road bond issue plan to the extent of $60,000,000. Did it work? Well, in six years the people of Illinois voted a hundred million dollars more to build additional roads.

WHO WILL CARRY OUT THE PROVISIONS OF THE BILL?

Under this bill all the work must be done subject to the approval of the President, but the immediate responsibility for maintaining the high character of the roads will rest upon four of his Cabinet members.

As the Bureau of Public Roads and the interests of the farmer are placed in his department, the Secretary of Agriculture is given direct charge of the work.

Since such a nation-wide system of hard-surfaced roads, if well built, would be of almost inestimable value in time of national peril, the Secretary of War is named as one of these four Cabinet members. It would be his duty to aid in determining the proper type and width and strength of a paved roadway that would be sufficient for all traffic requirements of war as well as of peace. In time of national danger these roads would be placed temporarily under his control.

As a large volume of mail will be carried over these post roads, the Postmaster General is charged with part of the responsibility of constructing the high-type roads required.

Because such a comprehensive hard-road system will have a marked influence on the commercial interests of all the States, the Secretary of Commerce is named as the fourth member of this very important advisory board.

The Secretary of the Treasury, with the President's approval, must look after all financial questions.

WHAT KIND OF ROADS MUST BE BUILT?

The Holaday bill provides that the highways in this nation-wide system shall be improved by constructing thereon a durable, hard-surfaced pavement of the best type available. The roads shall be so built that they will remain in good condition, with low, reasonable maintenance cost during the life of the bonds and afterwards.

A vital principle of this bill requires the highways to be constructed on the straightest lines practicable from an engineering standpoint. The roads shall furnish the most direct routes from one main objective to another. These main objectives are the National Capital, the State capitals, the principal cities, and the termini of routes.

No route shall be deflected from a reasonably straight line in order to run through or near a city, even though the city be named on that route. If the construction of a route on such straight lines will carry the roadway at some distance from such a city or from one that should be given reasonable connections with the route, the Secretary of Agriculture shall build a spur or secondary road to make the connection. The Secretary shall not deflect a main route from its straight line or course, but he shall provide the safest and most direct and economical route, considering the interests of the country as a whole, rather than to run through or into any individual city or community.

For illustration: One route in this bill runs from Des Moines to Indianapolis. Danville, Ill., is named on this route, but if a direct course from Indianapolis to Des Moines would carry the route to one side of Danville, the Secretary must follow this direct course and then, if it should be deemed necessary, run a connecting spur to Danville.

The bill further provides that these hard-surfaced highways shall be wide enough and strong enough to meet the requirements of the heaviest present general traffic and the reasonably anticipated future traffic thereon. Engineers who have had wide experience in such road building will aid the four Cabinet members in determining the proper type of roads.

HOW WIDE WILL THESE ROADS BE?

The paved roadways, except in rough, mountainous, or sparsely settled regions, shall not be less than 20 feet wide. They may be as much wider as the above-named four Cabinet members, with the President's approval, may prescribe.

The bill also provides for superhighways near large cities. The paved roadways shall have not less than four 10-foot traffic lanes, or a width of at least 40 feet, for at least 25 miles out from the corporate limits of all cities of over 200,000 population. From the corporate limits of cities of over 800,000 the paved roadways shall have not less than six such traffic lanes, or a width of at least 60 feet, for a distance of at least 10 miles out from the city limits.

These widths are fixed only as a minimum requirement. In many cases the four Cabinet members will undoubtedly deem it advisable to make the paved roadways wider or to extend the extra widths out for a longer distance from these cities. Near such a supercity as New York or Chicago the width of one of these great highways should, in many cases, be much wider than 60 feet and extend out at the increased width much farther than 10 miles.

This bill also provides for the construction of belt-line paved highways around cities of over 200,000. Many times people traveling on a through route do not want to be delayed, perhaps for hours, by driving through a large city. By use of such a belt-line highway they could go from one route entering a city to any similar route entering it, without going down into the city's crowded, congested traffic.

WHERE WILL THESE ROADS GO?

The general plan of the Holaday bill calls for direct trunk-line hard-surfaced roads running from the National Capital to each State capital and from each State capital to every other State capital. There will also be many similar direct routes between the large cities.

The bill also calls for great, unbroken, and direct transcontinental hard-surfaced highways. Similar direct hard-surfaced highways will lead from all the large inland cities to the great waterways.

In general, the bill describes seven main east and west trunk-line highways. Five of these are real transcontinental highways. Two of the seven, however, run only from the Pacific Ocean to the Great Lakes.

One route follows closely the Atlantic coast line from Eastport, Me., to the southern tip of Florida. Another route follows closely the Pacific coast line from the Canadian border to San Diego. Twelve other north and south lines run practically from our northern to our southern border.

There are also two great diagonal routes, one running from Montana to the seaboard at Jacksonville, Fla., the other from El Paso, Tex., to Lake Ontario. Then there are more than 50 shorter but direct routes connecting the larger cities of the country.

The bill numbers the different routes, but it expressly provides that they may be renumbered or be given appropriate names. I am not so sure but that when these great national highways shall have been paved the American people will prefer to know a route by some illustrious historic name rather than by an unromantic number.

HOW WILL THE ROADS BE CARED FOR?

This bill provides that the United States shall maintain these roads in first-class condition. The four Cabinet members will also have power to regulate the use of the roads. Uniform traffic rules or rules of the road shall be prescribed.

The bill also requires these Cabinet members to provide uniform markings along these routes. Traffic lanes shall be kept marked with proper guide lines. Wherever practicable, inbound and outbound traffic lanes may be separated by parkway or other safe means, if such action is deemed advisable. If it becomes practicable to do so and it seems advisable, routes may be lighted up after dark.

The bill also authorizes the separation of grades at route intersections. In many cases where one great route intersects another the duty to protect the safety of the traveling public will no doubt cause these Cabinet members to separate the grades by overpass or other means, so as to keep the traffic on one route away from that on the intersecting route.

The bill seeks to safeguard the traveling public in every possible way. All railway grade crossings shall be eliminated, wherever practicable, by the construction of subways or viaducts. On a great national highway it would seem extremely unwise to send heavy traffic over railway tracks at grade.

HOW WILL THE ROADS BE PAID FOR?

The Holaday bill authorizes the borrowing of sufficient money on the credit of the United States, up to $5,000,000,000, to build all of these routes. But no more money shall be borrowed than is actually needed to meet the expenditures authorized by the bill. Bonds of the United States may be issued to secure the money so borrowed. In this way the building of this nation-wide hard-road system would be completely financed. It would permit the Government to begin the immediate construction of the roads and to carry on the work continuously until all the roads were completed and opened for traffic.

The bill authorizes the Secretary of the Treasury, with the President's approval, to levy and collect a small annual motor-vehicle tax to aid in retiring the bonds. This annual tax is to be not less than $3 for each motor vehicle not used for hire and not less than $10 for each motor vehicle used for hire. The bill also authorizes the Secretary of the Treasury to impose and collect a tax of not less than one-half cent per gallon on motor-vehicle fuel to aid in retiring the bonds. All other Federal taxes on motor vehicles will be repealed.

With the increase in the number of motor cars, which is certain to follow the construction of such a comprehensive system of paved roads, the bonds used for their construction could be retired in this way without burdening anyone. The users of such high-type hard-surfaced roads will be glad to contribute toward their construction.

It has been estimated that the saving in repairs, oil, gasoline, and depreciation by driving over a high-type paved road will mean at least 4 cents per mile of travel. If each car traveled, on an average, 1,000 miles per year over these national roads, it would mean on that basis a saving of $40 per car, or, counting the aggregate number of American cars, around $1,000,000,000 per year.

Again, engineers have estimated that the driving of a car over high-type paved roads, instead of over roads of low type, will effect a saving of 1 cent per mile on tires alone. I am not vouching for these estimates on saving, as that is out of my line, but if the figures of the engineers are even approximately correct the tire saving alone by driving over the high-type paved roads provided for in the Holaday bill would each year be more than the proposed motor-vehicle tax and gasoline tax combined.

This saving on repairs and depreciation by the building of these superhighways will not work any hardship on the manufacturer or on the dealer in motor cars, because if people can drive cars economically more cars will be bought. Again, the experience in Illinois has demonstrated that the building of a connected system of good hard-surfaced highways will cause the sale of cars to go up by leaps and bounds.

WHEN WILL THE ROAD BE BUILT?

The controlling idea in this bill is to provide funds, so that a connected and comprehensive system of durable hard-surfaced roads may

be constructed at once. The bill provides that the roads shall be divided into convenient sections for construction purposes and that all reasonable efforts shall be made to complete the entire system within five years after the passage of the act.

The construction work shall, so far as practically possible, be commenced in the different States at approximately the same time and be carried on continuously until completed. In this way work would be going on at the same time in all the States and the roads could be completed within the five-year period named. The people in each State would get immediate benefits. And these benefits would be more direct and substantial than those arising from many great Government projects like the building of the Panama Canal.

REFUNDS TO THE STATES

Many States, either acting alone or with Federal aid, have already paved some of their main highways. Where that has been done, if these main highways have been built on the direct and straight lines required by the Holaday bill, and if they have been constructed of a proper type to meet its requirements, then such a State highway could, with the State's consent, be utilized as part of the national system. In that event, if the road has been built by the State alone or by one of its subdivisions, the actual value of that part of the paved road so utilized will be refunded to the State. If the road has been built by the State and the Government together, then the actual value of that part of the paved road paid for by the State and so utilized by the Government will be paid back to the State. The money so refunded to a State would then be used by the State either to retire its State road bonds or to construct new hard-surfaced post roads under the direction and to the satisfaction of the Secretary of Agriculture.

AIRPLANE FIELDS

This bill also authorizes the construction of airplane fields alongside these great highways. Such fields are already needed for the interchange of air mail and post-road mail. Such fields may also become of great value for military, commercial, or other national purposes. No one can prophesy with certainty what the future need may be.

ADVANTAGES OF THE HOLADAY BILL OVER FEDERAL AID

The Holaday bill is not intended to repeal the Federal highway act, but its main purpose is to build a national system of connected hard-surfaced roads that can not be built immediately by means of limited Federal aid. Federal aid has not provided for the immediate construction of straight, unbroken trunk-line hard-surfaced roads of the highest type. Neither has Federal aid provided for the immediate construction of straight, transcontinental, hard-surfaced highways of the highest type.

A map of the Federal-aid roads of the United States will show that many of these roads jog back and forth from town to town, following, perhaps, the winding trails of pioneer days.

Then, too, a large percentage of Federal-aid projects has been of low type. Mr. Thomas H. MacDonald, Chief of the Bureau of Public Roads, in a hearing before the Committee on Roads in the last Congress, stated that 67½ per cent of all Federal-aid projects were of low type; that they were of graded and drained sand-clay or gravel construction.

The Holaday bill has another advantage over the Federal highway act due to the fact that if the bill is passed the Government will have the means at its disposal to construct and complete, without any further action on the part of Congress, an entire system of superior paved roads that may be used any day in the year. Plans could be made at once and contracts let for the whole work. Federal aid, on the other hand, is not permanently financed to insure the completion of any particular system but its continuance depends upon the uncertain action of each succeeding Congress.

If the Government builds roads under the Holaday bill at its own expense, it can, as it should, make the roads straight and connected and permanent, so as to benefit all the people rather than the people of a single State.

In the construction of roads near large cities Federal aid is limited to an amount wholly insufficient to meet the Government's fair share of the cost of roads that will be used by citizens from every State in the Union. The Holaday bill does not limit the cost, but provides for roads that shall meet all traffic requirements.

Another difficulty encountered in constructing high-type trunk-line hard-surfaced roads by means of Federal aid lies in the fact that some States may be either unwilling or unable financially to bear their share of the cost of the roads through their territory. Many Western States have large areas of untaxable lands which materially reduce their resources. This all means gaps in the roads.

Those of us on this side of Pikes Peak do not want such gaps. Most of us hope some time to be able to drive out there often to view the great mountains, the canyons, the geysers, the giant trees, and the rare wonders of nature. If the building of the transcontinental paved highways provided for in this bill will create in the American people a desire to explore their own country, enough money will stay away from Europe each year to maintain these roads.

HOW WILL THE HOLADAY BILL BENEFIT A CITY OR A STATE?

Before I close I want to give just a few figures to indicate what the Holaday bill would mean to individual cities and States. The routes described in the bill aggregate approximately 57,000 miles of road, which, at an estimated average cost of $50,000 per mile for a high-type paved roadway 20 feet wide, would cost $2,850,000,000. The above mileage is divided up among all the States.

Out here in Iowa the mileage would be approximately 1,594 miles, which, at that estimated cost, would mean an outlay in this State of $79,700,000. This amount would be spent either in constructing new roads, or, if the Government should take over some roads already paved by the State, in refunding the value of such roads to Iowa. Six great highways would lead out of this beautiful capital city.

The estimated expenditures in New York, Michigan, Illinois, California, Pennsylvania, and Texas would all go above the hundred-million-dollar mark. Texas, due to her great size, would have the largest amount.

Around the large cities the value of the roads would be much greater. Take, for example, Birmingham, Ala., the permanent headquarters of this great good roads association. Six splendid highways would run out from Birmingham at a width of at least 40 feet for a distance of at least 25 miles. At an estimated cost of $80,000 per mile for a 40-foot road this would call for an expenditure around that city of approximately $9,000,000.

Twelve of these great highways would lead out from the city of Chicago at a width of at least 60 feet for at least 10 miles and at a width of at least 40 feet for at least 15 miles farther. At an estimated cost of $90,000 per mile for a 60-foot road the expenditure around Chicago would aggregate about $21,600,000.

Eleven routes would run out of Indianapolis. These roads would be at least 40 feet wide for a distance of at least 25 miles beyond the city limits. The estimated expenditure around that city would reach $16,500,000.

ARE THESE ROADS NEEDED?

People who are well acquainted with conditions in the automobile world realize that the construction of new cars is far outstripping the construction of good hard-surfaced roads. It has been said that if all the motor cars in our country should decide to drive over its high-type paved highways at the same time, there would be a double line of cars with a spacing of less than 20 feet between cars.

The construction of the primary roads provided for in the Holaday bill would inevitably lead to the construction of a large mileage of hard-surfaced, secondary roads to connect with the great trunk-line roads. Since Illinois voted $60,000,000 for the construction of a State bond road system, counties in the State have voted many millions of dollars in county bonds for the purpose of building good roads to reach the State system.

At the time Illinois was making her campaign for good roads there were less than 400,000 automobiles in the State. During the campaign it was estimated that the saturation point would be 600,000 cars. But before this fine system of roads was entirely completed there were more than 1,400,000 cars.

And now I just want to add that by bringing all the States into a closer and more intimate relationship socially, politically, and commercially by means of a splendid nation-wide system of permanent hard-surfaced highways, the Holaday bill will obey the Constitution, both in letter and spirit, and help "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The following resolution has been submitted to the resolutions committee, and I hope it will be adopted by this convention:

"Resolution

"Whereas the rapidly increasing number of motor-vehicle owners, with the correspondingly greater need and demand on all sides for good hard-surfaced roads, is far outstripping the construction of such roads; and

"Whereas the Holaday bill, now pending in Congress, offers the traveling public substantial relief from this condition by providing for the construction, maintenance, and regulation within and by the United States of a nation-wide system of durable hard-surfaced roads and the provision of means for the payment of the cost thereof; and

"Whereas a careful study of this bill shows that its early passage would secure to the American people, right now in this generation, certain vital and very needful traffic betterments and highway improvements, such as—

"Straight and unbroken transcontinental hard-surfaced, super highways of the best type available;

"Straight and connected interstate hard-surfaced highways of the best type available;

"Maintenance of these highways in first-class condition;

"Relief from traffic congestion around the larger cities;

"1. By constructing straight, high-type pavements at least 40 feet wide for at least 25 miles out from cities of over 200,000;

"2. By constructing straight, high-type pavements at least 60 feet wide for at least 10 miles out from cities of over 800,000;

"3. By constructing belt-line, high-type pavements around cities of over 200,000;

"Connecting with each other by direct trunk-line, hard-surfaced highways the National Capital and all State capitals and all large cities;

"Forming great martial highways in time of national peril;

"Elimination of all railway grade crossings on the national highway system;

"Separation of grades where practicable at route intersections;

"Uniform traffic rules, regulations, and markings on this national highway system;

"Refunding to States the value of any part of this national highway system built, at its own expense, by a State or by one of its subdivisions, so as to permit such a State to use its money again for the building of other hard roads or the retirement of its State road bonds;

"Provision for financing the construction of this national highway system by the issuing of United States bonds to be retired in part by the users of the roads through the payment of small motor-vehicle licenses and a small tax on gasoline and motor fuel;

"Provision for constructing airplane fields alongside these great highways for the interchange of airplane and post-road mail and for military, commercial, or other national purposes;

"Promoting the general welfare of all the States: Therefore be it

"*Resolved*, That the United States Good Roads Association, in annual convention assembled, does hereby give its hearty and unqualified approval to the principles of the Holaday bill, and it does hereby further agree to use its best efforts to secure the early passage by Congress of this bill (H. R. 6957)."

Mr. HOLADAY. The Sixteenth Annual Convention of the United States Good Roads Association at Des Moines, Iowa, in session from May 28 to June 1, 1928, adopted the resolution set forth in the address by Mr. Hall.

INEQUALITY OF PAY WITHIN THE NAVY

Mr. HALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of pay in the Navy.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALE. Mr. Speaker, we have a peculiar situation in the Navy. On some of our ships we pay some of our junior officers more than we pay the captains or even the admirals, and we pay one junior officer more than we pay another of the same rank and service, performing the same duty, sometimes to the extent even of $1,000, $1,500, or $1,800 more. This appears unjust. These inequalities occur by reason of the schedule of pay of the bachelor officers of the Navy, whose compensation differs from that of married officers because of the single fact of marriage. They are paid under the terms of the act of June 10, 1922, the joint service pay act. I intend to discuss the pay of the unmarried officers of the Navy particularly, for as a member of the Naval Affairs Committee I am familiar with their case, and I am aware also that under the operation of the pay act they are made to suffer greater injustice than are the bachelor officers of the Army.

When Congress passed the joint service pay act it adopted a plan in paying for services rendered which we have never before or since applied to any branch of the Government service. We do not base our own pay on the existence or nonexistence of a family. We do not employ that factor in fixing the pay of the thousands of civil employees in the classified service. But when we were dealing with the Navy, the Army, and certain allied services, we wrote into the law that the pay for the services rendered should be measured to some considerable extent, in the last analysis, not by the value of the services but by the existence or nonexistence of other persons looking to the employee for support. As between two officers, one married and one a bachelor—the latter of higher rank than the former and performing more responsible duties, the former possibly the assistant of the latter—we give more money to the former solely because he is married. As between two officers of the same rank, doing exactly the same duty, with identical years of service and responsibility, that one who is married or has a dependent mother receives a substantially greater sum. The result of such a law has been that many junior officers receive more than their supervisors and instructors. The effect on the personnel involved can be easily imagined.

In a military organization rank should be the basis of pay, and "pay" should be adequate compensation for services rendered. These are such well-recognized and sound elementary principles that discussion seems unnecessary, yet in these respects the joint service pay act of June 10, 1922, is fatally defective.

As examples of the operation of that act I want to point out just what it means to individual officers of the Navy, and to urge your assistance in securing the repeal or modification of a law that is so injurious, so discriminatory, so foreign to the principles of fair dealing between employer and employee as to stand condemned on the facts.

For instance, a bachelor rear admiral in the lower half of the list, exercising one of the junior admirals' commands at sea, directly responsible for the training and well being of hundreds of officers and thousands of men, and for the employment and care of millions of dollars' worth of Government property, receives $6,219 a year. His married contemporary with the same rank and service and doing similar duty receives $7,500.

Next below the admiral in the scale of rank is the captain, an officer of from 27 to 39 years' service, with duties similar to those of the rear admiral but confined to a single vessel. The unmarried captains in command of the ships of our fleet receive $6,019 or $6,219, depending on the length of their service, while all of the married captains receive $7,200. This obvious discrimination is not confined to the cases of officers rendering equal service but extends also as between married captains and unmarried rear admirals. Thus the admiral in command of the entire force not infrequently receives some $900 less than an officer commanding a part of it. I believe that it is unjust to discriminate between two officers of the same rank, each performing the same duty.

Examine the situation grade by grade and you will find the same conditions existing throughout the Navy list. In one case recently brought to my attention, a lieutenant commander at sea received less money than every single lieutenant on board, and in one case less than half the sum paid one of the lieutenants. One more example will serve to show the extremes to which this unfortunate law has led. Lieutenants of the Navy, officers of corresponding rank to captains in the Army, are employed at sea normally as watch officers of ships, with the duty of drilling their assigned part of the crew, and caring for a part of the ship. While these are responsible duties, and while their successful accomplishment is essential to efficiency of the ship and the force to which it belongs, yet they are not to be compared with the duties and responsibilities of the captain of the ship or the admiral in command of the force. Nevertheless, we have cases where married lieutenants with long service as enlisted men and as warrant officers, before being appointed to the line of the Navy by a special law of Congress, receive more pay than the captain in command of the ship and the admiral in command of the group of ships.

These, then, are the conditions existing to-day. Juniors well down the scale of rank are paid more than the seniors to whom they look for orders and instruction, and in all grades and ranks there are officers with the same prior service, doing the same duty, in receipt of widely different sums—$1,000, $1,200, $1,800 a year less than another.

Two basic faults of the present law are almost entirely to blame for these results. The first is the plan of basing the pay of all officers on length of service with only minor regard for differences in rank. That is to say, length of service was allowed to outweigh the knowledge and professional attainments that had given to some higher rank and increased responsibilities while withholding it from others. Thus a lieutenant and a lieutenant commander, both married or single, of say nine years' commissioned service receive exactly the same amount. From this it follows that so far as pay is concerned no inducement was offered to excel and in that way secure advanced rank.

Appropriate legislation to correct this fault can not be drafted until consideration has been given to many factors and a study made of the entire subject, on the principle of adequate compensation for services rendered. However, the chief evil of the present law can and should be corrected now, and it is to that end that I ask your present assistance.

The joint pay act set up certain money allowances that were to be paid to some officers and not to others, although all were of the same rank, had the same amount of prior service, and were performing identical duties. These allowances are termed "rental allowance and subsistence allowance." They are payable in full measure at all times to married officers and to officers with a dependent mother, but only in part measure and in part time to unmarried officers with or without other classes of dependents.

In justification of this discrimination against the bachelors of the service it was said that these allowances were not "pay," but something different for which one officer had a claim on the Government and the other none at all. Why try to delude anyone into believing that a so-called rental allowance or subsistence allowance is not a part of the compensation paid an

officer as much as is his "pay" proper? It makes no difference what it is called, the sum total received from the paymaster is "pay." Supposedly, it is given in return for services rendered, and the recipient has a just ground for complaint when his pay envelope is smaller than that of another giving the same quantity and quality of work.

The inclusion of this discriminatory plan was the outgrowth of temporary legislation enacted during the war. I believe it fair to say this objectionable feature was recognized in part, at least, when the joint service pay bill was enacted, and it owes its existence to-day more to a desire at that time not to increase appropriations than to any belief that it was equitable and just. It has resulted in a substantial wrong, created dissatisfaction, injured the service, and placed the Government in an untenable position.

It is for this reason that I have introduced the bill H. R. 13614 to equalize the pay and allowances of officers of the Navy and Marine Corps on sea duty. If that bill is enacted, it will give the same sum of money each month to these bachelor officers while they are at sea that is given to their married contemporaries. That bill is restricted to cover the case where they are on sea duty, for it is there that the discrimination is most heavily felt. It will not remove all the inequalities of the law, but it has the merit of removing the greatest of them. I hope that that much will be done and that the whole subject will be taken in hand without delay.

The bill I have introduced deals only with the naval service, although other services are in theory laboring under the same disadvantage as is the Navy. Their disadvantage is more theoretical than real, for, as a matter of fact, the joint service pay act is discriminatory, not alone between individuals but as well between the different services paid under the terms of that law. The Navy is the only service covered by the pay act that always operates in peace time under conditions that are at all comparable with those obtaining in time of war. Its weapons of war are forged and ready, and the exercise of the personnel in their use is a part of the day's routine. Officers and men of the Navy and Marine Corps on sea duty are always in a war status, while in the Army there is no such thing as field duty in time of peace.

Therefore, when the pay bill says that Army officers on field duty and naval officers on sea duty who are not married shall suffer certain losses in allowances beyond the normal amount, it says that which is meaningless in respect to the Army and that which is of substantial hurt in respect to the Navy. Consider the bachelor major of the Army to-day and the naval officer of corresponding rank on sea duty each of, say, 20 years' total service. The Army officer receives $720 more than the naval officer. If they are in the next higher grades, with 25 years' total service, the Army officer receives $960 more than the naval officer.

To me the most noteworthy thing about this whole situation is that there has not been insistent clamor for remedial legislation. I know that the services affected feel, and rightly so, that certain provisions of the pay act are unjust in their operation, particularly in respect to the Navy. With that feeling in the hearts of the numbers of officers concerned, morale must suffer, efficiency is hurt, and the interests of the country are not served. There is scarcely a finer example of unselfish devotion to service of country beyond thought of self than is afforded by these officers, in many cases underpaid, in no case overpaid, and in all cases laboring under a law that disregards the fundamental principle of equality of pay for equality of service.

THE GENERAL ANTHONY WAYNE MEMORIAL BUILDING AT DEFIANCE, OHIO

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the public building at Napoleon, Ohio.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THOMPSON. Mr. Speaker, the Congress has donated $25,000 toward the Anthony Wayne Memorial Building proposed to be erected upon the site of the old fort grounds, located at the confluence of the Maumee and Auglaize Rivers, at Defiance, Ohio.

In the Third Congress of the United States during the second administration of President Washington, Maj. Gen. Anthony Wayne received a few lines of thanks for the great campaign against the Indians which culminated in the Battle of Fallen Timbers. Fort Defiance was the base of his operations. I understand, from reading history, and some of the old records of the Third Congress, that there was about as much jealousy and pettiness existing then, as was exhibited in the Seventieth Congress in an effort to block the resolution in commemoration of his efforts.

I first introduced House Joint Resolution 180 in the House of Representatives January 23, 1928. It was not reported out of committee until March 28, 1928, and I did not recognize it as my own bill when it finally emerged from the Library Committee, amended as follows:

[H. J. Res. 180, 70th Cong., 1st sess.]

Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio

Resolved, etc., That the Secretary of War is authorized and directed (1) to cooperate with the proper official of the State of Ohio, and the proper official of the county of Defiance, Ohio, in selecting a site in the public park maintained by the State of Ohio on the site of Fort Defiance, at Defiance, Ohio, and (2) to construct thereon, as a memorial to Gen. Anthony Wayne, a public museum suitable for housing a collection of historical relics which is already available; but such museum shall not be constructed until the State of Ohio has made adequate provision for its care and maintenance, and the Secretary of War may, in his discretion, suspend all construction under this act until the State of Ohio has made available the sum of $50,000 and the county of Defiance, Ohio, the sum of $25,000, to be used in the construction of such museum.

SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

[H. Rept. No. 1067, 70th Cong., 1st sess.]

GENERAL ANTHONY WAYNE MEMORIAL AT DEFIANCE, OHIO

Mr. LUCE, from the Committee on the Library, submitted the following report (to accompany H. J. Res. 180):

On the 9th day of August, 1794, Gen. Anthony Wayne, a gallant and distinguished soldier of the American Revolution and Indian Wars, erected a fort at the confluence of the Maumee and Auglaize Rivers, known as Fort Defiance, which was used by him as headquarters during the final campaigns against the Indians, resulting in the winning of the Northwest Territory. The site of this fort is now preserved as a public park of 3 acres within the city of Defiance. The State of Ohio is reported to have expended about $26,000 for the construction of a concrete retaining wall and further appropriation is available for landscape work and improvement of the grounds. The Defiance Park Commission and the Chamber of Commerce of Defiance have proposed the erection of a museum building for the housing of an existing collection of historical relics relating to Gen. "Mad Anthony" Wayne and his campaigns.

The resolution provides for cooperation on the part of the Federal Government in the construction of this museum building by the authorization of appropriation of $25,000, provided the county of Defiance will contribute a like sum and the State of Ohio will contribute $50,000 toward the project. It is also provided that the State of Ohio shall make adequate provision for the care and maintenance of the building and that plans of the structure shall be subject to the approval of the Commission of Fine Arts.

Your committee believes that the Federal Government should cooperate in the erection of this memorial to one of its distinguished soldiers, and recommends the adoption of the resolution, with the following amendments:

Strike out the preamble.

Page 2, line 4, strike out the words "with the approval of the" and insert in lieu thereof the words "to cooperate with the."

Page 2, line 5, strike out the words "to select" and insert the following: "and the proper official of the county of Defiance, Ohio, in selecting."

Page 2, lines 14 and 15, strike out "a sum equal to that hereinafter authorized to be appropriated" and insert "the sum of $50,000 and the county of Defiance, Ohio, the sum of $25,000."

Section 3, line 20, strike out the figures "50,000" and insert in lieu thereof the figures "25,000."

I had hearings on the bill before the committee on February 20, and there were present as witnesses Mayor E. S. Bronson and Mr. Harry L. Burden, of Defiance. After the hearings, while I could have been consulted, the chairman of the committee did not see fit to talk to me or confer with me concerning the manner in which his committee intended to amend the bill. I had perfect confidence in the committee and rested in the belief that they were disposed to do the right thing.

Defiance is my home town and I could have advised them at any time during consideration of the bill. As reported out, it was not my bill and I was not pleased with it. But it was then too late to change it.

Again I was not consulted when I learned that it had been placed on the Consent Calendar of the House. This calendar is established by the House rules laid down by the leaders and ratified by the House. It is a vicious method of legislation and

should be revised. It permits the objection of any one Member of the House, out of 435 Members, to rise and merely say, "I object," and this kills any bill brought up on the calendar.

On the 16th of April this resolution of mine came up for consideration and was promptly objected to by a neighbor of mine on the north—a gentleman from Michigan—whom I did not suspect would object to such a meritorious bill as this one. He did not make it a personal matter, but as he holds a responsible place in the House as self-appointed "watchdog" of the Treasury, he presumably has an arrangement with the chairman of the Library Committee to object to all bills that will cost the Government money.

I was not present when the bill came up for passage, but had an arrangement with the chairman of the Library Committee, Mr. LUCE, to put the bill through if it came up during my absence. The chairman assured me he would have the bill enacted if he could and if no objection was made; so I trusted him and was content. But, as I said, a neighbor on the north objected when it did come up, and I herewith insert the colloquy that ensued when the bill was stricken from the calendar:

GENERAL ANTHONY WAYNE MEMORIAL

The next business on the Consent Calendar was the joint resolution (H. J. Res. 180) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the industry of the Committee on the Library in building monuments all over the United States is on the increase. In this instance it seems there is being established a new policy. Possibly the gentleman from Massachusetts [Mr. LUCE] can point to precedents, but this is a case where they want a museum out in Defiance, Ohio, and want us to contribute $25,000 from the Federal Treasury toward its erection. This may be desirable, but I know of so many places where it seems to me more urgent needs exist that I am fearful of starting a policy of contributing to museums all over the United States.

Mr. LUCE. Mr. Speaker, I have no personal concern with this proposal, of course; but it chances that the gentleman who introduced the bill and who has it very much at heart has been obliged to leave the sittings of the House by reason of illness. My regard for him strengthens my wish to carry out my assurance to him that if the matter came up in his absence I would do what I could to secure consideration. This, of course, is no reason why the bill should not stand on its own merits, but merely warrants me in asking consideration for the bill.

Mr. CRAMTON. Would the gentleman like to have it passed over without prejudice?

Mr. LUCE. It is doubtful how soon our friend is going to be able to be back, and perhaps I might as well answer the gentleman's question at once.

As for precedent, I am informed that the Battle of Tippecanoe has been marked or commemorated in somewhat the same way by a joint contribution of the Nation and the State.

Like my friend the gentleman from Michigan [Mr. CRAMTON], I, too, have observed the increasing desire on the part of Members of the House to erect these various commemorative structures or markers or edifices, or whatever they may be.

Nearly four years ago we began commemorating the one hundred and fiftieth anniversaries of the Revolutionary War. We have been following that war through New England and the Middle States, and we are now down in the South. This Fort Defiance episode comes somewhat later, to be sure, but it is a part and parcel of what is apparently the growing desire—and I am not sure that it is not a commendable desire—to pay more attention to the sites of happenings that have shaped the country's history.

I think this demand is no doubt also in part due to the remarkable growth of automobile touring that is now taking large numbers of our people here and there throughout the country, leading to a desire on the part of localities to bring to the attention of tourists reasons why this or that particular spot should be noticed. My own feeling has been that within reasonable limits we might take account of these things.

But I have personally come to the conclusion—I will say this for the benefit of the whole House—that it might be a wise thing for us to establish a practice—not an ironclad rule, because occasions to deviate might arise—but we might start from now on with the theory that we will commemorate only happenings of national importance, and that the cost of the commemoration shall be shared between the Nation and the locality. With that safeguard I am inclined to think that the appropriation can be kept within reasonable bounds.

Mr. CRAMTON. I have noticed the increase as reflected by the bills on the calendar, but I am not able to attribute it to any increase in the patriotic spirit or desire to honor the heroes of the past. I think it just comes from the fact that Members of Congress sit here and see a bill go through for the distinguished gentleman from Ohio or for the gentleman from Michigan or Massachusetts, and they say, "Well, if the Federal Government will spend $7,500 for a marker or contribute $25,000 for a museum for Defiance, why should not I have one in Port Huron," etc. That is why I am worrying about the great number that are coming out from the gentleman's committee. The benefit the gentleman refers to as an inducement to automobile tourists is local. I would have some faith in the increase of devotion to the past if communities were paying the cost of it out of their own money, but when it requires money from the Federal Treasury I am not so sure about it.

On the calendar we have proposals to give them markers for fights between the Indians and between the Indians and the whites and for all sorts of occasions. We have markers for small engagements of the Revolutionary War. If we put markers for all those places where we have had any clash of arms in this country the gentleman's committee will need a separate calendar.

Mr. LUCE. In my own region this has practically all been attended to by the activities of patriotic societies.

Mr. CRAMTON. That is a very fine way for it to be taken care of.

Mr. LUCE. While I agree with the gentleman, yet there are many parts of the country where the episodes to be commemorated took place at some distance from what are now the centers of population. That is not true here, but in this particular case the gentleman will note that we are asked to contribute $25,000, provided the State spends $50,000 and the county $25,000. I am inclined to think that this method of putting up, at any rate, a low bar may lessen the duties of the Library Committee, a result over which no tears would be shed.

Mr. CRAMTON. I hope so. I think the gentleman will appreciate that in our work on the Appropriations Committee it is not always because the item is undesirable that it is objected to but because there are other things more urgent. I know of so many places where $25,000 would do such a lot of good—in providing a dormitory for an Indian school or a hospital that has been postponed—I do not believe we ought to take this up.

Mr. LAGUARDIA. Will the gentleman yield? What the gentleman says is absolutely correct. Immediately after the World War we had an epidemic of memorials. I remember I was in the city hall in New York City, and every time they wanted to open up a street that was not necessary or make an appropriation that they could not justify they would stick a memorial patriotic name to it and seek an appropriation on that ground. I believe in these appropriations we must consider the merits. A few moments ago we had a memorial road; that should be considered as a road problem and nothing else. Then, if it comes within the requirements of the road policy, it is time enough to give it a memorial aspect. But to consider these questions in the light of memorials I think is overdone.

Mr. CRAMTON. I have a high regard for the gentleman from Ohio, as I have for the gentleman from Massachusetts, but I feel that in this work that I am doing I can not be governed by personal considerations.

The SPEAKER pro tempore. Objection is heard, and the Clerk will report the next bill.

My office force persuaded Chairman LUCE to restore the bill to the foot of the Consent Calendar, where I found it upon my return from a four weeks' leave of absence. In the meantime, last January I had induced Senator FESS to introduce in the Senate a duplicate of my bill. On May 8 it passed the Senate just as drawn and as I desired it to be. It provided a 50-50 basis with the Legislature of Ohio in the matter of appropriation. Had my bill been passed first in the House, I could have attempted to have the Senate bill, by unanimous consent, substituted for the House bill, and that would have ended the whole legislative program. But in the light of subsequent developments no doubt my hostile colleague Mr. CRAMTON would undoubtedly have objected.

The Speaker has a parliamentary rule in the House that no legislation can be substituted coming from the Senate unless it has first passed the House. My bill had no standing under this rule, having been stricken from the calendar by objection. The only thing left for me to do was to resort to "log rolling," and as I am a fairly good hand at that, I proceeded to do the best I could. In that way I secured the passage of the bill as it was presented by the Library Committee, as I could get it through in no other way. Mr. LUCE and his committee and Mr. CRAMTON with his objections were adamant against any other program. By securing its passage in this form, I "finessed," as they say in whist. My object was to get the bill to conference between the two Houses, and in that way, I felt, lay the only chance to secure the passage of the Anthony Wayne Memorial resolution.

And so on May 11 Mr. LUCE, chairman, was recognized by the Speaker, the bill was read as it passed the Senate, and then amended to conform to the Library draft and passed in the House. The entire proceedings are as follows:

HISTORICAL MUSEUM IN DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, and consider the same in the House as in Committee of the Whole. If consent is granted, I shall move to amend by certain amendments which were embodied in the report from the House Committee on the Library in a similar bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 82, and consider the same in the House as in Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

"Senate joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio

"Whereas on the 9th day of August, 1794, Gen. Anthony Wayne, a gallant and distinguished soldier of the Revolutionary and Indian wars, erected a fort at the confluence of the Maumee and Auglaize Rivers, known as Fort Defiance; and

"Whereas the original site of old Fort Defiance is now preserved as a public park of 3 acres, wherein the State of Ohio has expended $26,000 to construct a concrete retaining wall, and a further appropriation by the State of Ohio is available for landscaping and beautification of site; and

"Whereas the site is one of national as well as local significance: Therefore be it

"*Resolved, etc.*, That the Secretary of War is authorized and directed (1) with the approval of the proper official of the State of Ohio, to select a site in the public park maintained by the State of Ohio on the site of Fort Defiance, at Defiance, Ohio, and (2) to construct thereon, as a memorial to Gen. Anthony Wayne, a public museum suitable for housing a collection of historical relics which is already available; but such museum shall not be constructed until the State of Ohio has made adequate provision for its care and maintenance, and the Secretary of War may, in his discretion, suspend all construction under this act until the State of Ohio has made available a sum equal to that hereinafter authorized to be appropriated, to be used in the construction of such museum.

"SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

"SEC. 3. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this act."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

"Mr. LUCE offered the following amendments: Line 1, page 2 of the Senate bill, strike out the words 'with the approval of the' and insert the words 'to cooperate with the.'

"Line 2, strike out the words 'to select' and insert the words 'and the proper official of the county of Defiance, Ohio, in selecting.'

"Line 11, page 2, strike out the words 'a sum equal to that hereinafter authorized to be appropriated' and insert 'the sum of $50,000, and the county of Defiance, Ohio, the sum of $25,000.'"

The amendments were agreed to.

Mr. LUCE. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The motion of Mr. LUCE to reconsider the vote was laid on the table.

So the bill was passed at last through the House in a form that I did not like at all. Mr. LUCE, out of consideration for my feelings in the matter, had kindly consented to the passage of the bill, as amended, in the absence of Mr. CRAMTON from the House.

The matter then drifted along for several days. I saw that nothing was being done, and, becoming anxious over the situation, attempted to have conferees appointed, on May 14. Again Mr. CRAMTON appeared and objected to the appointment of conferees, as is evidenced by the following proceedings from the RECORD of that date:

HISTORICAL MUSEUM AT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 82 providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, and agree to the conference asked for.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 82 and agree to the conference asked for. Is there objection?

Mr. CRAMTON. Reserving the right to object, what is the nature of the Senate amendment? I am opposed to the whole bill.

Mr. LUCE. The proposal in the bill was that we contribute $50,000, and that the balance of $50,000 be contributed by the State of Ohio. The House changed the appropriation to $25,000 and $25,000 to be appropriated by the county in which Fort Defiance is situated.

Mr. CRAMTON. And the Senate refuses to accept the House amendment?

Mr. LUCE. Yes.

Mr. CRAMTON. Is the gentleman in position to give the House any assurance as to what the attitude of the House conferees will be?

Mr. LUCE. I am not in a position to tell the gentleman what the other conferees will do, but I believe the House amendment was wise.

Mr. CRAMTON. I agree with the gentleman from Massachusetts and until the gentleman can enlighten us as to whether the other conferees will stand with us I shall be obliged to object.

So another day was wasted by the obstinacy of Mr. CRAMTON. However, as the Senate had asked for a conference and had conferees appointed, Mr. LUCE was compelled, under the parliamentary rules, to insist upon the appointment of conferees by the House. They were accordingly appointed as follows, but not until Mr. LUCE had agreed with Mr. CRAMTON to insist upon the House amendments and not to recede from them:

HISTORICAL MUSEUM AT FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 82, providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio, insist on the House amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate Joint Resolution 82, insist on the House amendments, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. LUCE, Mr. ALLEN, Mr. DAVENPORT, Mr. GILBERT, and Mr. BULWINKLE.

That was May 15. Mr. LUCE and some of his conferees met with the Senate conferees, and stated that he was there to announce his position, namely: That he would not agree to the Senate bill as passed, nor would he agree to recede from the amendments of the House. One of the Senate conferees, it is alleged, told Mr. LUCE that if such was the case he did not consider it a conference; and, until he could approach them with a more open mind, the Senate would not consider any House amendments, but would insist upon its bill. So the matter rested for several days. Finally, the conferees got together and mutually agreed on give and take. As a result, the conference report as mutually agreed upon was printed in the RECORD of May 25, in the House proceedings, as follows:

FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I present a conference report on Senate Joint Resolution 82, relating to Fort Defiance, Ohio, for printing in the RECORD.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting."

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read "the sum of $50,000."

And the House agree to the same.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 82) submit the following written state-

ment explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The only change made in the resolution as agreed on by the conference committee is to omit therefrom all reference to the county of Defiance, Ohio. The resolution now provides for appropriation of $50,000 by the State of Ohio and $25,000 by the United States, making the total amount $75,000 instead of $100,000, as originally provided.

ROBERT LUCE,
JOHN C. ALLEN,
FREDERICK M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

On the following day, May 26, the House agreed to the conference report, as follows:

HISTORICAL MUSEUM AT FORT DEFIANCE, OHIO

Mr. LUCE. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

The Clerk read the conference report.

(For conference report see proceedings of the House of May 25, 1928.)

The conference report was agreed to.

The bill was then engrossed and immediately sent to the Senate by special messenger. It was received in the Senate and promptly agreed to, as shown by the following Senate proceedings of May 26:

HISTORICAL MUSEUM, DEFIANCE, OHIO

Mr. FESS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (H. J. Res. 82) entitled "Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with amendment as follows: Page 2, line 2, strike out the words "and the proper official of the county of Defiance, Ohio," so that the amendment will read "in selecting"; and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with amendment as follows: Page 2, line 11, strike out the words "and the county of Defiance, Ohio, the sum of $25,000," so that the amendment will read, "the sum of $50,000" and the House agree to the same.

SIMEON D. FESS,
R. B. HOWELL,
KENNETH MCKELLAR,
Managers on the part of the Senate.

ROBERT LUCE,
JOHN C. ALLEN,
F. M. DAVENPORT,
RALPH GILBERT,
Managers on the part of the House.

The report was agreed to.

It was then engrossed, signed by the Vice President and by the Speaker of the House of Representatives, enrolled, and sent by messenger to the White House for the President's approval, which is all that is needed to make it law.

The reason for the pronounced personal opposition on the part of the Library Committee of the House, under the dominance of that gentleman and scholar, Mr. ROBERT LUCE, chairman, was undoubtedly due to a wrong impression and erroneous interpretation of some of the evidence presented at the hearings on the bill February 20 last.

The Defiance (Ohio) Crescent-News, which was helpful to the enterprise, made a comment, innocent in itself, but which was grabbed upon later by Mr. LUCE as an excuse to mutilate my bill. Here is what the Crescent-News in its issue of December 3, 1927, said:

If preliminary plans that have been formulated are carried out, $20,000 of the Federal appropriation will be joined with $20,000 from the State to erect the museum building, while the additional $80,000 of the Federal funds will be used in extending the present concrete retaining wall to the Maumee and Auglaize River bridges.

I was informed that the chairman of the committee was influenced against the bill on these statements of the Defiance newspaper. Mr. LUCE is from New England and a graduate of Harvard and, like all New Englanders, is ultraconservative. He does not speak our idiomatic language of the hoop-pole district. Every word he utters is of classic English, and when he makes a speech on the floor of the House his enunciation is of copper-plate accuracy and clearness. He has a wonderful vocabulary and is a gifted and polished orator. Like all New Englanders, he is what would be termed in northwestern Ohio a very "hard-boiled" gentleman. In other words, the Gen. Anthony Wayne proposition, as we say in Ohio, "went over his head," and he did not catch the vision of it correctly, or if he did catch the vision he was so intent on saving a few dollars that he did not know or care anything about what was due the memory of Gen. Anthony Wayne.

He failed to realize that the proposed enterprise is national in its scope and not a local proposition. He seemed to apply the New England yardstick and assume that the local real-estate boomers and near-by landowners would profit by the improvement, and the local taxpayers should aid in footing the bill; therefore, he tried to tax our poor little county to aid a rich and powerful Government.

Yet you can never tell what these New Englanders will do or demand. They required millions to purchase the Cape Cod Canal and the Congress gave it to them out of the money of the taxpayers—the poor farmers. The mistake that I made was in being too modest. I should have asked for $500,000 for the Anthony Wayne memorial and taken what I could have gotten in this day and age of New England economy. The Defiance proposition to build that memorial to Gen. Anthony Wayne, as I have said, is a national enterprise and not in any way a local affair.

It is not easy to overrate the importance, from a national point of view, of the victory over the savages on the 20th of August, 1794, after the march of Wayne's army from Defiance to the battle field of Fallen Timbers. It was one of the few in our history which we may call decisive. That it dissipated the cherished dream of the Indians that the Ohio River was to be the perpetual boundary between them and the whites was, perhaps, the least important of its results. In opening the magnificent national domain of the West to emigrants, secured in their life, liberty, and property by laws of their own making, it may well be regarded, when we reflect upon the history of that vast region during the last hundred years, as having given birth to a new era in the history of American civilization. The millions of freemen who now occupy the energetic and vigorous Commonwealths lying between the Ohio and the Mississippi should cherish the memory of Wayne as that of the man who by his sword made it possible for white men to live in peace and security in this garden spot of the world; and the Nation, proud as it ought to be of Wayne's achievements during the War of the Revolution, should never forget that it was he who by his skill and prowess changed the howling wilderness of the Northwest Territory, where the highest glory of the savage inhabitant had been the scalping of the whites, into a country where the cultivation of all the arts of peace betokens the highest civilization.

The President of the United States—General Washington—in a message to Congress referred in fitting terms to the achievements of General Wayne and to the vast consequences likely to follow from his victory. An attempt was made in the House of Representatives to recognize the wise counsels and intrepid bravery of the man to whom the success of the campaign was chiefly due. Here party malignity interposed with its venomous spirit, and the House, with singular inconsistency, while refusing to give the leader his due meed of praise, adopted the following resolution:

Resolved unanimously, That the thanks of this House be given to the brave officers and soldiers of the legion under the orders of General Wayne for their prudence, fortitude, and bravery.

Had these shortsighted politicians been endowed with a gift of prophecy which would have enabled them to look forward into the future of their country, they would doubtless have owned to their own confusion that even such triumphal honors as were awarded to Roman conquerors would have been a fitting tribute to Wayne. Pompey the Great when he presented to the senate the people of Rome the submission of Syria, Phœnicia and Palestine as the trophies of his conquering army, and the illustrious Cæsar when he forced Egypt, Africa, and Gaul to bow to the supremacy of the Roman authority, by the voice of public gratitude were made masters of the Republic. What is due to the memory of the man whose prudence and valor gave to the American people the peaceful possession of the magnificent domain of the West?

NATIONAL DEFENSE

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of national defense.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MAAS. Mr. Speaker, one of the most significant developments of recent times is the extent and ramifications of organized propaganda.

Propaganda in itself is perfectly legitimate, for in its true sense it is educational; that is, the dissemination of educational matter. I have no quarrel with propaganda nor with propagandists so long as the propagandists confine themselves to disseminating facts. It is the spreading of half truths, untruths, misleading and misrepresenting propaganda to which I most vigorously object. As a new Member of Congress I have been astounded by the extent and the character of propaganda flooding the country and Congress against every measure designed even for the bare necessities of national defense for the United States.

As a World War veteran, I know the frightful and hideous cost in innocent lives paid for unnecessary lack of preparedness. Protests against the military and naval programs of the United States would be justified and would be a patriotic duty if Congress were launching into such a gigantic scheme as would make this Republic a sinister militaristic Nation. Top-heavy militarism is probably a contributing cause to war, but such a program is repugnant to the people of democratic America. We are as a people and a Government committed against a military régime, against a large, burdensome Military and Naval Establishment, but at the same time we are committed to a policy of adequate protection. Our very modest—and, indeed, they have been that—proposals for purely defense measures are deliberately and viciously misrepresented; when they are pictured as militaristic, dangerous, and imperialistic, this is an abuse of propaganda.

Those who would enlist organized public opinion—and this in itself is legitimate—incur most solemn and sacred obligations. Those who use propaganda in an attempt to influence public opinion by misrepresentation of facts, by distorted pictures, commit a crime of high misdemeanor against society; and this is, in fact, traitory.

To represent to the country that the measures designed solely for protection are inspired by "jingoists" and "war lords," and that such programs are a menace to the world's peace, and to enlist support of the people of the country against efforts of those charged with the responsibility of providing some measure of national defense in carrying out their obligations, is, indeed, a violation of the right of propaganda and raises a serious question of motives.

When I came in contact with the gigantic proportions of the ramifications and the interlocking nature of organizations participating in this concerted movement against our established policy of national defense, I could but wonder the reason for it all.

Under the guise of peace societies, war-prevention organizations, international "good-will" associations, and the like, there are tremendous forces at work, some innocently, perhaps, but many knowingly, without doubt, to render the United States defenseless and helpless, so that war will be prevented because of our inability to make war, even in our own defense against attacks from within or without that aim to destroy our position of world leadership and our commerce. There can be little doubt of foreign influences of a very subversive nature behind this whole movement.

The people of the United States are being woefully misled, and I believe if the facts are all made known, public opinion will make short work of putting an end to these nefarious activities.

Practically all Members of Congress were bombarded with hundreds and thousands of letters recently at the time when the House Naval Affairs Committee was considering the naval program. The character of these letters and the circumstances surrounding this campaign are too significant to be ignored. These letters were no coincidence; it is evident that they were the result of a well-organized, well-financed, and well-directed campaign. I stand squarely on the right of the people of this great Republic to petition Congress for redress, but I hold that it is a long cry from the legitimate right to petition Congress to the commercialized propaganda machines that arrange protests against any and every military or naval measure designed for national defense at so much "per protest." I do not refer to those few organizations that are quietly and devotedly working to promote genuine peace—I am myself a member of several—but to these doubtful organizations that merely concentrate attacks against anything American in favor of anything foreign.

There is at least one organization in Washington, within the shadows of the White House, that boasts it has 2,500 trusted agents throughout the country that can, on a day's notice, organize a campaign to Congress of from fifty to two hundred and fifty thousand letters. It is commonly charged that there are organizations participating in these campaigns that are run for profit and not patriotism; it is also commonly charged that these organizations are dominated and inspired, if not actually financed and directed, by foreign interests for the purpose of rendering the United States defenseless.

If these charges are not true, then it should be stopped, but if these charges are true, it is a most damnable outrage and it is a challenge to every red-blooded, home-loving American who is worthy of the name. It immediately strikes one who comes in contact with this situation, that these propaganda organizations have an unlimited amount of money at their command.

They have large, well-staffed offices; there appears to be an endless interrelationship between these various organizations; they appear to have but one ultimate object; that is, the complete abolishment of our Naval and Military Establishments. They object to a standing army of even very modest proportion; they object to even a replacement policy in our Navy; they oppose citizen training, and constantly direct efforts to reduce the National Guard and the reserve organizations. They preach and propagandize for a disarmed Nation. A disarmed world and a disarmed nation are two different things. It is significant that these movements are concentrated on disarming the United States, however, and not the world.

They accuse the service men's organizations and every patriotic association that advocates national defense of being allied and in league with a great and powerful munitions industry which is always trying to push us into war. This bogey of a great munitions industry, which is supposed to exert a great sinister influence over defense legislation, is, of course, the wildest kind of a myth, for the facts are that we have no munitions industry in the United States.

Under our national-defense policy we depend upon the mobilization of our peace-time industries for war purposes in time of war, but such facts mean nothing to these propagandists. What does not exist they create in their own imagination for their ulterior purposes.

There are no more peace-loving people in the world than the people of the United States, but they love peace sufficiently to fight for it if necessary. War is a terrible thing, and one of the highest objectives of civilization is to minimize it, if not eliminate it. But, after all, war is not the worst thing in the world—revolution, invasion, slavery, degradation, and the loss of liberty are all worse than war. Human liberty is one of the greatest attainments of civilization, and it is worth protecting.

Until the pacifists can guarantee us against war they have no right to prevent us from being in a position to defend ourselves and our liberty if necessary. The United States for the first time in all history initiated and led the world in a movement for reduction of armament. We are to-day leading the world in the movement to guarantee the peace of all nations, but so long as there remains the possibilities of our being attacked or invaded, or any threat against our liberty, it is our solemn duty to be prepared to defend ourselves. Elimination of war can no more be obtained by the simple expedient of abolishing our Army and our Navy than can crime be abolished by the dismissing of our police force or fires prevented by the disbanding of fire departments. To render ourselves defenseless merely invites disaster.

A skeleton army of less than 45,000 combatant troops, for that is our present status, a few hours a week training to the boys in our universities, a month's summer training in our citizen military training camps, a Navy, way below the treaty ratio, to the internationalists is militarism and a threat to world peace.

Internationalism is a beautiful theory, but practically it is a cloak to cover anti-Americanism. It is ridiculous and an insult to say that having an adequate naval and military program for national defense will lead to war. The United States is not a monarchy; it is not ruled by a king or dictator, but by all the people themselves. We can not have war unless the people decide to declare war. Under our form of government, neither the generals or the admirals can declare war. It is the rankest kind of treason to constantly accuse the officers of our Army and Navy of being sinister allies of this mythical munitions industry or of being vicious war lords, constantly conspiring to foment war. To insinuate that the officers of our Army and Navy are attempting to start war, so that they will get a higher rank and a little more pay, is a damnable lie and the grossest insult to a class of the highest type of patriotic and self-sacrificing men in America. Such tactics, however, are just further evidence of the depravity of the methods employed by those who, parading as self-righteous, peace-loving internationalists, are doing everything possible to render America defenseless, so that it can be destroyed.

Internationalism does not really mean what it seems to; friendly international relation is a splendid objective and should be sought by all. Real Americans will strive hard to attain this; they will be tolerant of other nations and peoples, just

in their criticism, and generous in their praise; they will make genuine efforts to understand the people of other lands. That is a patriotic duty of Americans; the more that this is done the better off will be the world, the nearer universal peace; but that is the only way that it can be done. Artificial internationalism, inspired by propaganda, by merely praising everything foreign and condemning and questioning everything American will not result in real international peace, but is merely a soothing sirup prescribed by the unscrupulous and administered by the innocent sentimentalists who have not the slightest conception of what it is all about, and the only result can be a sandbagging of good-natured Uncle Sam for the benefit of the envious, jealous, and shrewd internationalists, which in plain language means anti-American.

Why is America feared? Because we are trying to destroy these other governments of the world; because we are trying to set up a world empire and set ourselves as dictators of the world; because we are a warlike, unfriendly, fiendish people; because we are always at war oppressing the weak and helpless? No, my friends; you and I know that this is not so. Unfortunately, this is what we frequently hear even within our own country. Were we the imperialists which we are pictured, we should have long ago invaded Mexico, all of the Central American Republics. Would an imperialistic people have promulgated a Monroe doctrine for the protection of the weak? No; indeed were we imperialists we should have ourselves invaded and conquered the South American countries; were we this sinister imperialist that we are pictured, certainly we should have demanded our share of the spoils after the World War. Rather than being a threat to world peace, the United States to-day is the one shining hope of world peace, and if we are to be in a position to lead and help others we must first be in the position to help ourselves.

Our unassuming program of national defense is not so that we may be able to make war upon the other nations of the world, for indeed our defense program is hardly sufficient for national defense but to defend our shores should we become the object of concerted attack by any of the other powers of the world.

The patriotic organizations in the United States that are demanding adequate national defense do so because they know that this is a guaranty of our freedom and of peace; men who have seen service in the Army of the United States advocate proper preparedness and training because they know of the frightful and hideous cost in human life of lack of proper preparation and training. In view of the fact that the United States has no program of a great threatening navy or of a huge standing army, trained and prepared for international conquest, but merely a navy sufficient to protect our shore line and an army sufficient to maintain domestic tranquillity and to form the nucleus of an army in the time of war, we seriously question the motives of those who constantly spread propaganda for the purpose of eliminating what little defense we now have.

If these propaganda organizations are directed by true and patriotic citizens of the United States, then they are entitled to the proper recognition of the American people, but if they are carelessly, deliberately, or viciously misleading the American people in the interest of sinister foreign influences, they are traitors and should be driven out into the open, exposed, and properly prosecuted. It is with this in view, to the obtaining all of the facts, the leadership, the financing, the domestic and foreign interests involved, the interrelationship and the methods employed by these propaganda organizations, and the reporting of all these facts to Congress and the public that I introduced a resolution asking to appoint a committee to investigate and make known the results. Congress and the citizens of the United States are entitled to have the facts.

THE PROTECTIVE TARIFF

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the tariff and also on the subject of revenue legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, as liberty and our popular institutions were born out of the political struggles of the colonists against the encroachments of the Old World, so was a protective tariff, because of their purpose to protect their means of livelihood.

At the time when the former thirteen Colonies in America were organized into a nation and a fundamental law was devised, the prevailing form of government, monarchical in character, was set aside and a new system was adopted—that of a government by the people for themselves.

Having set a political standard of a new kind, far above those of existing nations, they began to establish other standards on a corresponding plane, including economic independence and standards of living. Since the citizens had supplanted the monarch in the control of government, every citizen shared in the sovereign power. This was at that time an experiment in government, and economic independence was essential to its success. The country must become self-contained and its people self-supporting, dependent upon no other country for the essentials of life.

They set out on what was and is the great political adventure of all time in this world. Its success has far exceeded the fondest expectations of its founders and utterly confounded the prognostications of its opponents in other countries who freely predicted its downfall. In invention, in enterprise, in manufacture, in labor, in agriculture, in wealth, in all material progress, in standards of living, in opportunity, in mental and spiritual development, in efficiency, ability, and character our country and our people are unsurpassed, and, I think I can safely say, also unequaled in this or any other age. Separated from the rest of the world by oceans, our country was a land apart. Washington and his advisers had the inspiration to make it economically independent that no foreign domination of any kind, political or economic, could interfere with the fulfillment of its destiny.

ECONOMIC INDEPENDENCE ESSENTIAL TO NATIONAL INDEPENDENCE

What is political independence? That a people be self-governing. What is economic independence? That a people be self-contained and self-supporting. Had the Revolution ended when political independence alone had been secured, the result would have been partial. So those men who organized political independence in the Constitution also gave the country a charter of economic independence in the first general law Washington signed, and that was a protective tariff. Despite occasional departures from it, it is the historic policy of the United States in relation to foreign trade. For a long period this was a common policy to all our political parties. Later a new policy was initiated, called free trade; it was modified under the leadership of Carlisle to that of tariff for revenue; under Randall to tariff for incidental protection; under Underwood to a so-called competitive tariff. That is, the later trend of our Democratic opponents has been for the designation of "free trade" toward the use of some name indicating protection, but such developments have included all the economic ills of free trade with none of the benefits of protection. This groping of our opponents discloses a lack of understanding of the genius of our country. I maintain that to the American people economic independence is as important as political freedom; and foreign domination of our economic life, based on lower standards of living, is as dangerous to us as any other form of foreign domination.

RESULTS OF FREE TRADE POLICY

Our people have in the last 40 years experienced the inevitable results of the adoption of the policy of free trade and its aliases under Cleveland's second administration and under the Underwood Act in 1914, before the World War created a practical and effective embargo and after the war when the war conditions ceased to be effective, and prior to the enactment of the tariff act of 1922. And, what are these inevitable results? Always a lack of employment for millions, idle industries, depressed business conditions, low prices for agricultural products, and general distress. With what result? In both instances, when weary of the oppression of poverty and of the domination of the foreigner in our markets, the people have anew intrusted the Government to the party whose economic policy is protection. And, then with what result? Renewal of business and industry, reemployment of idle wage earners by millions, better prices for agricultural products, general prosperity, and increase in the public wealth.

Let us consider concretely the effects of the latest alias of a free-trade tariff which have resulted within the memory of all voters now living. We may regard the misfortunes of our forebears with sympathy, but we view our own with alarm.

CONDITIONS IN 1921 TO BE COMPARED WITH THOSE IN 1923

Now, the facts are susceptible of mathematical demonstration, and, as Jefferson wrote in the Declaration of Independence, "Let facts be submitted to a candid world." In presenting these facts I have taken the year 1921, the last full year under the Underwood Act, and 1923, the first entire year under the present tariff, to show the immediate beneficial effect of the latter act for purposes of comparison, although the adverse effects of the Underwood tariff were modified for part of the year by the emergency tariff.

RESULTS FOLLOWING ENACTMENT OF PROTECTIVE TARIFF

When I began the preparation of these remarks I collected the official records and studied them for the purpose of ascertaining the story they might tell of the effect of the tariff act of 1922, from statistics which are compiled for the purpose of

presenting the facts, without reference to whether they support or do not support any particular policy. The present tariff under the Republican theory should accomplish several very definite results, which I enumerate:

It should cause mills and factories to resume normal operations.

The cessation of all unemployment which was then prevalent.

End the industrial depression and restore business confidence.

Promote invention, which is the mainspring of progress.

Cause an increased demand for raw products for the purposes of manufacture.

Provide a market for the products of the field and farm, all of which were selling for poor prices, and give market to some products which at that time had none.

Increase the demand for and use of all manufactured products.

Cause especially an increased and more steady demand for agricultural products, with better prices to the farmer.

Afford a wider and more varied field for enterprise.

Reconstitute the American market as distinguished from all other markets.

Make that a rich and active market.

Give the American producer at least an equal opportunity in the home market.

Prevent unfair competition from abroad.

Prevent dumping, predatory price fixing for the purpose of destroying American industries.

Retain here the profits of producers and the wages paid to labor, increasing the national wealth.

Sustain the American standard of living.

Increase the general welfare.

Make the country self-contained and self-supporting.

Provide the strongest kind of national defense.

Now, as compared with the conditions prevailing when the Republican Party was again elected to direct public affairs, what do the statistics show?

Three chief factors important in the consideration of a protective policy are agriculture, industry, and labor. Low prices and poor markets cause distress in agriculture; business depression and poor markets cripple industry; and unemployment is the bane of labor.

FARMERS SELL FOR MORE AND BUY FOR LESS UNDER PRESENT TARIFF

Here is an illustration of the economic disadvantage of the operations of the Underwood Tariff Act in certain industries:

Year	Average number of wage earners employed	Total wages paid	Cost of materials used for manufacture	Total value of products
1919	9,041,311	$10,461,787,000	$37,232,702,000	$62,041,795,000
1921	6,946,570	8,200,324,000	25,336,617,000	43,653,283,000
Decreases	2,094,741	2,261,463,000	11,896,085,000	18,388,512,000

This table shows that under the Underwood tariff, when the effects of the war were being felt in diminishing degree in the short space of two years, from 1919 to 1921, in certain lines of manufacturing industries more than 2,000,000 of wage earners lost their employment and wages in the enormous amount of over $2,250,000,000 and industry purchased nearly $12,000,000,000 worth less of products for manufacturing purposes. Wage earners have three prime needs: Food, clothing, and housing. Food and clothing come from the farms. The loss of wages to labor took also a part of his market from the farmer, with a consequent decline in farm prices.

The farmer not only benefited by the return to employment of 5,000,000 persons, who again had wages to spend, but he received material assistance in price and pocket by the increased demand created by the renewed activity of the concerns which process his products, buying the raw materials from him and making them available for human consumption, and by preserving perishable products which would otherwise be a loss. The following table shows the economic benefits that accrued under the first calendar year of the present act in certain industries:

Year	Average number of wage earners employed	Total wages paid	Cost of materials for manufacture	Total value of products
1923	8,778,950	$11,009,297,000	$34,699,718,000	$60,555,998,000
1921	6,946,570	8,200,324,000	25,336,617,000	43,653,283,000
Gains	1,832,380	2,808,973,000	9,363,101,000	16,902,715,000

That is, by 1923, after one year's operation, the present tariff act had caused such a revival of business that 1,832,380 workers were restored to the pay rolls, and labor was receiving an increase in wages of $2,808,973,000, and industry increased its purchases of materials for manufacture by $9,363,101,000. This re-created the purchasing power of labor, and farm prices began to increase. The above is the story of certain lines of industry.

If there be added the increases of employment in the railroad repair shops and by Class I carriers, the number of persons returning to employment in 1923 will be increased by 2,133,868, and the amount received in wages increased by $3,150,397,000.

INCREASED EMPLOYMENT AND WAGES UNDER PRESENT TARIFF

I give in detail below some of the industries for which the figures of increased employment are available and all of these show enlarged numbers and a greater amount received as wages with the single exception of the tobacco industry.

Gain in number of the average number of persons employed and the increase in wages paid in the industries named for the year 1923 over the year 1921:

	Increase in persons	Increase in wages paid
Processing animal and vegetable products	74,251	$80,682,000
Textile mills and products	174,077	229,767,000
Making wearing apparel made from purchased products	16,841	33,827,000
Other articles made from purchased products	8,653	11,256,000
Crude iron and steel	170,700	342,403,000
Other iron and steel	150,137	250,959,000
Lumber and articles therefrom	131,685	162,465,000
Leather, raw	10,748	16,043,000
Leather, finished	53,726	58,175,000
Rubber products	33,762	58,471,000
Paper and pulp wood	15,383	24,448,000
Manufactures made from paper	19,000	23,945,000
Publishing and printing	23,742	52,009,000
Industries related to printing	2,392	5,665,000
Chemical and allied products	44,452	81,083,000
Industries using stone as a material	30,792	53,906,000
Industries using clay as a material	44,757	65,419,000
Glass and manufactures thereof	20,158	23,788,000
Metals except iron and steel	83,080	136,379,000
Manufactures of tobacco, loss	3,648	441,000
Machinery, except transportation equipment	245,681	421,369,000
Musical instruments	13,216	19,030,000
Transportation equipment	200,745	372,071,000
Certain miscellaneous industries	47,912	65,802,000
Railroad repair shops	105,245	101,012,000
Railroad employees of Class I carriers	198,243	240,412,000

I have been able to find detailed statistics for only a part of the labor-employing and wage-paying services of the United States. The above statements do not include labor of any kind engaged in the several branches of agriculture, in offices, stores, by cities, counties, States, the Federal Government, or any transportation (except Class I carriers), mines, personal services, garages, the building trades, in railroad maintenance, fishing, and shipping, and many other agencies aggregating a considerable total, so that the generally accepted number of about 5,000,000 as unemployed prior to the revival of business under the present tariff seems to be well authenticated. They show that industrial depression and unemployment were retired everywhere to the seclusion of the Democratic storehouse of unpleasant surprises.

IMPORTANCE OF INDUSTRIES AND THEIR PAY ROLLS

The great body of wage earners in the United States are the most important market for farm products. A market consists of persons having products to sell, and of persons who need and intend to buy and have the money to pay. The addition to the pay rolls of certain manufacturing industries of 3,964,248 persons, with an increase in pay rolls of $5,959,370,000, was a very important matter to the farmers. What would have happened to prices of farm products had the industrial depression and unemployment of 1921 continued can not be told in detail in the absence of the actual continuance of the depression and unemployment, but former experience shows that farm prices would have gone much lower. If 5,000,000 were again thrown out of employment, it would mean a loss of over $6,000,000,000 of net consumptive power annually; that is, there would be $6,000,000,000 less for labor to spend in our markets—a very large percentage of which is expended for products of the soil.

FARMER SELLS IN MARKET PROTECTED FOR HIS BENEFIT

In the discussion of the effects of the tariff two things must be borne in mind:

First. What benefits have our people received?

Second. What losses have they escaped?

Some contend, contrary to the fact, that the farmer buys in a protected market and sells in a free-trade and world market. The fact is he produces in a market protected for his benefit and has protection in that market for his own products. What

he sells abroad is sold under disadvantages, and some countries have provided special protection for their own people against him.

IMPORTANCE OF PROCESSING FARM PRODUCTS

From 1919 to 1921 the number of persons employed in processing animal products decreased 52,586, the total wages paid to them were diminished by $60,750,000, and the cost of products purchased for processing was diminshed $2,315,098,000; the number of persons employed in processing vegetables, grain, and other farm products decreased 48,793, the total wages paid diminished $21,094,000, and the cost of products processed diminished $1,523,639,000, and from 1919 to 1921 the total reductions were 101,379 wage earners, $81,844,000 in wages, and the cost of farm products purchased to be processed $3,838,737,000.

An important market for farm products, staple and perishable, is in the industries engaged in processing, canning, and otherwise preserving them and preparing them for use. Any decrease in the amounts paid for the farmers' products, of course, decreases his income, and an increase in the purchases increases his income, and by improving the market increases the prices he receives.

When purchases of farm products for the purpose of preserving them and making them ready for human consumption fell off $3,838,000,000, or 37 per cent of the total value of farm products of that year, the reason for the lack of markets and low prices to the farmers in 1921 becomes apparent.

DEPRESSED INDUSTRY MEANS LOSS OF FARMERS' MARKETS

But, to go further into detail in this question, from 1919 to 1921 the cost of livestock for slaughtering and meat packing diminished $1,914,732,000, and flour-mill and grain-mill products $805,371,000, or a total of $2,720,103,000. These reductions in the amounts paid for farm products for the purpose of processing in various forms corresponds to the decline in the prices of such products. They show a marked falling off of employment and a declining market, from which the farmer was a chief sufferer; that is, the figures show the paralysis due to the normal operations of a free-trade tariff on the farmer is to reduce his markets, the prices paid to him, and his total income, which declined to an amount $2,000,000,000 to $3,000,000,000 less than it since has been in 1923, 1924, 1925, 1926, and 1927.

The present tariff act came at a critical time—a further decline was impending. Previous tables show how industry and labor were benefited as well as the farmer. The following table shows how the farmer shared by the business revival and the return to employment of some 5,000,000 persons. The farmer must have a market for a very large part of his products, which primarily absorbs them for the purpose of preparing them in form for consumption. People do not eat wheat, corn, hogs, cattle, sheep, and so forth, as such. They must be converted into food products. The activity of the industries engaged in this are of great importance to him. How the concerns engaged in processing animal and vegetable products responded under the present tariff is indicated by the following table:

Year	Average number employed	Total wages paid	Cost of the farm products processed by them
1923	682,288	$795,583,000	$6,995,121,000
1921	608,067	714,901,000	6,067,917,000
Increase	74,251	80,682,000	927,204,000

That is, the number of persons engaged in these businesses increased 74,251, the total wages paid were $80,682,000 more, and the amount paid for farm products to be processed by them increased $927,204,000. A better market causes higher prices. A corresponding gain occurred in marketing other crops.

The plants engaged in processing farm products absorbed about 57 per cent of the total value of farm products for the year 1923, and the revival in the industries gave the farmer a better market and increased the prices he obtained, as will now be shown.

Though prices for farm products have made increases, the return to the farmer is still inadequate. He has benefited by the decline in prices of the articles purchased by him. Agricultural prices were nearly 27 per cent higher in 1925 than they were in 1921. The increase in the prices of farm products for 1923 over 1921 was 16 per cent, and the decline in nonagricultural products was 2.4 per cent for the same period; that is, during the first year of the present tariff.

FARMER'S DOLLAR INCREASED IN VALUE UNDER PRESENT TARIFF

The purchasing power of farm products has increased from 1921 to 1925 by 18 per cent, and the increase was steady for each year, while the purchasing power of nonagricultural products declined 8 per cent, and the decline was likewise regular; that is, the protective tariff of 1922 has operated more for the benefit of the farmer, both as to the prices received for, and the purchasing power of, farm products than it has for nonagricultural products. And this is a natural result, since the average rate of duty for nonagricultural products was lower in the 1922 act than in preceding protective tariffs, while that on agricultural products is higher. The Underwood tariff which preceded the present act had placed agricultural products on the unprotected list.

The following figures, for convenience of reference, are based upon the averages, or index numbers, for the period 1910–1914, the five-year period before the World War, reckoning such averages of prices as 100. In the table below is shown the relative prices of agricultural products and those of nonagricultural products, compared with each other on this basis of 100 as a base common to both:

Year	Prices of farm products	Prices of nonagricultural products	Difference
1921	116	167	51
1922	124	168	44
1923	135	176	41
1924	134	162	28
1925	147	165	18

That is, the disparity of prices between those of agricultural products and the nonagricultural products decreased from 51 points in 1921 to 18 in 1925, or a decrease of 33 points. At this rate the disparity will not only disappear in a short time but also there is a tendency for agricultural prices to exceed those of the nonagricultural when compared with the basic figures for 1910–1914.

The improvement in the agricultural situation under the present tariff is also shown in the relative purchasing power of agricultural products as compared with the nonagricultural, as based for the purposes of the comparison on the average purchasing power of each class for the period from 1910–1914, using the average for that period for each as the basis; that is, as an index figure of 100.

Year	Purchasing power of agricultural products	Purchasing power of nonagricultural products	Difference
1921	77	111	34
1922	82	110	28
1923	86	110	24
1924	88	107	19
1925	91	102	11

That is, the purchasing power of agricultural products increased 14 points from 1921 to 1925, while the purchasing power of nonagricultural products decreased 9 points during the same period. The disparity in the purchasing power of agricultural products as compared with nonagricultural products decreased from 34 points to 11 points in the same period, and this decrease in disparity has been continuous.

This shows the same corresponding increase in the purchasing power as was found in the increase of prices for agricultural products, and the same corresponding decrease in the purchasing power of nonagricultural products as was found in the decrease of prices thereof. Since June, 1921, the unit-buying power of farm products has increased more than 35 per cent under protection.

That is, to state it again, the farmer gets more for what he has to sell, and pays less for what he has to buy under the present tariff than he did under the Underwood tariff, which all the world knows.

The estimated value of farm products, comprising the net total of all producers, is as follows:

	Value	Increase over 1921 (per cent)
1921	$10,268,000,000	
1922	10,972,000,000	6.7
1923	12,382,000,000	20.6
1924	12,219,000,000	19.0
1925	13,031,000,000	26.9

PRICES OF FARM PRODUCTS INCREASE 27 PER CENT UNDER PRESENT TARIFF

The increase in farm prices over those for 1921 was for 1922, 6.9 per cent; for 1923, 16.4 per cent; for 1924, 15.5 per cent; and for 1925, 26.7 per cent. The increase in the value of all farm products over the year 1921 was 6.7 per cent for 1922, 20.6 per cent for 1923, 19 per cent for 1924, and 26.9 per cent for 1925. The per cent of gain in farm prices has been nearly the same as that of the increase in value of farm products; that is, quantities, prices, and purchasing power of farm products all increased. This increased value for his crops under the present tariff amounted to several billions of dollars over the prices prevailing under the Underwood Act. The present tariff not only stopped the sharp fall in farm prices that was taking place but actually started a material steady advance in them.

It is evident from all the above that the present tariff is operating to the material benefit of the farmer.

AGRICULTURAL PRICES INCREASE, MANUFACTURING PRICES DECLINE

My observations are that the present tariff has proven more beneficial to agriculture than to any other class of industry in this respect; that the improvement in its condition has been more marked, as shown by the increase in prices received and in their purchasing power. These have increased for agriculture, while in manufacture they have declined. The level of prices of manufactured products and their purchasing power is still somewhat higher than those for agriculture, when compared with the averages for the pre-war year of 1913 as a neutral base. But as I have already shown, this disparity is steadily disappearing. Had the duties on agricultural products been higher in the present law than they are, the disparity might have disappeared more rapidly. Where the present rates of duty on these products is too low, they should be increased to the amounts necessary. So far as rates of duty are concerned, all industries ought to be placed on an equality as their respective needs appear. This is the intent and purpose of a protective tariff. If, because of the peculiar conditions incident to agricultural production, owing to the weather, the ravages of pests, and conditions over which the farmers have no control whatsoever, other relief should be provided, that relief should be given by legislation in addition to that afforded by the tariff.

THE AMERICAN FARMER'S MARKET

I will now discuss the question of the American market for the farmer's products under a protective tariff, and the existence of such a market, and the benefit he derives from it.

The gross income of the farmer in 1925 exceeded $13,000,000,000, of which in excess of 85 per cent, or over $11,000,000,000, was consumed in the United States. His ultimate market is chiefly the wage earners and their families, the highest paid in the world, and, with our manufacturing, makes this the richest market in which to sell.

Free trade has always resulted in unemployment, with a direct adverse effect on the farmer. Who would profit if the economic structure of the United States, built up by the intelligent activity of generations, should be demolished? The farmers might live from the products of their soil in a meager way, but what about the 27,000,000 wage earners to whom a job is the opportunity to maintain a home, provide for their families, and educate their children—almost life itself?

For his crops, chiefly raw products, the farmer must find purchasers. His market is chiefly made for him by labor and by industry which employs labor, and is seven times more valuable to him than the foreign market. Farmers recognize this and have been staunch supporters of protection, and I look for no change in their attitude.

In the year 1923 the farm value of agricultural products was $12,219,000,000, of which $1,487,225,000 was the farm value of cotton; deducting this amount, the farm value of all other crops was $10,731,775,000, of which 91 per cent, or $9,766,000,000 worth, was consumed here and $966,000,000 sold abroad. This further illustrates the importance of the home market to the farmer.

On the other hand, the agricultural industry is a very large purchaser of the goods and services of others, normally amounting annually to a sum in excess of $10,000,000,000. It purchases some $6,000,000,000 worth of manufactured articles each year, which is about one-tenth the domestic production. A very large proportion of his purchases is, however, of articles on the free list. It supplies the raw materials upon which industry employing over one-half of our industrial employees depends.

PROTECTIVE TARIFF GIVES FARMER PRACTICAL MONOPOLY OF AMERICAN MARKET

Protective duties on agricultural products give the American farmers practically a monopoly of the American market for all their products not produced in excess of the domestic demand, and on those that are produced in excess a better price is paid than would otherwise prevail. While unusual conditions may cause exceptions, the above is the general result.

CORN

Let us inquire what the actual experience of our growers has been under free trade and protection, since corn and the other great products of the farmer were on the free list in the Underwood Act, comparing the year 1921, the last full year of the Underwood Act, with the years 1923 and 1925 under protection, as the production of these years was practically 3,000,000,000 bushels, so furnishing a fair basis for comparison. The average farm value for the whole country, per bushel, was as follows:

	Cents per bushel
1921: Under free trade the farm value was	42.3
1923: Under protection the farm value was	72.6
1925: Under protection the farm value was	67.4

The amount of money received by farmers under protection in excess of what they received under free trade is enormous. The practical question is, Is the farmer better off under protection than under free trade? The answer given by the above figures is emphatic that he is, as a matter of fact.

But remembering that 41 per cent of corn is fed to hogs, it will be proper to inquire concerning the farm prices received for hogs for the whole country:

	Cents per pound
1921: Under free trade	8.52
1925: Under protection	10.46
1926: Under protection	11.63

In this connection the following table is interesting, showing farm values for the whole country of certain products widely grown:

	1921, under free trade	1924, under protection	1925, under protection	1926, under protection
Corn, per bushel	$0.543	$0.982	$0.704	$0.644
Wheat, per bushel	.926	1.299	1.416	1.199
Oats, per bushel	.302	.477	.38	.389
Rye, per bushel	.697	1.065	.782	.835
Rice, per bushel, rough	.952	1.385	1.538	1.096
Potatoes, per bushel, white	1.101	----------	1.868	1.414
Hay, tame, per ton	12.10	13.77	13.94	14.09
Beans, dry, per bushel	2.67	3.74	3.28	2.93
Wool in grease, per pound	.164	.369	.385	.325

Space will not permit a statement showing the benefits of protection to the farmer on all his products, large and small, but a balance sheet will show that he has received many billions of dollars more than he would have received under free trade.

In the above table the prices for 1921 were for part of the year advanced by the emergency tariff.

SOME TANGIBLE BENEFITS OF TARIFF TO LIVESTOCK INDUSTRY

In the fall of 1925 a large grower of cattle in Iowa bought in Canada steers averaging 800 pounds, paying 4½ cents a pound. At that time steers of comparable quality were selling in the Chicago and Kansas City markets for 7½ cents per pound. After deducting the freight charges from Canada to our markets it is evident that the American cattle grower had an advantage of 1½ to 2 cents per pound as a result of the protective tariff.

The story of wool under the protective tariff is graphically given, as follows:

Year	Average United States farm price for unwashed wool per pound	Increase over 1921 price per pound	Per cent of increase over 1921 price
	Cents	*Cents*	
1921	16.4	----------	----------
1922	29.8	13.4	81.7
1923	38.9	22.5	137
1924	36.9	20.5	125
1925	38.5	22.1	135
1926	32.5	16.1	198

The United States average weight of a fleece of wool in 1927 was 7.7 pounds; an increase of 21 cents per pound is $1.55, or much more than the possible tariff on the wool in the suit the farmer buys; in fact, more than the possible tariff on the wool in a $75 suit. The farmer has a protection of 16 cents per pound on the wool he sells as it comes from the sheep.

Those who grow sheep received for the wool alone from the above increases in price for the year 1923, $60,000,000; for 1924, $57,800,000; for 1925, $58,600,000; and for 1926, $43,000,000 more than they would have received under the prices for 1921, the last full year of the Underwood Act. The advantage to the woolgrower is shown in another way by comparing wool, Ohio one-quarter and three-eighths grades scoured, with the import value of clothing and combing wools.

Year	Average wholesale price of wool, Ohio one-fourth and three-eighths grades scoured	Import values	
		Clothing wool per pound	Combing wool per pound
	Cents	*Cents*	*Cents*
1921	50.8	22	20
1922	78.2	25	29
1923	97.9	37	38
1924	99.7	45	47

Farm prices of dairy products show an increase and the farm values of such products are growing. Not including milk consumed on the farms, the yearly values are as follows:

1922	$1,456,215,000
1923	1,851,534,000
1924	1,809,223,000

The country-wide farm prices of dairy products have increased also. The dairy industry has become the second greatest farm industry in this country and is prospering under the present protective tariff.

SOME TANGIBLE BENEFITS OF TARIFF TO AMERICAN WHEAT GROWERS

That there is an American market for wheat under a protective tariff at prices better than the outside market is shown by the following statistics:

Comparative average prices of wheat per bushel at Minneapolis, as compared with such prices at Winnipeg, typical grades being considered, during the crop years as follows:

Crop year	Minneapolis	Winnipeg	Difference per bushel in favor of Minneapolis
1921-22	$1.48	$1.30	$0.18
1922-23	1.26	1.12	.14
1923-24	1.24	1.00	.24
1924-25	1.66	1.58	.08
1925-26 (42 weeks)	1.68	1.51	.17

This is an illustration showing that there is an American price for wheat, which rules higher than the foreign market. Winnipeg and Minneapolis have the same opportunities for transportation to the world market. There must be an American market for wheat better than that elsewhere, or where else does the farmer get a higher price for it than the neighbor at our doors? Canada would gladly furnish us from her great areas of new lands, with lower costs of production, a tremendous quantity of wheat, and be thankful for the opportunity to do so. If the tariff were removed, what would prevent a flood of Canadian wheat from pouring into this country to increase the surpluses which are already causing the farmer trouble and to depress the price he receives? Wheat growers in all parts of the world look with envious eyes upon this rich market. I think we will do well to preserve for the farmer his great home market.

The invoice value of wheat exported from the United States was 11 cents higher per bushel than the invoice value of wheat imported into the United States in 1922, 20 cents higher in 1923, 42 cents higher in 1924, and 33 cents higher in 1925.

PROOF THAT FARMER GETS BETTER THAN "WORLD-MARKET" PRICES

Let me state this again: In 1924 the wheat crop of the United States was 872,673,000 bushels, the largest production in our history outside of three years under war-time stimulus. The farm value was $1,136,596,000 and the farm value per bushel was $1.302. The average production for the four preceding years was 828,228,000 bushels, so that the production for 1924 was 58,445,000 bushels above that average. The average consumption of wheat in the United States for 1923 and 1924 was 600,426,000 bushels. The average surpluses for these same years, subtracting the exports from the production, was 250,665,000 bushels of the domestic crop. Of the crop for 1924, 238,257,000 bushels were exported. If, then, in that year the import price was $1 per bushel, the Winnipeg price $1 per bushel, while the farm price for all wheat in the entire United States averaged $1.302 per bushel, or 30 cents above the import price and the Winnipeg price, it is evident that there was an American price for wheat which was 30 cents per bushel better to the farmer than the outside price, and that this American price was due to the protective tariff. It is also to be remembered the amount of the domestic crop retained in the United States was 40,000,000 bushels above the average stated.

Under free trade the Canadian farmer received an average of 5 cents per bushel more for his wheat than the American farmer did. But under protection the American farmer receives an average of 20 cents more per bushel than the Canadian farmer. That is, the American farmer is 25 cents per bushel better off under protection. This better price on a very small per cent of his wheat crop will offset the amount of tariff duties on the articles he buys, leaving all the rest a clear gain.

TARIFF BENEFITS GREAT VARIETY OF AGRICULTURAL PRODUCTS

As an instance of the importance of the present tariff to a single State, take California, producing fruits and nuts in variety, grapes, raisins, beans, and so forth, far distant from its principal consuming markets. Prior to the tariff act of 1922 all growers were in greater or less distress. Many of their crops had no market at any price. Immense quantities of products were thrown away. But under the operations of that tariff these crops are finding remunerative markets. So throughout the country millions of the producers of agricultural crops are being yearly greatly benefited by the tariff. Free trade would injure all these by the loss of hundreds of millions of dollars and would not prove a benefit to those at present in distress. It never has.

The Southern States have brought into existence more than a billion dollars of wealth from cottonseed and peanuts since the enactment of the emergency tariff of 1921. Recently the governors of nine Southern States signed a petition opposing a proposed reduction in the tariff on vegetable oils, urging that if the duty be lowered the farmers of the country would have many millions of dollars taken from them.

Democratic spellbinders elate their spirits when discoursing upon some alleged burden they say the tariff duties impose on the farmer an increased cost to him of articles he buys, while leaving the inference that the tariff is of no benefit to him. Suppose the farmer did pay more for certain articles because of the tariff, he has better markets and receives a better price for his products. An accounting will show that in dollars and cents he is the gainer. In their speeches the Democrats print lists of dutiable articles with rates of duty. They urge that these rates are added to the American price, whereas they are imposed only upon the invoice prices of foreign goods in order to prevent unfair competition with American goods.

Rates of duty are no part of the costs of production of American manufacturers, not part of his overhead, and not included in his costs of materials, except where he imports raw materials for manufacture, and in that case they are a very small part of the cost of such materials. Manufacturers' prices are determined by the competition met here. They use the most improved machinery and employ the most skillful and efficient labor in the world in order to keep these prices down. Since the manufacturer disposes of more than 90 per cent of his products here, the American market is nine times more important to him than the foreign. When he sells here, both the profits accruing remain here for the benefit of the stockholders who own the industries, and the wages he pays go to American wage earners and to those from whom they buy. All this aids in increasing the wealth of the country and in making it a better market. Every city and locality make earnest efforts to secure the location of industries in them, principally for the sake of the pay rolls. Let me cite a few industries making important products as illustrative of the benefits to all.

PROTECTIVE TARIFF INCREASES DOMESTIC COMPETITION AND LOWERS PRICES

We use great and increasing quantities of steel. In order to be relieved of the high prices charged for foreign products a protective duty was imposed on imported steel articles, with the result that they are now produced here at lower prices to the consumer than elsewhere. The duties have been removed from part of them. The duties on others were retained at lowered rates to protect them against unfair competition from abroad. The aluminum industry was created under protection, and articles of aluminum can be bought here at prices lower than from abroad. The quality is better, which is a double saving, for a better article is cheaper than an inferior one even when the cost is the same. The same is true of the tin-plate industry.

The duty on manganese was bitterly opposed when the present tariff was framed, but the ferromanganese industry has grown

to considerable proportions with independent producers, and sells it products more cheaply in a protected market than it could when under free trade. The list could be extended. In the absence of American competition we pay whatever price the foreigner asks, no matter how high, or go without the article.

The purpose of protection is to establish useful industries, create competition, provide pay rolls, and build markets. Despite what the Democrats would have the people believe, vigorous competition exists in this country, establishing an American price for manufactured articles, which tends toward lower prices. Efficiency and mass production has given American industry its leadership in the world. It competes on the basis of price and quality.

While they are conspicuous examples of the triumphs of protection, the iron, steel, tinplate, aluminum, and automobile industries are not the only instances in which we lead the world. To-day a very large proportion of our industries have the supremacy, including shoes, typewriters, automobiles, watches, sewing machines, and innumerable other articles, which are made more cheaply here and in greater quantity than in other countries. American superiority in them is recognized and our products are copied. The automobile industry was created by the protective tariff, and to-day we make five times as many as all other countries combined. The most serious obstacle in the way of our further greater industrial and manufacturing development is the menace of lower duties.

Had the people of the United States not become masters of the metal and allied industries the World War would have continued much longer, greatly increasing the loss of life and human suffering, and multiplying its cost.

I believe industry is entitled to prosper. What would we do without it? The man who is not in business to make money is not in business long.

FOREIGN PRODUCER NOT A PHILANTHROPIST

The foreign producer is not a philanthropist. He does not plan to be a benefactor for our people. His one purpose is to make the maximum profit he can. Why should he not do so? This is illustrated by the fact that articles on the dutiable list have declined in price more than those of the free list. He sells his products in this country for what the traffic will bear and removes from our country the wages paid by him to his foreign workmen and the profits accruing less the duties paid. Under free trade he has a wider opportunity.

INFREQUENT PURCHASE OF MANY ARTICLES

Democrats desire the country to believe that the average farmer makes large and frequent purchases of the dutiable articles he uses. A large proportion in value of the articles purchased by the farmer are on the free list now. I submit a list of them. The farmer does not renew his limited stock of tools each year. Most of them are bought once in a lifetime. His machinery is on the free list. He does not buy foreign-made machinery, because the American product is better and cheaper, made so by the protective tariff, though not now on the dutiable list. Nor does he refurnish his house more frequently than once in several years. His expenditures for clothing are not large.

I have given careful attention to the articles on the dutiable list, in the light of my knowledge and information of what the average farmer will buy of such articles. Taking, then, into account whatever the farmer may pay as the result of a protective tariff on what he buys on the one side, and on the other the reduction in prices of manufactured articles due to the protective tariff, and the benefits he receives in increased prices for what he sells under protection, in my judgment the average farmer is materially benefited by the present tariff. I have gone into the last item extensively earlier in my remarks.

It is an interesting and informing exercise for anyone interested in the operations of the tariff to take the items on the dutiable list, select those of which the average farmer makes purchases, the quantities he will buy of each, the American cost of production of such articles, the import prices of the foreign competing articles, their comparative quality, compute the duties on such imported articles, consider the frequency with which each will be bought, how long each will be in use, and then apportion to a year its proper proportion of the duties so reckoned. The amount so allotted to the year will be very small. I will not have time to set out in detail the computations, but my observations above were based upon such study.

ARTICLES PURCHASED BY THE FARMER THAT ARE ON THE FREE LIST IN THE ACT OF 1922

Plows, tooth harrows, disk harrows, headers, harvesters, reapers, drills, planters, mowers, horse rakes, cultivators, threshing machines, cotton gins, wagons, carts, cream separators under $50, breeding animals, pedigreed, cinchona bark, and a long list of chemicals, binding twine, borax, cement, chrome ore, coal, cobalt ore, cocoa or cacao beans, coffee, blue vitriol, tar, tea, barbed wire, wool used for carpets, copperas, gloves from leather of bovine species, guano, explosives except a few specially provided for, gunpowder, hones, whetstones, iodine, crude rubber, leather and products of leather usually used on farm, boots and shoes of leather, hand sewing and machine needles, oil cake and oil-cake meal, petroleum, kerosene, benzine, naphtha, gasoline, paraffin, pads for horses, crude phosphates, quinine, rennet, sheep dip, shingles, tapioca, turpentine, and lumber generally.

The above list is not exhaustive, as to print the free list of all the articles would take more space than I have.

Agricultural protection under the last three tariff laws

Commodity	Fordney-McCumber Act	The Underwood Act	Payne-Aldrich Act
Cattle	1½ to 2 cents per pound.	Free	$2 head to 27½ per cent.
Sheep and goats	$2 per head	do	75 cents to $1.50 per head.
Fresh lamb	4 cents per pound	do	1½ cents per pound.
Hogs	½ cent per pound	do	$1.50 per head.
Bacon, hams, etc	2 cents per pound	do	4 cents per pound.
Lard	1 cent per pound	do	1½ cents per pound.
Butter	12 cents per pound	2½ cents per pound.	6 cents per pound.
Milk	2½ cents per gallon.	Free	2 cents per gallon.
Poultry, live	3 cents per pound	1 cent per pound	3 cents per pound.
Poultry, dressed	6 cents per pound	2 cents per pound	5 cents per pound.
Eggs	8 cents per pound	Free	Do.
Corn	15 cents per bushel	do	15 cents per bushel.
Oats	do	6 cents per bushel	Do.
Rye	do	Free	10 cents per bushel.
Wheat	42 cents per bushel	do	25 cents per bushel.
Potatoes	½ cent per pound	do	Do.
Wool, clean	31 cents per pound	do	22 cents per pound.
Apples	25 cents per bushel	10 cents per bushel	25 cents per bushel.

The above table shows graphically the attitude of the Republican Party toward agricultural welfare as compared with that of the Democratic Party. The Democrats make a vague "promise to the ear but break it to the hope." The present tariff gives agriculture greater protection than any preceding tariff.

This list includes his large crops. The duties on such products as were dutiable under the act of 1913 were so low that they afforded him no relief against foreign competition, as the farmers learned to their sorrow before the World War and after the war when its effects on prices were no longer felt.

Importance to agriculture of the home market

Value of products produced in 1925 were—

Agriculture	$13,031,000,000
Mining	5,678,000,000
Manufactures	62,714,000,000

That is, agriculture is 16.5 per cent of the total product of the United States in value and sells in the richest market in the world.

The output of manufactures of 16 general groups increased in value from $43,000,000,000 in 1921 to $60,000,000,000 in 1923, or an increase of $17,000,000,000, a very considerable part of which increase went to the purchase of agricultural products for processing and to increased amount of wages paid to labor, which in turn consumes the products of the farms. The value of manufactures had increased to $63,000,000,000 in 1925, or $20,000,000,000 over 1921. The cost of materials purchased by these 16 groups for manufacture increased from 1921 to 1925 by $11,000,000,000. Wages paid increased over $2,500,000,000, and the number of persons employed increased by more than 1,400,000 annually.

Free and dutiable imports

	Total imports	Free	Per cent	Dutiable	Per cent
1926	$4,413,348	$2,913,265	66	$1,500,083	34
1927	4,167,960	2,685,083	64	1,482,877	36

That is, that the dutiable articles are about one-third of our imports and those duty free about two-thirds. Protection is given only where the public welfare requires it.

PURPOSES OF A PROTECTIVE TARIFF

The protective-tariff policy is intended to protect the American producer of commodities of all kinds and all the persons interested in such production from unfair competition from abroad. It deals solely with sales made in the United States.

It has no purpose to deal with sales of American-made goods when they are exported to other countries. There is no way by which we can extend the advantages of a protective tariff to cover sales made in foreign lands. Neither does the protective tariff propose to deal with conditions in the markets of this country when the question at issue does not arise from unfair competition from abroad. All industries at times find that their production exceeds the domestic demand, and market must be found for them elsewhere. But such sales do not come within the purview or scope of operation of a protective tariff. The Republican Party never has stated to the country that our tariff covers the sales abroad of excess products. When excesses occur, as is now the case in agriculture, and provision for their disposal becomes necessary to relieve a basic industry, that, in my judgment, should be effected by legislation independent of the tariff. The removal from our market of such surpluses will give to agriculture the needed relief.

TARIFF SAFEGUARDS HOME PRODUCERS FROM CUTTHROAT COMPETITION

Many economists, who do not admit the validity of a protective tariff in other respects agree that it is important in cases like these:

First. The sudden dumping of quantities of goods on the American market at bargain-counter prices.

Second. Dumping of goods manufactured by industries subsidized by a foreign country for the purpose of enabling them to invoice their products at valuations at less than the real values—that is, costs of production—and intended to extend over a long period of time.

Third. Predatory price cutting where a foreign industry deliberately sets out to get the market away from an American industry and, getting it, to have a monopoly of it.

Fourth. Dumping, arising from inflation, which acts first on the foreign exchange rate, then on wholesale prices, then on retail prices, and finally on costs, which will enable industries in a foreign country, following the policy of inflation, to run goods into this country at prices ruinous to our enterprises.

Fifth. Sales of goods made under Government subsidy or concession. An illustration of this occurred recently when an American railroad bought 4,500 tons of steel rails from German manufacturers at prices the American manufacturers can not meet, because the German Government gives bounties or makes concessions equivalent to bounties to manufacturers of steel sold for export. The German concerns also have the advantage of low-priced labor, while the American manufacturers pay the American standard scale of wages.

The above are instances of unfair competition.

LABOR AND THE TARIFF

As a result of the protective tariff and the immigration laws, American labor, since the conditions have been operative, has succeeded in maintaining the strong position which the resources of the country and the genius of the Nation for organization have given it. It demands the unimpaired retention of the present tariff protection, with revision upward in some instances, and reclassification in others, that it may serve adequately as a protection to American standards of life and work.

The competition from abroad that confronts American labor is indicated by the following recent wage scales. From a table of wage rates given in the official German organ, Wirtschraft und Statistik, the average weekly wage for skilled workers on December 1, 1927, was $11.77, and for unskilled workers, $8.82. In Japan, according to the Imperial Department of Commerce and Industries, the average daily wage at the close of November, 1927, was 51 cents in the textile industry, $1.08 for metal workers, 94 cents in the ceramic industry, 70 cents in the chemical industry, 83 cents in the food industry, $1.03 in the wearing-apparel industry, $1.01 for woodworkers, 98 cents for printers, 84 cents for day laborers, and 77 cents for fishermen. The general average is 87 cents per day.

A general survey of the wage situation in leading competitive countries made in 1924 by the United States Bureau of Labor Statistics gives the following results in average daily wages:

Average per day:	
Japan	$0.87
Italy	.90
France	1.01
Belgium	1.29
Germany	1.55
England	2.60
United States	5.60

The average of the daily wages of all these competing countries is $1.37, as compared with $5.60 per day in the United States.

High wages in this country have been accompanied by a higher standard of living of a healthy kind. This involves ownership of homes, automobiles, radios, better food and clothes, and other living habits, which are difficult if not impossible to give up.

The best evidence of the importance of the protective policy to the well-being of our people and to the prosperity and progress of the Nation is to be found in the social, economic, industrial, and agricultural prosperity of the country during the past 40 years by comparing the conditions that prevailed when the Republican Party has been entrusted with its administration, with the conditions that followed an elevation of the Democratic Party to power. Every voter ought to have a working knowledge, at least, of the recent economic history of his country. I will not have time to enumerate all the benefits and advantages resulting from the protective policy and all the ills and misfortunes incident to free trade or its aliases. Progress can be made in civilization only when the standards of living of the community are being continuously raised.

COSTS OF LIVING DECLINE UNDER THE PROTECTIVE TARIFF

The protective tariff has greatly increased our efficiency in all production, both in quality and quantity, and so decreased the per unit costs. Some may think that protection has increased the costs of living over such costs under free trade. This is not the case. The index figures show that the costs of living, including food, clothing, housing, fuel, light, furniture and furnishings, and miscellaneous items, making up the ordinary living costs, have, all together, slightly declined. I give the figures:

1921: Under free trade the index figure is	177.3
1925: Under protection the index figure is	175.7
1926: Under protection the index figure is	175.2

Where labor is effective, high wages and low prices go together.

Industry, labor, and the farmer all need an active consuming market. This is provided under the Republican protective tariff. From a source that I think reliable I have been given the information that "the annual receipts of the American people for the year 1926 were nearly $90,000,000,000, as compared with $63,000,000,000 in 1921, an increase in yearly income of $27,000,000,000 in five years. The per capita income rose 36 per cent. The number of persons gainfully employed increased 44 per cent."

As shown above, the average ordinary cost of living has actually declined, which refutes the free-trade argument that a protective tariff means constantly rising prices and costs of living. But it does mean greater efficiency, mass production, smaller cost per unit on greater output, more public income, increased wages, increased consumption of farm products with improved prices, and generally a lowering of the costs of living.

FOREIGN TRADE HAS INCREASED UNDER EXISTING TARIFF RATES

The predictions of our opponents that the tariff act of 1922 would curtail our foreign trade have not been fulfilled.

Goods, wares, and commodities, by calendar years

Year	Exports	Imports	Total foreign trade
1921	$4,485,031,000	$2,509,147,000	$6,994,178,000
1922	3,831,777,000	3,112,747,000	6,944,524,000
1923	4,167,493,000	3,792,066,000	7,959,559,000
1924	4,590,984,000	3,609,962,000	8,200,946,000
1925	4,909,848,000	4,226,589,000	9,136,437,000
1926	4,808,659,000	4,430,888,000	9,239,547,000
1927	4,864,806,000	4,184,378,000	9,049,184,000

Exports declined from 1921 to 1922 $653,254,000 and imports increased $603,600,000. The trade effects of the present act were operative in 1923, the act having been signed in the latter part of 1922. But under the present tariff both exports and imports have been much larger each year, as shown above, than for the year 1922, while in 1927 the exports had increased over 1922 by $1,033,029,000, the imports by $1,071,631,000, making a total increase in foreign trade over 1922 the large sum of $2,104,660,000.

PROTECTION AND FOREIGN TRADE

So the preservation of our economic independence has greatly expanded our foreign trade as well as materially benefited every occupational class in our country. The tariff has fostered our foreign trade because it enabled our people to produce increased quantities of commodities to be sold abroad and to be able to buy increased quantities of foreign products. The volume of business increased from $43,000,000,000 in 1921 to $63,000,000,000 in 1925, or $20,000,000,000, and it added largely to the public wealth of our country. While it increased the income into the Treasury paid from the profits made on the foreign goods imported from an average of $241,866,000 per year under

the eight years' experience, or $284,804,000 for the four-year period of the Underwood Act to an average of $579,297,000 under the present act. The year 1922 was not included, as part of the year was under the Underwood Act and part under the present act. If we include the years of the war—1915 to 1918, inclusive—the average of duties collected under the Underwood Act was $284,804,000, as the following tables show:

	Duties collected
1914	$283,719,000
1915	205,946,000
1916	214,214,000
1917	204,585,000
1918	170,964,000
1919	237,458,000
1920	325,646,000
1921	292,396,000
Average	241,866,000

Duties collected under the present tariff:

1923	$582,764,000
1924	545,232,000
1925	570,829,000
1926	605,626,000
1927	591,946,000
Average	579,297,000

That is, the duties collected have doubled, so further relieving the American taxpayers by the amount of such increase. That is, the increased receipts from duties collected on imports have contributed over $1,400,000,000 to the surpluses that have been used to effect reductions of taxes of over $2,000,000,000 made in the revenue acts of 1921, 1924, 1926, and 1928, or practically two-thirds of such reductions. Truly the tariff has relieved the American taxpayers of a great burden of taxation.

IMPORTANCE OF ECONOMIC INDEPENDENCE TO A PEOPLE POLITICALLY FREE

Economic or commercial independence means that this country is to be self-contained and self-supporting; that we shall raise or produce as nearly as possible all the things we need, selling our surpluses abroad as occasion may require and importing such articles as at any given time we do not have the climatic conditions to produce or which at such time we are not prepared to manufacture; that we reserve our domestic market primarily for the products of our own people; that we establish and maintain standards of living becoming to a free people, of which every citizen is a sovereign, under conditions that make that standard ever rising; and that we advance our civilization.

What will it profit our people if under free trade or its various aliases we pawn our birthright and lose that distinction we have so long labored to attain, namely, better conditions of life, which are the soul of a people. We have set for ourselves the economic standards we esteem vital to our perpetuity. A mighty Nation, with a destiny to which no one can set the limit of attainment, must of necessity have a people strong in themselves and in the material advantages essential to their support. We were the first great representative Government. Others have emulated our example in government by the people. We were the first Nation to declare as uncompromisingly for economic independence and for those better standards of living requisite to the public welfare. We do not propose to abandon our political liberty and its ideals. We have been instrumental in causing other nations to rise toward them. Shall we now, as a concession to the party of opposition, yield our economic liberty that such party again may demonstrate its inefficiency in the conduct of public affairs and we descend to the economic status of other nations? Rather let us maintain our economic standards also and raise other peoples to them. We need have no fear from nations to whom economic life comes to mean what it does to our people. But our economic liberty, with all that that implies, is in danger every hour from people with lower standards.

"THE AMERICAN MARKET" GREATEST IN THE WORLD, DUE TO PROTECTION

What is the American market? The American market is a place in which national wealth has been increased from $88,500,000,000 in 1900 to an amount approximately $300,000,000,000 at this time, giving us capital to do business on a giant scale. It is a place where 117,000,000 of people are living better than anywhere else in the world; a Nation able to stand the shock of the World War without a tremor and afford its allies aid in hitherto unbelievable amounts; the only great Nation whose Government by freemen now rests firmly on its foundation. Here we produce yearly nearly $90,000,000,000 of new wealth or wealth in new and usable forms, $13,000,000,000 from the industries depending on the soil, $6,000,000,000 from mines, and $63,000,000,000 from industry, and other amounts from lesser sources; and what is done with this annual output exceeding in value the public wealth of some other nations after deducting their indebtedness? Our people consume more than 90 per cent of the products of manufacture, 91 per cent of all the products of the soil except cotton, and 85 per cent including cotton, and a considerable proportion of the mineral products. It is a market having an enormous purchasing power, in part for use and in part for saving; and is a market in which 27,000,000 of wage earners, exclusive of those employed in agriculture and public services, receive wages from three to eight times greater than those of other nations. The universal opinion of thoughtful men everywhere is that this truly magnificent result is founded on the protective tariff. Shall we imperil this handmaid of our liberties? Who digs at the foundation? A party, who in times past whenever in power, have brought upon our people a nation-wide distress which they have been unable to relieve, from which the people turned to the Republican Party for relief and have never turned in vain.

ECONOMIC INVASION NO LESS DANGEROUS THAN POLITICAL INVASION

The Colonies, which became the United States, resisted the attempted domination of their business enterprises. Resistance to such domination became a material factor in forming a sentiment which led to the war of 1776 and to independence. Since that great day the foot of the hostile invader has come in only to go out in haste. In pursuance of our policy to be free from foreign control in every respect, the first general law adopted under the Constitution was a tariff act for the protection of our industrious people. If we resist political invasion, why not economic invasion? Both are equally harmful to the liberties of our people. Protection has been the policy of statesmen whose great names and illustrious services to the Union adorn the pages of our history as the stars the glittering firmament. But few times, and those to the sorrow and disaster of our people, has the economic hand of the foreigner been given opportunity to control our economic life and the standards of living. And never has that been done by the Republican Party. The wise men of all parties in the past have upheld the policy of a protective tariff. For three score and six years the genius of the Republic, with the exception of a few scant and sorrowful years under Democratic control, has kept us a free people economically. We pay tribute to none. Washington's advice of continuing wisdom and permanent value counseling "entangling alliances with none but friendship to all," is as important to economic as to political entanglements. When in the convocation of the world, older states and nations boasting their long struggles to attain their economic independence and to establish their own national standards of living, shall raise their voices and say, "With a great price bought we this freedom," America shall lift her queenly head with the yet prouder answer, "But I was free-born." [Applause.]

HALLER NUTT

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1769, insist on the House amendments, and agree to the conference asked for by the Senate.

Mr. GARNER of Texas. Has the gentleman spoken to the members of his committee in regard to the conference?

Mr. STRONG of Kansas. I have not, but I know it will be satisfactory to them.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1769) for the relief of the legal representatives of the estate of Haller Nutt, deceased.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. STRONG of Kansas, Mr. HOOPER, and Mr. ESTEP.

CONTROL OF FLOODS ON THE MISSOURI RIVER

Mr. HOWARD of Nebraska. Mr. Speaker, I renew my request for unanimous consent to take from the Speaker's desk the Senate Joint Resolution 80 for immediate consideration. The Chair will recall that I made the request a few days ago and withdrew it temporarily. I now renew my request.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table the Senate Joint Resolution 80, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 80) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska

Resolved, etc., That there is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska; said work

to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I well appreciate the interest of the gentleman from Nebraska in his district and his desire to serve them in this emergency; but the gentleman, of course, well knows that it is not the practice of the House to take up and consider legislation on the floor that has not been considered in committee. I have no doubt that this is a matter that is worthy of attention, and I have no doubt that if the gentleman will properly present the matter to the Committee on Flood Control at the beginning of the next session they will give it the consideration which it is entitled to. The gentleman is very alert and always looking out for his people, but under all the circumstances and considering the situation that exists at the present time I shall certainly be obliged to object.

The SPEAKER. Objection is heard.

ST. LAWRENCE WATERWAY

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the St. Lawrence waterway and its present status.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHALMERS. Mr. Speaker, I did not intend to trespass upon the time of my colleagues, to again call your attention to what is the greatest project in the universe to-day for human service, namely, the opening up of the Great Lakes ports to the sea, making them ocean ports by the construction of the St. Lawrence waterway. Nothing in all history is comparable for human service to the building of the American seaway connecting the Great Lakes with the markets of the world.

As I look back over the years, I ask myself why the big-visioned men of the past failed to utilize this wonderful natural resource. It means greater prosperity for the country—not for any select section but for all our people. The completion of this waterway is a program that interests all of us. No matter what section of the country we come from we must work together for this one great cause. It is too big and too important a thing to permit sectional rivalries to overshadow our sense of justice and fairness. In the final analysis prosperity can come to America only when all the people are prosperous and the Great Lakes-St. Lawrence River improvement will do much to bring about that desired end. There is no excuse for prejudice and no reason for jealousy.

I am giving this review of this important project at this time at the request of the gentleman from Minnesota, the Hon. ALLEN J. FURLOW. He informs me that the people in his district and other districts in Minnesota are very much interested in the St. Lawrence waterway. Let me say this to my colleague, that there are many others besides the people of Minnesota who are intensely interested in the St. Lawrence seaway. There are forty-two and one-half million people living in the great mid-west land-locked continent who have for years been hoping and working for relief from high freight rates and excessive cost for transportation. The people of the mid-west continent are not the only ones interested in this project. Listen to a voice from Worcester, Mass., under the heading, "Great Lakes to the sea."

It is a mistake to regard this project as a benefit to the Middle West alone. It will help the whole Nation, promoting prosperity by direct and indirect means all over the country. It is progressing slowly, but surely, to reality.

From the above you will see how New England regards beneficial results to her territory from the construction of this seaway.

During the next session of the Seventieth Congress I shall introduce an improvement bill in the House of Representatives along the lines of the plans agreed upon by the two contracting parties to the St. Lawrence treaty. In general, the Canadian proposal suggests that the United States Government take charge of, construct, and operate the seaway from all of the Great Lakes ports to the main ship channels of the Great Lakes on down through the Lakes and connecting waters to the entrance of the Welland Canal and the international section of the St. Lawrence River from Lake Ontario to the point on the international boundary line where it enters wholly Canadian territory. She also suggests that the Canadian Government construct, operate, and control all of the purely national portion of the seaway—namely, the Welland Canal and the St. Lawrence River from the point where it leaves the international boundary line to the sea. She also proposes that all of the expenditures upon both the American and Canadian reaches of this seaway as outlined above be divided equally between the two contracting parties to the American-Canadian treaty. These expenditures are supposed to apply to navigation. Canada also reserves for herself all of the power developed in purely Canadian territory and issues the warning that none of this power will be transported to the United States. This is entirely fair and, in my judgment, gives the United States an advantage in that at the present time this seaway will be used and be a greater benefit to the United States than to Canada.

Canadian sentiment is also crystallizing upon this project and regards it as equitable and fair as you will note from the following quotation from the News-Chronicle of Port Arthur, Ontario:

That is a statesmanlike proposal the Mackenzie King government of Canada has submitted to the Government of the United States in regard to the development of a deep St. Lawrence waterway.

While it requires that each country shall contribute almost an equal share in the cost of the works rendered necessary, it leaves absolute control of Canadian waters and territory in the hands of Canada.

Nothing fairer than this can be suggested. It leaves, as stated, joint control where such control now exists, and therefore does not give to either country dominance.

This proposal will undoubtedly meet the wishes of Canadians, in whose minds there has undoubtedly been a doubt as to the outcome of joint control over the entire system.

In its proposal to the United States Government the Canadian Government has only attempted to lay down principles upon which negotiations can be carried on. On its part the United States Government has accepted the submission as a basis upon which negotiations can be conducted.

Let me say this: I have always been in favor of a 30-foot seaway. The Canadian Government proposes a 27-foot channel at this time with the sills down for a 30-foot channel later. A 27-foot loading channel is really a 29-foot project. Ship captains like to have 1 foot in the clear under the ship's bottom, and there is about 1 foot of "squat" to a loaded ship under speed.

We are now getting the Great Lakes channels and harbors ready for this project. January 28, 1925, I introduced a 25-foot project bill for the Great Lakes channels. You will find in the RECORD of that date what this project will do for Great Lakes commerce. This deeper channels bill which provides for a 24-foot loading channel is embodied in the rivers and harbors bill which has just been put on the calendar by Chairman DEMPSEY. This bill, in my judgment, will become a law at the next session of this Congress. The bill also provides for the construction of regulatory or compensation works to control and hold the lake levels. In the hearings upon the deeper channels bill, the Chief of Engineers of Rivers and Harbors, Gen. Edgar Jadwin, stated that the transportation system of the Great Lakes earned more each year than the entire capital cost for their navigation improvement. My deeper-channels project will add more than $20,000,000 a year to this earning power.

There is nothing in all the world that can approximate the efficiency and low cost of transportation on the Great Lakes. The United States of America is the greatest and most prosperous nation in the world to-day. Transportation on the Great Lakes has been the principal factor in bringing about this national success.

By resolution of our committee, we have on file in the office of the Board of Engineers of the United States Army in this city, a plan and estimate on the additional costs to change this deeper channels project into a 27-foot loading seaway. Therefore, if the American-Canadian treaty is completed as I hope it will be before the present rivers and harbors bill becomes a law during the next session, we can put in the 27-foot amendment and be ready to realize our seaway hopes.

In the note of January 31, 1928, from the Canadian minister to the Secretary of State, Mr. Massey said:

The national advisory committee has reached the conclusion that it is possible to work out a method by which provision could be made for the construction of the waterway on terms which would be equitable to both countries and would take adequate account of the special factors in the Canadian situation to which attention has been directed.

In the note of March 12, 1928, from the Secretary of State to the Canadian minister, in answer to Mr. Massey's note Mr. Kellogg said:

The suggestions outlined in your note have received thorough consideration. While the United States is not in complete agreement with the representations made by the Canadian Government as to the relative benefits and ultimate costs to the two countries of the proposed improvement of the St. Lawrence and the division of expense to be borne by each country, it is inclined to regard as an acceptable

basis of negotiation a proposal along the general lines suggested in your note: That the prosecution of the improvement of the St. Lawrence waterway be based on the undertaking by the United States of the deepening of the necessary channels through the interconnecting waters of the Great Lakes and the improvement of the international section of the St. Lawrence both for navigation and for power; and the undertaking by Canada of the construction of the waterway in the sections wholly Canadian, that is, the Welland Canal and the works in the St. Lawrence below the international boundary.

The United States is agreeable to the proposal that all navigation channels provided in improvements have a minimum depth of 27 feet, the permanent structures having a depth of 30 feet for future expansion. The United States has at present under consideration the deepening of the lake channels to the extent economically justified by the present commerce of the Great Lakes. There is one question that we should like to leave for discussion, and that is whether it would be economical to at once build a new lock and deepen the Soo Canal until such time as the St. Lawrence is nearing completion, so that there would be a demand for deeper channels. It is clearly advisable that the large expenditures required for depths in excess of present needs be deferred until the greater depths can be profitably used.

I have the honor to suggest, therefore, that the two countries proceed with the appointment of commissioners to discuss jointly the problems presented in your note and those which I have presented herein with a view to the formulation of a convention appropriate to this subject.

In answer to this letter from our State Department, Mr. Laurent Beaudry, first secretary to the Canadian Legation, replied, from which I quote the following:

Reference was made in my previous note to certain constitutional questions affecting the Canadian situation and to the intention of His Majesty's Government in Canada, in accordance with the wishes of the governments of Ontario and Quebec, to seek a solution by reference to the courts. Steps have since been taken to this end, and it is anticipated that the reference will come before the Supreme Court of Canada at an early date.

While the acceptance by the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps thus contemplated and discuss with the Provinces the aspects in question, following this consultation His Majesty's Government in Canada will be in a position to inform the Government of the United States further of its views on the proposal contained in your note of March 12.

Then on April 7, 1928, in writing to the Canadian minister, Secretary Kellogg replied as follows:

SIR: I have the honor to receive your note of April 5, 1928, with reference to the negotiations between the Canadian Government and the United States looking to the construction of the deep St. Lawrence waterway. I note your suggestion that the position of the United States has been made sufficiently clear and definite to permit the Government of Canada to take the necessary steps contemplated and to discuss with the Provinces of Ontario and Quebec the aspects in question. I entirely agree with you that there is no reason why at this time the Government of Canada should not take up such discussion with the Provinces.

I note also that His Majesty's Government of Canada suggests that it would be advisable that definite and agreed engineering proposals for the development of the international section would appear to be necessary preliminary to any computation of costs or decisions as to the order of construction or division of tasks, and that a conference should be held between the Canadian section of the joint board of engineers representing the Province of Ontario. Further, that it would be advisable that such a conference should be followed by reconsideration of the engineering problems in the international section by the whole joint board. Of course, the Government of the United States fully realizes the desirability of the Canadian Government's consultation with the Provinces and with the Canadian section of the joint board of engineers. The United States section of the joint board will be prepared at any time to take up with the full board and discuss and reconsider engineering problems connected with the construction of the international section. I have the honor to suggest, however, that it would seem as though the entire subject of treaty negotiation need not be postponed until the termination of these discussions and of the reconsideration by the joint board of engineers, and that it might be desirable for the negotiations to go on concurrently with the examination of such engineers as their advice and assistance would be necessary. The United States will be prepared to cooperate to the fullest extent with the Canadian Government at any time for the purpose of accomplishing the improvement contemplated.

Accept, sir, the renewed assurance of my highest consideration.

FRANK B. KELLOGG.

It would seem to me, Mr. Speaker, that any fair-minded, unprejudiced reading of the American-Canadian notes upon this vital project would see only encouragement in the present status of the negotiations. I had a conference with the Secretary of State, Mr. Frank B. Kellogg, last Saturday morning. As you know, I have given much thought and time to this problem for the past 10 years. I believe we are about to win through. I believe, Mr. Speaker, that before your gavel falls at 12 o'clock, high noon, on the 4th of next March the Senate will have approved the American-Canadian treaty for the construction and operation of the Great Lakes-St. Lawrence deep waterway and thus put a period to the transportation strangulation of the people dwelling in the mid-west of the United States of America.

THE FARM RELIEF BILL VETO

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the presidential veto of the McNary-Haugen bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EDWARDS. Mr. Speaker, President Coolidge on May 23 vetoed the Haugen bill carrying the equalization fee on cotton, tobacco, and other farm products. No one is surprised. Everybody knew he would veto it again. This is the second time he has vetoed the bill. Why should those professing to be friends of the farmer have sent this bill with the fee in it to certain defeat, when it would have been so easy to have agreed with those of us who voted for the bill without the tax? In this way the farmers would have been specifically free and clear of the threatened tax on their products and would have gotten farm legislation carrying a revolving fund of $400,000,000. This would have been appropriated out of the Treasury and would have meant immediate and material relief, and it would have been free of the taxes.

Did anyone underestimate the courage of the President? I think not. He is known to be a man of unquestioned character, stronger to-day than any man of his party in the confidence of the whole people. Everyone knows he is sincere, earnest, and not a bit demagogic. Why then should those who voted for the tax on farm products have again sent this bill with the unjust tax in it to the President? It was done to embarrass him and to play a part in the presidential campaign in the Western States from where these farm-tax advocates come. This is too serious a matter and relief is too urgent to be made a "political football." If those who tried to embarrass the President had the remotest idea he was spineless enough to reverse his position they know better now. No stronger or more vigorous veto has been sent to Congress by any President than his in protecting the farmers against the iniquities of that bill which would have laid additional heavy burdens upon the backs of the people engaged in agriculture.

If those who voted for the farm tax bill will now join in and help pass a relief bill without the levy of a tax on cotton, tobacco, and other agricultural crops, we can yet and immediately pass a bill that will meet the approval of the President, and in this way do what we should do for agriculture at this session. So far as I am concerned, I am willing to stay here all the summer and help pass a real relief bill. I now have such a bill pending before Congress. It is quite evident one will have to be enacted without the fee in it. The Attorney General, one of the ablest lawyers in America, has held the fee is unconstitutional and the President has so held. The very best lawyers in the House and the Senate agree the fee is unconstitutional and it could not be made to work if enacted. The President has vetoed it twice.

HAUGEN BILL DEPRESSES COTTON PRICES

Each time the farm tax bill has passed cotton has taken a slump. This is mentioned by the President in his able and strong veto message. It is said it went off $3 on the bale when the last bill passed with the tax in it, the reason being that adjustments were being made in reduction of price to absorb the tax that would follow. This is also stressed in an article appearing in the Savannah Press under date of May 24, 1928, in commenting on the veto, in which it is said:

WOULD PUT TAX ON EACH BALE AT TIME OF PRODUCTION

With reference to the McNary-Haugen farm relief bill, vetoed yesterday by President Coolidge, it is understood that local cotton interests have opposed the measure for some time, and the Chief Executive's action meets with considerable favor here and elsewhere in the South.

OPPOSED TO FEES

It is understood that the Savannah interests opposed the bill on account of the assessment of an equalization fee on every bale of cotton produced and at the very time it came into existence. While the bill carries the much-discussed fee, it nevertheless does not state what percentage the amount will total, and incidentally it has been noted that cotton prices slumped considerably on both occasions when the

measure was passed by the Senate and House of Representatives, respectively.

Some time ago, the directors of the Savannah Cotton Exchange in meeting assembled wired the two Georgia Senators and Congressman EDWARDS asking them to oppose the measure. A copy of this wire obtained from files of the exchange will go far toward throwing some light on the bill and the reasons for local opposition.

BE BOOMERANG

The telegram follows: "Believing the passage of bill commonly known as the McNary-Haugen bill would prove extremely detrimental to our southern cotton producers, we respectfully urge you to vote against the measure. If enacted it will subsidize foreign manufacturers with money of our cotton farmers and will destroy demand for cotton from domestic manufacturers. It will stimulate production at the same time that it destroys consumption in this country. Grain is consumed when exported and the exportable surplus is relatively small; but cotton exports aggregate 65 per cent of production and will return in shape of cotton goods. Cotton farmers will never forgive the assessment of a fee for such a purpose and will find the measure a terrible boomerang instead of a benefit."

In vetoing the farm tax bill the President has proven himself a friend to those who are already burdened with taxes they are hardly able to pay and he helps to save the cotton and tobacco farmers of the South from the greatest burden and nuisance that they have been threatened with since the Civil War.

THE EDWARDS BILL

The President has said he wants farm relief. The kind of relief he indicates he will favor is like that set out in the Crisp bill, the Hare bill, and much of that which is embodied in the Edwards bill. The bill I introduced contains much that is embodied in the Crisp bill. These bills are sound and they carry no tax. Let us pass one of them. I feel sure the President will approve it, and we will get farm relief without the tax, something that will be more helpful than hurtful, and we can then feel we have left nothing undone. Oh, no! There are those who are playing politics with this matter. They want to put the tax on cotton, tobacco, and other crops. You want that "sacred fee" or you want nothing. This is not the right attitude. It is not fair to the farmers. The farmers know the President vetoed this same bill before. They knew he would do it again, and yet in the face of that you have again put this unjust farm tax up to the President, and he has again kept faith with the best interests of the American farmer and has again vetoed it. Where is the blame? Let the farmers who are most directly concerned decide? There is no question in my mind but that the verdict in this regard is already written and they will find the farm tax advocates guilty of trying to pass them a "gold brick."

The country will get a farm-relief measure in the next session of Congress if not at this time, and it will carry no tax on farm products. [Applause.]

WORLD WAR VETERANS' ACT, 1924

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 13039, a bill to amend the World War veterans' act, 1924, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table House bill 13039, disagree to the Senate amendments and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. GARNER of Texas. Mr. Speaker, what is the request?

The SPEAKER. The request is to disagree to the Senate amendments and agree to the conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. JOHNSON of South Dakota, LUCE, and BROWNING.

FISCAL RELATIONS WITH THE DISTRICT OF COLUMBIA

Mr. TILSON. Mr. Speaker, I ask unanimous consent to have printed as a House document two statements made by the gentleman from Nebraska [Mr. SIMMONS] in connection with the fiscal relations of the Federal Government with the District of Columbia. As Members know, the House has taken a position in regard to the fiscal relations of the Government with the District, and the gentleman from Nebraska, as chairman of the subcommittee having charge of the District appropriations, has prepared two statements which he has made to this House, covering the subject thoroughly and bringing together a great deal of material. I think that the results of his labors ought to be put in shape so that Members of the House, and others who may wish to do so, may have it available for a thorough study of the question.

Mr. SNELL. These statements are not printed in any special document at present?

Mr. TILSON. They are not printed. It is not a matter of particular interest to the gentleman's district any more than elsewhere in the United States, so it would not be fair to ask him to have these statements printed at his own expense. I think such a document would be very desirabe, and I therefore ask unanimous consent to have 5,000 copies printed. I will add that it will cost a little over $200 to have it done.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to have printed as a public document 5,000 copies each of two statements made by the gentleman from Nebraska [Mr. SIMMONS] in regard to the fiscal relations between the Federal Government and the District of Columbia.

Mr. TILSON. They are to be printed together as one document.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GOLDSBOROUGH. Mr. Speaker, in the matter of the extension of my remarks on farm relief, I desire to insert a statement of the work done by the Del-Mar-Va Association. In the matter of the extension of my remarks on stabilization I desire to insert a speech made by me and also one made by Reginald McKenna, former Chancellor of the Exchequer of Great Britain.

Mr. CHINDBLOM. Mr. Speaker, I suggest that the gentleman submit one request at a time.

The SPEAKER. The Chair thinks that should be done. The gentleman will repeat his request.

Mr. GOLDSBOROUGH. Mr. Speaker, in the matter of my remarks on farm relief, I desire to introduce a statement printed by the Del-Mar-Va Association as to their work in the matter of farm relief.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GOLDSBOROUGH. In the matter of stabilization I desire to insert a speech made by myself before the Maryland State Bankers' Association and also one made by Reginald McKenna, former Chancellor of the Exchequer of Great Britain.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GOLDSBOROUGH. In the matter of the tuberculin test of cattle, I desire to insert certain extracts from the testimony given before the subcommittee on agriculture of the Committee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FARM RELIEF

Mr. GOLDSBOROUGH. Mr. Speaker and gentlemen of the House: In the matter of farm relief, I have always held that the Fordney-McCumber Tariff Act of 1922 was the worst blow the farmer has ever received from legislation, as it compelled the farmer to buy in a protected market and sell in an open market. At that time I begged Representatives of rural districts to vote against the tariff bill for the above reason. And in the years since then many have come to me and said that if they had taken my advice in 1922 the farmer would not be in the condition he is to-day.

Farming is the basic industry of the country. Any legislator who is not interested in helping the farmer has not, in my opinion, a proper view of what will redound to the country's present and future welfare. A great deal, of course, can be done for agriculture by various cooperative means, and in that connection I believe the activities of the Del-Mar-Va Association, created to foster the agricultural interests of the peninsula comprising the eastern shores of Maryland and Virginia, and the State of Delaware, has done a great deal for the farmers in that section. I am therefore including in these remarks the matter of a pamphlet entitled, "The Del-Mar-Va Eastern Shore Association—Its Record and Its Program," which I think will be of great suggestive interest throughout the country:

THE DEL-MAR-VA EASTERN SHORE ASSOCIATION—ITS RECORD AND ITS PROGRAM—ACCOMPLISHMENTS, YES—BUT WHAT ABOUT THEM?

The Del-Mar-Va Eastern Shore Association herewith transmits a tabulation covering its activities—the things it has done, and the projects launched but incompleted—since its organization. Also a statement covering a proposed operating program.

The association's record can not be covered in a sentence. The story, as here told, answers the question: "But what has the association been doing?" Not all of those who have asked the question will pause to read the answer.

All right. But please consider this: Those who do not read the record, who do not ponder its significance in terms of their own business welfare, are not in a position to challenge a single one of the statements as set forth on this page.

In the succeeding sections we tell the story of how the association has operated and what it proposes to do. On this page we speak solely in terms of results.

The association has done a lot of things—unquestionably. But what has it all amounted to? Who benefits, and why?

This is the answer:

CAUSE

The peninsula was never better or more favorably known in all its history than it is to-day. By means of newspaper and magazine articles Del-Mar-Va's story has been carried regularly to an audience of more than 6,000,000 people. The same story has been regularly told to more than 5,000,000 people by means of paid advertisements. The peninsula now has a place in the publicity sun. Economically it is recognized as a unit for the first time since white men settled on its shores.

EFFECT

Peninsula banks are in better shape than they have been in years. They have more money in their vaults, less frozen credits; and increased clearings testify to increased prosperity.

Agriculture on the peninsula is not only more prosperous than at any time since the Great War, but it is also more confident and contented. While other sections of the country are talking in terms of despair and desperation, peninsula agriculture is getting ahead and knows it.

The quality of peninsula products is improving and they are becoming better known, entering new markets and selling over a wider area than they ever did. Every carload diverted from New York, Baltimore, and Philadelphia is so much less glut to kill our growers' profits.

Increased attention and more intelligent attention is being given to marketing problems. The proportion of Del-Mar-Va crops sent to market properly graded and packed shows a marked increase over former years.

The number of marketing organizations operating primarily in the interests of the grower is steadily increasing. One of the new ones started since the advent of the association saved the potato growers of the peninsula more than $1,000,000 on its first season.

Peninsula merchants are steadily increasing the volume of their sales; collections are better; credit conditions were never sounder.

In the face of falling prices in other parts of the country, peninsula land values have remained firm. In many parts of the peninsula land values have substantially advanced. Landowners are no longer dumping their properties on the market; and "courthouse step" sales are attended by more than the representatives of the creditor banks.

The peninsula is on more automobile maps—national, State, and association—than it has ever been in its history. Two years ago our roads were unknown to outsiders; to-day they are mapped in such manner that they are universally known.

Tourists travel has increased. During the season the peninsula has welcomed on an average of 2,000 new visitors a day, spending at least $20,000 daily.

Many visitors have been buyers. Two hundred and fourteen nonresidents purchased property in Sussex, Dorchester, Worcester, Somerset, and Wicomico Counties since 1926. These purchases represent a turnover of more than $1,000,000—not counting what new settlers have expended since purchasing their homes.

There has been more building on the peninsula during the past year and a half than during any similar period—not even excepting the World War era.

There never has been a time when the peninsula had a more effective agency for dealing with railroad, highway, and waterway problems than it has right now in the transportation council of the Del-Mar-Va Association.

Rate concessions obtained for shippers through the association represent a saving of $60,000 a year to all who use, buy, or sell peninsula products. This alone represents a permanent investment of more than 40 per cent annually on the entire sum expended by the association to date.

The peninsula is better organized than it has ever been in its history. Local boards of trade and chambers of commerce have increased eightfold. The association has been the inspiration, guide, and collaborator in these heretofore discouraging local endeavors.

Is all this due to the Del-Mar-Va Eastern Shore Association? Certainly not! But has the association been a valuable, helpful factor in bringing it about? Certainly yes! The association has acted as a leaven. It has been an organizing, energizing force. It has made concerted action possible—in fact, inevitable.

To those who are minded to regard it all as a pleasant coincidence, there is this much to be said: You may be right; but somehow things did not happen that way before the association was organized.

Two years ago peninsula people thought they would get along better if they organized and framed a development plan. This they did, and they have gotten along better ever since. Such are the facts. If peninsula people now believe they can get along just as well without the association they are entitled to order their actions in accordance with their views.

THE RECORD OF TWO CONSTRUCTIVE YEARS

Part 1

The Del-Mar-Va Eastern Shore Association was not formed for the purpose of launching a land boom. Peninsula leaders have no desire to duplicate Florida experience. The purpose of the association was to stimulate permanent growth. Inflationists have been opposed wherever they have appeared. In carrying out its program the association has functioned along the following general lines:

Research: Business and agricultural.

Transportation: Rail, water, and highway.

Publicity: Resources and products.

Marketing: Improvement of agricultural standards and marketing methods.

Extension: Support of county and local civic organizations.

Resort development: Expansion of patronage beyond the narrow confines of the peninsula.

Ethical business practices: Prevention of land and stock-selling frauds.

This is the story of the Del-Mar-Va Eastern Shore Association—the story of an organization movement inaugurated by peninsula people who desire to promote peninsula prosperity.

The creation of a peninsula spirit, the development of a willingness to try to work together constitutes possibly the association's greatest single achievement.

The Del-Mar-Va Association was the result of an awakening—an awakening to common needs and to the need for a common instrumentality to meet them.

What were these needs?

There was need for an organization that could deal with peninsula transportation problems and speak in such a manner that the carriers would listen. There were railroad claims to be collected; rates to be revised and adjusted. Freight and express schedules to be improved. The demand for better service, quicker service, cheaper service by both rail and water was peninsula wide. Competition of other sections with the peninsula made necessary competent and effective attention to this matter. The association, although it has scarcely begun to operate, has scored a large number of vital transportation improvements. Every man who ships or receives materials of any nature is permanently benefited.

Peninsula people needed an organization that could advertise and publicize peninsula resources and products. They needed an organization that could conduct a campaign to increase tourist travel, help create a free market for land, attract permanent settlers, and convince outside capital that Del-Mar-Va is an attractive, safe investment.

The peninsula public needed an organization that could cause people in other parts of the country to make inquiry concerning Del-Mar-Va; and which, once the inquiries were received, had the information and machinery to answer them. It needed an organization that would gather peninsula facts for peninsula business men, for advertisers, for magazine writers and for editors. It needed an organization that would put Del-Mar-Va on the publicity map. World business prefers to deal with those with whom it is favorably acquainted.

Peninsula growers needed an organization that could help advertise and publicize their products, help in their efforts to standardize their production operations, help eliminate competitive selling, and help in every effort to increase marketing efficiency. The peninsula needed an organization ready and willing to work in the interests of the grower; rather than ride on the grower's back.

Peninsula people generally needed an organization that would serve as a rallying force in all efforts to secure uniformity in legislation affecting highways, pest control, marketing standards, public education, and the public health.

In short, peninsula people needed a development plan, an organization machinery with which to make the plan effective.

OUTSTANDING OPERATING ACHIEVEMENTS—ADVERTISING AND PUBLICITY

Editors and news writers are now featuring peninsula articles regularly. From the publicity point of view the peninsula itself is awake. Some publicity figures given in terms of results are:

	Lines obtained	Value in white space on advertising basis	Circulation reached
News and features in peninsula newspapers	825,440	$23,584	141,302
News and features in papers off the peninsula	391,720	27,980	1,823,117
Special illustrated articles on peninsula subjects in papers outside the peninsula	55	35,623	365,880
Articles on peninsula subjects in nationally circulated popular magazines and farm journals	29	19,680	3,697,896

Total lines, newspapers	1,217,160
Magazine articles published	84
Gross circulation reached	6,028,196
Total "white space" value publicity	$108,867

Secured without any cost other than that of preparation.

The association's advertising and publicity activities have been designed to acquaint the American public with the opportunities, resources, and attractions of the peninsula. The advertising and publicity department has utilized (a) paid space and (b) news space in the daily press, (c) feature articles in farm journals and (d) popular magazines, (e) billboards, (f) booklets, and (g) radio broadcasting programs. As a result of all of these activities, tourist travel has been greatly stimulated; an increasing number of permanent settlers secured; outside capital has been attracted and more than 13,000 inquiries concerning the peninsula have been received and answered.

One of the first definite publicity achievements was the production of a peninsula-sales literature. In addition to a general peninsula pamphlet, one of the best issued by any American community, 14 county pamphlets are now ready for distribution. These booklets make it possible for the business man, the association and the various local organizations to answer inquiries quickly and intelligently.

FOUR MAJOR CAMPAIGNS

Four major publicity and advertising campaigns were conducted during 1926 and 1927. The first campaign was launched in the spring of 1926. It was designed to attract the attention of motorists, tourists, and vacationists.

Within two weeks of the inception of this campaign 1,071 inquiries were received and the number of visitors to the peninsula increased materially.

So sharp, indeed, was the increase that gasoline tax receipts jumped 13 per cent in Delaware, 64 per cent in the Virginia counties, and 25 per cent in the Eastern Shore counties of Maryland, as compared with the same months of the previous year.

The second campaign was designed to attract the attention of the farming constituency. It resulted almost immediately in 1,925 direct inquiries and scores of personal visits. The total number of inquiries received has been in excess of 11,000.

As a third major feature in its publicity and advertising program, the association carried out a broadcasting program through station WJZ, of New York. This program being novel and attractive brought thousands of direct and checkable returns to the association in the form of letters asking for detailed information concerning the peninsula.

The fourth major feature was the preparation and distribution of a series of six illustrated crop folders dealing with strawberries, cantaloupes, apples, peaches, white potatoes, and sweet potatoes. These folders were distributed to commission men and buyers in all cities east of the Mississippi. By means of these folders peninsula products were pushed into many new markets. One shipper reports 85 new contracts due entirely to association literature. The American Express Co. also reports that Del-Mar-Va strawberries were distributed this year for the first time as far west as Omaha, and that, although the crop was a short one, peninsula express receipts show an increase of 10 per cent over previous years. This increase was due to increased mileage showing a widening radius of distribution for Del-Mar-Va products.

OTHER IMPORTANT ACHIEVEMENTS

Among the other important achievements accredited to the activities of the advertising and publicity department are the following:

One visiting delegation from Pennsylvania numbered more than 300 people.

Numerous clubs and organizations toured Del-Mar-Va Peninsula for the first time, the parties in a number of instances ranging from 10 to 50.

Sportsmen, especially anglers, were attracted in increasing numbers. In Delaware an increase of 300 per cent in the number of nonresident fishing licenses issued was reported.

A number of large fishing clubs have transferred their permanent headquarters to Del-Mar-Va points.

As a result of the association's endeavors, highway maps issued by the Federal and Canadian Governments were revised to include the Del-Mar-Va Trail as one of the officially suggested routes between the North and South.

The American Automobile Association was induced to redraft its maps of the peninsula and for the first time it recommended the Del-Mar-Va highway system to motorists.

A prominent film corporation produced a motion picture connecting the historical Eastern Shore with modern Del-Mar-Va.

Two Baltimore papers carried 36 full-page illustrated articles over a period of 16 weeks. Other dailies gave similiar large display to special features. Magazines and newspapers of national circulation, and in what is known as the quality class, carried more than 4,500 columns of illustrated articles descriptive of the peninsula. These articles reached an aggregate population of more than 11,000,000.

A careful check of all available records indicates that increased tourist travel, due to the association's publicity and advertising activities, added more than $4,000,000 to the peninsula's gross receipts during 1926 and 1927. These figures represent an estimated daily expenditure of only $5 on the part of fishermen, anglers, hunters, tourists, vacationists, and home seekers. The $5 figure is a conservative one.

All records checked, whether kept by organizations or individuals, show a very appreciable increase in tourist business turnover—stores, hotels, garages, repair shops, and gas stations—due to the association's advertising and publicity program. Incidently 15 handsomely painted poster boards were placed at gateways to the peninsula and at junction points, serving as silent guides and salesmen.

TRAFFIC AND TRANSPORTATION BUREAU SUMMARY

Rail and water rates to southern point were obtained for the canned-goods industry, the approximate reduction being from 2 to 5 cents per hundred pounds or from $3.20 to $8 per car.

Readjustment of rates to Pittsburgh territory, the Columbus, Ohio, district, and the Wheeling, Fairmount, and Elkins district of West Virginia was secured. These reductions ranged from $1.80 to $20.80 per car. Following the readjustment one shipper succeeded in placing five cars in this territory from which he had previously been barred by reason of unfavorable rates.

Action initiated by the association secured a 15 per cent reduction on canned vegetables in glasses which had previously been incorrectly included in the first instead of the second class where they belonged.

Five thousand seven hundred and eighty-nine quotations were made to peninsular shippers.

Claims totaling $18,131.93 were filed with the association by shippers and growers for collection.

Claims totaling $9,353.31 were collected and paid to peninsula shippers and growers.

A rate check was made on canned fruits and vegetables from peninsula-producing points to all the rate-producing points east of the Mississippi River. The check showed many errors and irregularities in the rate structure which operated against peninsula shippers and prevented a wider distribution of their products. As a result of this rate check readjustments have been effected ranging from $2 to $8 a car. These readjustments permitted peninsular shippers to sell their products at many points where they were previously unable to compete.

Storage in transit privileges were obtained at Baltimore, Philadelphia, and Wilmington for the canned-goods industry. These concessions provide for storage warehouse facilities at a low rate of insurance. Shippers and owners may obtain warehouse receipts which serve as a basis of credit, thus protecting the canning industry against the necessity of dumping its products on an unfavorable market.

Four thousand six hundred freight bills were audited for peninsula firms and individuals.

Five thousand one hundred and thirty-nine freight tariffs and supplements were received and checked. The number of errors found was 286. These errors have been brought to the attention of the carriers, with the result that over 80 per cent have been satisfactorily adjusted, thus preventing losses to peninsula shippers. The balance of the cases are pending.

Rate adjustments secured on 54 commodities used or produced on the peninsula represent an annual saving of from $30,000 to $60,000 to peninsula shippers.

An important change in classification of great benefit to the canned goods shippers was obtained. Carriers are now permitted to accept carload shipments in fiber cases without the contents being marked on the case.

Commodity rates on crushed oyster-shell shipments originating at Crisfield and Cambridge for various destinations were obtained. The rate reductions ranged from 3 to 6 cents per hundred pounds or from $9 to $18 per car.

Through the efforts of the association, in cooperation with the State regulatory boards, agreements were reached on reciprocity for trucks between the States of Delaware and Maryland, thereby eliminating a troublesome situation which was settled to the mutual benefit of all concerned.

The association assisted in the compilation of information upon the basis of which the War Department approved a governmental survey for an inland waterway from Lewes, Del., to Chincoteague, Va., and thence to Kiptopeke. These surveys had consistently been disallowed from year to year until the facts were compiled by the Del-Mar-Va Association.

TRAFFIC AND TRANSPORTATION

If the traffic and transportation department of the Del-Mar-Va Eastern Shore Association were capitalized on the basis of its earnings it would represent a $1,000,000 investment.

This department is one association activity that produces immediate, direct and traceable benefits. Other departments of the association reflect indirect benefits. The earnings of this department—the dividends it disburses—are represented by the amounts it saves shippers. Sixty thousand dollars is a conservative estimate of the annual savings effected. Capitalize that dividend on a 6 per cent basis and you have your $1,000,000 concern. In an adjoining column

seriatim mention is made of some of the more important ways in which the association has served peninsula growers and shippers.

The traffic and transportation department operates in cooperation with the traffic and transportation council composed of representative peninsula business interests. This council is a new and important development, sponsored and organized by the association.

The council and the traffic and transportation department, as one of their services, made a complete survey of 65,636 carloads of agricultural products during 1926; $15,000,000 in oysters, crabs, clams and fish shipments, and 49,465 cars of inbound freight, making a grand total of 115,101 cars.

A study of these shipments showed that in many instances wrong classifications were made to the detriment of the peninsula shipper. The department made it a part of its business to secure the proper classifications.

GENERAL ACTIVITIES

The traffic and transportation department cooperated with the interests seeking a franchise for the Chesapeake Bay bridge. The franchise was obtained and there is every indication the bridge will be constructed during the next few years.

The department cooperated in the movement to secure an ocean boulevard from Lewes to Ocean City. The survey is now being made for the first link beginning at Rehoboth, Del. The boulevard will become a part of the Atlantic coastal highway.

The department, in cooperation with other interests, secured for Wilmington, Del., a new express service to peninsula points whereby shipments may be made from Wilmington as late as 11.15 p. m., reaching Salisbury, Md., next morning. No such service had existed. Wilmington and the peninsula now enjoys the same sort of service existing between Philadelphia and peninsula points.

The traffic and transportation department has during the past few months prepared data to be submitted to a conference with the carriers for the purpose of securing the readjustments of canned-goods rates to New England territory, New York, Pennsylvania, and New Jersey. The existing rates discriminate against the peninsula and when adjusted on the proper basis will enable peninsula canners to obtain business in territory from which they are now barred by reason of the general rate structure.

The department succeeded in obtaining a change in existing tariffs to include commodity rates on the following goods: Paste (tomato) catsup, puree (tomato) sauces (chutney, chili), oysters (cocktail and table), soups (vegetable), in wood, glass, tin, or crocks in carloads. This change represents a saving to the shipper of from 2 to 5 cents per hundred pounds or from $3.20 to $18 per car. It also permits mixed shipments in carloads of tin and glass goods.

Peninsula fertilizer manufacturing plants have been losing business on the peninsula due to an exceedingly high rate on their product as compared with rates from Norfolk, Va., Baltimore, Md., and Philadelphia, Pa., for corresponding hauls. In order to remedy the situation the traffic and transportation bureau made a complete check and analysis of existing rates.

This analysis showed that peninsula shippers were operating under a handicap of approximately 60 cents a ton. The facts relative to this situation were submitted to the carriers at a conference in April, 1927. The association has constantly pressed for a revision in the fertilizer-rate schedule.

The traffic and transportation department is now prepared to announce that the carriers report they are about ready to submit a new schedule of rates for the association's consideration. The carriers claim the new schedule places peninsula fertilizer concerns on a competitive basis so far as freight rates are concerned.

The department, by constant pressure, secured a number of reductions on fertilizer materials, such as ammonia, sulphate, and tankage. The reductions applying from outside points to peninsula destinations range from $20 to $40 a car. However, there are many other rates on these materials that need immediate attention. The department has, therefore, obtained from the manufacturers a list of commodities, together with a list of points from which shipments are made. The rates are being checked and data compiled for the purpose of securing proper readjustments.

The department assisted the Eastern Shore Transit Co. before the Maryland Public Service Commission in obtaining a permit to operate a bus-line service between Cape Charles, Va., and Salisbury, Md.

In order properly to protect the peninsula business interests the traffic and transportation department arranged with the trunk line and other freight association carriers to supply it with a copy of dockets filed by carriers covering any and all changes, rules, and regulations applying to freight traffic. The department checked these dockets and out of 288, 199 were found to be detrimental to peninsula shipping interests. Proper protests were immediately made and satisfactory adjustments secured in 75 per cent of the complaints. The remainder are still pending.

The department intervened in the Eastern Salt case, I & S, docket 2440. The commission had decided that rates to the peninsula from New York group points should be adjusted from 31 cents to 23½ cents and the rates from the Akron–Cleveland, Ohio, group points should be adjusted from 31 cents to 24 cents per 100 pounds.

The carriers demanded a rehearing. As a result of the association's intervention the petition for a rehearing was denied.

The department received a complaint from the Lewes (Del.) Chamber of Commerce that the B. C. & C. and the B. & E. Railroads did not publish through rates between Baltimore and points on the M. & D. C. Railway, shippers being required to pay a combination of the local rates which was higher than the all-rail rates. The department intervened and obtained a restoration of the old all-rail rate previously in effect, with the result that shippers secured a 32-cent reduction.

In a great many instances high rates on peninsula products are due to errors in the compilation or publication of tariffs or to the failure of the carriers to adjust the peninsula rate structure for the purpose of making it comparable with the rates prevailing in competitive territory. Changes are not made of tariff schedules unless some organization actively and aggressively contends for them.

Then, too, the expansion of markets and trade areas make necessary the establishment of commodity rates in territory in which they did not previously exist because there was no local demand for the product. In such instances aggressive action is necessary in order to establish the commodity rate.

HIGHWAY ACTIVITIES

The association, through its traffic and transportation department, actively joined local and county authorities in pressing for the widening of roads in various sections of Maryland and for the building of new bridges at Kings Creek and Brookview. It was also active in contending for the improvement of lateral earth roads.

The association initiated negotiations looking toward the improvement of automobile-ferry service between Cape Charles and Norfolk.

The association heartily supported the representatives of Virginia delegates for the completion of the Del-Mar-Va Trail from Oak Hall, Va., to a point 8½ miles south. An allotment of funds for the completion of the trail has been promised.

The association, through its traffic and transportation department, touches every business interest and every individual on the peninsula. The rate schedules handled by the department are not confined to a few commodities. They include the rates on lumber and other forest products; oyster shells and agricultural lime; seafoods and steel products; manure and general merchandise. The activities of the department have to deal not only with perishable products but with slow freight. The department is the representative not only of the manufacturers and the merchants but likewise of the farmer, and there is a need for constant vigilance.

For example, the Interstate Commerce Commission will in the near future handed down a decision on the eastern class rate investigation, which covers the peninsula, as well as all territory east of the Mississippi River lying between eastern Canada and the Gulf. The decision will affect permanently all rates on peninsula perishable products and general merchandise, and eventually the commodity rates on lumber and other slow traffic freight.

At the time of the hearing the Del-Mar-Va Eastern Shore Association, through its traffic and transportation department, submitted data to prove the unreasonableness of the peninsula rate structure, which is higher per mile than the rates on any other part of the Pennsylvania system lying on the Atlantic seaboard.

When the decision is handed down it will be necessary to make a complete check and analysis of all of its provisions, so that exceptions may be filed to any rate that places peninsula shippers at a disadvantage. If, when the rates are established by the Interstate Commerce Commission, the peninsula is not accorded exact justice, the inequalities will become a part of the established order, acquiring the sanction of custom, and the economic future of the peninsula will be endangered. The checking of this one decision alone will require months of effort upon the part of a trained staff. The only peninsula organization equipped to make this study is the Del-Mar-Va Eastern Shore Association.

MARKETING BUREAU ACTIVITIES

The quotation committee of the Eastern Shore Farmers Association is a new development in the peninsula marketing field. As a result of this organization, this year's peninsula potato crop has sold for at least a million dollars more than it would have brought if marketing had been done according to traditional methods. The Eastern Shore Farmers Association is composed of Northampton and Accomac growers. The quotations committee has regulated the flow of potatoes into the various leading markets. It has advised growers when to ship, where to ship, and when to refrain from shipping, and has helped minimize competitive selling.

When the Del-Mar-Va Eastern Shore Association was organized it made the following statement:

"Advertising and publicizing the land is not enough. The products must also be supported by advertising and publicity. Increased production will require a campaign to open up new markets. And in turn these new markets can only be opened up and maintained on the basis

of a standardized product, marketed by organizations operating primarily in the interests of the grower."

In its educational and publicity program the association accepted the following responsibilities:

To contend for improved cultural methods, to urge the economy of modern farm equipment, to point out the need for a wiser selection of crop varieties and a more careful study of soils, to work for additional water-transportation facilities and equitable freight rates, to encourage the production of a quality product, to provide comprehensive market information, to support organization efforts designed to eliminate competitive selling upon the part of the growers, and, in so far as possible, to stimulate every activity designed to make possible the ultimate marketing of Del-Mar-Va products under a Del-Mar-Va brand.

In attacking the marketing problem the association realized that the temper of the public mind must be changed before any considerable progress could be made. Evidences of such a change, the association believes, are already at hand.

In Delaware, members of the Del-Mar-Va Eastern Shore Association were active in securing the enactment of a law providing a basis for the classification of horticultural products. As a result, Delaware apples have this year been marketed in a standardized, Federal-inspected pack. Last year, due to a lack of standardization, Delaware apples rotted on the ground. The percentage of peninsula products marketed under a brand and in a standardized pack this year shows a very material increase over previous figures.

MARKET NEWS SERVICE

Dr. Franklin B. Bomberger, until recently director of the Maryland State department of markets, has been placed in charge of the Del-Mar-Va Association Marketing Bureau activities. Since May 1, 1927, the marketing bureau has functioned along the following lines:

Made a survey of cooperative marketing, covering about 30 days and including the study of about 30 organizations on the Pacific coast and in the Northwest.

Set up Market News Service at Pocomoke, in cooperation with the Maryland State department of markets and the United States Bureau of Agricultural Economics. Daily market reports issued on white potatoes, cucumbers, cantaloupes, and sweet potatoes during their respective seasons.

Cooperated with the publicity department in preparing and issuing folders on Irish potatoes, sweet potatoes, apples, peaches, and cantaloupes.

Called conference of seven South Atlantic States to promote unity of standards for the certification of poultry, eggs, and hatcheries.

Cooperated in organizing Del-Mar-Va Hatcherymen's Association.

Represented the Del-Mar-Va Peninsula at the convention of the International Baby Chick Association at Grand Rapids, Mich.

Held conference on sweet-potato industry, attended by growers, shippers, dealers, bankers, and specialists representing the agricultural colleges and marketing bureaus of the States of Delaware, Maryland, and Virginia.

Held egg-marketing conference at Dover, Del.

Began a study of cantaloupe marketing on Del-Mar-Va peninsula to serve as basis for improved marketing program.

Attended and addressed 12 general meetings on Del-Mar-Va marketing problems.

Attended 16 special or group conferences for discussion and analysis of particular marketing problems.

Prepared 16 releases for publication covering various phases of the marketing situation.

The developments in the field of marketing illustrate the extent to which organization among the growers has been accelerated since the Del-Mar-Va Eastern Shore Association became active. In many fields of activity the mission of the association is to stimulate action upon the part of interested groups instead of initiating action directly under association auspices.

RESEARCH DEPARTMENT ACTIVITIES

All of the constructive work done by the association has necessarily been based upon peninsula facts. Facts are necessary in framing an advertising program, in issuing publicity material, in answering inquiries, or organizing a marketing service of any kind. Indeed, unless the facts are in hand constructive action in any direction is impossible. The association therefore, as one of its first steps, organized a research department. The reasons why such a department is essential are:

There is not a first-class economic library on the peninsula south of Wilmington.

State and Federal statistics are always from two to three years old. The peninsula lies within three States, making it necessary for some agency to compile information from three sources.

Since its organization the research department has assembled a working library that could not be duplicated by a commercial concern for less than $20,000. The cost to the association has been much less because business organizations cooperated heartily in making the material in their possession readily available. The research department has accomplished the following:

Collected 1,572 books, booklets, pamphlets, and official papers covering practically every subject of interest to the peninsula.

Assembled approximately 300 important State, county, and municipal documents; 86 road, soil, topographical, and forest maps.

Compiled a photographic library containing 1,121 subjects representative of every section, class of industry, and phase of peninsula agriculture.

Compiled basic statistics underlying community and business life in all 14 counties of the peninsula from assessibles, bank resources, bank clearings, and taxes.

A PROGRAM OF FUTURE ACTION

Part 2

Based upon the experience of the post two years, the Del-Mar-Va Eastern Shore Association offers the following schedule outlining activities to be continued and inaugurated during the three-year period beginning January 1, 1928.

The work of the association has naturally fallen under the following general departments or sections and bureaus:

Advertising and publicity section.
Research section.
Agricultural section.
Traffic and transportation section.
Administration.
Resort bureau.
Organization service bureau.
Eastern Shore Real Estate Board.

These departments or sections will be continued and, as occasion may require, bureaus will be created within the sections. The marketing bureau has already been organized and is functioning as a part of the agricultural department or section.

ADVERTISING AND PUBLICITY PROGRAM

It is the business of this department to advertise and publicize the Del-Mar-Va Peninsula, its lands, opportunities, and products. The department necessarily works in close cooperation with all the other departments. The association is the mouthpiece and spokesman of the peninsula. In like manner, the advertising and publicity section is the mouthpiece and spokesman of the association.

GENERAL PUBLICITY PROGRAM

The publicity department will maintain an agricultural news feature service which will place articles dealing with various phases of peninsula agriculture with farm journals and specialized horticultural and agricultural magazines.

A series of articles dealing with the peninsula's unique hunting and fishing advantages will be prepared for placement in sports magazines.

At least four feature articles dealing with the peninsula's marketing situation and the progress made in handling the problem will be prepared for submission to magazine editors.

Twelve feature articles dealing with the peninsula, its resources, and its people will be prepared for placement in leading newspapers.

Six articles dealing with the peninsula's resort opportunities will be prepared for placement in hotel class magazines.

A spot news service which will supply the peninsula press and New York and Philadelphia papers with regular news releases will be maintained.

A special effort will be made to cultivate editorial contacts throughout the country for the purpose of increasing favorable editorial comment regarding the peninsula. Every favorable editorial will receive appropriate acknowledgment, and whenever such comment is erroneous or misleading, corrections will be promptly made. Editorial writers in all parts of the country will, from time to time, be supplied with interesting material as a basis for their constructive comment.

A comprehensive file of peninsula photographic material will be maintained for the direct use of the advertising and publicity section itself, and for the use of news feature and magazine writers.

ADVERTISING PROGRAM'S GENERAL FEATURES

The advertising program of the association contemplates limited appropriations for paid space in farm journals, newspapers, popular magazines, resort and sports publications. Particularly, use will be made of the classified columns in farm journals.

The specific objects of the advertising program will be:

To attract permanent settlers.
To advertise peninsula products.
To promote tourist travel and resort development.
To promote the peninsula's industrial possibilities.

Income permitting, use will again be made of the radio in advertising the peninsula, its opportunities and its products.

PUBLICITY ON THE PENINSULA

The association's regular news service designed to meet the needs of the Del-Mar-Va press will be continued as a means of informing the association's constituency and the general public as to what the association is doing.

An appropriation will be made for poster boards to be erected at peninsula gateways.

ADDITIONAL PAMPHLET MATERIAL

The publicity department will supplement the existing supply of pamphlets by preparing a series of specialized booklets dealing with the following general range of subjects from the viewpoint of the peninsula:

Dairying.
Poultry raising.
Strawberry culture.
Peaches.
Apples.
Irish potatoes.
Sweet potatoes.
General farming.
Truck gardening.

These booklets will be issued from time to time and will be designed to answer specific inquiries.

PUBLICITY FOR PENINSULA PRODUCTS

The publicity department will prepare for distribution among commission houses, retail merchants, and buyers a series of commodity folders dealing with the peninsula's major commercial truck and fruit crops and listing the various brands and labels under which peninsula products are sold.

RESEARCH SECTION PROGRAM

This section will continue to collect general and statistical information concerning the peninsula. It will also collect similar information concerning competing sections and States. The information collected will be analyzed and prepared for use. It will be available to advertisers who desire peninsula facts; to peninsula business men who may have need for statistical information; to peninsula business men who may desire to answer inquiries concerning some phase of peninsula development; to editors; news writers, and magazine authors, and of course all the facts assembled will be available to all of the association's sections or bureaus.

The research section is, therefore, the agent of the other sections, working with them in collecting the material necessary in shaping and carrying out their respective programs. The research section's range of investigation will include history, population, movements, climate, agriculture in its various phases, general business conditions, fisheries, miscellaneous industry, transportation, taxation, education, sanitation, and civic improvement. The section will at all times be subject to the direction of other sections concerned with specific problems.

The research section accordingly has a routine program and a special object program for the year 1928.

RESEARCH SECTION ROUTINE

As a matter of routine, the research section will answer all inquiries for specific information. It will operate as a library and a clearing house to which peninsula people and those outside the peninsula can turn for information regarding peninsula affairs. It will cooperate with other sections in collecting data and statistical material and will supply factual and photographic materials to magazine and newspaper writers, and will cooperate with individuals and agencies doing research on the peninsula. In order that the section's fund of information may at all times be complete and up-to-date, it will be necessary for it regularly to add to its files such Federal and State reports, university bulletins, and scientific and popular articles as may have a current reference value.

Specifically, the research section will organize a reporting system which will afford current information regarding:

Agricultural acreage, agricultural production, bank clearings, land sales and price range, building statistics, mortgage totals, mortgage foreclosures, industrial production, canning and rate statistics as they apply to the Eastern Shore situation, freight tonnage totals, fisheries statistics, tourist statistics, comparative tables covering bank deposits during past five years.

SPECIAL OBJECT PROGRAM

The State and Federal Departments of Agriculture, as well as the Department of Commerce, from time to time assign members of their staffs to make studies of specific problems in specific territories. The research section will continue negotiations designed to secure the assignment of State and Federal agricultural and industrial investigators to this section.

In cooperation with the traffic and transportation section the research section will undertake the following:

1. Statistical study of the peninsula's water-borne commerce during the last 25 years.
   (a) Tonnage.
   (b) Port facilities.
   (c) Federal appropriation for river and harbor improvements.
   (d) Present condition of carrier's equipment.
   (e) Available tonnage.
   (f) Comparative waterway and railway rates.
2. Truck shipments.

Statistical study showing truck shipments to major markets within truck radius, together with figures giving comparative costs and differences in time of delivery as result of routings by truck, railroad, and waterway.

STUDY OF EDUCATIONAL FACILITIES

Statistical study of educational expenditures in the 14 counties of the peninsula, as compared with the expenditures made in rural districts of Ohio, Indiana, Illinois, or Iowa having equal population will also be made.

AGRICULTURAL SECTION PROGRAM

The importance of agriculture in the Del-Mar-Va Peninsula in relation to its other industries requires that it be adequately represented by an agricultural section of the association.

The functions of such an agricultural section will be the coordination of the activities of existing agencies of the several States constituting the peninsula in the three fields of:

1. Investigation.
2. Education.
3. Organization.

The objectives of the agricultural section will be:

1. The scientific determination of the agricultural possibilities of the peninsula.

This will require a comprehensive survey of the entire industry, with a view to determining the types of production best adapted to production conditions and to available markets. It will also include the study of possible new lines of production.

2. The progressive improvement of methods of production and distribution of agricultural products of the peninsula.

This will involve educational and demonstrational work of various kinds carried on in cooperation with the agricultural and marketing agencies of Delaware, Maryland, and Virginia in connection with the production and marketing of particular crops or products, such as cantaloupes or potatoes, eggs or lambs, farm crops or livestock.

3. The promotion and encouragement of organization among rural people with a view to the development of better farms, better homes, and better communities.

This will include organization for economic as well as for social and educational purposes and should be closely correlated with the efforts and programs of existing agencies looking to the same end.

The agricultural section of the Del-Mar-Va Eastern Shore Association during the year 1928 will function mainly through the marketing bureau. The marketing bureau will devote its attention to:

1. Investigation of production and marketing practices and costs.
2. Improvement in marketing methods and processes and dissemination of marketing information.
3. Promotion and improvement of marketing organization.

The objectives of the marketing program are:

(a) The development of low-cost production of high-quality products, graded and offered to the market in such form and at such times and places as the consumers may require.

(b) The ultimate marketing of Del-Mar-Va agricultural products under a Del-Mar-Va brand through cooperative and commercial organization operating primarily in the interests of the growers.

MARKETING PRACTICES AND COSTS

The investigational program of the agricultural section will be conducted under the auspices of the marketing bureau. The bureau will begin detailed studies of farm crops, trucking crops, canning crops, orchard fruits, small fruits, livestock, and livestock products, with especial reference to the following:

Apples, cantaloupes, cucumbers, grapes, peaches, poultry and poultry products, strawberries, tomatoes, sweet potatoes, white potatoes.

In the case of these various products the statistical studies will be designed to show:

1. Annual production.
   (a) Total production—yields, etc.
   (b) Commercial production.
2. Commercial distribution.
3. Varieties or breeds.
4. Methods of production or management.
5. Methods of harvesting, handling, or storage.
6. Marketing methods.
   (a) Grading—under inspection or without.
   (b) Packing—sizes and types of container.
   (c) Marketing.
      1. Methods of sale to local buyers, on consignment, auction sale, etc.
      2. By individual growers, by growers' organization, etc.
   (d) Price range.
      1. Under different degrees of grading and inspection.
      2. In various types of container.
      3. Under various methods of sale.
      4. In various markets.
7. Production costs and net returns based on reports received from selected lists of growers employing an identical accounting system.

IMPROVEMENT IN MARKETING METHODS AND PRACTICES AND DISSEMINATION OF MARKETING INFORMATION

1. The marketing bureau will cooperate with extension organizations and marketing officials of the three States represented on the Del-Mar-Va Peninsula, and with Federal and other agencies in educational and demonstrational work designed to promote and develop methods of production calculated to reduce production costs and to produce the kinds of qualities of products demanded by our markets.

This may involve the right selection of seed or variety or breeding stock, the intelligent feeding and management of livestock or the adequate fertilization and cultivation of crops, the pruning, spraying, and thinning of fruits or the careful harvesting, handling, grading, packing, and distribution of the product.

2. The market news service carried on in cooperation with the Maryland State Department of Markets and the United States Bureau of Agricultural Economics will be extended so that all members of the association and producers on the peninsular may receive daily market reports covering the principal commercial crops on Del-Mar-Va.

3. Special bulletins will be issued from time to time covering production and marketing methods on the peninsula and in competing territories.

4. Reports will be issued from time to time on legislation enacted in other States with relation to grading and marketing of farm products and other matters connected therewith.

MARKETING CONFERENCE

5. Marketing conferences: Marketing conferences dealing with one particular crop or product, or with several related crops or products, will be held from time to time as conditions may seem to require. Such conferences will be arranged in cooperation with representatives of the extension and marketing officials of the States constituting the Del-Mar-Va Peninsula and of the Federal Department of Agriculture.

Growers, shippers, dealers, transportation agencies, banks, and other commercial interests will be invited to participate. The objectives of such conferences will be to discover the merits and demerits of present methods of production and marketing in vogue in the peninsular and to discover what may be done to promote and extend sufficient practices and to eliminate those that are inefficient.

A sweet potato conference has already been held. Others are projected for the fall and winter months to deal with poultry and poultry products, cantaloupes, white potatoes, strawberries, canning crops, etc.

DEMONSTRATION TRAINS

Marketing demonstration train: Plans are under consideration for the operation of a marketing demonstration train throughout the peninsula. This project, if it develops as projected, will be carried on in cooperation with the Pennsylvania Railroad Co. and the extension and marketing agencies of the States of Delaware, Maryland, and Virginia. The cars of the train would be equipped with charts and exhibits to demonstrate improved methods of production and marketing of low-cost, high-quality products and should cover the whole range of our principal productions. A lecture car would be attached to the train and lectures on various phases of marketing work would be scheduled at every stop. The itinerary of the train would be adjusted so as to reach important points in every county on the shore.

7. One annual marketing congress or institute will be held under the auspices of the marketing council, composed of representatives of the various phases of agriculture and horticulture on the peninsula.

This congress or institute will be convened in connection with the annual membership meeting of the Del-Mar-Va Eastern Shore Association. The congress or institute will be organized by sections and will have for its special purpose the consideration of marketing problems falling within the scope of the respective sections. The sections suggested are:

a. General farming.
b. Animal husbandry.
c. Dairying.
d. Poultry raising.
e. Orchard fruits and small fruits.
f. Trucking crops.
g. Canning crops.

PROMOTION AND IMPROVEMENT OF MARKETING ORGANIZATION

The primary objective of the marketing bureau is to promote standardization by development of central grading and packing plants where commodities may be effectively graded and impartially inspected so as to insure high standard grades for the pack. Such plants may be operated by individuals or by organized groups of producers.

The marketing bureau will undertake the formation of groups of producers or of organized groups who desire to market their products under a general label to be controlled by the Del-Mar-Va Eastern Shore Association. This label will be awarded to groups of producers who contract with this association to produce and market their products under regulations and according to standards authorized or approved by this association. Under no circumstances will the Del-Mar-Va Association operate as a sales agency. While it will advise with growers concerning sales methods, they will in every instance make their own arrangements with a sales organization of their own selection.

The marketing bureau will endeavor to eliminate speculation and promote the establishment of market stabilization by the coordination of the activities of growers and dealers through the medium of quotation committees or clearing houses.

SUPPORTING THE GROWER

If production of quality products warrants it, the marketing bureau publicity department will support groups of growers by means of the following methods or instruments:

1. The preparation of circulars describing Del-Mar-Va products for distribution among commission houses and retail merchants.

2. The preparation and distribution of store cards for display by retail merchants handling Del-Mar-Va products marketed by growers who have signed association agreements.

3. The circularization of selected lists in specified cities, calling attention to the fact that specified Del-Mar-Va products are on sale in a specified list of stores.

4. The circularization of selected list of hotels and restaurants in specified cities, calling attention to Del-Mar-Va quality products.

5. Modest local advertising campaigns in one or two selected centers designed to stimulate consumer demand.

TRAFFIC AND TRANSPORTATION SECTION PROGRAM

The program of the traffic and transportation section of the Del-Mar-Va Eastern Shore Association contemplates a continuance of the present routine services, constructive functions, and the projection of several important specialized endeavors.

ROUTINE SERVICE

The traffic and transportation section of the Del-Mar-Va Eastern Shore Association will continue to maintain the following routine services:

It will quote freight, express, and steamship rates to shippers, consignees, and carriers.

It will continue to accumulate and index all freight tariffs filed by common carriers as well as the rate schedules posted by public utilities to the end that members of the association may have a complete rate library at their disposal.

It will continue to analyze all rate tariffs published by the carriers for the purpose of checking any errors made in the preparation of rate schedules.

It will audit freight bills submitted by rail, water, or express carriers for the purpose of checking against overcharges.

It will prepare and file for collection claims against carriers or insurance companies for losses incurred during transit and due to either damage or delay.

It will continue to advise shippers and consignees how best to route inbound and outbound shipments by railroads, steamship, and express companies in order to obtain the cheapest possible rate.

It will assist in tracing overdue shipments.

Its facilities will be at the disposal of shippers in assisting them in expediting urgently needed cargoes.

It will continue to advise shippers regarding methods of packing and marketing necessary in securing the lowest possible rate classifications.

CONSTRUCTIVE FUNCTIONS

The traffic and transportation section will be at the disposal of all investors seeking industrial plant or warehouse cities.

It will assist shippers in consolidating small lots into carloads, thus effecting substantial rate savings.

It will advise shippers regarding the distribution of goods shipped in carloads to junction points for the purpose of being later distributed in small lots to near-by destinations.

It will press to secure an adjustment of unjustly discriminatory rates.

It will assist in the preparation and collection of reparation claims against carriers.

It will prepare and argue rate and service cases before State and Federal regulatory commissions as need may arise.

It will keep in touch with all proceedings before classification committees formulating rules, regulations, and rates.

It will participate in proceedings before perishable protective tariff committees in connection with rules, regulations, and ratings as they may appertain to perishable peninsula products.

It will inspect trunk line and other committee dockets in connection with all rates, rules, and regulations, and will be prepared to protest any regulation, rule or rate, deemed detrimental to peninsula business interests.

It will continue its efforts to secure a reduction in the elapsed time covered by existing rate schedules on perishable products.

COOPERATIVE FUNCTIONS

The section will cooperate with the sales departments of peninsula organizations in selecting routes to markets, in choosing distributing centers, and in framing distribution schedules designed to reduce costs and improve methods.

The section will cooperate with the purchasing departments of peninsula industries, and assist them in locating new sources of supply and in reducing the cost of obtaining raw materials through direct routings.

The section will cooperate with the carriers through the shippers regional advisory boards and other traffic bodies, with a view of promoting good will and developing understanding between carriers and shippers.

SPECIALIZED ENDEAVORS

A complete check and analysis of the rates on anthracite and bituminous coal will be made with a view of initiative action looking toward a readjustment of these rates in the interest of peninsula consumers.

The section will continue action designed to secure a readjustment of rates on lumber and other forest products to and from the peninsula for the purpose of bringing them into more complete agreement with the rates enjoyed by other producing and consuming centers.

The section will continue its efforts to secure a readjustment of the rates on fruit and vegetable packages from manufacturing plants on the peninsula to consuming points.

The section will check and analyze rates on fruits and vegetables from all southern territory, and compare them with rates from the Del-Mar-Va Peninsula to eastern and western markets, for the purpose of ascertaining whether peninsula producers are in every instance accorded a proper rate base.

The section will concentrate its efforts for the purpose of securing a complete revision of rates on canned goods, and with a view of obtaining rail and water rates with differentials under the all-rail rates where no such differential now exists.

The section will make an investigation for the purpose of determining the possibility of moving strawberries, cucumbers, and cantaloupes in ventilated cars for next morning delivery at Philadelphia, Wilmington, and New York; and second morning delivery at Boston, Mass., and other points equally distant.

The section will continue its efforts to obtain better and more efficient passenger service between eastern cities and the peninsula as well as special excursion rates and the increased passenger service and proper equipment necessary to the development of peninsula seashore resorts.

The section will accumulate current data regarding the present condition of our rivers, harbors, and inland waterways with a view of ascertaining what improvements are now necessary from the transportation standpoint and with a view of obtaining better facilities for water-borne traffic.

The section will obtain data regarding the blower ventilated cars now being used for fruit traffic by the express companies in Canada and which have proven successful in that territory. If such equipment could be successfully used on peninsula lines, material savings could be effected in refrigeration charges.

When a decision is rendered by the Interstate Commerce Commission in the eastern class rate investigation (which covers the entire eastern territory) the section will make a thorough check and study of the decision and be prepared to take whatever action may be necessary in securing for the peninsula a proper rate revision and make certain that the adjusted rates are comparable with the rates in force on other sections of the peninsula and on other Atlantic Seaboard lines.

The section will be prepared to oppose the abandonment or dismemberment of any part of existing bay or rail service facilities and they will accumulate data calculated to substantiate its position.

The section will undertake a comprehensive study leading to the preparation of a complete plan for the reorganization of present Chesapeake and Pennsylvania rail-line properties for the purpose of demonstrating what additional service can and should be furnished, what rates properly adjusted, and schedules rearranged so as to operate these lines on a basis affording adequate transportation and yielding a reasonable profit. Such a reorganization plan would further the development of bay and peninsula properties, stabilize industry, and open the way for the location on the peninsula of many new business and industrial enterprises. A first step in an industrial expansion program is to make certain, first, that transportation facilities are permanent and, second, that they will be adequate to take care of the future growth of business.

BUREAUS AND ADMINISTRATION

The department of administration, through its executive officers, coordinates the activities of the association's various sections and their subordinate bureaus. The Department of Administration is responsible for:

1. Finances.
2. Membership extension.
3. Preparation of operation budgets.
4. Personnel.
5. Organization policy.
6. Conduct of miscellaneous activities necessary from time to time, but which do not fall within the scope of existing sections or bureaus.

RESORTS AND HOTELS BUREAU

The program of the Resorts and Hotels Bureau contemplates a continuance of advertising and publicity efforts for the purpose of bringing the peninsula's recreational and resort advantages to the attention of the general public. The bureau will endeavor through this medium to extend the season of patronage to the period from Easter to Thanksgiving, thus giving the resorts a better opportunity for a larger return on invested capital. Appeals to the Pennsylvania Railroad for better service and schedules will be continued and civic improvement programs will be instigated.

It will conduct a study of hotel services and rates in competitive territory and strive for an equivalent standard of service and rates in peninsula territory.

Potentially the peninsula is rich in pleasure and resort resources. But until recently bitter rivalries and jealousies tended to keep apart the interests responsible for their development.

In the new resorts and hotels bureau of the association there are now 118 members pledged to cooperation in the important business of building up our ocean, bay, and river resources. For the first time in the history of the peninsula there is this year being published an illustrated, descriptive traveler's guide listing every resort and the accommodations afforded to the public thereat.

Larger investments and a greater care in advertising and an increased consideration for the welfare and comfort of the traveling public are chief among the objectives of the resort bureau.

ORGANIZATION SERVICE BUREAU

This bureau is an organization composed of local civil groups, working together for the advancement of the individual community and the peninsula as a whole.

Through the bureau the Del-Mar-Va Association offers the following services to local organizations:

1. Cooperation in making community industrial and other surveys under the supervision of the research department of the Del-Mar-Va Eastern Shore Association and local organization committees.
2. Assistance in framing local programs of activities.
3. Assistance in securing speakers.
4. Assistance in conducting membership and financial campaigns.
5. Assistance of the publicity and advertising department of the Del-Mar-Va Association in the preparation and publication of local literature.
6. Assistance of the traffic and transportation department of the Del-Mar-Va Association in the handling of local transportation problems.
7. Access to prospect lists issued by the publicity and advertising department of the Del-Mar-Va Association under such regulations as the said association shall determine.
8. Direction for training conferences for chamber of commerce.

REAL ESTATE BOARD

The Del-Mar-Va Eastern Shore Real Estate Board was formed at the instigation of the Del-Mar-Va Association having adopted its constitution and by-laws on August 13. The purpose of the board is to establish and standardize the business of real-estate brokerage, so that it shall obtain and hold the confidence and respect of both owners and purchasers of Del-Mar-Va lands. Through the board the members will receive lists of inquiries direct from the association.

When the board is completely organized, application to the National Real Estate Board will be made, and upon acceptance into this organization, each member so affiliated will become a member of the national board and be expected to abide by the ethics of the profession. The Del-Mar-Va Eastern Shore Association places at the disposal of the board the several sections of its organization.

EXTENSION ACTIVITIES

In extending the scope of the organization movement on the peninsula, the association, through its extension department, assisted 34 communities to organize local trade bodies and arrange programs. These local organizations raised more than $62,000 for their own current expenses.

STABILIZATION OF MONEY

Mr. GOLDSBOROUGH. Mr. Speaker, in 1922, in the Sixty-seventh Congress, I introduced a bill looking toward monetary stabilization. Extensive hearings were held on this bill in the Sixty-seventh and Sixty-eighth Congresses. The leading financial authorities and economists of the world were heard at these hearings, with the result of not only nation-wide but world-wide interest in the value of stabilizing influences throughout our whole economic life.

The Federal reserve system has made some progress by reason of the raising and lowering of rediscount rates and open market operations, and great merchants and business men have applied the theory with much success by attempting to keep wages and salaries on a par with the value of the dollar, a most notable case being that of the Philadelphia Rapid Transit Co.

I am going to reintroduce and press for passage at the short session next winter the original bill introduced by me as I believe the people at large, including our farmers who have been so hard hit because of a general lack of stabilization, are prepared for this legislation to be acted upon.

As a preliminary, however, and to remind the Congress and the country of the changes taking place in economic conditions, I am introducing at this point in my remarks a speech delivered by me at the Maryland State Bankers' Association Convention at Atlantic City on May 6, 1924, and a speech of the Right Hon. Reginald McKenna, formerly Chancellor of the Exchequer of Great Britain, before the stockholders of the Bank of England, delivered on January 28, 1928:

SPEECH OF HON. T. ALAN GOLDSBOROUGH, OF MARYLAND

Mr. Chairman and gentlemen of the Maryland State Bankers' Association, in the course of these remarks I hope you will not be forced to feel about me as a woman felt who met a friend she had not seen for several years, and who said to her:

"Your husband does not knock you about as he used to do, eh?"

"No, sir," the woman answered.

"I am mighty glad to hear it. After all, his heart is in the right place."

"Oh, yes, sir; his heart's in the right place, and the rest of his body, too. He is in jail."

I trust also you will not be as careful to show this feeling as was Mrs. Maloney when she was brought before the magistrate for an assault on Policeman Casey. She had been unusually attentive throughout the proceedings, and now the judge was summing up the evidence.

"The evidence shows, Mrs. Maloney," he began, "that you threw a stone at Policeman Casey."

"It shows more than that, your honor," interrupted Mrs. Maloney. "It shows that Oi hit him."

When I was asked to address this distinguished body of representative Marylanders the question naturally arose as to what I could say which would be of interest and possibly of some service. Years ago in Caroline County, when I was a boy, we had only one bank, and the offering of a promissory note to that institution for discount was done with the humility proper in the asking of a great favor, while the board of directors in discounting that note, which, by the way, had to be protected by indorsements representing many times the amount asked for, deported themselves as if they were a charitable organization bestowing from their own individual resources largess to the benighted multitude. This is no longer the condition. With 10 banks in the county, each bidding for business, the danger now, in so far as there is danger, is toward too great laxity in loaning the funds of these banks. What has happened in Caroline County is typical of what has happened in the other counties of Maryland and in Baltimore City, is typical of what has happened in all the older communities through the length and breadth of the United States, and is typical of that spirit of democracy which is the result of a vastly increased average intelligence, enlightenment, and education, and which, in its spread not only throughout our own great people but the people of the world, is so great a part of the hope of the future.

It is extremely difficult to segregate basic human necessities and single out any given one or two as of paramount importance, but, based not only upon preconceived notion but upon what I believe has been a patient investigation, I have reached the conclusion that there are at least two fundamental human problems that our people are now prepared to consider and solve—the abolition of war and the stabilization of money. It is of this last I would speak.

My grandfather was a country doctor, and in 1885, as a very small boy, I began to drive with him constantly, except when I was in school. In those days the farmer had no hours; the farmer's wife had no hours. They worked from the time they could see the morning until daylight down at night, and as a class they were always poor. This fact was driven home to me because time and again when it was necessary for the family doctor to make some sort of a collection in order to live he found that after the interest and bonus on the bill of sale had been paid and the interest and part of the principal on the fertilizer note and the taxes and insurance attended to there was nothing left for the doctor; and a great many times, instead of making a collection, he "lightened his wallet" to him who was less well off than he. I wondered about this condition. I tried to think why it was that these people whose work was never done were always poor. Afterwards, with a broadening view, I wondered why it was that the average of those with things to sell were at such a great disadvantage relatively with those who had money to sell. About the time I graduated from college in 1899 I noticed a change. Those with things to sell had gradually begun to prosper and those with money to sell gradually began to do not so well, and finally I reached the conclusion that from my earliest recollection until near the beginning of the century the investor and the man with a fixed income appeared to be always in a gradually better position, while the small business man, and especially the producer—having in mind the farmer—was constantly going back; and that since the beginning of the century and up to 1914 the position was exactly reversed, although the farmer, for other reasons, has always occupied a relatively unfavorable position. Finally, it appeared to me that various social phenomena had resulted and were resulting from these varying conditions. The gradual fall in prices from 1873 to 1896 culminated in the Bryan free-silver campaign, which, if successful, would have resulted and was intended to result in the paying of debts with cheap money; that is, in the partial repudiation of obligations.

In the period from 1896 to 1914 we heard no more about free silver, but a wave of unrest began to spread among those with a fixed income; the clerk, the school-teacher, the salaried man of every class began to feel with ever-increasing pressure the gradual rise in the cost of living. Labor unions were formed, strikes became uncommon, radical legislation of all sorts was offered in Congress; some of it was passed. We began to hear of capital as distinguished from labor and labor as distinguished from capital, as if our people occupied two armed camps, each battling against the other. And then the World War came on. Providentially, just prior to that time the Federal reserve act was passed, which increased potential credit many times. We have seen the period of inflation in 1919 and 1920 with general commodity prices rising to about two and one-fourth times what they were in 1914; and then the collapse of the latter part of 1921 and 1922, and the conservative, careful period of 1923.

What does it all mean, and is there any solution after we find out what it all means? When I went to Congress in 1921, with some opportunity to investigate these things which I had been wondering about for so long, I began to mull around, and one day in the Bureau of Labor Statistics I was shown a curve of prices based on the bureau's index number, and as I ran my finger along the line of falling prices from 1873 to 1896 and of rising prices from 1896 to 1914 I began to see why it was that the first period was one of prosperity for the man of fixed income, the mortgagee, and the bondholder, and why the last period was one of relative prosperity for the producer, the business man, and the stockholder, each period causing social misunderstanding, unrest, and misery to that part of our people not on the right side of the price trend. Now, there was a reason, of course, for these long periods of rising and falling prices, and remembering that we were on a gold basis it then occurred to me that gold began to be produced in South Africa and the Klondike just about 1896. By this time it seemed there was a little light just ahead and that the foundation of our changing economic conditions had been either a scarcity or a plentitude of gold. And now what is the answer?

Careful economists tell us that there is a constant equation between the volume of production and its turnover and the volume of money and credits and their turnover (of course, I am speaking roughly), so that in order to preserve their relative positions of debtor and creditor, mortgagor and mortgagee, bondholder and stockholder, seller of goods and seller of money, a means should be devised to preserve this ratio so that the volume of money and credit will expand only in the same proportion as production and turnover expands and contracts as production and turnover subsides. In the March number of Harper's Magazine there is an article entitled "Stabilizing the dollar," which analyzes this subject in every satisfactory way and which, incidentally, speaks favorably of certain legislation now pending in Congress and introduced by me. I mention this fact as indicating two things: First, that the stabilization of purchasing power is becoming a matter of public interest; and second, that I am discussing a question in the solution of which I am attempting to assist in a practical way. In the Bureau of Labor Statistics, in Washington, there is kept an index number of wholesale price levels made up of a composite of something over 400 commodities, each weighed in accordance with what experience has shown to be its relative market importance. The standard from which conclusions are now drawn is the average price level of 1914. The present price level relative to 1914 is about 161. The legislation referred to and now pending in Congress contemplates starting with the general price level at the time when the proposed legislation becomes law and afterwards maintain approximately that price level by means which I will indicate in a few moments. In the meantime I want to make it perfectly clear, of course, that there is no attempt in this legislation to control the price level of individual commodities. They will move in accordance with the law of supply and demand, but the purpose is to keep the average the same, so that the value of money in an aggregate of the general commodities which it will buy will not appreciably change. In other words, while flour and eggs and butter and chickens and meat and sugar and coffee will individually vary in price, the filled market basket made up of these different commodities can always be purchased with the same amount of money. And right here let me say that when the general price level is kept constant, when there is an automatic restrainst against inflation and its consequent deflation and collapse, the tendency of individual prices to change will be immeasurably reduced, because the unhealthy economic conditions, the result of these abnormal periods, is the chief cause of the sudden rise and collapse of the price of any given commodity.

How can we keep this index number constant? How can we prevent periods of inflation succeeding periods of business expansion, culminating in periods of speculation and ending in periods of collapse? The quantity theory of money has been recognized as essentially

sound by practically all economists for more than a century. Illustrating by reducing the theory to its simplest form, if the total volume of commodities consists of 20 bushels of wheat and wheat is only traded in by the use of money, and the total volume of money is $20, as long as all that wheat is being traded in and all that money is in circulation wheat will be worth $1 a bushel. If, under the same conditions, there are $40 in circulation, wheat will be worth $2 a bushel; if, with 20 bushels of wheat and $20 in money $10 of that money is withheld from circulation and all other conditions are as stated in the first previous illustration, wheat will be worth 50 cents a bushel; if, on the other hand, one-half of that wheat is being withheld from the market and there is only a turnover in 10 bushels of the wheat, other conditions remaining as in the first illustration, wheat will be worth $2 a bushel. Or, expressed in the generalization mentioned heretofore in these remarks, there is a constant ratio between the volume of production and turnover and the volume of money and credits and their circulation. So that if your index number of general price levels remains constant, you are assured that your volume of money and credits are expanding only in proportion as production and turnover expands—that is, only in proportion to the legitimate needs of business—and you can be assured that when you restrain the rise of the index number you are restraining credits beyond the legitimate necessities of business, you are restraining unhealthy and abnormal production, and you are restraining business expansion within wholesome limits and stopping in its inception overproduction, waste, speculation, and collapse.

The basis of our monetary system is gold; our entire credit structure is based on gold. Now, let's assume that all the gold is withdrawn from circulation, gold certificates being substituted; and let's assume that we start with a reserve of $1,000,000 in gold at the present number of grains of pure gold in the dollar, and that the index number goes up 1 per cent, indicating that our money and credit structure is expanding more rapidly than our production and turnover. If we then increase the theoretical gold content in a dollar by 1 per cent, we have reduced our gold reserve from $1,000,000 to $990,000 and the possibilities of our credit structure by 1 per cent, which in turn tends to reestablish the normal ratio between production and turnover on one side and money and credit in circulation on the other.

Without going into the details of the proposed legislation, the above illustrations will serve to indicate its theory. Now, the question arises, Is such legislation possible at this time? The law requires us to maintain our gold reserves at 40 per cent. We now have about 82 per cent, and in order to make this plan feasible without unduly weighing the dollar it will be necessary to legislate for a required gold reserve of about 70. It is, therefore, difficult to have passed such legislation at this time, but in the various discussions concerning stabilization caused by this proposed legislation various alternatives have been suggested, such as a legislative direction by Congress to the Federal Reserve Board to have raised rediscount rates in the Federal reserve banks when the index number is rising and reduce them when the index number is falling and in that way tend on the one hand to discourage unhealthy expansion and on the other hand to make money easy when business is not so good and thus tend to stimulate it. Another proposal is legislation requiring the Federal Reserve Board to have the reserve banks put securities on the market and thus tend to draw money from active circulation when the index number is rising and to buy them up and thus put money in circulation for business when the index number is falling.

In considering the necessity of legislation, let us go over for a minute what happened in 1923. At that time the mental attitude of the country regarding economic conditions was the attitude of a people who had just been through a period of unhealthy inflation and drastic and stupefying deflation and corresponded to the way people feel about a war just after the war is over. We would never have wars if people kept in the same frame of mind they are in just after one is over. In 1923 we were cautious, not because we are habitually wise enough to be cautious, but because and only because we had just had our lesson. Various banks in their monthly letters during 1923 gave reminders of the disasters of 1920; the monthly letters of the National City Bank of New York, for example, one of the most widely read of economic bulletins, in January advised business men to operate with caution. In February it remarked that business men "are following conservative policies and showing little inclination to become extended, which is the part of wisdom in present conditions." In March it warned its readers that every upward movement is in danger of running away. In April it again called attention to the danger of inflation. "The industries of the country," it declared, "are already working practically at capacity or to the limit of the labor supply. Under this condition they can not use more credit to advantage."

These warnings are typical of the state of mind of bankers in the early months of 1923. In February and March, 1923, the reserve banks of New York, Boston, and San Francisco raised their rediscount rates. Due in part to this action, interest rates of commercial banks rose in February and again in March, rates on call loans on 60 to 90 day paper and on 4 to 6 months paper being all higher in March than in any month of the previous year. Raising of money rates was followed promptly by curbing of the upward movement of prices and overproduction. Not so generally understood is the fact that the open market operations of the Federal reserve banks in the first half of 1923 tended to curb the involuntary movement and in the second half of the year tended to sustain business on its new level. Early in January the Federal reserve banks held open-market acceptances and United States securities to the value of $734,000,000. These they reduced steadily throughout the period of incipient business boom. By July the total holdings were less than $300,000,000. Between October 17 and the end of the year, however, the holdings increased from about three hundred million to four hundred and seventy-three million dollars. Thus the open-market operations took money out of general circulation at a time when, according to our indexes, money in circulation was increasing faster than the volume of trade, and later in the year when these same guides began to point in the other direction the open-market operations put more money into circulation. We were cautious in 1923 because we had had a recent lesson. We will be less cautious as time goes by, and in a very short time when credit begins to be demanded all over the country for developments of all sorts the Federal Reserve Board, without express legislative authority, will not be able to restrain a period of inflation greater, probably, than any we have ever known. In 1920, with our gold reserve down to 43.4 per cent, the index number was 226, or two and one-fourth times higher than in 1914. In 1922, with a reserve percentage of 77.9, the index number fell to 149. With the present reserve percentage of 82 per cent, the index number of wholesale prices is about 160, so that a determined demand for credit based on our gold reserve could pull our reserve percentage down to 45, probably, before it could be stopped. The index number would rise to around 300, which would mean prices higher than this country has ever seen, and which would result in an economic collapse greater than that of 1921 and 1922. This problem, my friends, is on the very verge of being solved, but we can't wait too long. As I said before, human memory is short. Unless our obligations as a world power and a leader of civilization are fulfilled shortly, the gradual abolition of war never can be achieved until the lessons of the next war direct the human mind to the solution of the problem, and unless we have promptly some legislation looking to real scientific monetary stability, it will be too late until the next so-called business cycle has left in its wake its dreadful toll of economic waste, misery, and human despair.

I, personally, am an optimist. When I compare conditions now with what they were 30 years ago, I see tillage where there was swamp; I find sewers taking the place of unhealthy, unsanitary conditions; I find the people willing to spend thousands of dollars a year to build roads to lighten the human burden and to draw the city, the town, and the country ever closer together; I find the body of the child taken care of in a manner undreamed of 30 years ago, and I see a public endeavor to surround with the beneficence of education every class from the highest to the lowest, and if you and I live out the normal span of our lives I have no doubt whatever that we will look back and wonder why we were ever short-sighted enough to allow a condition of constantly changing money value to exist without making the necessary changes in our system. A problem like the one we are discussing to-day is a problem of democracy, a democracy which is one in fact and not one in name only; a democracy which demands that that which one has accumulated by his industry and his endeavor shall not be taken away from him because of a fall in the value of the medium of exchange, and that the results of human toil shall not be dissipated and the toiler left in his despair because of an increase in the value of the medium of exchange.

In the course of some litigation several years ago a certain prominent manufacturer said during his cross-examination that he knew nothing of history and didn't recognize the value of such knowledge. This was either an ill-considered statement or else was the result of the kind of practical success along a given line which creates in some minds the obsession that they are blessed with all wisdom, an obsession which interferes with the process of reflection.

In an address delivered at the University of Michigan in April, 1911, on the study of ancient literature, the Hon. James Bryce, then ambassador to this country from Great Britain, had this to say concerning the study of history:

"We can conjecture the future only from what we know of the past; that is to say, from what we know of human nature and the processes by which it and human institutions change. One who knows only his own country and people does not really know them, because it is only by knowing something of other countries and their peoples that he can tell which characteristics of his own people are normal, generally present in all peoples, and which are peculiar to his own. So likewise he who knows only his own time does not really know it, for he can not distinguish between characteristics that are transient and those that are permanent. This is the main use of history besides, of course, the pleasure which all knowledge gives. To know what we are, we must know how we came to be what we are, and must realize that we shall before long pass into something different."

The lessons of history teach of the cycle, inevitable under our present monetary system—expansion, inflation, speculation, collapse, slow

recovery. Stabilization, restraining expansion at the point of overproduction and consequent inflation, is not only an economic problem the solution of which people are ready to undertake, but is clearly a direct problem of civilization involving self-restraint and mental and spiritual elevation.

The great body of bankers, representing as they do much of the best thought of our communities, are bound to be conservative in the sense that they shrink from political nostrums and fundamentally unsound economic proposals, but pure conservatism is alike offensive to them, as it means stagnation and a refusal to note the march of civilization.

In the language of Edward G. Ryan, the great Wisconsin lawyer and judge:

"Pure conservatism is always wrong; civilization is never fixed. No Joshua has power to stay the course of the human mind. Change is the necessity of human history, progress the duty of the human race. Pure conservatism has no place in the annals of mankind. It concedes the past, but denies the future. It worships the actual, but anathematizes the possible. Its creed is the present because it is the present. It holds with Pope that whatever is, is right. It is the bigot of the present, without sympathy with the past or prophecy of the future. Content where it finds itself, pure conservatism sits down by the wayside, while the march of civilization passes by and presses on to the promised land of the future, guided on its dark way by faith in the destiny of man as by a pillar of fire."

SPEECH OF THE RIGHT HON. REGINALD MCKENNA

To-day I shall turn to ask you to consider the present position of gold as an international standard of value.

Nearly three years have elapsed since the pound sterling was reestablished on the gold basis, and most of the important currencies are now stabilized in relation to gold. This general reversion to gold gives the appearance of a return to prewar conditions in matters of credit and currency, but if we look further into the question we shall find that there has been a remarkable change. The development of central-bank policy in the United States has shown that, while gold may be retained as a medium for making international payments, it can be deprived of its function as the ultimate standard of value. How this came about, the stages through which American policy has passed, and the meaning of the conclusion deserve our close attention.

CONDITIONS BEFORE THE WAR

Let me begin by reminding you of the conditions before the war. At that time the central banks adopted a purely passive attitude with regard to the control of credit, allowing the movement of gold into or out of a country to regulate the internal supply of money. If gold flowed in freely credit and currency expanded, if more credit was created than was required to support the current growth of business prices rose.

If gold flowed out, credit and currency contracted; the growth of business was checked and prices showed a tendency to fall. It followed from this that the current course of world prices was determined by the supply of monetary gold. This does not mean that other causes, such as improved methods of production and communication, do not affect the price level, but these only come into play over more extended periods of time.

This passivity of the central banks probably arose from the peculiar structure of the British central banking system. London was then the unchallenged finanical center and free gold market of the world. In addition, Britain, as the world's principal creditor, was the main source of supply of new capital, and international trade was for the greater part financed by sterling bills. These various factors taken together constituted London the point through which a surplus or scarcity of gold made its influence felt, and the British price level was the medium through which gold operated on the price levels of all other countries.

PRIMARY RESERVE SMALL

Under the British central banking system only a small part of the country's total gold holding was available to meet demand. So small, indeed, was the primary reserve in relation to the demands which might possibly be made upon it, that the principal aim of our central bank policy was to protect it from withdrawals of gold, even when these were really of quite moderate dimensions in relation to the total stock in the country. The movement of gold became a matter of the utmost importance, and the means of counteracting its influence on the supply of money and the course of prices hardly existed. In these circumstances there was little scope for the formulation or exercise of conscious policy, and the principles of central bank credit control remained undeveloped, if not unknown.

The first authoritative suggestion that gold movements need not have predominant importance in the control of credit and currency appeared in the recommendations of the international economic conference held at Genoa in 1922. The financial commission appointed at that conference, perhaps the most important of its kind that has been held, were deeply impressed by the danger of a gold shortage. As advised by most of the leading authorities, the commission took the view that a scarcity was to be looked for in the absence of any unforeseen developments in production.

AIM TO ECONOMIZE GOLD

They were alarmed at the prospect of the supply of gold to the principal trading countries of the world becoming inadequate to provide for such an expansion of credit and currency as would be needed to meet the requirements of growing trade. Accordingly the commission's recommendations were aimed at economizing the use of gold, and one of their main suggestions was that instead of reverting to the prewar system, under which each country held its own gold stock, gold exchange standards should be adopted by most countries, leaving only a few to hold the ultimate metallic reserves for the entire world.

The purpose of the conference in propounding measures to economize gold was undeniably sound, and it is a matter of regret that the suggestions for the adoption of gold-exchange standards have been widely departed from. The proposal, it is true, was at first incorporated in a modified form in schemes of reorganization in many parts of the world, particularly in central Europe and South America, but, unfortunately, the system has come to be regarded as merely a step on the road to a full gold standard. Already many countries actually on a gold-exchange standard are unprofitably using their foreign assets in the purchase of gold reserves.

The eager desire to accumulate metallic reserves is no doubt prompted by the recollection of pre-war practice and ignores our more recent experience that, even in a gold-standard country, gold need no longer be the controlling factor in the supply of money. This brings me to the example of the United States, and I shall endeavor to outline the stages along which that country has moved in its progress from the pre-war to post-war conceptions of monetary policy. If, however, the successive proceedings of the American central reserve banks are to be fully understood, we must continually bear in mind a general proposition which lies at the root of monetary theory and to which I have referred on several previous occasions.

REGULATION OF SUPPLY

Stated in the briefest terms, the proposition is that every central bank purchase and every loan by a central bank increases the cash resources of the other banks and provides the basis for an expansion in the volume of credit, or, in other words, of money; while every sale by a central bank or repayment of a central bank loan reduces bank cash and restricts the supply of money. This proposition holds true whatever the central bank may purchase or sell, whether it buys or disposes of gold, bills, securities, or any other asset. From this it follows that central banks possess the power to regulate the supply of money irrespective of gold movements. According to their view of trade requirements they may, if they choose, wholly or partially offset a purchase of gold by a sale of other assets or a sale of gold by a purchase of assets.

MONETARY POLICY OF UNITED STATES

Obviously this power has always been inherent in a central bank system, and, apart from its ordinary day-to-day business, the Bank of England used from time to time in pre-war days to make purchases and sales of assets other than gold. But such transactions were undertaken only as an auxiliary to bank-rate policy, which was itself determined by actual and potential movements of gold. Purchases and sales of gold were alone regarded as the effective control of the volume of bank cash and consequently of the supply of money.

I come now to the story of the recent development of monetary policy in the United States. In consequence of the enormous accumulation of gold, coupled with movements into and out of the country on a scale which, if left uncontrolled, would have proved disastrous to the stability of the American price level, the attention of the reserve banks was forcibly directed to their controlling powers. Beginning with only a partial use, in the course of time they have learned to utilize these powers to the full. All the stages in the development of American practice can be seen in the 13 years since 1914, which I divide into five periods. Each of these is marked by distinctive gold movements, and I propose to show how the resulting problems have been successively dealt with.

The first period runs from the outbreak of the war to the middle of 1919, covers the beginning of the great westward flow of gold to America. All the incoming gold, amounting on balance to over 1,000 million dollars, was purchased by the Federal reserve banks, and following pre-war practice was allowed to become the basis of additional credit.

REMOVAL OF EMBARGO

As if this were not enough, the central institutions created a further basis of credit by discounting bills for member banks for very large sums, and thus the ground was laid for the vast expansion of credit which actually occurred. The demands for credit on this inflationary basis were insatiable. No sufficient measures for counteracting the effect of the incoming gold had yet been adopted, and inflation ran a free course.

The second period runs from the middle of 1919, when the war-time embargo on gold export was removed to the late summer of the following year. During this period dollar balances owned by South American and Far Eastern countries were withdrawn in gold, and America lost a net amount of nearly $400,000,000. The export demand was met by the reserve banks, but it should be noted that the sale of this gold did not permanently deplete bank cash. Under the influence of the current inflation the reserve banks continued freely to discount bills and buy earning assets to such an extent that the supply of bank cash was considerably increased, and an enlarged basis was provided for further credit inflation.

BANK CASH IS INCREASED

My third period covers more than four years and extends from the summer of 1920 to the last month of 1924. This period was marked by continuous imports of gold, and already in the early years we perceive a growing anxiety on the part of the central banking authorities with regard to the inflow. They realized that if the gold were allowed to function to the fullest extent, it would lead to a further expansion of credit and a perpetuation of the evils of inflation. They determined, therefore, as far as possible, to deprive the incoming gold of its credit-creating capacity until the demands of trade should call for a larger credit basis.

The period I am now reviewing falls naturally into two parts: In the first, the gold was neutralized; in the second, it was allowed to form new bank cash. In the first two years, which covered the liquidation following the postwar boom, $1,000,000,000 of gold were imported and bought by the reserve banks. The immediate effect of the purchases was to increase bank cash, but the whole of this increase was used by the member banks to pay off maturing bills held by the central banks, and on balance the volume of bank cash was unchanged.

During this time policy was at work. The gold was absorbed by the reserve banks and held by them in place of discounted bills. This process of acquiring gold in lieu of interest-bearing assets was expensive and severely curtailed the income of the reserve banks. But their object had been achieved. The effect of the inflowing gold had been nullified in accordance with the dictates of policy, and pre-war practice was in process of abandonment as unsuitable to the novel conditions confronting the American authorities.

BANKS TRANSFER TO TREASURY

During the second half of the period the inflowing gold was treated in an entirely different manner. Industry was recovering from the slump, trade was in process of development, and the banks were being called upon for larger supplies of money. The necessary credit expansion could only be effected upon a broadening basis of bank cash, and the incoming gold was utilized for this purpose. It was paid into the reserve banks, and some of it was allowed to form a permanent addition to member banks' reserves.

So insistent was the demand for money that bank cash was also provided by reserve bank purchases of securities and other earning assets, the result of the increase in bank cash being an expansion of nearly $8,000,000,000 in the deposits of all the banks in the country. Incidentally, it should be noted that the reserve banks did not themselves retain the incoming gold, but handed it over to the Treasury, receiving in exchange gold certificates which they put into circulation in place of Federal reserve notes.

We now come to the fourth period, which, in contrast with that preceding it, was characterized by an outflow of gold. Between December, 1924, and the end of 1925, $150,000,000 of gold were exported from the United States. The whole of this amount was sold by the reserve banks, which did not, however, allow bank cash to contract. As gold was withdrawn the volume of bank cash was maintained by the acquisition of earning assets, so that, notwithstanding the outflow of gold, credit was actually increased in response to the needs of business. At the same time the position of the reserve banks was improved by the attainment of a higher proportion of earning assets.

My last period covers the 22 months to November, 1927, during which gold again flowed into the United States, though the movement was of relatively small dimensions is compared with previous years. The direction of the flow was by no means constant, and was complicated in the later months by earmarkings and releases on foreign account; but whether the movement was temporarily inward or outward, the reserve banks continued to ignore it in pursuing their credit policy.

DEVELOPMENTS SINCE 1920

I will now summarize the developments in the years since 1920, the period during which the reserve bank credit policy has been most actively in operation. On balance, $1,700,000,000 of gold have been imported into the United States. Over one-half of this amount has been absorbed into the Federal reserve banks, while the remainder has been taken by the Treasury as backing for gold certificates which have gone into circulation in the place of Federal reserve notes. Of the total import only one-third on balance has been allowed to form new bank cash. Throughout the entire period, whether gold was flowing in or out, the central banks have been careful as far as possible to regulate the supply of bank cash in accordance with the needs of business. Trade has expanded rapidly and has been accompanied by a growth in bank deposits amounting in the aggregate to $15,000,000,000, an increase of 40 per cent. Meanwhile the almost uninterrupted prosperity enjoyed by America has been attended by a large measure of stability in the price level.

Here we find ourselves face to face with a definite test of success or failure in monetary policy. Temporary booms can always be obtained by inflationary methods, but it is certain that prosperity on a sound and lasting basis can not be secured except on a fairly steady price level. It must be remembered that, whether we are on a gold or any other standard, the direction in which the price level moves is immediately determined by the volume of money, as modified by its rate of turnover, in relation to the volume of business.

ANENT PURCHASING POWER

If the supplies of money increase beyond the requirements of business, prices tend to rise; if, on the other hand, the supplies of money are inadequate, prices fall. The relation between money supplies and business requirements, viewed in its effect upon the price level, should then be the first care of the central banking authority, and we find on an examination of American statistics for recent years that movements in the price levels upward or downward have never been allowed to proceed far. We must therefore conclude that the monetary authorities have met with a high degree of success in the formulation and execution of their policy. This they have done under conditions of great difficulty, brought about by gold movements of unprecedented magnitude.

It is necessary now to observe the bearing of the American monetary policy on the operation of the gold standard. To-day, as before the war, the price of gold in America is fixed, and we are apt to assume that the value of gold continues to govern the value of the dollar. But such an assumption is no longer correct. While an ounce of gold can always be exchanged for a definite number of dollars, the value of the ounce will depend upon what these dollars will buy, and this, in turn, will obviously depend upon the American price level. If the price level in America fluctuated according to the movements of gold, the purchasing power or value of the dollar would still depend, as it did formerly, upon the value of gold. But we know that this is not so. As I have just shown, the American price level is not affected by gold movements, but is controlled by the policy of the reserve banks in expanding or contracting credit. It follows, therefore, that it is not the value of gold in America which determines the value of the dollar, but the value of the dollar which determines the value of gold.

The mechanism by which the dollar governs the external value of gold is obvious. If the price level outside America should rise in consequence of an increase in the supply of gold, America would absorb the surplus gold; if, on the other hand, the external price level should fall in consequence of a shortage of gold, America would supply the deficiency. The movement of gold would continue until the price levels inside and outside America were brought once more into equilibrium. Although gold is still the nominal basis of most currencies, the real determinant of movements in the general world level of prices is thus the purchasing power of the dollar. The conclusion, therefore, is forced upon us that in a very real sense the world is on a dollar standard.

Such is the position as I see it to-day, and I am naturally led to ask how long it is likely to continue? America is able to control the world price level because of two conditions. In the first place her gold stocks are so great that she can afford to lose large quantities without running any risk of the gold reserve falling below the legal minimum; in the second place, her central banking system is so constituted that, given her great wealth, she can absorb large quantities of gold and at the same time deprive it of its credit-creating powers. In a word, America is rich enough either to lose gold or to gain it. She holds now one-half the total monetary gold of the world.

Moreover, her creditor position constitutes a permanent magnet for gold. Her debtors must pay, and, if they can find no other way, they must pay in gold.

The only condition, as far as I can judge, under which America might be drained of her gold surplus is that she should continuously make foreign loans beyond her true capacity to lend. That she will lend excessively at times is quite probable—there are indications, indeed, that she has done so recently; it is by no means an uncommon practice with ourselves, but that she should overlend so heavily as to make a serious inroad into her surplus gold seems to me very unlikely. I conclude that as long as conditions remain at all similar to those we know to-day America will be able to pursue her credit policy without regard to gold movements, and to maintain control over the world level of prices.

WIDE FIELD FOR INQUIRY

Let me repeat that I speak of conditions as I see them to-day. Taking a view of the world as a whole it is evident that a great advance has been made since the time when gold was the main determinant of the direction of the price level. But we have still some way to go before we attain full understanding of the principles upon which the volume of credit should be regulated in relation to business demands. We know that the proper control of credit by the central bank in any country is a very important factor in trade prosperity, and that a guiding principle in the exercise of this control should be the maintenance of a stable level of prices.

But this is not all; there is still a wide field for inquiry on both the practical and theoretical sides. Unfortunately, however, the dearth of statistical information is a grave difficulty in the way of investigation. Individual banks can not do much; it is useless for them to publish more than the customary details at present disclosed in their periodic statements, since no sound generalization can be deduced from banking figures unless they relate to the banks as a whole. Cooperation between all the banks, including the central bank, in publishing the statistics required by scientific students, would help us materially in the solution of some of the problems of credit control.

TUBERCULIN TEST OF CATTLE

Mr. GOLDSBOROUGH. Mr. Speaker, I am very certain that no one could be more interested than I am in pure milk, nor would I under any circumstances take any stand which would interfere with any effort to insure the purity of milk, but a very careful investigation leads me to the conclusion that the tuberculin test is not a very sound guide as to the existence of tuberculosis in cattle, and as to the high-handed manner pursued by those intrusted with the testing I have no patience whatever.

The fundamental law of the United States and of every State in the Union declares that no one shall be deprived of life, liberty, or property without due process of law, and when a man's herd is taken away and destroyed without any court trial or the opportunity given him to disprove the fact that his cattle are diseased in a manner to cause the milk from the herd to be unwholesome for human consumption it is an outrage upon him which would not for one minute be tolerated by the courts if the matter were tested.

A system such as the one in existence is bound to result in a hotbed of corruption. For instance, is it not strange that wholesale tuberculin testing usually happens at the same time that the great metropolitan dealers in milk and the manufacturers of condensed milk are getting more milk than they want, and that the very cattle which are condemned as being unfit to supply milk are sold for a trifle to meat packers and large city meat dealers to be sold for first-class beef?

At the hearings before the Committee on Appropriations of the House of Representatives last winter some very interesting testimony was developed. A statement by Doctor Mohler, of the Federal Bureau of Animal Industry, was quoted as follows:

Thousands of cases of so-called no-lesion, tuberculin-reacting cattle have been studied, and approximately a quarter of them have been proved beyond all doubt to be true incipient cases of tuberculosis.

I can not help asking, what of the other three-fourths that were killed without reason?

A quotation from E. G. Hastings, a professor of agricultural bacteriology at the University of Wisconsin, is as follows:

It is certainly true that a portion of the animals which show no evidence of tuberculosis on post-mortem examinations are actually tuberculous. It seems probable the remainder are not. Why they should react to tuberculin is unknown. It may be that some organism related to the tubercle bacillus has invaded the tissues and made the animals sensitive to tuberculin; such bacteria are known to occur rather widely in nature. The question is one which can not be definitely answered at this time.

I quote from the testimony of Mr. Joseph Cope, representing the Farmers' Protective Association of Pennsylvania, as follows:

The worst of all is that too much power is now vested with the Bureau of Animal Industry. You have no doubt access to the constitutions of the various States and will find the essence of the law on this subject, after being boiled down, is that, in the main, bureaus of animal industry may do for the farmers and to the farmers and in connection with the farmers whatever they "deem advisable." Arbitrary and absolute power is granted. It must be admitted that the way lies open here for the bureaucratic officials to "deem advisable" practices that are not just, and to make decisions from which there is no appeal and in most instances no redress save possibly the taking of the matter to the courts, a procedure which is rather expensive for the average farmer.

It appears from the testimony that the assessed value of farm land in McHenry County, Ill., has declined more than $2,000,000 because of the destruction of herds.

Dr. Eugene Underhill, 2015 Chesnut Street, Philadelphia, testified as follows:

I want to take up this matter of reaction when you insert this poison into an animal. This reaction is a normal resistance to a poison. And here is another point: The stronger and healthier animals react; the sick and passive do not. Now, take this matter of reaction. This reaction means fighting back. That is what it means. Suppose some very feeble, sick man came in here, hardly able to stand up, and he tremblingly occupied a seat somewhere, and somebody came up and gave him a slap in the face. Nothing would happen. It could not. He could not do anything. But if a strong, husky fellow comes into the room and somebody steps up to him and gives him a smash on the nose, he is going to react. He is going to fight back.

Here is another thing: What constitutes a reaction, anyway? You ought to follow these fellows around and see them make these tests. It is interesting. I have trailed them around some. You have got to get your flivver pretty well tuned up to keep up with them, too.

The things that they test, as to whether a cow reacts or not, are decided by the temperature rise and curve, the physical signs, the swelling, etc. Veterinarians here are familiar with all these simple reactions, and where the intradermal test is used, the one that is practiced most of all, I think, in the State of Pennsylvania, they depend upon swelling under the tail. But take all these signs together, and what are they? They are very evanescent symptoms, the meaning of which is in dispute and in doubt; and yet the cow's life hangs upon these few evanescent symptoms.

I am foolish enough to have a few cows. I have a farm that came to me by inheritance. I only get there once a year, but I am foolish enough to have a few cows there—thoroughbred Guernseys—and when I heard that this test business was coming around I did not want them tested. I knew something about this thing, and I thought I would try out some testing myself, on my own account, not using any tuberculin. I did not have it, and I did not try to get it. But I did do this: I took some sterile needles and a pair or artery forceps. I sterilized these needles and the artery forceps thoroughly; I triply sterilized them. Then I went down to the barn and cleansed the place thoroughly, the way we are taught to do it when we are doing a surgical operation. Then I inserted these needles. I have seen the veterinarians do that, and I think I can do it. I did do it. I had 20 per cent of reactors. I did not have a single drop of tuberculin.

Here is another thing: This test is not performed under such aseptic conditions as I am specifying. The greatest possible carelessness is resorted to. Now, I want to ask you if you ought to appropriate the people's money for a thing like this, for instance. I have seen these testers test the cattle on five farms in one day. I suppose sometimes they would test more than that, but I have followed them around and seen them testing those five different herds on the same day. I have never seen these fellows, properly or improperly, disinfect themselves, their hands, their instruments, or anything else, when they left one farm to go to another. I have seen them go right around the whole neighborhood just that way. Now, it is obvious that there might be some kind of infection of transmissible disease on one of these farms, and that after these fellows had made their trip around there are five possible sources of infection. So I came to the unbiased conclusion that these fellows were a bigger menace to those herds than all the tuberculosis that they could possibly have in them.

It is interesting to see how this thing works out. These young fellows that do this testing are nice boys. They are young chaps mostly. Of course, there are some old ones, but those that I happen to have seen are young boys, 22, 25, 27, or 28 years of age. Some of them get $1,800 a year. The big salaries seem to be sidetracked somewhere for the man who sits in an easy chair cooking up ideas to support this thing.

Further on in his testimony Doctor Underhill declared:

But here is a fact that is well known: A cow that is badly infected with tuberculosis will not react to this test; and, as has already been pointed out here, a cow that has diarrhea, or an infection of the udder, and so on, they will react anyway.

Now let me just give you a few facts and quit. I do not want to stay here any longer than you do; I have something else to do. Here are just a few paragraphs. If you will just listen to these, then you can do whatever you like. This thing, the way it is lined up, is crushing the farmer and the public is fooled. Just let me tell you one thing about fooling the public and then I will give you these few paragraphs. I came into Philadelphia one morning very early, as I have done several mornings, and walked up Chestnut Street after I had been in consultation all night and I said to myself, "Before going to the house, I will drink some milk." I stopped a dairy wagon and said, "I would like to buy a pint of milk." He says, "All right; what kind do you want?" I said, "What is the difference?" He says, "Thirteen cents, 16 cents, 18 cents, 20 cents a quart." I says, "I want to know what is the difference of the milk itself?" He says, "It is tuberculin-tested milk, A milk, AA, and B milk."

Now this milk had been gathered around through Susquehanna County and it was all brought in in great big tank trucks, like the Standard Oil tanks, and I said to him, "What I want to know is what is the difference in the kinds of milk you have those different brands on?" He says, "Oh, well, I don't know what the difference is; it all came out of the same damned tank," and he says, "That is where the people are being fooled."

Mr. SUMMERS. That has not anything to do with the appropriation for tuberculin testing.

Doctor UNDERHILL. No. Now let me read these few paragraphs. Who are beneficiaries of this thing? The big milk dealers, the butchers and meat dealers, who get prime beef for a little or nothing,

job holders, vast commercial interests that have been referred to. Part of the scheme and part of the result will be to raise the price of milk to the consumer and put it down to the farmer. It puts the farmer in the position of a serf. When milk gets to be 25 to 50 cents a quart, the fluctuations of a few cents a quart are more easily manipulated up or down.

The great interest in this subject is not to protect the public but to get a chance to handle millions of the people's money which you are asked to appropriate.

Now, there is no danger from bovine tuberculosis. The test does not accomplish what is intended. The test lowers the vitality of animals and tends to cause tuberculosis among them. It often classifies healthy animals as diseased and diseased animals as healthy. Similar reactions can be obtained when the animal is suffering from a variety of non-tuberculosis diseases, such as abscess of the lungs, abscess of the liver, inflammation of the udder and chronic diarrhea. The test generally results in removing from the herd the best producers and animals that by all the ordinary physical signs appear to be healthy. The test usually leaves in the herd the major portion of the inferior animals; animals that by the ordinary signs and symptomatology are manifestly ill and in many instances victims of tuberculosis.

The millions of dollars spent to enforce the test and the losses entailed on the farmers are worse than wasted. It is a wasteful and criminal use of public money.

It discourages and drives young men from the farm, tends to ruin rural merchants, and cripples country banks. It strikes at the very foundations of a large proportion of agricultural effort. It injures every dairyman, lays a burden upon every taxpayer. It carries lying propaganda into every home and represents a contaminated, devitalized milk supply as a most desirable product.

A vile substance is shot into the cow's body to purify the milk supply and in lauding the value of this unscientific process (for it is contrary to nature and therefore unscientific) cleanliness is too often overlooked.

A quotation from the testimony of Mr. H. Edwin Wilson, of Miami County, Ohio, is as follows:

I have seen, in traveling around over the different areas of some six counties in my section of the State, where we have had cows that were in the prime of condition, cows that were in the pink of condition, young cows that were tested and reacted and condemned and, when they were tested, it would be found that those cows were free from tuberculosis lesions—which meant, of course, a great loss to the farmers of our community.

I have seen the after effects of the test and the farmers in our section became so dissatisfied and they felt that our troubles were caused by the actions of the county agent's office, and so we started petitions over the county to rid ourselves of that medium through which we believed the trouble came. We circulated petitions; we were given time by the county commissioners. They said,' "We will just give you two weeks to get the names of what farmers you can and see how the feeling is."

The testimony of Dr. W. H. Bucke, veterinarian, of Dayton, Ohio, is to the same effect.

Mr. Speaker, we all want pure milk; we all want to do whatever is necessary to guarantee the purity of milk, but when I see, as I have seen, herds of cattle of the people of my country, which I believed, and still believe, to be perfectly healthy, taken and destroyed—herds gotten together at great hardship and sacrifice on the part of the owners—I think it is high time to call to the attention of the American Congress and the people of the country, whose forefathers' blood bought their liberty, the fact that this liberty is being bartered away in return for bureaucratic government, which is destructive of the principles of justice as applied to the people and is leading back to the shackles which the people struck off when they declared that no one should be deprived of life, liberty, or property without due process of law.

ADDRESS OF HON. FREDERICK N. ZIHLMAN

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by the Hon. FREDERICK N. ZIHLMAN, a Member of this House, at Baltimore on May 25.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Hon. FREDERICK N. ZIHLMAN, of Maryland, to the Republican State convention in that State on May 25, 1928:

ACCOMPLISHMENT OF THE REPUBLICAN PARTY

Mr. Chairman, ladies, and gentlemen of the convention, it is a pleasure to have the opportunity of addressing this splendid gathering of the militant Republicans of Maryland who, with the future welfare of their party and the country at heart, have met here to-day to deliberate as to the best means of continuing the sound business administration that has been conducted for the past seven years under the guidance and direction of those two great Americans, Warren G. Harding and Calvin Coolidge.

Having in mind the transcendent importance of this campaign and the great responsibility resting upon this State, the Republican committee has asked us to meet here and share with them the work and, we hope, the triumphs of the impending campaign.

This is a fight for Americanism and all America stands for; for a wise, constructive, businesslike administration in domestic affairs and a sane and constructive policy abroad.

The responsibility is great, and it can not be carried by any one man or woman, but must be met foursquare by the united and militant Republicans of the State. In a contest of this kind, in which the stakes are the future onward march of the Republic, there is room in the ranks for all who would lend a hand and pull an oar, for, after all is said and done, the welfare of the party is not dependent upon those who go to the polls occasionally or semioccasionally to register their will and desires, but upon the men and women who, day in and day out, give of their best to the party's advancement, upbuilding, and welfare, without any hope of personal reward or aggrandizement, but are content in the knowledge that they are contributing something to the party's continuance in power, the advancement of American institutions, its business enterprise, and to the maintenance of our proud place in the congress of nations.

And in such a contest we have a right to expect, nay, we have a right to demand, the unremitting effort and loyalty to the party and its standard bearers of every man and woman who has enrolled under our proud banner. There have been times in the past when there has been blame attached to some of us who have occupied positions of responsibility and leadership in the party, and I may say that some of it, at least, was justified, but in this campaign the responsibility of party success is going to be "joint and several" and will be carried by all alike. For welfare of the party and its success is above the personal ambitions of any man or set of men, and we must enter this contest determined and united to advance Republican principles, to advocate Republican policies, and to elect Republican candidates in Maryland.

To-day, the differences that have existed are behind us, the jockeying and bickering forgotten, with the leaders of the party standing foursquare for the Republican candidates and for party success; and we now call upon the men and women of Maryland, from the great mountains that guard our western front, the rolling hills of our central section, the lowlands which flank our great inland sea, and the people of this great metropolis of the State, to join with us in advancing our cause and in protecting the great achievements of the past two administrations, and make possible a continuance of that signal success which has made our Republic the hopeless envy of the civilized world, and which has enabled us, while protecting our interests at home, to strive for and achieve success in the marts of the world.

WHAT WE PROMISED

Eight years ago we appealed to the people of America and asked them to place in our hands the reorganization and reconstruction of the great business of government. We then declared that the Republican Party had the genius, the courage, and constructive ability to end executive usurpation and restore constitutional government; to fulfill our world obligations without sacrificing our national independence; to raise the national standards of education, health, and general welfare; to reestablish a peace-time administration and to substitute economy and efficiency for extravagance and chaos; to restore and maintain the national credit; to reform unequal and burdensome taxes; to free business from arbitrary and unnecessary official control; to suppress disloyalty without the denial of justice; to repel the arrogant challenge of any class, and to maintain a government of all of the people as contrasted with a government for some of the people; and, finally, to allay unrest, suspicion and strife, and to secure cooperation and unity of all citizens in the solution of the complex problems of the day, to the end that our country, happy and prosperous, proud of its past, sure of itself and its institutions, might look forward with confidence to the future.

A REVIEW OF EVENTS

No one can conscientiously review the events and history of the past seven years without conceding that that commitment has been honestly and fully met and that the country has rallied to the strong narcotic of executive and legislative stimulus, administered in a safe and sane manner, and with a single view of improving the conditions under which we work and live.

We have demonstrated that we have the courage and ability to maintain our place in the forefront of the nations of the world and at the same time promote and upbuild our domestic industries, protect business under laws which do not smack of the paternal, and put America upon a solid footing both from an international and domestic viewpoint. We offer for the future a constructive program which holds out such a high note of optimism and success that it should encourage and stimulate every American in his allegiance to the time-honored traditions of the Republican Party.

"By their fruits ye shall know them," and a review of conditions as they existed eight years ago, and the carefully planned activities of an executive and legislative nature which have brought about the correction and improvement in national conditions should appeal to the common sense, to the patriotism, and to the business sagacity of every student of modern government.

A RÉSUMÉ OF THE PAST

At the risk of repetition, I call attention to the business and financial chaos which existed during the months preceding our advent to power—to industry stagnant, to labor idle and in despair, to governmental waste and inefficiency running rampant—not, as stated by the opposition, because of the war alone, but because of a continuance of war-time policies, activities, and expenditures far beyond the actual cessation of hostilities;

To again call your attention to our foreign situation and entanglements, or at least proposed, advocated, and advanced by the then existing administration;

To again stress the need for a halt in our blind march, to the necessity of rigid economy, careful expenditure, and orderly procedure in the making of governmental allotments and appropriations.

To reiterate, lest we forget, that the obligations and securities of our Nation, admittedly the greatest and richest of all modern world powers, had depreciated to an extent believed impossible in view of our more than a century of progress and advancement.

OUR ADVENT TO POWER

When our party came into power on March 4, 1921, just seven years ago, our country was still technically in a state of war, and had an outstanding indebtedness of $24,000,000,000, more than three billion of which were in short-time obligations without any provision for payment.

A NEW LIGHT IN THE SKY

What has been accomplished is a matter of history. Industry was immediately stimulated and unemployment ceased. Securities of the Government rose to par and better. The great army of civilian workers in every branch of the Government was reduced. Business was revived and encouraged, and a new light arose in the industrial and commercial sky.

A safe and strong foreign policy was presented to displace the wavering, faltering, and misleading policy which prevailed from the close of the war until our advent to power.

TAXES REDUCED

Taxes were reduced by the reduction of a billion dollars in 1921, when we were first returned to power; then followed the reduction of 1924, totaling $800,000,000, and with a retroactive feature of 25 per cent for the year 1923. Under the provisions of the act of 1924, more than 4,000,000 people were entirely relieved of Federal taxes of a direct nature, so that it has been possible in the tax measure, now pending in the Senate, to extend the reductions already made to corporations and to remove the direct taxes on the few classes of commodities on which they still remain as a survival of the so-called luxury taxes of 1918, 1919, and 1920.

Our domestic obligations in the form of short-time notes have been met and refunded. Our national indebtedness has been reduced from $24,000,000,000 to $17,000,000,000 to date, or more than a billion dollars a year.

INTEREST ON PUBLIC DEBT

When the Republican Party came into power the interest on the public debt was more than a billion dollars a year, or more than all of the Government expenditures in 1915.

The program of refunds, reduction, and readjustment has served to reduce our national interest charges nearly $300,000,000 annually. Our foreign debts have been satisfactorily spread over a period of years, and debt treaties have been entered into with the nations of the world who are our debtors. Agreements have been reached with 11 different nations by the terms of which we are to receive, over a long period of years, the sum of $22,000,000,000 for the $10,000,000,000 originally loaned, and these nations are now making payments at the rate of nearly $200,000,000 a year.

The cost of government has been cut in half, a national budget system, the dream of reformers for many years, has been put into actual operation and has made this possible.

OUR SOLDIER VETERANS

With all of this, we have been able to deal generously with the men who offered their services and lives to the Nation in its hour of need. There have been increases in the pensions of Civil War veterans, increases in the pensions of Spanish-American War veterans, and no country in the world has shown a more generous disposition in meeting its obligations to its defenders than has America shown its veterans of the World War. There are nearly 5,000,000 of them in number, who have been accorded such treatment as we have a right to expect of a party which, ever since it came into existence, has advocated the utmost liberality in providing for the defenders of the Nation.

Our party secured the establishment of the bureau that is now distributing more than a million dollars each day of the year. It put into operation an insurance system that carries obligations of more than $3,000,000,000. It has helped to provide the most complete, up-to-date, and scientific hospital service in existence. We are maintaining to-day 95 hospitals with nearly 30,000 available beds and more than 600,000 veterans have been cared for in these Government institutions.

The bonus act, which is now regarded as a measure of practical economy in the end, has been successfullly administered, and 3,383,000 adjusted-compensation certificates have been issued.

Over 170,000 ex-service men have received the benefit of vocational training and over a billion dollars has been expended for disability compensation.

The continuance of the Republican Party in power means a continuance of care for the disabled veterans of the Republic.

FOREIGN POLICY

We inaugurated and carried to a successful conclusion the first world conference ever held, looking to the reduction of limitation of armaments, and we have followed that conference by the adoption of treaties with more than 20 of the nations of the world. Our relations with other nations during the past seven years have been of a most satisfactory and helpful nature, and have been supplemented by increasing trade balances which has made possible the great turnover that has characterized the world in general and our own Nation in particular since the Republican Party came into power.

In spite of opposition and attempts to hamstring the Government, we have consistently maintained a policy of defending the Monroe doctrine and protecting Latin-American Republics from European interference and have helped smaller countries to establish and maintain orderly government, thus making it possible to continue the policy laid down by Monroe as the one fundamental policy which would preserve for all time the sovereignty and the independence of the United States.

IMMIGRATION

An immigration policy has been established which is in accordance with the ideas entertained and advanced by Americans everywhere. Heretofore we welcomed the foreign born and recognized that they made a great contribution to our national life, but we were compelled to realize that unrestricted immigration was a danger to the body politic, and, meeting the changed conditions which arose because of the world-wide disaster abroad, we took up the problem of restricted immigration and passed the acts of 1921 and 1924, which protect and maintain the sources of our future citizenship from pollution, so that we can retain the high standards to which the Republic has looked for many years.

THE TARIFF

The outstanding principle of the Republican Party, which has never failed to appeal to the country, and the one that has never failed to appeal to American labor and capital alike, is the policy of a protective tariff. The Republican Party stands for protection to American industries. The Democratic Party stands for free trade, or, as it is characterized by its party literature, a tariff for revenue only. That great apostle of protection, to whose sainted memory a million smoke stacks daily burn incense, called attention to the difference in these two viewpoints; that a protective tariff looks not only to the question of revenue but, while raising revenue, has consideration for the occupations and industries of our people. While a revenue tariff accomplishes but a single purpose, that of raising revenue, it has no other mission, and a protective tariff accomplishes both the raising of revenue and the protection of industries.

McKinley said to the European producer: "If you want to share with the citizens of the United States their home market, you must pay for the privilege of doing it. Your products shall not enter into free and unrestrained competition with the products of our own people, but shall be discriminated against to such an extent as to fully protect and defend our own."

That policy of protection to American workmen and American industry we have consistently maintained, and under its provisions the army of American workmen have been enabled to attain a standard of living and a standard of working conditions unequaled in the history of the civilized world.

Its protective benefits have extended to every section of the country and to every class of our people. It has been evidenced by improved standards of living, in our savings-banks deposits, in the growth of building and loan associations, in business profits and savings, in insurance and banking, and the entire economic structure has been maintained and strengthened to a degree which has amazed the known world.

As one who has been a mechanic himself, who knows something about the wages paid in other countries, and the working conditions which prevail, I say that there can be no competition with European nations; there can be no competition with European workmen, without a consequent lowering of our standards and a tremendous increase in poverty, misery, and unemployment in this country.

Upon that policy, and that alone, we are entitled to, and, I believe, will receive the approval and indorsement of the people of a great majority of the States of the American Union.

LABOR

The Republican Party's record on questions affecting labor during the past two administrations has been in accord with the traditional policy of the party and in keeping with its long record of humanitarian efforts for the betterment of working conditions and protection of those who toil.

First, legislation under the new administration provided for the checking of the flow of cheap labor into this country, and then our home markets were protected and developed. Almost the last public act of President Harding was to announce to the country that the men employed in the steel and iron industries, who were then on a 12-hour-a-day basis, be put on an 8-hour workday without reduction of pay.

Then, when the railroads were turned back to private ownership, there was set up the Railroad Labor Board for the adjustment of disputes between companies and employees. When this act was found not workable the present United States Board of Mediation was established, which has successfully met the problems growing out of disputes between these great transcontinental roads and the thousands of skilled workers who man their trains.

The compensation act was extended to all maritime workers under the act of 1927.

The bill relating to the products of convict labor in interstate commerce, which has been pending before Congress for many years, has finally received the indorsement of the House of Representatives, and is now pending in the Senate.

Various laws have been passed, improving conditions under which the postal clerks carry on the great work of transmitting the mail throughout the country, and their wages have been substantially increased.

Several measures have been passed, granting increases to the employees in other branches of the Federal service, and a bill to liberalize the retirement act has already passed the Senate and is pending in the House, and I am hopeful that nothing will prevent its passage before adjournment.

The Committee on the District of Columbia, of which I am chairman, has reported, and has had passed by both Houses of Congress, a bill extending the provisions of the longshoremen's compensation act to employees in the District of Columbia engaged in private business. This was enacted after many years of controversy over the subject, and in a form acceptable to both employers and employees engaged in private business and industry.

A bill amending the child labor law for the District of Columbia has also been passed.

All these things that have been accomplished are in line with the policies of our party, and will do much to maintain the present high position of American labor and bring contentment to those who toil and go hand in hand with the Republican policy of protection to American wage earners.

ISSUES OF 1928

The issues of the 1928 campaign are not as yet clearly defined, and will not be until our party has met in convention next month at Kansas City, so that the problem to-day is which party can be depended upon to manage most successfully the domestic affairs of our Government and insure to our people satisfactory relations with other nations. Because of the achievements of our party, covering a period of nearly 70 years of American life—the men and policies which have left their imprint upon the American Republic—and in view of the vague and misleading attitude that has for years characterized the leadership of the Democratic Party, to my mind, there can be no question but that the people of this country will turn in this hour of great issues, affecting every class of our people, to the party under whose control and masterful guidance the United States has become the greatest Nation since time began, and the leader in world thought and action; a party which has written into law more progressive and humanitarian legislation than has before become the rule of mankind since civilization became a reality; to the party of achievement, of progress, of opportunity, construction, protection, and prosperity, the Republican Party.

The party which gave to the Nation as its first candidate Lincoln, the martyred statesman; Gen. U. S. Grant, the grim, fighting soldier of the North; William H. Seward, the great War Secretary; Charles Sumner, the cultured statesman; Thaddeus Stevens, the inflexible; James G. Blaine, the plumed knight of American politics; William McKinley, the apostle of protection; Theodore Roosevelt, the rough-riding apostle of righteousness; Warren G. Harding, the kind and beneficent statesman, whose work and accomplishments during his three trying years will rank with the achievements of Americans of the past and the future; and Calvin Coolidge, of Massachusetts and Vermont, whose place is fixed in the history of his country and whose name will live and endure long after his detractors have been forgotten, for he it was who took up the duties and responsibilities and guided the ship of state to the harbor of safety.

Our standard bearer has not yet been chosen, but we have a right to believe that he will maintain on high the banner of protection and Republicanism and that when he is chosen as our candidate in Kansas City next month he will stand and lead us upon a platform that will appeal to every element of our people.

OUR CANDIDATES

Here in Maryland we have nominated for the high office of United States Senator a man who enjoys the fullest confidence of the people of our State, a man whose integrity and record of constructive achievement and statesmanship are equal to that of any man that has been offered to the people of our State by either party since we became a sovereign State of the Union.

The record of his administration as State's attorney of his home county upon the Eastern Shore, as collector of internal revenue under Presidents Roosevelt and Taft, and his four years as the great governor of our State is known to every Marylander who has interested himself in the affairs of our Commonwealth, will appeal to the people of this splendid State, and they are going to write the verdict of approval and approbation upon the life and the work of Philips Lee Goldsborough on November 6.

Standing with him and like him for the principles and policies of the Republican Party we offer to the people of the six congressional districts of the State the Hon. S. Stengle Marino in the first congressional district, the Hon. Linwood L. Clark in the second, the Hon. John Philip Hill in the third, the Hon. John P. Brandau in the fourth, the Hon. Oliver B. Metzerott, of Prince Georges County, in the fifth, and myself in the sixth congressional district of Maryland.

STATE ISSUES

The election this year is for representatives in the Federal Government, and the election of State and county officials will occur in 1930.

At that time we will show the people of Maryland the increased cost of State government, which has amounted to nearly 100 per cent since the present administration came into power, and point out the burdens of invisible taxes which have been levied, in addition to other increases in the visible taxes, and we will lay this record side by side with the retrenchment and reductions that have occurred under the Republican national administration.

The election of that splendid patriotic Marylander, the Hon. William F. Broening, as mayor of Baltimore last spring is an indication of the whirlwind they are sowing and clearly shows that the people of our State are alive to the issues and will weigh them in the balance when opportunity is afforded them.

WESTERN MARYLAND

Western Maryland must play an important part in party success in our State.

We are the one section of the State that has stood like a rock against every attempt that has been made to make of Maryland a one-party State and perpetuate the Democratic organization in power.

We gave to the State the first Republican governor and the first two Republican United States Senators since the Civil War. We have been an important factor in the great victories that have been won in presidential years of the past, and we will contribute substantially to our party success this year.

It has been a privilege and a pleasure to work and fight with the militant Republicans of western Maryland for more than 25 years, during which time we have made that section of the State a citadel and a fortress of Republicanism which serves as a rallying point for those who are opposed to executive usurpation and bureaucratic misrule, and who would foster and advance a Government of the people.

CONCLUSION

Upon the record of our party, the accomplishment of results obtained, the need for a continuance of those policies that have brought success and happiness to the American people—we appeal to the people of this State with confidence in their sound judgment and discerning wisdom, believing in the justice of our cause and in the plea we make for their support and confidence, trusting that they will give to our party and its candidates that indorsement and support which means victory in November.

PROHIBITION

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief statement by Dr. Frank Crane on certain economic developments.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, one of the most noted editorial writers of America is Dr. Frank Crane. A little time ago, under the heading "Prohibition," a short article by him was widely syndicated and published in the Hearst newspapers and others. I have taken it from the Washington Times, and think it worthy of preservation as a most impressive statement, in most compact and readable form, of the economic facts of national prohibition. The article is as follows:

January 16, 1928, was the eighth birthday of the prohibition amendment to the Constitution.

Many people's idea of the success of this measure has been obscured by reading the newspapers.

The newspapers print news and, as Alexander Black once pointed out, news as printed in the daily press is not an indication of the state of the facts in a community. For instance, if a Sunday school superintendent runs away with a member of his school, that is news. But it is only because it is occasional and unusual. The unusual is news, because it is interesting and striking, but is not typical.

So every violation of the prohibition law has been played up as news, while the vast good that has been done has not been especially noticed.

The question has ceased to be a religious and sentimental one, and becomes commercial and political. It is these aspects that are summarized.

In the first place, the corner saloon has gone, never to return. There are very few people in the United States that want it back. This alone helps a good deal, for alcohol is not publicly exposed to sale to lure the youth of the country.

Very few decisions, and those in the strongholds of the wets, have been handed down adverse to the law. Decisions mostly have gone one way. They uphold the law. The amendment is considered strictly legal by the vast preponderance of judicial opinion. The prohibition code was ratified by three-fourths of the State legislatures.

During the time since this code went into effect the country had had an unparalleled period of prosperity. This may or may not be due to the prohibition amendment, but it is to be remembered that the wets declared that the amendment would ruin business.

Babson, the statistician, estimates that while $2,000,000,000 was formerly spent for liquor each year, not more than one-tenth of that sum now goes for it. Twenty-three million more people had savings accounts at the close of the five years of prohibition than at the beginning and over $1,000,000,000 of insurance a month has been purchased by the people. The sale of small homes has tripled during these eight years.

Three out of every four of the largest employers have replied favorably to the prohibition questionnaire. Only one in ten condemned the amendment. Deposits in labor banks carried $11,000,000,000 last year. There were no labor banks eight years ago.

It was said that without booze hotels would be ruined, but 840 new hotels costing $400,000,000 were built during this period, including the largest hotel in the world at a cost of $27,000,000. During the three years ending 1925 the Nation increased $35,000,000,000 in wealth and $89,000,000,000 during the last six years. Seventeen and seven-tenths per hundred thousand was the decrease in the penal population in the United States and drunkenness fell from 186 per 100,000 in 1910 to 83 in 1923.

Dry American ships have proved popular and have been well patronized.

These are some economic facts that are hard to get around.

Prohibition may be immoral and unjustifiable, according to many writers in the press, but there is no doubt about its economic efficiency.

INLAND WATERWAYS CORPORATION

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 13512, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PARKER, DENISON, and RAYBURN.

TAMMANY HALL AND THE SOUTH

Mr. CAREW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BLACK] may have leave to extend his remarks in the RECORD and incorporate therein a magazine article appearing in this month's Review of Reviews.

Mr. SNELL. Mr. Speaker, reserving the right to object, I do not think we ought to put in the RECORD an entire magazine.

Mr. CAREW. Oh, no, no.

Mr. SNELL. How long an article is this?

Mr. CAREW. About a page and a half.

Mr. SNELL. By whom and on what?

Mr. CAREW. By Judge Winston, of North Carolina.

Mr. SNELL. On what subject?

Mr. CAREW. Judge Winston has just written a very fine book on the Life of Andrew Johnson and this is a supplement to that book. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, under the leave granted to extend my remarks, on the application of my colleague, Mr. CAREW, of New York, I submit the following article by Robert W. Winston, formerly the judge of your Superior Court of North Carolina:

Under the leadership of Governor Smith, of New York, the Democratic Party is becoming vital and is pulling itself together again. Four times this man of the people has been elected governor of the most populous and richest American Commonwealth. Such has been his integrity and his public service that New York, his home State, together with other States in the North and West, has indorsed him for President and selected Smith delegates to the Houston convention this month.

Even some of his opponents acknowledge the man's worth. "In other lands Alfred E. Smith would have been elevated to the peerage," declares Mr. Charles Evans Hughes, "and though in America we have no titles of nobility we have something better, an aristocracy of public service * * * and the title Governor Smith holds is the proudest title that an American can hold, because it is the title of the esteem and affection of his fellow citizens."

In the midst of such encounters comes a discordant note, and, strangely enough, it comes from the South. "Smith is a Tammanyite," it is charged, and that damns him forever in Dixie. "Tammany Hall! Why, Tammany Hall is the hereditary enemy of the South," one hears from some quarters. "Let Tammany show her head at Houston," a delegate to the Jacksonville dry convention threatened, "and we'll smash it."

Indeed, the idea at Jacksonville seemed to be that the Tammany tiger was going to destroy the liberty of America, and of Dixie in particular, swallowing the innocent South, bib and tucker, as the ugly wolf swallowed little Red Riding Hood.

This attitude of southern leaders toward Governor Smith will bear investigating. Is the terrible tiger ready to pounce on the South and to grind her bones to make his pies? What does history say to this statement? Is Tammany Hall the foe of the Democratic Party and the South?

Now, one thing seems reasonably certain: In the year 1868 the South did not consider Tammany her enemy. At that time the conquered and bankrupt South was oppressed, prostrate, and utterly without hope; for more than three years she had had no representation in Senate or House; she was under a military satrapy. State lines were abolished, whites disfranchised, negroes enfranchised and in control, want and desolation stalked the land. The historian Pike in 1870 painted a picture of this desolation: "Near Charleston," says he, "were the estates of a large proprietor and a well-known family, rich and distinguished for generations. The slaves are gone, the family is gone. A single scion of the house remains, and he peddles tea by the pound and molasses by the quart on a corner of the old homestead to the former slaves of the family, and thereby earns a livelihood."

AN INCIDENT OF 60 YEARS AGO

Presently an attempt to rehabilitate the desolate land was begun. The South resolved to make a supreme effort to preserve herself, looking to the Democratic Party as her hope. At that time there was only one national issue—what should be done with the conquered South? Should radicals and misguided but honest philanthropists, together with ignorant negroes and corruptionists, continue to rule the land which gave birth to George Washington and in which John Marshal wrote his imperishable opinions?

In her desolation whither could the South turn? To Boston, the most cultured center in America and usually one of the most humane? Alas, no! Charles Sumner was there supreme—in the good State of Massachusetts not a thumb was reversed. To Pennsylvania, that home of pure democracy in the olden days? Thad. Stevens was holding that great State to a course of radicalism and hate.

To Chicago? Yet again, no! That wonderful young city was consumed with postwar hysteria, and its great newspaper, the Tribune, was threatening to "make a frog pond of the South" unless whites and blacks were blended together as one race under civil-rights legislation. Where, then, could the South turn for succor? In her hour of peril whither did she look?

The answer is ready to hand: The South turned to Tammany Hall.

A NATIONAL CONVENTION IN TAMMANY HALL

Soon the Democratic National Convention, the first after the war, was to meet. Where in all the North should this convention be held? Where could Gen. Wade Hampton, Gen. N. B. Forrest, Alex Stephens, Zeb Vance, ex-rebels, go and be welcomed? In the entire United States there was only one place, and that place was New York City, and in that city only one spot, the new and gorgeous Hall of Tammany, just finished for the occasion, located on the north side of Fourteenth Street, between Irving Place and Third Avenue. To Tammany Hall, therefore, on July 4, 1868, the brave sons of the South, poor and oppressed, came and were made right welcome.

August Belmont, Tammanyite, chairman of the Democratic National Committee, called the convention to order. After he had welcomed the ex-rebels to "the time-honored Society of Tammany and to the temple erected to the goddest of liberty by her staunchest defenders and most fervent worshippers" he proceeded to declare that "Austria did not dare to fasten upon the vanquished Hungary nor Russia to impose upon conquered Poland the ruthless tyranny now inflicted by Congress upon the Southern States. * * * During the past eight years," he exclaimed, "the sons of Tammany have rolled back the surging waves of radicalism."

With these words ringing in the ears of the delegates, Horatio Seymour, the friend of Tammany and of the South, and Frank P. Blair were nominated for President and Vice President. General Blair, who was insisting that southern reconstruction measures were null and void and a crime, declared that the United States Army should be immediately marshaled to hurl ignorant negroes, scalawags, and carpetbaggers from southern place and power, and that the land of Dixie should be handed back to the sons of Dixie.

Then did Tammany Hall, the County Democracy, and the South rejoice together as brothers, the work of that day binding them with hoops of steel. In November the State of New York, by Tammany's aid, cast its vote for Seymour and Blair.

SOUTHERN MEN IN TAMMANY

Was this zeal of Tammany for the South on that July day in 1868 a new-found zeal? Was Tammany acting a part? History is to the contrary. From the day the Tammany Society was organized, nearly 140 years ago—right or wrong, I will not inquire—it has been the consistent ally of the South.

Now, this affection of Dixie for Tammany and of Tammany for Dixie is of more than a century's duration, and it is not to be wondered at. Where do southern men going to New York to reside find their warmest attachments but in the Tammany Society? The list of such southern statesmen is a noted one. Roger A. Pryor, of Virginia, was a Tammany judge; Col. John R. Fellows, of Arkansas, was a Tammany district attorney.

The mind dwells with peculiar pleasure upon such able lawyers and lovers of the South as James W. Osborn, W. W. Fuller, and George Gordon Battle, all of North Carolina; Joab H. Banton, of Tennessee; Edward Swann, of Florida; and in earlier days Augustus Van Wyck, of South Carolina. These sons of the South were proud of their Tammany affiliation and were greatly honored by it; they were likewise successors of a long line of noble patriots—Charles O'Conor, Tammany sachem, and Samuel J. Tilden, a member of Tammany—apostles of liberty and staunch friends of the South. And there are others equally distinguished: Nathan Straus, of Georgia, the great philanthropist; Lewis Nixon, of Virginia; Judge M. Warley Platzek, of South Carolina; Judge William Harmon Black, of Georgia; Judge Joseph M. Proskauer, of Alabama.

JEFFERSON'S OPINION

A most picturesque organization and a most powerful one is the Tammany Hall of to-day. Its history is a romance, a story unknown to the average reader. Beneath the surface, however, flows a steady and wholesome stream of democracy, of rule by the many and not by the few. In fact, I venture to say that Tammany Hall made possible Jeffersonian democracy in America, and that the political alliance of Jefferson with a Tammany chief produced results that have changed the political complexion of our country.

On May 12, 1800, a noisy procession with drums and banners went crashing down the streets of New York. John Pintard, Tammany Sachem, was in the van, wearing upon his head a liberty cap and around his waist wampum, highly colored Indian beads, and bearing aloft a tomahawk. It was St. Tammany's Day, and the braves were celebrating the event—Protestants, Catholics, Jews, Irish, mechanics, laborers, and the down-and-outs—a Falstaff's army. Claude Bowers informs us in his "Jefferson and Hamilton" what took place as the procession passed the office of Alexander Hamilton. Hamilton gazed at the ignorant, unlettered mob, exclaiming: "What a grotesque spectacle!" The fuss and feathers of the Indian warriors and the uncouth setting of this ragamuffin crowd struck the Tories as ridiculous.

But there was one man in New York that day with other emotions. Thomas Jefferson saw in that "inarticulate, ineffective, commonplace mob the friends of democracy, a nucleus of victory over the Federalists—a voice, an arm, a rostrum"; and he proceeded to utilize the opportunity. Forming an alliance with Tammany, Jefferson swept the country in November, almost putting an end to the Federalist Party.

THE MISSION OF TAMMANY

During the campaign, Federalist papers called Jefferson a monster. Fisher Ames saw in Jefferson's election "the dismal glare of burnings; his nights were restless with the visions of horror." * * * "No wise man but discerns the imperfections of democracy," he sighed, "no good man but shudders at its miseries, no honest man but proclaims its frauds, and no brave man but draws his sword against its force."

Alexander Hamilton proposed to Governor Jay to call the legislature in special session, divide the vote of New York, and cheat Jefferson out of his office—anything to save the country from democracy and preserve class distinctions. This was not unnatural. Gentlemen of that day had a distrust for the common herd. Bedecked in blue or green or scarlet coats, they affected long hair, tied with a cue and white with powder. Closely-fitting breeches, ruffled shirts, buckles at knee and ankle announced their aloofness from shopmen and mechanics.

The mission of Tammany Hall and the reason of its birth were to abolish these class distinctions, to enlarge the electorate, to dignify the plain man. It irked Jefferson and his Tammany ally that property qualifications in New York deprived Revolutionary soldiers of the right to vote, whereas wealthy persons who were notoriously friendly to England, and who had never shouldered a musket in freedom's cause, were given place and power. In a word, Tammany's job was to put Toryism out of business, and Tammany succeeded.

The oldest self-constituted political organization in the world, and in many respects the most democratic, is the Tammany Society. In 1789, the year the Constitution was adopted, Tammany came into being, one purpose being, as I have stated, to confer equal manhood rights on Americans. The Revolutionary War had ended and America was nominally free.

NEW YORK AS A DEMOCRATIC STATE

Would she be free in fact? Would she become a limited monarchy or a real democracy? Hamilton and the Federalists leaned to a monarchy; distrusting the common herd, they would let the people elect few officers—almost none except legislative. The people were not to be trusted; only gentlemen were fit to govern. These aristocratic ideas were illustrated not only in the Federalist Party but also in the famous order called the Cincinnati—Tammany's particular aversion. In many a fight the South and Tammany, with the aid of Pennsylvania, stood shoulder to shoulder with Jefferson and for his principles.

Again, after the Civil War, who but Tammany first came to the aid of the prostrate South in her plea for constitutional rights? In 1876 southern elections were conducted by United States soldiers on guard with bayonets fixed. The polls looked like small arsenals. Then it was that New York, Connecticut, New Jersey, and Indiana repudiated this policy of coercion, giving warning to the Republican Party that it would be defeated unless the South were treated fairly. Who, indeed, but Tammany assisted in defeating the force bills of 1875 and of 1890, bills which would have put the South under bayonet rule and created a new orgy of corruption?

The period of travail in the South was 1868–1892. During these 24 terrible years, according to the following record, New York went Democratic four times and anti-Democratic twice—each of those latter years, 1880 and 1888, being on the tariff and not on a sectional issue:

Year	Democrat		Republican	
1868	Seymour	429,883	Grant	419,883
1872	(1)			
1876	Tilden	521,949	Hayes	489,207
1880	Hancock	534,511	Garfield	555,544
1884	Cleveland	563,154	Blaine	562,005
1888	do	635,965	Harrison	650,338
1892	do	654,868	do	609,350

[1] No Democratic candidate. Greeley ran as a Liberal.

THE SOUTH'S APPRECIATION

Four years ago Mayor James J. Walker, of New York, visited the Southern States and placed Smith's claim to support on political grounds; or, as the newspapers would put it, he was "selling" Tammany to the South. This, of course, was a mistake, Tammany having been "sold" to the South years and years before. Fortunately Mayor Walker, on his more recent trip, recognized this and called to mind Tammany's sympathetic attitude, reminding the young men and women of the South that when war hysteria had temporarily deranged the magnanimous North so that the South might indeed have been made a frog pond, New York came to the rescue.

And to-day it seems that a sense of gratitude is moving the hearts of southerners and spreading over the South like wildfire. Certainly the southern press is voicing this sentiment. For example, the Raleigh Times of March 10, 1928, says of Tammany:

"When all the world, including the Federal Government, turned against a prostrate South, it held the gate to the remnants of our liberties. It beat the Lodge force bill. It elected Tilden and held Democratic against the threatened revolution in the steal that followed thereafter. It did its greatest service when it ignored Bryan and preserved Democracy, hysterical, to a sane tradition. But, all in all, Tammany has been the core of our southern democracy. Without it we should have been nowhere. We should have been, indeed, conquered provinces, hopeless. Tammany has a record of over a hundred years of friendship for the South. By what reason do we, its beneficiaries, now question its bona fides?"

The outcome of the Houston convention may be predicted. Southern Protestant, and protesting, delegates arriving in Texas and finding in Tammany their only chance, will take the say-so of Charles Evans Hughes, that Governor Smith is all right; and a national quadrennial sweepstakes will start, the like of which has not been witnessed since Grover Cleveland defeated James G. Blaine in 1884.

Judge Winston's article leads a student of political history into the very interesting field of the relations of the North and South after the Civil War. The available data is conclusive as to the unconscionable selfishness of the radical Republican machine of the North, which sought to make of the South a conquered province on which to fatten northern henchmen of the Republican Party in much the same fashion as King George III thought the Colonies were feeding pastures for British political workers. As Lord North sent over redcoats and Hessians to protect in their jobs British office holders, the Republicans divided the South into five military districts and sent military forces to fasten as leeches on the South the carpetbaggers and the scalawags.

The philosophy of the Republican machine is best summed up in the words of the Republican Senator from New York, in 1879, Roscoe Conkling—

That the Government should remain the hands of those who were never against it.

Just as the Colonies had some liberal friends in Great Britain, as Judge Winston points out, the Southern States found many powerful friends in the membership of Tammany Hall. These men and the courageous statesmen of the South by fighting together in the political arena helped bring the South to its present plane of glory. That famous Catholic priest, the poet laureate of the Confederacy, Father Abram J. Ryan, had a vision in the dark days of the South for future glory when he wrote:

Yes; give me a land with a grave in each spot
And names in the graves that shall not be forgot;
Yes; give me the land of the wreck and the tomb—
There is grandeur in graves, there is glory in gloom,
For out of the gloom future brightness is born,
As after the night comes the sunrise of morn;
And the graves of the dead with the grass overgrown
May yet form the footstool of liberty's throne,
And each single wreck in the warpath of might
Shall yet be a rock in the temple of right.

Not only did the country hear the stirring words of August Belmont in defiance of the Republican radicals, but other men of Tammany Hall stated the true American doctrine in the days of reconstruction. Richard O'Gorman in a "long talk" on Independence Day, on July 4, 1866, at Tammany Hall, said:

It can never be well with New York while it is ill with South Carolina or Tennessee.

The Tammany Society adopted the following resolutions:

That when we entered upon the late war we put our money, our lives, our reputations in the interest of putting down the rebellion. We did it for the sake of preserving the Union and not for keeping the States out of the Union.

Tammany was against "voluntary withdrawal of States and compulsory exclusion." It believed that the Federal Union was based on a full recognition of the rights of the several States. Mayor Hoffman, of New York, grand sachem of the Tammany Society in 1866, argued that 11 seceding States should be allowed immediate representation in Congress, without a lingering term of probation, stating that—

they were being kept out only for the sake of radical partisans perpetuating political power.

The statesmen of the reconstruction days of the South plainly showed their gratitude to Democratic Senators and Representatives from New York for their aid in fighting the tyrannical reconstruction bills. Many of these ex-Confederate soldiers, who attained glory in the field of battle and in the parliamentary arena, knew well that August Belmont was right when he said:

Military satraps are invested with dictatorial power overriding the decision of the court and assuming the functions of civil authority. They intend congressional usurpation of all the branches and functions of the Government, to be enforced by the bayonet of military despotism.

No wonder these courageous southerners spoke highly of such men from the New York Democracy as Senator Francis Kernan, who fought with them to destroy the Republican military government of the South. It is interesting to note that Kernan was a friend of Charles O'Conor, who was one of the legal defenders of Jefferson Davis. Kernan was attacked because he was a Roman Catholic, but his answer was blunt and to the point, saying those who oppose him—

could have forgiven his religion if they had only ceased to fear his honesty.

Senator Kernan was particularly vigorous in the fight to prevent the use of Federal troops in elections in the South. On March 2, 1877, he made the principal speech against the free use of the Army by the President, setting forth the constitutional arguments in favor of the power of Congress to limit the use of the Federal troops by the President as Commander in Chief of the Army. The House appropriation bill in that session of Congress contained section 5 which provided that the United States troops were not to be used to maintain the so-called carpet-bag governments of the South particularly that one in Louisiana. The debate arose on a Senate substitute for the House bill which would have stricken out this proviso. Senator Kernan said:

I think he—

Referring to the Senator from Maine [Mr. Blaine]—

will admit that we have constitutional power to say as we do by House bill that the money appropriated by this act shall not be used for certain purposes. The remedy is with Congress if it is believed there is danger that the Army will be used by the President for improper purposes.

In the House of Representatives on the same bill Mr. David Dudley Field, a Democrat, of New York, on March 3, 1877, said:

To the gentlemen of the South I say now is your time to stand up; for if you do, your friends can say to you "Lift up your heads, for your redemption draweth nigh."

Everybody knows that but for the use of Federal troops in Louisiana and Florida, you would not see the inauguration of the President, who is to take the oath in an hour and a half from now.

As a result of these speeches and speeches from the Southern Members there was no Army appropriation that session, and President Hayes was forced to call an extra session of Congress. In order to get an appropriation to carry on the Army, he was forced to withdraw troops from the South. I would commend the reading of the CONGRESSIONAL RECORD of those days to those in the South who fear and suspect the New York Democracy.

One of the finest tributes paid to a northerner by a statesman from the South was that of Alexander Stephens, of Georgia, who stated that John Kelly, the leader of Tammany Hall and a Congressman from New York:

I have often said, and I now repeat it, that I regard John Kelly as the ablest, purest, and truest statesman I have met from New York.

Recently the Republicans, in their efforts to have the public ignore the wholesale corruption of their party in recent years, have tried to frighten the South against the Democrats of the North by attempting to revive interest in the corruption of Tweed. They overlook that Tweed had sharing with him in his corruption many Republican politicians. But vicious as was Tweed, his contemporaries in Republican national politics in the reconstruction days were worse. As Charles A. Dana said:

Great as are the frauds of Tammany they sink into insignificance, not only beside those of the carpetbaggers' government of the South, but still more beside those committed by the Republican administration at Washington.

He was referring to the whisky ring, and the chief conspirator was Secretary Bristow, of the Treasury Department, under Grant. There was also the gold-speculation scandals, involving the President's brother-in-law and the association of the leading Republicans with such leading speculators as Jim Fisk. Most notable of scandals, except the naval-oil scandal of recent years, which Senator THOMAS WALSH unearthed, was the Crédit Mobilier, which tainted leading statesmen of the Republican Party.

Judge Winston, in his article from the American Review of Reviews above inserted, has made a valuable contribution toward good feeling between the New York Democracy and Democrats of the solid South. We of New York hope to present to the country as a presidential candidate a man on the same type as those great friends of the South, Senator Kernan and Charles O'Conor. We believe in an industrial rehabilitation of the South and feel confident that with Alfred E. Smith as President the South will see that bright day of which Father Ryan so beautifully wrote in the black night of corrupt Republican reconstruction.

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6685) to regulate the employment of minors within the District of Columbia, with Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman advises the Chair that he does this after consultation with the committee?

Mr. ZIHLMAN. I have consulted with all the members of the committee who are in the city that I could find.

The SPEAKER. The Clerk will report the bill and Senate amendments.

Mr. LINTHICUM. What is this bill?

Mr. ZIHLMAN. It relates to child labor in the District of Columbia.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were agreed to.

THE PHILIPPINE SUGAR LIMITATION

Mr. SCHAFER. Mr. Speaker, on February 23, 1928, the gentleman from Colorado [Mr. TIMBERLAKE] introduced a joint resolution, which I understand is going to be pressed in the next session, to restrict the free importation of sugar from the Philippines into the United States. The Filipino people rightly consider this move highly prejudicial to their interests. I ask unanimous consent to have inserted in the RECORD a memorandum attacking the resolution on purely economic grounds prepared by Mr. Vicente Villamin, a Filipino lawyer and economist.

The SPEAKER. Without objection, it is so ordered.

The matter referred to is as follows:

House Joint Resolution 214, introduced in the House on February 23, 1928, proposes to limit the amount of Philippine sugar admissible into the United States duty free to 500,000 tons yearly. This will alter the free trade existing between the two countries established by the Congress of the United States.

Its author, Representative CHARLES B. TIMBERLAKE, of Colorado, rests the case for limitation upon the welfare of the beet-sugar industry in the United States on the one hand and upon the improvement of the national economy of the Philippines on the other. It is safe to state, however, that whether the Philippines is in for good or for ill is but an incidental consideration.

The present memorandum discusses the question exclusively on its economic merits and does not touch on the political aspect. A comparative study of the question is made. The conclusion reached is in favor of no alteration of the existing commercial relations between the Philippines and the United States.

THE PHILIPPINE SUGAR INDUSTRY

Philippine sugar amounting to 132 tons was exported to the United States 19 years after the Declaration of Independence in 1776. During the 28 years preceeding the implantation of American sovereignty in the Philippines in 1898 the total sugar exportations averaged 166,913 metric tons yearly, while during the same period of years, 1898 to 1925, the average annual exportations increased to only 192,631 tons.

The striking slowness in the increase of sugar production in the Philippines is shown by the following statistical data covering production during the 29 years from 1897 to 1926:

Countries:	Per cent of increase (1926 over 1897)
Philippines	120
Hawaii	245
Java	295
Formosa	900
Porto Rico	908
United States (beet and cane)	1,858
Cuba	2,203

The uncertainty of the political status of the Philippines is the primary reason for the comparatively slow development of the Philippine sugar industry, for the grant of nationhood to that country will result in its exclusion by the United States tariff wall. It may be added that the mere presentation, with its attendant agitation, of such a restrictive measure as the Timberlake resolution will operate effectively against the further expansion of the Philippine sugar industry.

The low yields in the Philippines constitute a serious handicap to the industry. While an acre in the Philippines yields approximately 4,000 pounds of sugar, an acre in Hawaii registers a yield of 12,000 pounds, and in Java a little more than that of Hawaii. And according to Mr. George H. Fairchild, secretary of the Philippine Sugar Association, "the Cuban sugar planter's cost of production and harvesting is less by one-third than that of the Philippine sugar planter."

Sugar companies in the Philippines

[Compiled by the Philippine Sugar Association, February 28, 1928]

Name of central	Owners	Nationality	1926–27 production (metric tons)
Arayat	Mount Arayat Co.	Cosmopolitan	[1]
Asturias	Asturias Sugar Central, (Inc.)	Spanish	11,381
Bacolod	Bacolod-Murcia Milling Co.	Filipino	36,326
Bais	Central Azucarera de Bais	Spanish	22,016
Balanga	Bataan Sugar Co. (Inc.)	American-Filipino	411
Bamban	Central Luzon Milling Co. (Inc.)	Cosmopolitan	4,092
Bearin	Kabankalan Sugar Co. (Inc.)	Spanish-Filipino	10,284
Binalbagan	Binalbagan Estate, (Inc.)	Filipino	34,978
Cabiao	Nueva Ecija Sugar Mills, (Inc.)	do	27
Calamba	Calamba Sugar Estate	American	24,797
Calumpit	Luzon Sugar Co.	do	2,766
Calatagan	Vda. de P. P. Roxas	Filipino	2,473
Cebu	Cebu Sugar Co.	American-Filipino	[1]
Danao	Central Azucarera de Danao	Spanish-Filipino	316
Del Carmen	Pampanga Sugar Mills	American	40,806
El Real	Philippine Sugar Estates Development Co.	Cosmopolitan	[2] 3,000
Hawaiian-Philippine	Hawaiian-Philippine Co.	American	43,065
Isabela	Isabela Sugar Co. (Inc.)	Filipino	25,169
La Carlota	La Carlota Sugar Central	Spanish	56,668
Lumangub	Esteban de la Rama	Filipino	[2] 2,846
Ma-ao	Ma-ao Sugar Central Co. (Inc.)	do	33,301
Mabalacat	Mabalacat Sugar Co.	American	[2] 3,795
Manaoag	Pangasinan Sugar Co.	Cosmopolitan	[2] 1,581
Manapla	North Negros Sugar Co.	Filipino	26,738
Mindoro	Mindoro Sugar Co.	American	5,321
Nasugbu	Vda. de P. P. Roxas	Filipino	830
Palma	Salvador Serra	Spanish	8,399
Pasudeco	Pampanga Sugar Development Co.	Filipino	30,393
Phoenix (Murcia)	First Luzon Farmers Association.	do	[2] 1,992
Pilar	Central Azucarera de Pilar	Cosmopolitan	3,795
San Carlos	San Carlos Milling Co.	American	28,573
San Isidro	Vidaurrazaga y Mota	Spanish	7,854
Talisay-Silay	Talisay-Silay Milling Co.	Filipino	35,472
Talisay	Esteban de la Rama	do	[2] 792
Victorias	Victorias Milling Co.	do	25,745
Total			536,002

[1] Recently erected central, not yet operating, for the 1926–27 crop.
[2] Estimate, final figures not available.

POSITION OF SUGAR IN PHILIPPINE EXPORTS

One of the justifying reasons claimed in favor of the Timberlake resolution is that the free entry of sugar into the United States will tend to the establishment of a one-crop situation in the Philippines, which obviously will be bad for that country. The implication is that sugar alone is admitted duty free into the United States, which is not the case, for all the exportable products of the Philippines are on exactly the same status as the sugar.

The following table shows the relative positions of the value of four of the leading Philippine exports with respect to the total exports of that country:

Year	Sugar	Hemp	Coconut oil	Copra
	Per cent	*Per cent*	*Per cent*	*Per cent*
1916	26.58	38.17	5.61	10.17
1917	12.84	48.96	11.93	8.71
1918	11.69	43.04	23.42	3.83
1919	13.44	23.74	32.58	3.91
1920	32.83	23.73	15.40	2.46
1921	28.96	14.74	18.22	14.84
1922	26.77	20.44	16.46	14.75
1923	28.59	20.66	11.65	15.94
1924	30.93	22.13	13.90	11.34
1925	30.57	23.86	13.31	10.66
1926	23.55	23.48	16.32	13.58

The Philippines has a natural monopoly on hemp, an indispensable material in the cordage industry of the world. Copra is on the free list and has a market outside of the United States. Coconut oil is used in the soap, margarine, and lard substitute industries. The handmade embroideries from the Philippines are winning a place in America. Manila cigars are making a headway. Philippine lumber and hardwoods are exported. Surely, good economics and business realities will stop any tendency toward undue reliance on one major industry.

DEVELOPING NONCOMPETITIVE INDUSTRIES

There is already a reasonably well-balanced agricultural diversification in the Philippines. What is needed is development of latent industries. There are many commodities producible in the Philippines that the United States needs and are not produced locally. Among these are rubber, coffee, cacao, quinine, and fibers. A parallel study of the Philippine flora and the United States importations of tropical

materials should lead to greater mutually profitable commercial relations between the two countries. The Philippines should develop those industries that do not compete in the United States without necessarily giving up the competitive ones extant. In other words, diversify further.

PHILIPPINE SUGAR CONSUMED IN THE UNITED STATES

Philippine sugar as a menace to the local beet industry, like the premature report of Mark Twain's demise, is greatly exaggerated. The following table shows the percentage of sugar consumed in the United States by sources:

Year	Cuba	United States	Hawaii	Porto Rico	Philippines	Miscellaneous
1920	52.09	13.12	9.56	8.20	2.79	14.24
1921	45.44	29.69	11.75	9.10	3.19	.83
1922	56.76	22.99	9.06	6.11	4.21	.87
1923	55.39	22.92	9.62	5.25	4.14	2.68
1924	58.18	17.02	10.42	7.04	5.47	1.87
1925	52.79	18.41	11.55	9.14	7.35	.76
1926	58.03	16.63	10.90	8.11	5.51	.82
1927	54.99	15.40	12.00	9.18	8.20	.23

The following table shows the percentage of pre-war consumption of sugar in the United States, by sources, covering 1909–1914:

Cuba	47.91
United States beet	15.15
United States cane	7.87
Hawaii	13.86
Porto Rico and Virgin Islands	8.40
Philippines	2.94
Miscellaneous	3.87

PRODUCTION OF SUGAR UNDER THE AMERICAN FLAG

An analysis of the foregoing tables decisively points to the fact that the production of sugar under the American flag, including the Philippines and the noncontiguous Territories, amount to less than half of its requirements. When it is considered that the consumption in this country is increasing an average of over 5 per cent yearly (the per capita in 1914 was 84.29 pounds, compared to 100.95 in 1927), it seems that instead of curtailing its production under the American flag by operation of law, as sponsored by the more politically influential and more financially powerful competitors, the law of supply and demand and legitimate competition should control. The dependence of the United States on foreign-flag sources for her sugar supply is strikingly demonstrated in the following table:

Year	Per cent produced under American flag, including Philippines	Produced under foreign flag
1920	33.67	66.33
1921	53.73	46.27
1922	42.37	57.63
1923	41.93	58.07
1924	39.45	60.05
1925	46.15	53.85
1926	41.15	58.85
1927	44.78	55.22

Of the 5,297,050 tons of sugar consumed in the United States in 1927, Cuba contributed 2,912,898 tons; domestic beet sugar, 780,362; domestic cane, 38,597; Hawaii, 635,765; Porto Rico, 482,469; Philippines, 434,542; and miscellaneous foreign sources, 12,417.

UNITED STATES SUGAR SUPPLY IN TIME OF WAR

The eventuality of war—presumably in the Pacific—is set up as a strong reason in support of the adoption of the Timberlake resolution. This is patently far-fetched. In the first place, as long as Cuba produces sugar and the sugar beet yields sucrose the United States will never be dependent on the Philippines for its sugar supply in any substantial degree. In the second place, the United States, in case of war, will have a greater thing to defend in the Philippines than sugar, and that is the American flag. Compared with England, in her problem of defending the lines of navigation for her food supplies, the United States has a much simpler one, indeed.

BEET SEED IS IMPORTED FROM FOREIGN COUNTRIES

If the war reason is to be taken into consideration with respect to the sugar supply of the United States, it should be employed in connection with the dependence of the local beet industry on European countries for its beet seed. Mr. W. L. Petrikin, president of the Great Western Sugar Co., the largest producer of beet sugar in the United States, answering a question of Representative GARNER of Texas at the tariff hearings before the Ways and Means Committee in 1921 as to what the effect would be on the beet-sugar business if seeds could not be imported from Europe, said, "We could not exist." It was established in the hearings and in the subsequent ones both in the House committee and in the Senate Finance Committee, by admission of the beet-sugar people themselves, that it was impracticable, uneconomical, and poor commercial policy to grow sugar-beet seed in the United States. The atavistic tendency of the seed, reverting to a lower type of reduced potency, is one of the serious problems in this connection.

Imports of sugar-beet seed into the United States

	Quantity (1,000 pounds)	Value
Years ended June 30:		
1910	10,309	$668,310
1911	10,989	724,590
1912	11,389	1,103,260
1913	14,768	1,064,390
1914	10,294	799,520
1915	15,883	1,409,970
1916	9,042	1,030,790
1917	14,470	1,684,870
1918	15,635	4,541,230
Calendar years:		
1918	4,297	1,341,070
1919	9,830	2,137,090
1920	23,446	5,213,410
1921	7,726	1,514,720
1922	5,603	600,780
1923	15,666	1,537,200
1924	11,082	1,080,500
1925	12,472	1,296,680
1926	10,790	1,180,630
1927	13,380	1,367,260

MEXICAN LABOR IN THE BEET-SUGAR INDUSTRY

Filipino labor employed in the Philippine sugar industry is mentioned in support of the Timberlake resolution as competing with American labor to the great disadvantage of the latter. The fact is the so-called "American labor" in the beet fields is composed of Mexican seasonal immigrants who have a free access and egress in the United States.

The hearings from February 21 to April 5, 1928, before the House Committee on Immigration and Naturalization on the bills regulating Mexican immigration, the hearings on the tariff before the corresponding committees of the Senate and the House, and the well-documented discussions before the United States Tariff Commission a few years ago conclusively established the fact that Mexican labor is indispensable in the beet-sugar industry.

The work is laborious and it is poorly paid. It is not for American white labor. A man with his family working an acre is paid around $24 for the season. Asked at the congressional hearings where he appeared as a witness and as a sugar-beet planter what would happen to the industry if labor demanded $100 an acre instead of $24, Mr. TIMBERLAKE was significantly silent. The fact is if the industry is "Americanized" as to labor and as to the seeds used, its production costs would be so unconscionably high that the price of beet sugar would be a perennial source of complaint from the consumer.

It may not be indelicate to mention here that child-welfare organizations post the beet-sugar industry among the heaviest employers of child labor. Colorado, a heavy beet-sugar producing State, has no child-labor law. It is only fair to state, however, that the enlightened leaders of the beet-sugar industry can be depended on reasonably to observe both the ethics and the humanity of the case.

SUGAR-BEET INDUSTRY AND RACIAL PROBLEM

It stands to reason that since the beet-sugar industry finds Mexican labor is the sine qua non of its existence, and this labor according to unbiased authorities is presenting a race problem which may assume serious proportions as the industry expands and its labor requirements are proportionately enhanced, it may not be an idle gesture to survey the future and see if, taking the general welfare of the country into consideration, it is wise to suppress competition through legislative action so the industry may expand to the point where it can meet the total sugar consumption of the United States, which, of course, will imply the employment of a great many Mexican laborers of the type now found in the beet fields.

Therefore, producing a part of the sugar supply of the United States in the Philippines and other overseas areas will prevent the aggravation of a new and growing race problem in the United States brought about by the influx of part-time sugar-beet laborers from the peon class in Mexico. Certainly the possibility of the mongrelization of the population of any country will command its circumspective and courageous statesmanship.

BEET SUGAR ELIMINATES COMPETITION

Representative TIMBERLAKE, in his speech in the House on March 22 last, set forth without explanation, but presumably to show that the beet-sugar industry was laboring under a handicap of high overland transportation rates, a table showing freight rates on sugar per hundred pounds between points in continental United States and between American ports and overseas sources in April, 1927. The showing is

impressive. The freight from the Philippines to New York was 32 cents, while from Denver to Chicago it was 56 cents; from New York to St. Paul, 69 cents; Salt Lake City to Chicago, 69 cents; California to the Missouri River, 84 cents; Philippines to San Francisco, 27 cents, etc.

As a matter of fact these high freight rates, instead of crippling beet sugar in competition with the imported cane sugar, serve as an effective protection against that competition. The bulk of the beet sugar is sold within the near-by territories into which the imported sugar can not enter on account of the high railroad freight rates from the ports of debarkation.

The following retail prices of sugar on March 15, 1928, showing that they are from 20 to 40 points higher in the beet-sugar territories than in those consuming imported sugar, are significant:

Cane-sugar points

New York City	6.3
Philadelphia	6.5
Buffalo	6.7
Washington, D. C	6.7
Norfolk, Va	6.7
Charleston, S. C	6.7
Savannah, Ga	6.8
New Orleans, La	6.5
San Francisco, Calif	6.9
Houston, Tex	6.9

Beet-sugar points

Denver, Colo	7.5
Minneapolis, Minn	7.2
Omaha, Nebr	7.1
Salt Lake City, Utah	8.0
Butte, Mont	7.4
Detroit, Mich	7.4
St. Paul, Minn	7.3
Kansas City, Mo	7.6
Little Rock, Ark	7.7
Dallas, Tex	7.6

DIVIDENDS PAID BY EFFICIENT COMPANIES IN THE PHILIPPINES AND IN THE UNITED STATES

From time to time statements have been made about the "enormous" profits made in sugar in the Philippines. Without having the financial statements of all companies operating in that country, it may be stated that as common knowledge a few companies are really making good profits while many, especially those owned and operated by Filipinos, are registering but average returns.

The dividends paid by the following two companies as representing efficient management and operation, economical production, and established experience are eloquent of the situation in the United States vis-à-vis the Philippines:

Year	Great Western Sugar Co. (beet), United States	San Carlos Milling Co. (cane), Philippines
	Per cent	*Per cent*
1917	38	12
1918	48	12
1919	47	29
1920	47	52⅔
1921	47	13
1922	6	12
1923	4	30
1924	16	24
1925	32	24
1926	33	23⅓
1927	33	33

BEET-SUGAR INDUSTRY LOOKING UP

The president and the general manager of the Great Western Sugar Co., Messrs. W. L. Petrikin and W. D. Lippitt, respectively, have favored limiting the Philippine sugar importations into the United States long before Representative TIMBERLAKE presented his now famous resolution in Congress. They called Philippine sugar a menace to the beet-sugar industry in the United States.

The Great Western Sugar Co. is not a corporation to be slaughtered by Philippine competition. It is a great industrial institution resting on a solid foundation. It is prosperous and formidable. Its 21 efficient factories located in Colorado, Montana, Wyoming, and Nebraska produced during the year ended February 29, 1928, a total of 10,517,370 bags of refined sugar of 100 pounds a bag. This production represents approximately half of the total output of beet sugar in the United States and is roughly equal to the importations of centrifugal sugar into the United States from the Philippines.

PROFITS IN BEET SUGAR

Dividends have been paid on the common stock of this company in all but 1 of the last 17 years. Since the organization in 1905 to August 31, 1927, the company has disbursed in dividends on its common stock $53,108,177 in cash and $4,428,500 in common stock, and after paying such dividends had surplus and undivided profits exceeding $36,250,000 as at August 31, 1927. The net income for the year ended February 29, 1928, amounted to $3,530,567.75. The total assets of the company were placed at $94,314,283.86 this year as against $84,898,923.32 last year.

The beet-sugar industry, as reflected by the showing of the Great Western Sugar Co., certainly must be in a healthy state, and if other beet-sugar companies, for sundry and various reasons, are not registering as good results, surely the comparatively small amount of Philippine sugar coming to the United States and not directly competing with them is entitled to be let alone.

INTERNATIONAL TRADE IN SUGAR IN THE ORIENT

It has been repeatedly pointed out that geographically the logical markets for Philippine sugar are the Oriental countries, especially Japan, China, Hong Kong, and India. The basic difficulty is the lower production costs in Java completely outstrip the Philippines in competition.

Exports of sugar from Java and the Philippines to Oriental countries—annual average 1913–1925

(In long tons)

Destination	From Java	From the Philippines
Japan	212,562	30,299
China	35,488	19,070
Hong Kong	202,107	43,868
India	446,070	Nil.

Even Cuba is shipping sugar to China and Japan in ever-increasing quantities despite the distance. The advantage of proximity of the Philippines to those two countries is utterly inadequate to overcome the fatal handicap of higher production costs.

Cuban sugar exports to China and Japan

(In long tons)

	1925	1926
China	23,301	123,091
Japan	35,978	65,321

COOPERATION AGAINST CONTROVERSY

The situation calls for cooperative action instead of controversy. Restriction of production and legitimate business by operation of law is an economic fallacy and is considered nowhere more emphatically than in the United States as an archaic policy for enlightened governments to pursue.

WORK ON THE COMMITTEE ON THE POST OFFICE AND POST ROADS

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on postal legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Speaker, during the first session of the Seventieth Congress, 153 bills and resolutions were referred to the Committee on the Post Office and Post Roads of the House of Representatives. The committee has given careful consideration to a large number and has been instrumental in securing enactment into law of several meritorious measures.

The most important legislation considered by the committee during this session was the postal rate bill (H. R. 12030, approved May 29, 1928, Public law No. 566), which is the first downward revision of postal rates in the history of the Government, causing an annual saving for users of the mails of $16,000,000. These reduced postal rates go into effect Sunday, July 1, 1928.

OTHER BILLS THAT BECAME LAW

The following bills, favorably reported by the committee, have also been approved by the President and enacted into law during the first session of the Seventieth Congress:

H. R. 325. Repealing existing law requiring the Postmaster General to report action taken on claims to postmasters. (Approved May 29, 1928, Public law No. 587.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

The law repealed by this act required the Postmaster General to submit to Congress a statement in tabular form showing in detail the claims of postmasters for reimbursement on account of losses which had been acted upon by the Postmaster General during the past fiscal year, with the amounts claimed, amounts allowed and disallowed, causes of loss, and so forth. The reports, when made but not printed, were very bulky and appeared to serve no useful purpose. The new law relieves the Postmaster General of the necessity of making such annual reports to Congress.

H. R. 7030. To amend section 5 of the act of March 2, 1895. (Approved March 8, 1928, Public law No. 106.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

The act of March 2, 1895, required the renewal every four years of bonds furnished by postal officials and employees and an examination of the bonds every two years with respect to their sufficiency. H. R. 7030 provides that the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this act.

H. R. 7213. To grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes. (Approved March 8, 1928, Public law No. 107.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

There is a particularly strong desire in Central and South America for air-mail communication with the United States. With the increasing activity of airplane companies, many of which are controlled by foreign capital, it has been found that communication for commercial purposes can be greatly facilitated and expedited, and that in consequence the volume of foreign trade in the future will, to a rapidly increasing extent, depend on the facility and speed of communication to this country as compared with European countries. Officials of the Post Office Department believe that the service will become self-sustaining in 10 years' time.

H. R. 7354. To allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics. (Approved May 29, 1928, Public law No. 617.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

This change in existing legislation with respect to the advancement of mechanics' helpers to general mechanics or special mechanics was necessary to permit the advancement of mechanics' helpers to the grade of special mechanics (previous legislation covering their advancement only to the position of general mechanics) qualified as painters, carpenters, blacksmiths, and so forth.

H. R. 8337. To amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926. (Approved May 17, 1928, Public law No. 410.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

This amendment gives the Postmaster General authority to reduce the rate for domestic air-mail postage to 5 cents for each ounce or fraction thereof and permits the extension of contracts to a period not to exceed 10 years from the beginning of carrying mail under the contract.

H. R. 9620. For the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C. (Approved May 24, 1928, Private law No. 177.)

This legislation was approved by the Postmaster General and the committee inasmuch as there was no evidence that these three officers and employees of the Charleston post office were in any way, directly or indirectly, at fault in connection with the embezzlement of money by the clerk, H. H. Carter.

H. R. 11279. Authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes. (Approved May 1, 1928, public law No. 328.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

Under this act the maximum indemnity for the loss of domestic registered mail is increased from $100 to $1,000. It is believed that the enactment of this legislation will materially increase the revenues of the post office and at the same time afford a service to the public which has been demanded of the Post Office Department to cover shipments of valuable papers and merchandise.

H. R. 12383. To amend section 11 of an act approved February 28, 1925 (43 Stat. 1064, U. S. C., title 39, sec. 823), granting sick leave to employees in the Postal Service, and for other purposes. (Approved May 17, 1928, Public law No. 411.)

This legislation provides that sick leave shall be cumulative and that accrued leave amounting to six months shall be granted in any one fiscal year, instead of 30 days as previously granted.

H. R. 12695. To enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery. (Approved May 29, 1928, Public Law No. 609.)

This legislation was recommended by the Postmaster General in his annual report for 1927.

The measure conveys authority to the Postmaster General to erect and maintain either community boxes or in some instances suitable sheltered racks or stands to hold individual mail boxes already owned by patrons. It is intended to erect the community boxes or sheltered stands only in communities where there is a demand for such boxes or stands, and no attempt will be made to compel patrons to rent a compartment in the community box or space in the sheltered stand.

In addition, two bills were passed over the President's veto, as follows:

H. R. 5681. To provide a differential in pay for night work in the Postal Service. (May 24, 1928, Public law No. 496.)

The subject of night work in the Postal Service has been before Congress for a number of years. Night work is detrimental to the health of the employees and retards their social development, and it is only just, fair, and humane that the employees who are required to perform night work should be paid extra for such work. This legislation provides extra pay to such employees for such work at the rate of 10 per cent of their hourly pay per hour for services performed between the hours of 6 o'clock p. m. and 6 o'clock a. m.

H. R. 7900. Granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes. (May 24, 1928, Public law No. 495.)

This subject has also been before Congress for a long time. There are 35,000 fourth-class postmasters in the country, their average compensation being slightly over $500 per annum, derived from percentages of the value of stamps canceled on matter mailed from their offices, except the value of stamps used for special-delivery and special-handling services, and post-office box rentals.

This legislation provides that after July 1, 1928, fourth-class postmasters shall be paid as allowances for rent, fuel, light, and equipment an amount equal to 15 per cent of the compensation earned in each quarter, such allowance to be paid at the end of each quarter at the same time and in the same manner as their regular compensation.

LEGISLATION PASSED BY BOTH HOUSES

H. R. 8728. To authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute.

This bill was recommended by the Postmaster General in his annual report for 1927, reported out favorably by the committee, and passed both the House and the Senate, but did not reach the President.

In addition to the bills which were enacted into law, the following bills were reported out favorably by the committee, passed the House, and are now pending in the Senate:

H. R. 58. To authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute seapost clerks.

H. R. 5837. To increase the salaries of certain postmasters of the first class.

H. R. 6865. To prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails.

H. R. 12898. To extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid.

H. R. 13449. To provide for the promotion of clerks and general mechanics in the motor-vehicle service.

H. R. 13450. To provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service.

H. R. 13451. To authorize the Postmaster General to hire vehicles from letter carriers for use in service.

The committee also reported favorably the following bills which are pending on the House calendars:

H. R. 56. To authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor.

H. R. 57. To enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service.

H. R. 89. To declare the future policy of the Post Office establishment of the United States.

H. R. 6864. To authorize the Postmaster General to require steamship companies to carry the mail when tendered.

H. R. 10441. To amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909. (Poisons in the mails.)

H. R. 12415. To grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States.

H. R. 13114. To amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.). (Safeguarding the mails.)

Among the bills pending before subcommittees of this committee as the session closes are measures to increase the salaries of watchmen, messengers, and laborers in the Postal Service; to provide shorter working hours on Saturday for postal employees; to provide for steel cars in the railway post-office service; to classify certain positions in the Railway Mail Service; and to authorize the Postmaster General to contract for group life insurance for postal employees. Hearings on the first three subjects have just recently been completed by the subcommittees having jurisdiction.

CONSENT CALENDAR

The SPEAKER. Under the special order of the House it is in order now to consider bills on the Consent Calendar. The Clerk will call the first bill.

BRIDGE ACROSS THE OHIO RIVER AT EVANSVILLE, IND.

The first business on the Consent Calendar was the bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KINCHELOE. Mr. Speaker, I object.

DESCHUTES PROJECT, OREGON

The next business on the Consent Calendar was the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object——

Mr. SINNOTT. Mr. Speaker, I trust the gentleman will reserve his objection until I can explain this bill to the House.

Mr. CRAMTON. I will reserve it, but I will be perfectly frank with the gentleman. For the reasons I have previously stated with reference to this bill, and because it does not seem to me that we should pass any new reclamation project, I shall be obliged to object.

Mr. SINNOTT. But this does not authorize any new project.

Mr. CRAMTON. It will give that impression. As soon as this passes the people will be told, and they will believe, that they are to have water, whereas the bill does not advance the project at all.

Mr. SINNOTT. The bill merely authorizes the Secretary of the Interior, if he finds the project feasible, to send in estimates to Congress. It does not in any way commit Congress to the project.

Mr. CRAMTON. The bill appears to do something, but as a matter of fact it does nothing. The Secretary of the Interior has now just as much authority as he would if the bill passed.

Mr. SINNOTT. I want to explain the other objections. I want to state what the bill means. It merely authorizes the Secretary of the Interior if he finds the project feasible to transmit the estimate to Congress. If the Appropriations Committee approves the estimates, the project will be constructed. Let me tell you something about it. The project was adopted once when Mr. Good was chairman of the Committee on Appropriations and Mr. BYRNS was the ranking member of that committee in 1920. The Secretary of the Interior, Mr. Payne, selected the project and the former director, A. P. Davis, selected it as the best project in Oregon, and an appropriation of $450,000 was made for it. That appropriation passed Congress. Then the big sawmills on the Deschutes River objected to it, fearing it would interfere with the operation of the mills, and the big landowners did the same. We had to forego the appropriation; the Secretary of the Interior said that the appropriation could lapse without prejudice to these poor people who live on the land. They have been there for 20 years starving, struggling, and hauling water.

All the people are asking is that the Secretary of the Interior pass upon the feasibility of this project, and in no way does it commit Congress to it. It is the cheapest project in the West. It comprises 80,000 acres, settled by American farmers who have been there for 20 years expecting some governmental encouragement. If the Secretary of the Interior finds that it is not feasible that is the end of it.

Mr. LAGUARDIA. The gentleman from Michigan has just pointed out that the Secretary of the Interior now has that power.

Mr. SINNOTT. But the Secretary of the Interior will not act; that is the trouble about it. Congress has the right to say what he shall do. I am doing nothing in the bill except what the Budget law contemplates that Congress shall have the right to do—asking the head of the department to send in an estimate. The Budget law is clear on that, that we have the right to do that, and that is all we are asking for.

Mr. CRAMTON. I will go further than the gentleman has stated. Congress has the right to make appropriations for reclamation projects even though estimates have not been submitted.

Mr. SINNOTT. I know that is the gentleman's position.

Mr. CRAMTON. This does not give the Secretary of the Interior any authority that he does not have now. There is no reason to believe that it will have any effect on the Secretary. I fear it will have this effect: I fear the passing of the bill would encourage new settlers to go on there, and I object.

Mr. LAGUARDIA and Mr. SNELL also objected.

APPOINTMENT OF A CONFEREE

Mr. STRONG of Kansas. Mr. Speaker, on the bill S. 1769 the gentleman from Tennessee [Mr. ESLICK] is unable to serve as a conferee.

The SPEAKER. The Chair appoints the gentleman from Mississippi [Mr. LOWREY] in his stead.

MY FIFTH ANNUAL REPORT TO MY CONSTITUENTS

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD covering the work of this Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under leave granted to extend my remarks, I submit the following report to my constituents on the work of the first session of the Seventieth Congress just closing.

I am very glad that there are so many voters in my district who are really interested in the work of Congress and want to know what is going on at Washington. For my own part, I am very happy to tell them. Therefore, for the fifth time I am submitting to the citizens of my district a review of the session's work, reporting briefly the outstanding features of the first session of the Seventieth Congress and my own part in it.

AN IMPORTANT SESSION

The congressional session which began on December 5, 1927, and closed on May 29, 1928, covered 167 calendar days, of which 132 were in actual session. It was a session characterized by unusual activity. In this period some 19,776 bills were introduced, including private bills, and 993 became laws, exclusive of private bills. President Coolidge, in a message to the House, expressed his satisfaction with what had been accomplished.

The President vetoed 13 bills, but 4 of these bills, on being returned to Congress, were passed over his veto and became laws. Two of the bills, one of which was the McNary-Haugen farm relief bill, failed to be passed over the President's veto.

Many good measures were enacted into law, but many important problems remain unsolved, of which I shall speak later.

TAX REDUCTION

The first bill to be introduced at this session was one to reduce taxes. The bill finally enacted into law cut taxes to the amount of about $223,500,000, which was easily justified by the surplus reported by the Treasury. Corporations received the largest benefit with a cut estimated at $123,450,000. The corporation tax was reduced from 13½ to 12 per cent, which rate was pretty much in keeping with what Secretary Mellon recommended. Congress, however, insisted on wiping out the 3 per cent automobile tax, which represents a cut of about $56,000,000. Secretary Mellon and the President opposed this cut, but Congress was successful in wiping out this war emergency tax. The administration wanted to abolish the estate or inheritance tax, but Congress, I am glad to say, refused.

I made a speech on the floor of the House in favor of tax reduction, and I voted for this tax reduction bill.

MISSISSIPPI FLOOD CONTROL

I believe the most constructive piece of legislation passed by this Congress was the Reid bill, for the prevention of future

floods in the Mississippi Valley. The bill authorized an expenditure of $325,000,000 for this purpose, although only $15,000,0000 will be available for the first year. The essential feature in this legislation is that the National Government assumes complete control, complete supervision, and complete responsibility for the construction of engineering projects which are planned to be carried out for the prevention of future floods, and almost the entire cost of which is to be borne by the National Government. The administration wanted the local communities to pay 20 per cent of the cost, but Congress insisted that the National Government bear the entire construction expense. The winning of this battle by Congress made the project a national one. The specific details of the work are to be in the hands of a commission consisting of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two engineers from civil life appointed by the President.

I am happy to report that many individuals and groups in my district favored flood-control legislation of the kind that was enacted into law, including the Rochester Chamber of Commerce. When this legislation was being considered by the Flood Control Committee of the House I appeared before the committee and urged the enactment of a national flood-control plan. I also addressed the House in favor of flood control. I voted for the bill.

I am glad that Congress did not yield to the pressure of the administration, which wanted to saddle some of this cost on the communities already overloaded with local tax burdens and weakened almost to bankruptcy by the results of the flood calamity.

FARM RELIEF

The farm problem has been before Congress for over six years, and I take a little pride in the thought that I was one of the first of the eastern Congressmen to call attention to the extent, the character, and the seriousness of the problem. I did this in both the Sixty-eighth and the Sixty-ninth Congresses.

The session just closed passed what is known as the McNary-Haugen farm relief bill. I voted against it on two grounds: First, because of the equalization-fee feature in the bill; and, second, because the bill affected adversely the agricultural interests of New York State, especially the growers of fruits and vegetables. I addressed the House especially urging the exemption of fruits and vegetables from the operation of the bill.

The present administration must be held responsible for the failure to put through legislation that would help the farmer. Its attitude was negative and destructive instead of positive and constructive. The President vetoed the farm bill and the Senate sustained the veto, and therefore the bill did not again reach the House after the veto.

LABOR LEGISLATION

Labor was especially interested in four measures considered by this Congress, namely:

First. Limiting the use of injunctions in labor disputes, as provided in the Shipstead bill in the Senate and the LaGuardia bill in the House. Public hearings were held on the Senate bill but no action was taken in either the Senate or the House. The misuse and abuse of labor injunctions is a growing evil which must be reckoned with, for it is undermining labor's attitude toward and respect for the judiciary. The situation must be recognized as a problem before it can be solved. I hope something can be done at the next session of Congress. I shall be happy to vote for sound legislation which has for its purpose the wiping out of the abuse, without, however, undermining the constitutional guarantees to life and property.

Second. The House passed a convict labor bill which, if it becomes a law, will enable each State to control the sale of prison-made goods which come into competition with goods made by free labor within the State. The measure as it passed the House deprives such convict-made goods of their interstate character, and thus enables the State to assume jurisdiction over such shipments.

As a member of the Labor Committee I made the motion to report the bill out favorably, and the published hearings will show that I took an active part in the deliberations in the shaping of this legislation. I addressed the House in behalf of this bill, and I voted for it. The bill was sponsored not only by labor organizations, but by manufacturers and welfare workers. The bill is now on the Senate Calendar and awaits further action at the next session.

Third. The House again enacted the Rathbone safety bill, which failed of passage in the Senate at the last Congress. As a member of the Labor Committee I wrote the report urging favorable action on this measure. I voted for it.

Fourth. Unemployment: It was very unfortunate that the House took no action dealing with the very pressing problem of unemployment. I introduced a resolution calling for an investigation of the situation, and the Labor Committee of the House appointed a subcommittee, of which I am a member, which is to make a report at the next session of Congress. The Senate also adopted a resolution appointing a committee to investigate the subject of unemployment and make recommendations at the next session. I cooperated with the author of that resolution, Senator LA FOLLETTE, and also with Senator COUZENS, who is chairman of the Senate committee.

The failure to take positive action dealing with the unemployment question was due to the fact that the administration was afraid that such an investigation might reveal a large amount of unemployment in the country. Congress deserves to be criticized for its neglect of this great and important subject.

THE POSTAL SERVICE

A number of measures were passed affecting the Postal Service, the most important of which were the following:

First. A bill reducing postal rates, which will cost the Government $16,285,000. Practically every class of mail benefits by this reduction. The details of this reduction can only be appreciated by securing and reading a copy of the law, which I shall be glad to have sent to anyone requesting it. The picture post card and private mailing card is reduced to 1 cent. Newspapers received substantial reductions. Mail-order houses will benefit by reduction in third-class rates in bulk rates. Fourth-class bulk pound rates were also reduced. I voted for this postal rate reduction bill.

Second. Pay for night work. Congress enacted a law providing for extra compensation for clerks who work between 6 p. m. and 6 a. m. of 10 per cent. This is a just, fair, and humane law. I voted for it. It was passed overwhelmingly by the House and Senate but vetoed by the President. Congress, however, passed it over the President's veto and it became a law. I voted also to override the veto.

Third. A bill to increase the pay for postmasters in first-class cities, which includes Rochester, passed the House. If the Senate passes it and the President signs it, Rochester's postmaster's salary will be increased from $6,000 to $7,000.

Fourth. Allowance for rent and equipment in fourth-class post offices. This affects some 14 small post offices in my district, which will now receive extra compensation to cover the cost of rent, fuel, light, and so forth. This bill was passed by both Houses but vetoed by the President. The veto was overridden and the provision became a law. I voted for it in the first place and also to override the veto.

Several other bills were passed affecting the Postal Service, such as the installation of rural delivery boxes, regulating the transmission of poisons in the mails, air-mail rates, and so forth.

REAPPORTIONMENT

Congress continues to violate the Constitution of the United States by refusing to reapportion the membership of Congress according to population. The reapportionment bill was again defeated in the House. As a member of the Census Committee I actively cooperated with the other members in trying to secure this legislation. I addressed the House on two occasions in favor of it. Notwithstanding the fact that the Republican Speaker of the House of Representatives and the Republican leader in the House favored the bill, the House turned it down. I voted for the reapportionment bill.

The House did, however, pass a census bill, which calls for the taking of the census in 1930, which will be used as a basis for a reapportionment. I voted for this census bill.

FEDERAL RADIO REGULATION

The broadcasting of radio programs is regulated by Federal Radio Commission created by the last Congress. This year the life of the commission was extended, and Congress unfortunately amended the original act in such a way as to confer authority on the commission to reallocate broadcasting stations. Very unwisely, from my point of view, the allocation of broadcasting is to be based upon population and area. If carried out literally, this may kill off or injure seriously many splendid broadcasting stations. At the time this bill came up for consideration I was on leave of absence on account of illness. Had I been here, I would have voted against it.

Since my return I have spent a great deal of time laboring with the Radio Commission, with the hope of preventing our own station, WHAM, from being adversely affected. It was at my suggestion that the listeners-in on WHAM sent protests to the Radio Commission against interference with this station. The commission has been literally swamped with many thousands of such protests, and it is my hope that they will not feel themselves legally bound to carry out the unwise provisions of the law. But if they do, then I hope WHAM will be allowed to function as at present.

SETTLEMENT OF AMERICAN CLAIMS BY GERMANY AND RETURN OF ALIEN PROPERTY BY THE UNITED STATES

After many years of controversy and delay a law was finally enacted at this Congress which definitely provides for the return to German nationals of all property taken from them during the war and the payment of American claims against the German Government arising out of the World War. The total amount of money involved is around $500,000,000. None of this, of course, comes out of the Treasury of the United States, except to pay for property seized and used by the Federal Government. It is paid for, on the one hand, by the German Government, and, on the other, from a fund held by the Alien Property Custodian, who took over the property in this country belonging to German nationals. I have repeatedly spoken in favor of this legislation, and I voted for it. This is an important piece of legislation, and in addition to being an act of justice in the settling of claims it will make for good will between the two great nations.

MUSCLE SHOALS

After nearly eight years of delay Congress finally passed the Muscle Shoals bill. The United States Government has invested approximately $200,000,000 in erecting a plant in Alabama on the Tennessee River for the manufacture of nitrates and fertilizer. The bill as it passed the Congress did not provide for the manufacture of fertilizer, but for the manufacture of nitrates, to be sold to the manufacturers who produce fertilizer. Power is to be created in this Government plant and sold to private companies, who in turn will sell to the consumer. The Government is to manufacture the power through a Federal corporation.

I voted for the bill, as I believe the Government should maintain control over this great power project. The bill, however, failed to receive the President's sanction and received what is known as a pocket veto; that is, the President did not send it back to Congress and did not sign it within the 10-day period after Congress had adjourned. The President has not issued any statement or given any reason for this pocket veto.

IMMIGRATION AND NATURALIZATION

I believe in our restrictive and selective immigration law, but I have been advocating the humanization of this law. I am glad, therefore, that this Congress enacted into law an amendment which will help in the reuniting of families. Under the present law children under 18 years of age are permitted to join their parents in this country if the parents are citizens. Under the amendment—

an unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by a marriage occurring prior to June 1, 1928—

will be admitted regardless of the quota. Under the amendment, also, fathers and mothers of citizens will be given a preferential status up to 50 per cent of the quota. In my opinion this does not go far enough, but on the theory that half a loaf is better than none, I voted for the amendment. Preference is also given to the wives or husbands of aliens lawfully admitted to the United States, but this is limited to 50 per cent of the quota of the country in question.

The quota law remains unchanged. This amendment simply means that it will be easier for families to be reunited, without admitting any more aliens into the country than heretofore.

VETERANS' LEGISLATION

Congress passed and the President signed a bill to amend the World War adjusted compensation act. This act extends the time limit for application for the bonus, removing doubt as to eligibility two more years, and also extends the benefits of the act to dependents of veterans. I voted for the original bonus act and I also voted for this amendment.

A bill authorizing an appropriation for increased hospital facilities for World War veterans was passed by both Houses and approved by the President. I was glad to vote for this appropriation.

The World War emergency officers' retirement bill was passed by Congress, vetoed by the President, and again passed by Congress over the veto, becoming a public law on May 25, 1928. I voted to sustain the President on this bill, because I thought it was wrong in principle in showing favoritism to officers as against privates and contrary to the principle announced when we went into the war, and also contrary to the best American traditions.

I also voted for the bill which liberalizes the requirement for obtaining war-risk insurance for veterans of the World War.

PENSIONS

I am happy in the thought that I have been able to bring cheer into the hearts of some of my constituents who sorely needed it—first, by voting for a general pension bill which automatically increased from $30 to $40 the pensions of Civil War widows who had reached the age of 75 years and were married prior to June 27, 1905, and second, by introducing and having enacted into law private pension bills in behalf of 29 especially needy widows giving them an increase from $30 to $50 a month.

I also introduced and had enacted into law a special bill in behalf of the widow of Maj. Gen. Elwell S. Otis, of the United States Regular Army, a distinguished officer and a member of our own community. In addition to these increases in pension I was successful in securing original pensions of $20 and $30 for nine other widows. And this does not include the pension cases requiring no legislative action which I have been taking care of directly through the Pension Bureau.

MERCHANT MARINE

I voted in favor of the Jones-White merchant marine act, the purpose of which is to promote American commerce in American vessels. This was done by providing a fund of $125,000,000 from which loans are to be made at low rates of interest for the construction of private vessels. Shipbuilding is to be promoted also by the establishment of favorable mail contracts. On general principles I do not approve of subsidies, but I voted for this bill although it partakes of the nature of a subsidy, in order to encourage an industry which has languished for many years. Furthermore, this merchant marine can be used as naval auxiliaries in time of war. It is really a form of protective tariff for the shipping industry, and this industry is entitled to protection the same as other industries are entitled to protection, and I believe in a protective tariff along business lines.

THE NAVAL PROGRAM

I believe in adequate national defense on land and sea. I think, however, that militarism went too far in advocating a naval appropriation of nearly a billion dollars. The administration also opposed this big Navy program. Protests against it flooded my office from my own district. After extended hearings a modified program was finally adopted calling for an appropriation of $274,000,000 and the building of 15 light cruisers and 1 aircraft carrier, as contrasted with Secretary Wilbur's proposal for 71 vessels. I voted for this modified program, which passed the House but failed of enactment in the Senate.

ANNAPOLIS APPOINTMENTS

The naval appropriation bill included an item providing for an additional appointment for each congressional district to the Naval Academy at Annapolis. This gave me the privilege of nominating two candidates for appointment as midshipmen for the four-year period beginning July 1, 1928. On the basis of a competitive examination as well as scholastic record and character I named the following young men from my district, who have since qualified both mentally and physically and will begin their training at Annapolis on July 1:

Clarence Ocumpaugh Cobb, 119 Brunswick Street, Rochester.
Owen Elkins Fang, 167 Grand Avenue, Rochester.

Since becoming the Representative of the thirty-eighth congressional district of New York I have had the pleasure of making the following appointments of candidates who have successfully met the requirements for entrance to and continued in the Naval Academy:

1923: Arthur Edward Loeser, Rochester, class of 1927.
1924: Albert Bruce Corby, Honeoye Falls, class of 1928.
1926: Richards Harned Bates, Rochester, class of 1930.
1927: Frederick Nash Kollock, Rochester, class of 1931.
1928: Clarence Ocumpaugh Cobb, Rochester, class of 1932.
1928: Owen Elkins Fang, Rochester, class of 1932.

WEST POINT APPOINTMENTS

1923: No vacancy.
1924: Robert Lisle Bullock, Rochester, withdrew.
1925: Jacob Samuel Sauer, Rochester, class of 1930.
1926: Frederick C. Persse, Rochester, class of 1930.
1927: No vacancy.
1928: No vacancy.

BOULDER DAM

This is a project for the construction of a dam to prevent floods in the Imperial Valley of California and also for the construction of power plants to utilize the water power of the Colorado River. The bill, which called for an appropriation of $72,000,000, passed the House. I voted for this bill. It is now on the Senate calendar pending action there.

COAL

The problem of the situation in the coal industry remains unsolved. I introduced a coal bill carrying out the idea recommended at various times by President Coolidge and Secretary Hoover looking to a consolidation by amending the Sherman antitrust law. The administration has failed to carry out its platform promises in this important field. The House took no

action at this session. The Senate investigating committee looked into conditions, especially in the regions where strikes were in progress, attended by much suffering and unemployment. This is a great national problem and deserves more attention than has been given to it by this and previous Congresses.

PUBLIC BUILDINGS

This Congress inaugurated a public-buildings program involving $265,000,000 and calling for the construction in Washington and throughout the country of various Government buildings. I voted for these bills.

PUBLIC ROADS

I voted for the bill authorizing an annual expenditure of $75,000,000 for the construction of public highways for 1930 and 1931. This will assure the continuation of our public-roads program, which has already resulted in the construction of 75,000 miles of good roads in the United States.

SALARY INCREASE FOR FEDERAL EMPLOYEES

A bill to increase the minimum salary limit for Federal employees, after much discussion, was finally passed by both Houses and approved by the President on the day before adjournment. This means a salary increase of about 10 per cent for 135,000 Government workers, both in the District of Columbia and throughout the country. I voted for this bill. I also voted for the bills which granted modest increases in salary to immigration inspectors and customs inspectors.

The retirement annuity measure, increasing the maximum to $1,200, passed the Senate, but failed of final action in the House and remains on the calendar for future action.

THE NATIONAL BUDGET

Congress at this session voted to appropriate for the year ending June 30, 1929, the sum of $4,628,045,035.09. The principal items of expenditure for the coming year are as follows:

Budget for the fiscal year ending June 30, 1929

Interest on the public debt	$670,000,000.00
Sinking fund and other public-debt retirement funds	541,623,393.53
Veterans' Bureau, including insurance, compensation, hospitalization, adjusted compensation, and hospital construction	586,461,094.71
Postal Service	776,974,541.45
Navy	392,617,307.22
Military activities, War Department (Army)	334,703,357.75
Pensions, all wars prior to World War	256,000,000.00
Pensions of civil employees (toward Government's accrued liabilities)	19,950,000.00
Federal aid for construction of roads, roads in forest reserves, and for gratuity to States of Vermont, New Hampshire, and Kentucky for damage or destruction of roads by floods	$85,577,294.00
Refund of internal-revenue taxes	173,000,000.00
Shipping Board and Merchant Fleet Corporation	13,688,750.00
Rivers and harbors, flood control, acquisition of Cape Cod Canal property, operation of Panama and other canals	118,829,510.00
Enforcement of prohibition, including sums for the Bureau of Prohibition, Coast Guard, customs service, and estimated amounts under the Department of Justice	36,000,000.00
Settlement of war claims (alien property, etc.)	50,000,000.00
Construction of public buildings within and without the District of Columbia and for acquisition of property for sites for public buildings	54,315,083.56
All other activities, including the Executive Office, Congress, the judiciary, the executive departments, the independent establishments, payment of judgments, etc	518,304,702.87
Total	4,628,045,035.09

From this total must be deducted the postal receipts which Uncle Sam will collect during this period, which it is safe to estimate will be about $700,000,000, leaving the net amount to be spent by Uncle Sam to run the Government for the coming year as being under $4,000,000,000.

I regret that many important measures failed to be enacted, among them the Cuban parcel post bill, the "lame-duck" amendment to the Constitution, the Kelly-Capper resale bill, the repeal of the war-time Pullman surcharge.

The story of a Congressman's job is only half told when limited to the work of national legislation. There are hundreds of other things that he is called upon to do and to be interested in, related to the Federal Government, which affect the welfare and happiness of many of his constituents, and some of which are of special local interest to all the citizens of his district. This is illustrated by the following activities of the session just closed:

THE ROCHESTER AIRPORT

I cooperated with City Manager Stephen B. Story in the matter of the Rochester airport by establishing contact with the Federal air-mail service and keeping them informed as to the progress being made in the conditioning of the Rochester field.

WHAM BROADCASTING STATION

Literally, thousands of communications came to me from Rochester citizens, individuals as well as groups and organizations, protesting against any interference by the Federal Radio Commission with the broadcasting service of Station WHAM, which was threatened as a result of the unwise provisions of the Davis-Dill radio bill. I went in person to the Radio Commission, presenting these many protests, and explaining the Rochester situation and have tried in every way possible to protect this fine station from any interference.

HUMAN INTEREST CALLS

Almost every phase of human life is revealed in the appeals which the daily mail brings to my office. Separated families seek help from the rigid requirements of the immigration law, travelers wish their passports expedited or the "courtesy of the port" when returning, applicants for positions seek advice and recommendation, dissatisfied enlisted men seek discharge from the Army or Navy, and many ex-service men come with difficult cases to be adjusted, which often requires weeks and even months of time and close sympathetic attention. In addition, countless requests are received for information or material which can only be secured through cooperation with the Government departments.

I am happy in the thought that this personal service is truly appreciated by many of my constituents who have benefited by it, and it would be interesting if I could insert here some of the letters which I have received in this connection.

I am glad to render this service. I feel that a congressional representative should be a public servant in every sense. When I was first elected to Congress in 1922 I promised that I would maintain an office in Rochester, where any constituent in my district might go and present his case to me or to my representative there. I am still maintaining that office, which at the present time is located at 513 Terminal Building, with Mr. Goodman A. Sarachan in charge.

I hope that this brief report will in some measure give to the citizens of my district some idea of the work of a Congressman, of the manner in which I have discharged it, and of my attitude toward it. From the very beginning I have given all of my time and thought to this one job. It is a big job, and I am proud to be the elected Representative of the district in which I have lived nearly all of my life. I want also to take this opportunity to thank those citizens who have cooperated with me in this work. It is only by teamwork that effective work can be done and worth-while things accomplished.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BATON ROUGE

The next business on the Consent Calendar was the bill S. 2449, an act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, I ask that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

ALABAMA AND COUSHATTA INDIANS, POLK COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 5479) to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, if agreeable to the gentleman from Texas [Mr. BRIGGS], I think it would be well to have this bill indefinitely postponed, because the purpose of it has been carried into effect in the pending deficiency appropriation bill.

Mr. BRIGGS. Mr. Speaker, that is agreeable to me.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be laid on the table.

The SPEAKER. Is there objection?

There was no objection.

PREFERENCES IN EMPLOYMENT OF LABOR

The next business on the Consent Calendar was the bill (H. R. 11141) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BACON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

IRRIGATION DAM ON GREYBULL RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

IRRIGATION DAM ON BEAR RIVER, WYO.

The next business on the Consent Calendar was the bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. SPEAKER, I object.

OSAGE INDIANS

The next business on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SAFETY OF LIFE AT SEA

The next business on the Consent Calendar was H. J. Res. 266, authorizing an appropriation of $100,000 for the expenses of participation by the United States in the international conference for the revision of the convention of 1914 for the safety of life at sea, to be held in London, England, in 1929.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the gentleman from Pennsylvania [Mr. PORTER], chairman of the Committee on Foreign Affairs, when this bill was last called on the Consent Calendar stated that he would furnish information to show the necessity for an expenditure of $100,000. I have received that information and I believe the gentleman from Michigan [Mr. CRAMTON] has also received it. With all of this information, and assuming that this conference lasted three months, still there is failure to show the necessity for an appropriation of $100,000. Two of the delegates are naval officers, so that their transportation and allowance will come out of naval appropriations. Others are from the Department of Commerce, and their transportation will be taken care of. I can not see how $100,000 is necessary. Possibly the cost might be $25,000, and if the gentleman from Pennsylvania will consent to such an amendment I shall not object.

Mr. COLLINS. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. MOREHEAD. Mr. Speaker, I object.

MECHANICAL REPRODUCTION OF MUSICAL COMPOSITIONS

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MACGREGOR. I object.

Mr. VESTAL. Mr. Speaker, I hope the gentleman will not object to the consideration of this bill, but if he feels that way about it I will ask to have the bill go over without prejudice.

Mr. MACGREGOR. I have no objection to that.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

LEVEE, ROAD, AND DRAINAGE BENEFITS

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object. I suggest that the gentleman ask that this bill go over without prejudice.

Mr. DRIVER. In the event an explanation will not obviate the gentleman's objection, I shall feel compelled to do that.

Mr. CRAMTON. I think it would take too much time to-day to discuss the matter, and I will have to object.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RELIEF IN CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

The next business on the Consent Calendar was the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. SPROUL of Kansas, Mr. SCHAFER, and Mr. COLLINS objected.

The SPEAKER pro tempore. Four objections. The Clerk will report the next bill.

RECEIPTS TO SENDERS FOR MAIL

The next business on the Consent Calendar was the bill (H. R. 56) to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, domestic or international, and to fix the fees chargeable therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, is there anybody here from the Post Office Committee?

Mr. COLLINS. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

SALARIES OF FIRST-CLASS POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 5837) to increase the salaries of certain postmasters of the first class.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT. Reserving the right to object, Mr. Speaker, I would like to ask what is a first-class postmaster? What are the receipts of his office?

Mr. SPROUL of Illinois. This bill applies to first-class postmasters who have not had an increase of salary since 1880.

Mr. GILBERT. What do they get now?

Mr. SPROUL of Illinois. They receive from $3,800 up to $8,000 a year. The postmaster in Manhattan, in Greater New York, has not had an increase of salary since 1863. The receipts there are $75,000,000 a year.

Mr. GILBERT. What other cities are included besides New York?

Mr. SPROUL of Illinois. Practically one office in every State in the Union. These men have not had an increase since 1880.

Mr. GILBERT. I do not think this is the right way to increase salaries.

Mr. SPROUL of Illinois. I want to say that this bill was up in the Sixty-ninth Congress, was passed unanimously in the Senate and came to the House on the last day of the session. There was a motion made to suspend the rules and pass the bill. We got a substantial majority at that time. The only reason why it did not pass under suspension of the rules was the fact that it had not been referred to the Committee on the Post Office and Post Roads, of which I am a member. This is a just bill. We have given increase of salaries to every other department, all along the line, and this bill should be passed. I trust the gentleman will not object.

Mr. GILBERT. I have great deference for my friend from Illinois, but I do not think this is the time or place to make such a radical increase of salary to the big fellows. So for the present I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

AMENDMENT OF THE FEDERAL RESERVE ACT

The next business on the Consent Calendar was the bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the third paragraph of section 13 of the Federal reserve act be amended and reenacted to read as follows: "Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided,* That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further,* That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof."

With a committee amendment as follows:

Page 1, line 4, after the word "act," insert "(title 12, sec. 344, U. S. C.)."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

QUARTERS FOR THE CHIEF OF NAVAL OPERATIONS

The next business on the Consent Calendar was the bill (H. R. 13370) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object. I contemplate offering an amendment. I have conferred with several parties. My amendment would authorize an appropriation not exceeding $30,000 for construction of quarters for the Superintendent of the Naval Observatory. That would take care of the Chief of Operations. He could move into this other building, which is very large and suitable for that purpose. With that understanding I shall not object.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. VINSON of Georgia. The transfer, as I informed the gentleman, would be a saving of $500 for the Government. The gentleman's proposition will entail a cost of $30,000 to the Government.

Mr. LAGUARDIA. How much is the saving?

Mr. VINSON of Georgia. Five hundred dollars.

Mr. LAGUARDIA. And that would represent how much a year?

Mr. VINSON of Georgia. A year by the transfer.

Mr. LAGUARDIA. Does the gentleman want the bill passed?

Mr. VINSON of Georgia. Of course we do.

Mr. LAGUARDIA. Then you will accept my amendment.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

PAY AND ALLOWANCES TO THE PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

The next business on the Consent Calendar was the bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. Reserving the right to object, does the gentleman understand that under the law and the appropriations the Coast Guard has sufficient money to compensate them?

Mr. McCLINTIC. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

SILVER SERVICE SET OF THE BATTLESHIP "LOUISIANA"

The next business on the Consent Calendar was the bill (H. R. 13404) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana.*

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition, the silver service set which was in use on the battleship *Louisiana: Provided,* That no expense shall be incurred by the United States for the delivery of such silver service set.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EASTERN JUDICIAL DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 10431) to amend the act establishing the eastern judicial district of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill simply creates a new district. It does not create a new judge—that is correct, is it not?

Mr. HASTINGS. All it does is to establish a new place for holding court.

Mr. LAGUARDIA. It does not create a new judge?

Mr. HASTINGS. It does not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That two terms of the court of two weeks each or more; in the discretion of the presiding judge, in the eastern judicial district of the State of Oklahoma, for the trial of civil and criminal cases shall, after the passage and approval of this act, be held at Durant, Okla., each year in said district: *Provided,* That suitable rooms and accommodations for holding court at Durant are furnished free of expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC QUARTERS FOR CHIEF OF NAVAL OPERATIONS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that H. R. 13370 and H. R. 12032 be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC. I object.

SILVER SERVICE OF THE BATTLESHIP "ALABAMA"

The next business on the Consent Calendar was the bill (H. R. 13182) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama.*

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of Alabama, for preservation and exhibition, the silver service which was presented to the United States for the battleship *Alabama* by the citizens of that State: *Provided,* That no expense shall be incurred by the United States for the delivery of such silver service.

Mr. HILL of Alabama. Mr. Speaker, I offer a perfecting amendment.

The SPEAKER pro tempore. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Alabama: On page 1, line 4, after the word "custody," insert "of the Department of Archives and History."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REMOVAL OF OBSTRUCTIONS UPON INTERSTATE COMMERCE IN COTTON

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton futures, exchanges, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McFADDEN and Mr. MOORE of New Jersey objected.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the bill just objected to be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GAME REFUGES ON THE OUCHITA NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 8130) authorizing the creation of game refuges on the Ouchita National Forest in the State of Arkansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I shall not object if an amendment will be accepted striking out lines 1 and 2, on page 2, so that hunting will not be permitted in this bird sanctuary. Seemingly there is no one interested in the bill present, so I ask unanimous consent to have the bill passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DEFINITION OF THE PROMOTION-LIST OFFICERS OF THE ARMY

The next business on the Consent Calendar was the bill (H. R. 13509) to define the promotion-list officers of the Army and to prescribe the methods of their promotion, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACON and Mr. MILLER objected.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 12619) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KINCHELOE, Mr. BYRNS, and Mr. BROWNING objected.

NORTHERN JUDICIAL DISTRICT OF THE STATE OF TEXAS

The next business on the Consent Calendar was the bill (H. R. 9055) to detach Hardeman County from the Fort Worth division of the northern judicial district of the State of Texas and attach the same to the Wichita Falls division of said district.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, with the understanding that there will be no demand made for an additional judge at this time, I shall not object. That is the understanding, is it?

Mr. SUMNERS of Texas. This is simply to detach a county from one division and add it to another division.

Mr. LAGUARDIA. That is my understanding.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Hardeman County, of the Fort Worth division of the northern judicial district of the State of Texas be, and the same is hereby, detached from said division of said district, and attached to and made a part of the Wichita Falls division of said northern judicial district of the State of Texas.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 12036) to amend section 71 of the Judicial Code, as amended by Public, No. 21, Seventieth Congress, approved February 7, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern district of Arkansas.

"(b) The western district shall include four divisions, constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open all times for the transaction of the business of the court.

"(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee Phillips, St. Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence; and the western division which shall include the territory embraced on such date in the counties of Arkansas, Ashley, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell."

SEC. 2. This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas.

With the following committee amendment:

Page 3, line 17, after the word "eastern," insert the words "or western."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF SECTION 72 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 12351) amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), be, and the same is hereby, amended to read as follows:

"SEC. 72. The State of California is divided into two districts, to be known as the northern and southern districts of California. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, and Tulare, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of San Diego and Imperial, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Fresno on the first Monday in March and the second Monday in October; and for the central division, at Los Angeles on the first Monday in February and

the second Monday in September; and for the southern division, at San Diego on the second Monday in June and the second Monday in January. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, and Mono, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Sant Cruz, Monterey, and San Benito, which shall constitute the southern division of said district. Terms of the district court for the northern division of the northern district shall be held at Sacramento on the second Monday in April and the first Monday in October, and at Eureka on the third Monday in July; and for the southern division of the northern district, at San Francisco on the first Monday in March, the second Monday in July, and the first Monday in November. The clerk of the district court for the northern district shall maintain an office at Sacramento, in charge of himself or a deputy, which shall be kept open at all times for the transaction of the business of the court."

With the following committee amendments:

Page 2, line 11, strike out the word "March" and insert in lieu thereof the word "April"; page 2, line 15, strike out the word "June" and insert in lieu thereof the word "July."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SAFEGUARDING THE MAIL

The next business on the Consent Calendar was the bill (H. R. 13114) to amend section 197 of the Criminal Code (sec. 320, title 18, U. S. C.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill would provide for death sentence by the Federal court in certain murder cases. Can the gentleman give me any instance where the State courts have failed to try these cases expeditiously and mete out proper punishment?

Mr. KELLY. Mr. Speaker, in response to the gentleman, I will say that the Postmaster General presented before the Committee on the Post Office at least a dozen cases meeting the situation where there had been attacks upon postal employees. Some had been injured and some killed, and thus far no one has been punished for the crime.

Mr. LAGUARDIA. The gentleman will make no such statement, I am sure—have the men been apprehended.

Mr. KELLY. In some cases they have not been apprehended at all.

Mr. LAGUARDIA. The gentleman can not blame the law for that.

Mr. KELLY. In other cases they have been arrested and there has been no punishment. Several cases cited dealt with bandits who had repeatedly attacked employees having charge of United States mail.

Mr. LAGUARDIA. Mr. Speaker, this would simply transfer to the Federal courts crimes they now absolutely have jurisdiction to hear. Interference with the mail is now a Federal crime. This bill provides that if a man is killed in an attempt to rob the mails it is punishable by death. This is punishable by death in almost every State of the Union. I see no purpose in this bill. It would simply add more work to the Federal court.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Let us put in an amendment to include the Federal prohibition agents that murder our citizens.

Mr. KELLY. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Yes.

Mr. KELLY. This bill is introduced at the request of the Postmaster General, who made a most earnest plea before the Post Office Committee for its passage. He insisted that its enactment would be a deterrent to the crimes being committed by bandits and potential murderers upon those charged with responsibility for United States mails.

Mr. McSWAIN. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. McSWAIN. Has this matter been referred to the Department of Justice for any report whatever—a matter affecting the jurisdiction of Federal courts? Was it referred to the Department of Justice?

Mr. KELLY. The legal department of the Post Office Department took it up with the Department of Justice, and sent the Post Office Committee a statement explaining the constitutional right of the United States Government to jurisdiction over offenses against United States mails. I do not believe there is any doubt of the rights of the Federal Government in such cases.

Mr. LAGUARDIA. I object, Mr. Speaker, for the present.

OKANOGAN IRRIGATION PROJECT, WASHINGTON

The next business on the Consent Calendar was the joint resolution (H. J. Res. 298) providing for the delivery of water on the Okanogan irrigation project, Washington, during the season of 1928.

The Clerk read the title of the resolution.

Mr. HILL of Washington. Mr. Speaker, the subject matter of this resolution has been covered by legislation enacted since the resolution was introduced. I therefore ask that the resolution may be stricken from the calendar and laid on the table.

The SPEAKER pro tempore. Without objection, the joint resolution will be laid on the table.

There was no objection.

UMPQUA NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas, in Douglas County, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. HAWLEY. Will the gentleman withhold his objection?

Mr. CRAMTON. I will withhold it, but I have definite views upon the matter.

Mr. HAWLEY. This is to construct a connecting link between two roads already constructed. On the west side Douglas County has constructed the road to a place called Steamboat Bridge. On the other side, Jackson County has, in part, constructed a road and has been helped some by the Forest Service.

Mr. CRAMTON. Let me ask the gentleman a question. This road is to be within a national forest?

Mr. HAWLEY. Twenty-two miles in the national forest.

Mr. CRAMTON. And is for the protection of the national forest?

Mr. HAWLEY. Yes; and to connect with the road to Drumond and Crater Lakes.

Mr. CRAMTON. The Forest Service has seven and a half million dollars a year for this very purpose.

Mr. HAWLEY. But they say it will be several years before they can reach this road.

Mr. CRAMTON. Our efforts to get any money for building roads equally important outside of national forests has been blasted by a veto which this House has sustained. I feel, as long as we can not get money to build roads equally important outside of national forests upon Federal reservations, that the Forest Service must get along with seven and a half million dollars a year.

Mr. HAWLEY. The county built the eastern section of this road up to the forest reserve at the express request of the Forest Service and it would connect the Pacific highway with the Crater Lake Road.

Mr. CRAMTON. If the Forest Service will allocate the funds; they have the money.

Mr. HAWLEY. They have not the money, they say.

Mr. DOWELL. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. DOWELL. Just why was this bill not referred to the Committee on Roads, where it belonged?

Mr. HAWLEY. It was referred to the Committee on the Public Lands, as I understand, because it was for a road over the public domain.

Mr. DOWELL. Mr. Speaker, it seems to me this is not a proper way to enact legislation. The Committee on Roads provides for the forest roads and trails, and gentlemen introduce bills and refer them to other committees and have them reported favorably for specific roads.

Now, I want to say to the gentleman that while I do not want to object to this I feel that every bill that pertains to the same question ought to come before the same committee. I think this bill ought not to pass because it has not had the consideration by the committee that has had that whole subject under consideration.

Mr. LAGUARDIA. The gentleman's committee reported out the bill that was vetoed by the President?

Mr. DOWELL. Yes.

Mr. LAGUARDIA. This bill would have been included in that. How did the gentleman from Oregon vote on the veto bill?

Mr. HAWLEY. I voted for the bill and to pass it over the President's veto.

Mr. DOWELL. I want to say that I will object to every bill that has not been referred to the proper committee, and I object to this.

OREGON CAVES, SISKIYOU NATIONAL FOREST

The next business on the Consent Calendar was the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. I object, but I will withhold my objection for the present. I think it will be time enough to take this up when the department recommends it.

Mr. HAWLEY. But the department can not recommend it until there has been an authorization. It is necessary that these caves be lighted. They are visited by thousands of people. The caves now are only lighted by torches or candles. They propose to install electric lights and safety appliances so that people can go through them with safety and see more clearly the wonders contained in them. The amount to be appropriated is very small, and I am sure the Forest Service is in favor of the improvement.

Mr. CRAMTON. I feel obliged to object.

EXTENSION OF THE COLLECT-ON-DELIVERY SERVICE

The next business on the Consent Calendar was the bill (H. R. 12898) to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912 (37 Stat. L. 557, 558, 559, U. S. C., title 39, sec. 244), with respect to the insurance and collect-on-delivery services, and the provisions of the act entitled "An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924 (43 Stat. L. 652, 653, U. S. C., title 39, sec. 244), and the further provisions of section 211, paragraph (c), of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. L. 1069, U. S. C., title 39, secs. 244, 246), are hereby extended so as to authorize the Postmaster General under such rules and regulations as he may prescribe, to provide collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate and to fix the fees and limits of indemnity for such service.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS ON THE UMATILLA RESERVATION, OREG.

The next business on the Consent Calendar was the bill S. 1191) to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation in the State of Oregon, and granting patents therefor, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of March 3, 1885 (23 Stat. L. 340), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition, for use as tribal grazing grounds, all unentered and undisposed of lands in township 2 south, range 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation.

With the following committee amendment:

Page 2, line 1, strike out the word "range" and insert the word "ranges."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION OF TELEPHONE FROM FLAGSTAFF TO KAYENTA, ARIZ.

The next business on the Consent Calendar was the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta, on the Western Navajo Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object—and I do not expect to object—I would like to give notice that I will offer two amendments, one providing that it shall be "not more than" and the other changing the reference from boarding school to a sanatorium, because the institution has been changed.

Mr. SPROUL of Kansas. I object.

SALE OF WAR DEPARTMENT REAL PROPERTY AT JEFFERSONVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 12689) authorizing the sale of surplus War Department real property at Jeffersonville, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, if the gentleman will accept an amendment striking out, after the word "thereof," on page 2, line 3, down to the word "and," in line 5, I shall not object.

Mr. McSWAIN. Mr. Speaker, it is the fixed policy of the Congress now to place to the credit of the military post construction fund proceeds arising from the sale of property. It is a mere matter of bookkeeping. I do not know that it makes any special difference. If the gentleman insists upon the amendment, I shall agree to that.

Mr. COLLINS. I shall insist upon the amendment.

Mr. LAGUARDIA. Mr. Speaker, I object.

SETTLEMENT OF SUITS AGAINST THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

FREE TEXTBOOKS IN HIGH SCHOOLS OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GILBERT. Mr. Speaker, reserving the right to object, there is no such thing as free school books and free educational supplies. Somebody has to buy them. The class that will have to pay for these under the bill is less able to pay for the school books than the class who will receive them free of charge. I reserve the right to object.

Mr. SIMMONS. Mr. Speaker, I hope the gentleman from Kentucky will reconsider his objection to this bill. It provides for free textbooks in the high schools of the city of Washington. We now provide them for the grade schools. In view of the fact that it is a very small amount, compared with what is spent in the District of Columbia for public-school purposes, this ought to be granted. The cost of textbooks in families where a number of children attend school mounts considerably. I think this would very materially aid in our educational system and encourage children to attend school.

Mr. GILBERT. Mr. Speaker, the bill is wrong in principle. It does not affect so many. The poor people send their children to the grade schools and the department schools and the richer people send their children to the high schools and the higher educational institutions. I see no reason why the general taxpayers of the district should be taxed to furnish supplies to the children of Members of Congress and others who are well to do, and who can easily purchase textbooks for their own children in the high school.

Mr. SIMMONS. Mr. Speaker, I think it is very unfair to insinuate that Members of Congress are particularly interested in this. I am pleading for the poor boy and the poor girl who have to go out and make their own way through school and later through the world.

To buy these textbooks means real privation to many of them. It does not mean any particular privation for the children of a Member of Congress to buy textbooks, but it does for the boy and the girl in the schools when that boy or girl come from the homes of the poorer people in the District. I remember in my university days that the purchase of books was considerable of a privation.

Mr. LAGUARDIA. There is no large city in this country that does not furnish textbooks free.

Mr. JACOBSTEIN. And further, by law many children are compelled to go to the high school who are not financially able to buy their books.

Mr. GILBERT. This bill is economically unsound and inspirationly unwise. "Free school books" is a misnomer. The people will buy the school books either at the book store or at the tax collector's office. Officials will be necessary to distribute, check-up, and collect the school books. So the cost will be much smaller when paid at the book store than when paid to the tax collector.

The man who pays rent and not the man who owns the house pays the taxes, so you are not transferring any burden from the poor to the rich by this bill.

The bill is destructive rather than constructive in thought. It is destructive of economy, thrift, and inspiration. If there are several children in one family, the older will take care of the books for the benefit of those who will use them later but when the Government buys the books, the desire to protect and preserve will be destroyed. The bill is destructive of inspiration. The most valuable books one can have in his library are his old school books. The most wholesome and valuable lessons I have learned in life were in the old McGuffey's readers. Every child should be taught to carefully preserve and to treasure school books. This bill will be an incentive to carelessness and destruction. The whole principle is wrong. But this bill is peculiarly wrong in that it contemplates free school books for high-school children. Only one child out of 10 that enters the primary goes through high school. Those who do are, as a rule, children of those financially able to buy their own school books. For these reasons, Mr. Speaker, I object.

SETTLEMENT OF DAMAGES DONE BY ARMY AIRCRAFT

The next business on the Consent Calendar was the bill (H. R. 7939) to authorize settlement of damages to persons and property by Army aircraft.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill is much too broad. It refers to "operation of aircraft at home and abroad." If it is the intention of the committee to provide compensation for damages done in this country or in the insular possessions, there would be no objection, but what Army aircraft have we operating abroad?

Mr. JAMES. This is in order to take care of the language in the appropriation bill from year to year. We will accept any amendment the gentleman may suggest.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I am going to make a friendly objection and ask that this bill be laid over. Under the present law, if the Army authorities want to take advantage of it, they have the right to settle damages up to $1,000. I am very much opposed to reducing that amount to $250, as is provided in this bill. As far as damages in foreign countries are concerned, they settle them to any amount, while the bill limits them here to $250.

Mr. LAGUARDIA. Can not the War Department operate under the general law?

Mr. UNDERHILL. They ought to.

Mr. LAGUARDIA. Then let us object and get rid of the matter. Mr. Speaker, I object.

PURCHASE OF LAND NEAR CAMP BULLIS, TEX.

The next business on the Consent Calendar was the bill (H. R. 11071) providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the department calls it to the attention of the committee that the price is excessive, and notwithstanding the recommendation of the department and the investigation it has made, the committee comes in and reports the bill with an excessive price. That is not good legislation.

Mr. JAMES. Read line 6, "or by condemnation proceedings."

Mr. LAGUARDIA. The gentleman knows that if you fix the price at $25,000 you can not get a board of commissioners on condemnation proceedings to give an award for less than that.

Mr. JAMES. You must put in some amount.

Mr. LAGUARDIA. Then put in $12,500.

Mr. JAMES. Let it be $15,000.

Mr. LAGUARDIA. All right. With that understanding I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a sum not to exceed $25,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 1,124 acres of land, more or less, in the vicinity of and for use in connection with the present military reservation at Camp Bullis, Tex., and the Secretary of War is hereby authorized to make such purchase.

With a committee amendment as follows:

Page 1, line 5, after the word "purchase," insert the words "by voluntary conveyance or by condemnation proceedings."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 3, strike out "$25,000" and insert in lieu thereof "$15,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AWARD TO CERTAIN EMPLOYEES, BETHLEHEM STEEL CO.

The next business on the Consent Calendar was the bill (H. R. 5780) to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CLAGUE. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. UNDERHILL. Will the gentleman reserve his objection?

Mr. CLAGUE. Yes; but I am going to object to it. We might as well hurry along.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTEREST AND USURY, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12697) to amend the Code of Laws of the District of Columbia relating to interest and usury.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, when the same bill was before the House last session I objected. The bill has since then been amended to meet the objections that we had from our experience in New York State with a similar bill.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. HOOPER. What is the purpose of the last proviso?

Mr. LAGUARDIA. That is the proviso that I put in. The bill provides that where a corporation borrows money it can not raise the defense of usury. We have a law like that in New York. The small householder is compelled to incorporate. This proviso of the bill now before us makes applicable the usury defense only in amounts of $100,000 or more and could not cause the trouble we have had.

Mr. HOOPER. Might there not be a constitutional question as to discrimination?

Mr. LAGUARDIA. I think not.

Mr. SCHAFER. You would take care of 10,000 and leave 90,000 without protection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1181 of chapter 34 of the Code of Laws of the District of Columbia relating to interest and usury is amended to read as follows:

"SEC. 1181. If any person or corporation in the District shall directly or indirectly take or receive any greater amount of interest than is herein declared to be lawful, whether in advance or not, the person or corporation paying the same shall be entitled to sue for and recover the amount of the unlawful interest so paid from the person or corporation receiving the same: *Provided*, That said suit be begun within one year from the date of such payment: *Provided further*, That in any transaction involving $100,000 or more no corporation shall interpose a defense of or plead usury in any action at law or in equity."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REGISTRATION OF ARCHITECTS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

Mr. LAGUARDIA. I object.

The SPEAKER. Objection is heard. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 14, 16, 19, 22, 24, 25, 26, 27, 28, 29, and 30 of the act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924 (43 Stat. L. 714–718), be amended so that the same shall read as follows:

"SEC. 14. That, except as otherwise provided in this act, any person wishing to practice architecture in the District of Columbia under the title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided in this act.

"SEC. 16. That no person who was engaged in the practice of architecture in the District of Columbia on December 13, 1924, shall use or assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless he or she shall, within six months after the passage of this act, file with said board an affidavit establishing to the satisfaction of said board the fact that he or she was in practice as an architect in said District on and prior to December 13, 1924. Nothing herein contained shall be construed to prevent any person who was engaged in the practice of architecture in said District on and prior to December 13, 1924, from applying to said board at any time for examination under this act. No firm shall be entitled to the style or designation 'architect' or 'registered architect' unless and until every member thereof shall be entitled to such designation. A corporation whose principal business, as shown by its charter, is the practice of architecture, may apply for and obtain a certificate of registration, provided all its executive officers and directors are registered architects. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act.

"SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia on December 13, 1924, may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of the fee required for certificate of registration as prescribed in section 23 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to December 13, 1924, from continuing the practice of said profession without a certificate of registration and without the use in any form of the title 'registered architect' upon filing the affidavit required by section 16 of this act.

"SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 21, be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects.

"SEC. 24. That all examination papers and other evidences of qualifications submitted by each applicant shall be filed with the board of examiners and registrars of architects, and said board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

"The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia."

"SEC. 25. That every registered architect in the District of Columbia shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 23 of this act. Any such architect who fails to pay the said renewal fee shall cease to be a registered architect, subject to restoration upon paying the fee therefor prescribed in accordance with section 23 of this act.

"A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 23 of this act for the restoration of an expired certificate of registration.

"Every renewal certificate shall expire on the 30th day of April following the issuance."

"SEC. 26. Exemptions: That the following shall be exempted from the requirements of this act: (1) Any person practicing or desiring to practice architecture in the District of Columbia who shall have made application to the board for registration as an architect and who shall have paid the fee provided for in section 23 of this act, such exemption to continue only until the board shall have denied such application; (2) any officer or employee of the United States or the District of Columbia practicing architecture in that capacity alone.

"SEC. 27. Revocation of certificate: That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice with grant of hearings to the holder thereof if proof satisfactory to the board be presented in the following cases:

"(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

"(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

"(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

"(d) In case a corporation holding a certificate of registration shall have as one of its executive officers or directors a person not a registered architect.

"SEC. 28. That the proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the board of examiners and registrars of architects by the board itself or by any complainant. A copy of the charges, together with a notice of the time and place of hearing, shall be served on the accused at least 30 calendar days in advance of such hearing, which shall be postponed if necessary to give the requisite notice. Where personal service can not be made within the District of Columbia, service may be made by publication or personal service in accordance with such rules as the board may adopt, following generally and in principle the provisions of sections 105 as amended, 106, and 108 of the Code of Laws of the District of Columbia. At the hearing the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths. The board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings shall be filed with the Commissioners of the District of Columbia, and, if the board's findings shall be adverse to the accused, his or her certificate of registration shall stand revoked and annulled, at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said certificate shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe. Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely but clearly and distinctly the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said petition to be presented to any justice of the court of appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the court of appeals. If the justices shall be of the opinion that the action of the board ought to be reviewed, a writ of error shall be issued from the court of appeals, within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the Court of Appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law."

Section 29 of the said act of December 13, 1924, is repealed. A new section, to be numbered section 29, is hereby enacted, as follows: "The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpœnas, and upon the failure of any person to attend as a witness when duly subpœnaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for

contempt of court as for failure to obey a subpœna issued or to testify in a case pending before said court."

"SEC. 30. That any person who shall use the title 'architect' or 'registered architect' or any other words, letter, or figures indicating or intended to imply that the person using the same is an architect or a registered architect, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $200, or by imprisonment for not more than one year, or both, prosecution therefor to be made in the name of the District of Columbia by the corporation counsel."

SEC. 2. That nothing contained in this act shall be construed to affect the force and validity of any act of the Board of Examiners and Registrars of Architects performed prior to its passage. The act of December 13, 1924, and this act may be cited and known as the architects' registration act.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DISPOSITION OF A CERTAIN LIGHTHOUSE RESERVATION

The next business on the Consent Calendar was the bill (H. R. 13708) to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that Senate bill 4309, which is similar to the House bill, be considered in lieu of the House bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to substitute Senate bill 4309 for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the city of Chicago, in the State of Illinois, all right, title, and interest of the United States of America in and to lots 17, 18, and 19 in original water lot 35 in Chicago Dock & Canal Co.'s resubdivision of their subdivision of original water lot 35 and the accretion thereto, all of block 8 and accretion and of that part of block 19 lying east of subblock 2, all in Kinzie's addition to Chicago, according to the plat thereof recorded March 17, 1885, as document 610129, in book 19 of plats, page 77, situated in the city of Chicago, in the State of Illinois; except the buildings placed on said lots 17, 18, and 19 by the United States, which buildings shall remain the property of the United States and shall be removed by the United States within six months after the exchange of lands herein authorized.

SEC. 2. The said conveyance of the aforesaid property to be given in exchange for and dependent upon the city of Chicago conveying to the United States of America the fee simple title, as evidenced by a quitclaim deed and abstracts acceptable to the Attorney General of the United States, to the following tract of land, described by metes and bounds as follows:

Beginning at the point of intersection of the west side of the dock on the east side of the Ogden Slip with the north line of the tract of land conveyed by the city of Chicago to the United States of America by deed dated August 10, 1920, and recorded December 8, 1921, as document 7347325 in book 16850, page 532; running thence east on the north line of said tract a distance of 80 feet; thence north at right angles to the north line of said tract 217 feet; thence west on a line parallel to and 217 feet north of the north line of said tract 100 feet, more or less, to the west side of said dock on the east side of the Ogden Slip; thence south and southeasterly on the west side of said dock to the place of beginning, the said tract of land conveyed by the city of Chicago to the United States of America, being described as follows: A parcel of land adjacent to the north Government pier, and bounded on the east by Lake Michigan, approximately 500 feet long in an easterly and westerly direction and 100 feet wide, described as commencing at the junction of the north side of the United States Government pier (running east from the Ogden Slip) with the east side of the north and south municipal pier for place of beginning, said place of beginning being 700 feet, more or less, south measured at right angles from a point in north line of East Illinois Street extended 1,500 feet, more or less, east of the east line of Peshtigo Court; thence northerly along the said north and south pier 108 feet; thence westerly at an angle from the south to west of 91°, a distance of 506 feet, more or less, to the west side of the dock on east side of the Ogden Slip; thence southerly at an angle from east to south 74° 30′ along the concrete dock 103 feet, more or less, to the United States Government pier; thence easterly at an angle from north to east 106° 40′ along the United States Government pier for a distance of 480 feet, more or less, to place of beginning.

SEC. 3. That in the exchange herein provided the city of Chicago shall provide suitable access or right of way to the property to be conveyed to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALARY OF THE COMMISSIONER AND ASSISTANT COMMISSIONER OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 13506) fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

NOTICE TO OWNERS IN CONDEMNATION PROCEEDINGS

The next business on the Consent Calendar was the bill (S. 4124) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11719) to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the boundaries of the Lassen Volcanic National Park are hereby changed to read as follows:

"Beginning at the southwest corner of the southeast quarter of section 29, township 30 north, range 5 east, Mount Diablo meridian, on the present south boundary line; thence west on the section line between sections 29 and 32 and 30 and 31, township 30 north, range 5 east, and between sections 25 and 36 and 26 and 35 and 27 and 34 and 28 and 33 and 29 and 32 to the southwest corner of section 29, township 30 north, range 4 east; thence north on the section line between sections 29 and 30 and 19 and 20 and 18 and 17 and 7 and 8 and 6 and 5 to the northwest corner of fractional section 5, township 30 north, range 4 east; thence west on the township line to the southwest corner of section 31, township 31 north, range 4 east; thence north on the range line between townships 3 and 4 east to the northwest corner of the southwest quarter of section 6, township 31 north, range 4 east; thence east on the quarter section line to the northeast corner of the southeast quarter of section 1, township 31 north, range 4 east; thence south on the range line to the northwest corner of lot 3 in fractional section 7, township 31 north, range 5 east; thence east on quarter section line to a point on the present boundary line which is the northeast corner of the southeast quarter of section 11 in township 31 north, range 5 east; and

"Beginning at the northeast corner of the northwest quarter of section 24, township 31 north, range 6 east, a point on the present east boundary line; thence east between sections 13 and 24 to the northeast corner of section 24, said township; thence south on the range line 3 miles to the southeast corner of section 36, said township; thence west on the township line to the northeast corner of section 1, township 30 north, range 6 east; thence south on the range line to the southeast corner of section 25, said township; thence west along the section line to the southwest corner of section 26 on the present south boundary line; thence along the present boundary line and continuing on the section line to the southwest corner of section 28; thence north on the section line to the northwest corner of the southwest quarter of the southwest quarter of said section 28; thence west to the southwest corner of the northeast quarter of the southwest quarter of section 29; thence north to the northwest corner of the southeast quarter of the northwest quarter of said section 29; thence west to the southwest corner of the northeast quarter of the northeast quarter of section 30; thence north to the northwest corner of the northeast quarter of the northeast quarter of said section 30; thence west to the northeast corner of the northeast quarter of the northwest quarter of said section 30; thence south to the southeast corner of the northeast quarter of the northwest quarter of said section 30; thence west to the southeast corner of the northwest quarter of the northwest quarter of

said section 30; thence south to the southeast corner of the northwest quarter of the southwest quarter of said section 30; thence west to the southwest corner of the northwest quarter of the southwest quarter of said section 30, township 30 north, range 6 east, which is a point on the present boundary line.

"All of those lands lying within the boundary lines above described and the present boundary lines are hereby included in and made a part of the Lassen Volcanic National Park."

SEC. 2. That the provisions of the act of August 9, 1916, entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

With the following committee amendment:

Page 2, line 6, strike out all of lines 6 to 17, down to and including the word "and" in line 17, and insert: "east on the township line to the southwest corner of section 32, township 31 north, range 4 east; thence north on the section line between sections 31 and 32, 29 and 30, and 19 and 20, to the northwest corner of section 20, same township and range; thence west to the southwest corner of section 18, same township and range; thence north on township line to the northwest corner of the southwest quarter of section 7, same township and range; thence east on the quarter section line to the northwest corner of the southwest quarter of section 8, same township and range; thence north to the northwest corner of said section 8; thence east to the northeast corner of said section 8; thence north to the northwest corner of the southwest quarter of section 4, same township and range; thence east on the quarter section line to the point where it intersects Lost Creek; thence following Lost Creek in a southerly direction to a point where it intersects the north line of section 14, township 31 north, range 4 east; thence east on said section line and along the section line between sections 12 and 13, said township and range, to intersection with the present park boundary; and

"Beginning at a point on the present north boundary which is the southwest corner of the southeast quarter section 8, township 31 north, range 5 east; thence north to the northwest corner of the southeast quarter, same section, township, and range; thence east on quarter section line to a point on the present park boundary which is the northwest corner of the southwest quarter of section 12, same township and range; and."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EUROPEAN CORN BORER

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution, which I send to the Speaker's desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the sum of $7,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal years 1928 and 1929, to enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act to provide for the eradication or control of the European corn borer," approved May 24, 1928, including purchase of equipment and supplies, travel, rent, employment of persons and means in the District of Columbia and elsewhere, and purchase, maintenance, repair, and operation of passenger-carrying vehicles outside of the District of Columbia, and for such other expenses as may be necessary for executing the purposes of said act: *Provided*, That of this amount not to exceed $65,000 may be expended for personal services in the District of Columbia: *Provided further*, That the expenditure of this appropriation shall be conditioned upon the enactment by all the States in the proposed control area of such regulatory legislation, the promulgation of such regulations thereunder, and upon such enforcement thereof in cooperation with the United States Department of Agriculture, as in the judgment of the Secretary of Agriculture shall be necessary to prevent or control the spread of the European corn borer: *Provided further*, That the expenditure of this appropriation shall be conditioned upon the appropriation, subscription, or contribution by State, county, or local authorities, or individuals, or organizations of a sum or sums adequate in the judgment of the Secretary of Agriculture, to be effective cooperation of all the States in such area.

Mr. SNELL. Mr. Speaker, reserving the right to object, it seems to me we should have some explanation of this resolution before it is allowed to go through by unanimous consent.

Mr. WOOD. Mr. Speaker, the amount proposed in this resolution was submitted in an estimate from the Budget after the second deficiency bill had passed the House and after it had passed the Senate, so the only way in which it can be considered is by unanimous consent or under suspension of the rules.

Mr. SNELL. Is this an additional appropriation of $7,000,000?

Mr. WOOD. Yes; it is an additional appropriation of $7,000,000.

Mr. SNELL. Besides the one that was carried a little while ago?

Mr. WOOD. No. The last Congress passed an appropriation of $10,000,000 to eradicate the corn borer, $7,000,000 of which has been used, in round numbers.

Mr. LAGUARDIA. For what?

Mr. WOOD. In attempting to eradicate the corn borer.

Mr. LAGUARDIA. For a card index of each bug? That is about all they did.

Mr. WOOD. I do not know exactly how thy did it. But the present session of the Congress passed an additional authorization of $7,000,000, which is the amount carried in the resolution we have before us now for consideration. As I say, the estimate came too late to be considered by the House committee in connection with the second deficiency bill and too late to be considered in the Senate before that bill was passed.

If you listened to the reading of the resolution you noticed it provides there will not be any expenditure of this money unless, in the discretion of the Department of Agriculture, there is a real necessity for it, and the department informs us it is too late now to do any of this clean-up business, but that the department would like to have this amount of money available so that if, in their opinion, it is worth while to go further with this work they can use the money during the months of September, October, and November.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. SHALLENBERGER. Has the gentleman seen the latest report gotten out by the Department of Agriculture from their experts they have had in Europe investigating the experience in Europe with respect to this particular borer, which proves it has done no damage over there? The report is just out this morning.

Mr. WOOD. I have not. I will say to the Members of the House that there is a great contrariety of opinion with reference to the corn borer and the damage it is doing.

Mr. SHALLENBERGER. The Department of Agriculture has had two or three experts on this matter studying it for two years, and I read this morning the statement that from the investigations they have made in Austria, Germany, and in other countries over there their final report is that the corn borer has done practically no damage over there and that we do not need to do this work over here.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Is it not true that out of the $7,000,000 heretofore expended a great deal of machinery was purchased and that this machinery was found to be useless?

Mr. WOOD. Oh, no; I do not think so. The machinery that was purchased was applicable to this character of work and there will not be any further expenditure for that purpose.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. WOOD. I yield to the gentleman.

Mr. JOHNSON of Washington. The statement was just made that the investigation may have shown that the corn borer had done no damage in Austria and in other countries, but does the gentleman know that damage was done in this country?

Mr. WOOD. The evidence before the committee was that in some few places in this country there was great damage done. It has done more damage in Canada than it has in our country, but it has done some damage in the New England States and, I think, in some few places in Michigan.

Mr. JOHNSON of Washington. Then is not our concern for the United States rather than Austria or any other European country?

Mr. WOOD. Yes; I think so.

Mr. SHALLENBERGER. The report of the Department of Agriculture is as I have stated, and I ask unanimous consent to extend my remarks in the RECORD, Mr. Speaker, by inserting the report of the Department of Agriculture upon this matter.

The SPEAKER. Without objection, it is so ordered.

Mr. CRAMTON. Reserving the right to object, this will not be inserted in the speech of the gentleman from Indiana.

Mr. SHALLENBERGER. Oh, no; I just want permission to put it in the RECORD.

There was no objection.

[The matter referred to appears at the close of debate on this bill.]

Mr. HOGG. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HOGG. Does the gentleman from Indiana know that the reports show that no damage has been done anywhere in the United States by the corn borer?

Mr. WOOD. No; the reports do not show that. The reports do show, upon the contrary, that there are some places where it has done some damage. To what extent there has been damage, as I have said, is controversial.

Mr. SNELL. There is $3,000,000 available for this work at the present time.

Mr. WOOD. Yes.

Mr. SNELL. Now, is there any real reason for appropriating $7,000,000 more?

Mr. LAGUARDIA. The gentleman is in error. They did not spend $7,000,000, they wasted $7,000,000.

Mr. SNELL. Well, it is gone.

Mr. LAGUARDIA. Yes; it is gone.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. GARNER of Texas. The hearings before the Committee on Agriculture, as I recall, indicated that there had been $4,000,000 spent for machinery out of the $7,000,000 which they have spent.

Mr. WOOD. No; I think there was about $3,000,000 spent for machinery and about $4,000,000 spent in helping farmers clean up their farms.

Mr. GARNER of Texas. And the contract under which this $3,000,000 of machinery was bought contained a provision that they were not to resell the machinery to farmers as secondhand machinery.

Mr. WOOD. Yes.

Mr. GARNER of Texas. They are going to junk that machinery, I guess.

Mr. WOOD. The Government still has the machinery.

Mr. GARNER of Texas. Why was a provision put in the contract when you bought this $3,000,000 worth of machinery that you would not sell it as secondhand stuff to the farmers?

Mr. WOOD. I do not know that there has been any attempt made to sell it.

Mr. GARNER of Texas. But why was that condition placed in the contract?

Mr. WOOD. I do not know anything about that, unless it was felt that the Government would need it.

Mr. GARNER of Texas. Did that meet with the gentleman's approval?

Mr. WOOD. There are many things with reference to the administration of this corn-borer provision that has never met with my approval.

Mr. GARNER of Texas. Would that kind of contract meet with the gentleman's approval?

Mr. WOOD. It would not unless there were some very good reason for it.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. I yield to the gentleman.

Mr. BYRNS. Is it not true that all these facts were investigated by the Committee on Agriculture and that that committee reported a bill to the House, which passed the House and the Senate, authorizing this appropriation?

Mr. WOOD. That is correct.

Mr. BYRNS. And this was after an investigation made by the Committee on Agriculture?

Mr. WOOD. That is correct, and this is submitted by the Budget and the request is signed by the President.

Mr. BYRNS. And the Committee on Appropriations is simply following out the recommendation of the Committee on Agriculture and the positive action of the House and the Senate in reporting this appropriation?

Mr. WOOD. That is correct.

Mr. SNELL. As I understand the situation, they used $7,000,000 last year, and over $3,000,000 went for machinery, which they have on hand at the present time. So they have as much cash authorized as they actually spent last year, outside of what they spent for machinery. How on earth are they going to use any more this year than they did last year?

Mr. WOOD. As I have said, the Department of Agriculture has indicated its desire and wish that this appropriation pass, so that in the event that in their discretion they find it is worth while to pursue this matter they may pursue it commencing this fall. It is now too late to do any clean-up work this summer.

Mr. SNELL. Can they spend any more than the $3,000,000 they have on hand now?

Mr. WOOD. I do not know whether they can or not.

Mr. SNELL. If there is any doubt about it, I think it is foolish to pass the appropriation.

Mr. DICKINSON of Iowa. There is some money on hand that is being used for research and quarantine, but none of it is being allocated for clean-up. Quarantine work is to prevent its spread, and the research is to discover some fly that will eat the worm. The whole purpose of this is to see if they can find after experience what is needed. They did not clean up at all this year, but they can put on an extensive drive next fall to try and eradicate it and to keep it from spreading.

Mr. SNELL. Does the gentleman honestly believe that they can spend any more than they have on hand?

Mr. DICKINSON of Iowa. Yes; if they put on a drive to clean up they certainly can.

Mr. SNELL. What does the gentleman say as to the statement here that our own investigation has shown that it has not done any serious damage?

Mr. DICKINSON of Iowa. With reference to commercial damage, it has done damage in what is known as the lowlands along the lake counties in northern Ohio and along the lowland counties up in Canada, and the low territory over near Boston, Mass. The question we are up against is whether the corn borer is going into the uplands and doing harm. If they find that it is—if they find that it is in there in such quantities as to do commercial damage, then certainly this Government should not stand in the way of a clean-up campaign.

Mr. SNELL. It should not stand in the way if a clean up is necessary, but the statement has been made here that our own investigation shows that it has not done any commercial damage.

Mr. UNDERHILL. The gentleman from New York ought to know that in his own State it has done a great deal of damage, and in New England they have spent a great deal of money.

Mr. SNELL. I never heard of the corn borer in New York State.

Mr. UNDERHILL. It came in there from Canada and has done a lot of damage. We have quarantined several areas in Massachusetts—would not allow some of them to plant corn. We instituted a campaign which required farmers to burn all their cornstalks and all the stubble, and eventually we got rid of the corn borer.

Mr. SNELL. How many years ago was that?

Mr. UNDERHILL. We have been at it for 10 or 15 years.

Mr. FREAR. Why do they not sell this machinery they have on hand to the farmers?

Mr. DICKINSON of Iowa. They do not want to sell it if they have to have a clean-up campaign.

Mr. FREAR. Is it not true that they are not doing any clean-up work? Why was it not placed in the contract preventing them from selling to the farmers?

Mr. DICKINSON of Iowa. I do not know any reason, if they want to sell.

Mr. WOOD. The best answer is that if the Government makes a drive for a clean up they can use the machinery. This machinery is not junk.

Mr. DICKINSON of Iowa. It is not junk at all. It is stored safely.

Mr. UNDERHILL. Is it not true with reference to them as it is in the War and every department that everything they have you can not sell it unless you sell it at auction, no matter how much junk you have?

Mr. WOOD. It ought not to be sold at all until the policy of the Government with reference to the corn borer is finally determined.

Mr. GARRETT of Texas. It has been stated—I do not know how true it is that a good many automobiles have been bought by officers and people in charge of this corn-borer campaign.

Mr. WOOD. I do not know; I have heard that myself, but I do not know whether it is true.

Mr. MURPHY. If the gentleman will yield, I think I might answer that. I might say that in the State of Ohio, where the corn borer has been doing some damage, there has been some waste. It is in writing that over 800 automobiles were bought and paid for and used in fighting the corn borer in the State of Ohio. But that ought not to militate against the activities of the Government in trying to eradicate the corn borer. We in Ohio are not going to talk any politics, but I will say that the gentleman administering that money in our State belongs to

the gentleman's own party, and I hope he will not press it too far.

Mr. SCHAFER. What was the necessity for purchasing 800 automobiles for use in the gentleman's State? Could they not use some of those automobiles that have been confiscated from bootleggers there?

Mr. MURPHY. I suggest to the gentleman that he talk with Governor Donahey, in Ohio, and those who have charge of that particular activity out there. But, even so, even if it had all been wasted, they have made a distinct step forward toward the eradication of this evil. I am heartily in favor of this appropriation, because this corn borer is spreading. I know that he is spreading. He is down in my district, and part of my district is 100 miles along the Ohio River, in the lowlands, and we raise lots of corn there. We want protection, and if they buy a thousand automobiles and waste them all, if we can wipe out this pest we are for it.

Mr. GARRETT of Texas. Mr. Speaker, the gentleman from Ohio has made a suggestion here which I would like to follow up. In all of these eradications that we have had experience with in our part of the country the Federal Government has been in control of all of the Federal appropriations. How was this Federal appropriation turned over to the State authorities of Ohio?

Mr. MURPHY. The State authorities of Ohio matched the Federal money, and they worked it out through the machinery of the State, the machinery already set up by the department in the State of Ohio, and they did good work. And even though they expended money for 800 automobiles and a lot of other things that, perhaps, seem useless, nevertheless they gave a very good account of themselves, because they went in and they did clean up the farms, and they cleaned them up so well that they made some farmers angry in the northwestern part of Ohio. But the value of those farms has increased since they have learned much from these folks who were riding around in automobiles.

Mr. GARRETT of Texas. In the extermination of the pink bollworm the expenditure of the money and the whole matter was under the administration of the Federal department. The same is true of the foot-and-mouth disease. The Federal authorities supervised the expenditure of every dollar of Federal money. How comes it that the Federal money was expended in Ohio through the State authorities? How did the State authorities get control of it?

Mr. ANDRESEN. Mr. Speaker, if the gentleman will permit, I think I can explain that. The Federal Government did control their part of that expenditure under the Federal law. However, under the law they had no right to go into the State of Ohio and spend that money unless the State of Ohio passed a law and permitted the eradication of the corn borer by the Federal Government. So the Federal Government, in the expenditure of the money, operated under the Ohio law and through the Ohio officials, but every penny of it was spent through the Federal Government, and by the agents of the Federal Government.

Mr. GARRETT of Texas. That is what I wanted to bring out. So that the extravagance, if there was any, is chargeable to the Federal Government.

Mr. BUCHANAN. Mr. Speaker, I want to say a few words about this appropriation. In the first place, it does not affect our section of the country. So far as my State is concerned, it is thousands of miles from the infested area. I frankly say to you, however, that the interest involved is too great, the destruction of the production of corn in our country as a resultant damage from it, is too important for us to take any chances on a little petty $7,000,000.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. COCHRAN of Missouri. Is it not true that if this corn borer gets into the great Corn Belt, that we will be appropriating hundreds of millions of dollars around here to get rid of it?

Mr. BUCHANAN. Maybe so. It is true that the only commercial damage that has been done by this pest is in the lower lands, but in a year or two years or three years or four years it may become acclimated to the higher altitudes.

Mr. GARBER. The gentleman just said that the damage has been caused on the lowlands. To what extent? What is the amount of acreage damaged?

Mr. BUCHANAN. It is all of the lowlands around the Lakes, and it is all of the lowlands around the Lakes in Canada, and when it gets up to the higher lands the damage gradually diminishes to 10 or 15 per cent. A thorough investigation has been made of it.

Mr. GARBER. Is this appropriation asked for by the Secretary of Agriculture.

Mr. BUCHANAN. It was not recommended by the Bureau of the Budget before my committee. A bill was introduced. The legislative Committee on Agriculture of the House conducted an extensive investigation. The bill was passed by the House and Senate and approved by the President, and now the Committee on Appropriations recommends an appropriation in response to this authorization of Congress.

Mr. GARBER. My question is, Does the Secretary of Agriculture request this appropriation at this time for this purpose?

Mr. BUCHANAN. It is requested at this time; yes. That is, Mr. Dunlap, the Assistant Secretary of Agriculture, now requests it with the statement that there will be none of the money expended until the fall. It is too late now to conduct a clean-up campaign, but in the months of September, October, and November, when they gather the corn, then is the time to commence a clean-up campaign. It can then be done more cheaply, and a greater percentage of the hibernating worm can be destroyed. The object of this appropriation is not a general clean-up throughout the infested area, but the object of it is to clean-up around the circumference of the infested area, the periphery of it, they call it, to keep it from spreading while the entomologists endeavor to discover a remedy to eradicate it. The national interest is so great, the value of the corn crop to the Nation and to the people of the Nation is so important, that we ought not to take any chances on a little $7,000,000 to stop the spread of this pest. [Applause.]

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LaGUARDIA. I object.

Mr. SHALLENBERGER. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I submit the following upon Technical Bulletin 59-T, "The European Corn Borer and Its Controlling Factors," taken from an article in the Kansas City Daily Drovers' Telegram of date May 25, 1928:

CORN BORER IN EUROPE—DEPARTMENT SCIENTISTS STUDY INSECT IN ITS NATIVE COUNTRY—AS A RULE LITTLE DAMAGE TO CORN CROPS RESULTED FROM INFESTATION—MAKE SUGGESTIONS TO AMERICAN FARMERS

WASHINGTON, May 25.—In Europe farmers have learned to live with the corn borer and it does comparatively little damage. In fact, two entomologists of the United States Department of Agriculture who have spent most of the last six years in France, Spain, and Italy report for that section that they have "never seen a single corn plant broken over or a single ear seriously injured through the attack of this insect." They went into districts where corn borers were at work in the fields and found that the farmers had no knowledge of the borer. In some districts of central Europe, where conditions and corn culture more nearly resemble those of the American Corn Belt, injury of economic importance was frequent and sometimes severe.

W. R. Thompson and H. L. Parker, entomologists of the Department of Agriculture, are authors of The European Corn Borer and Its Controlling Factors in Europe, which is just off the press as Technical Bulletion 59-T. They explain that in parts of Europe the borer seems to have reached a state of something like equilibrium of numbers with the balance struck by the normal reproductive capacity as opposed by the natural and artificial factors that limit the multiplication of the insect. These corn-borer experts see no reason to expect any such state of balance in the United States for at least 20 years, and they say that in the meantime corn growers here must expect to learn to live with the corn borer as it exists and to make any adjustments that prove necessary in gaining control of the insect.

GRANT OF CUARTEL LOT TO THE CITY OF MONTEREY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 12347) granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in the piece or parcel of land known as the Cuartel lot, situated in the city of Monterey, State of California, is hereby granted for municipal purposes to the said city of Monterey as the successor in interest of the Mexican Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

POINTE AUX HERBES LIGHTHOUSE RESERVATION, LA.

The next business on the Consent Calendar was the bill (H. R. 13644) authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce be, and is hereby, authorized to convey by quitclaim deed to the Louisiana Highway Commission the following-described property: A portion of the Pointe Aux Herbes Lighthouse Reservation, La., bounded on the south by the southern boundary of the reservation and on the north by Lake Pontchartrain, and extending 200 feet on each side of a line running north 13° 22′ 20″ east, passing through a point on the southern boundary line of the reservation 393.36 feet from its westerly end, approximately 6.5 acres.

SEC. 2. In consideration of the conveyance herein authorized, the Louisiana Highway Commission shall pay to the United States the sum of $500, and all employees and officers of the United States, in the performance of their official duties, shall be allowed free passage across the New Orleans Pontchartrain Bridge and its approaches and over the property herein described, in accordance with the right retained by the United States in an agreement of September 21, 1926, between the United States and the New Orleans Pontchartrain Bridge Co., authorizing the said bridge company to occupy that portion of the tract hereinbefore described, extending 100 feet on each side of a line running north 13° 22′ 20″ east, through a point on the southern boundary line of the reservation 393.36 feet from its westerly end; and any agreement entered into between the Louisiana Highway Commission and the New Orleans Pontchartrain Bridge Co. or its successors or assigns authorizing the said bridge company or its successors or assigns to occupy the land to be conveyed under authority of this act shall provide for this right of passage.

SEC. 3. The New Orleans Pontchartrain Bridge Co. and its successors and assigns shall have use for highway purposes and toll houses in connection with the operation of its bridge, of the tract to be conveyed under authority of this act, without charge from the Louisiana Highway Commission. If, within 60 days from the passage of this act, the Louisiana Highway Commission does not avail itself of the privilege of purchasing the said property, the conveyance shall be made by the Secretary of Commerce to the New Orleans Pontchartrain Bridge Co. or its successors or assigns for the consideration in section 2 of this act, and the New Orleans Pontchartrain Bridge Co. or its successors or assigns shall not sell the said property to the Louisiana Highway Commission or to the State of Louisiana for more than $500.

SEC. 4. The grantee in any conveyance made under authority of this act, and the successors and assigns of such grantee, shall provide a right of way 100 feet wide from either side of the tract so conveyed to the road leading to the bridge for the purpose of giving to the present or future owners or occupants of land lying adjacent to either side of the said tract access to the road from both its east and west sides; the southerly boundary of the said right of way to be at a distance of 300 feet north of the south line of the present lighthouse reservation.

SEC. 5. The proceeds of the sale authorized by this act shall be deposited into the Treasury as miscellaneous receipts.

SEC. 6. The property conveyed under the authority of this act shall be used solely for highway purposes and for toll houses in connection with the operation of the Pontchartrain Bridge.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WATERSHEDS IN LOS ANGELES COUNTY, CALIF.

The next business on the Consent Calendar was the bill (S. 4135) to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I should like to ask whether under this bill the land becomes a part of the national forest?

Mr. ENGLEBRIGHT. Not as I understand it. It will not be withdrawn until it is shown to the Secretary of the Interior that it is of mineral character and valuable.

Mr. CRAMTON. This bill does not make it a part of the forest reserve?

Mr. ENGLEBRIGHT. No.

Mr. CRAMTON. I have had some experience with the attitude of the Forest Service with reference to letting loose of any land that they have ever secured and which is wanted for any other governmental purpose, particularly parks. The Forest Service is not inclined to let loose of a piece of land when it once gets it. They seem to have a set of books and balance maintenance costs and what they can make out of it. If we want land for a park we must give them other land in place of it. An important case now pending is the case of the Yosemite National Park, where the timber in private portions is being cut over, to the great damage of the park. Now, when it is proposed to exchange we must pay to the National Forest Service this 10 per cent, as I recall, to be used on roads in national forests as well as pay the counties. They claim the land is theirs, and that if the Government wants to use the land it has got to settle with the Forest Service.

Now, so far as I am concerned, it is not going to be as easy hereafter as it has been heretofore to add land to the national forests. They accept thousands of acres of land and make no compensation. When we want to take a few acres out of a national forest to put in a national park, then we must come up to the counter and settle. Legislation which is tremendously important as to Yosemite National Park is being held up by a controversy between the Forest Service and the Budget with reference to these cash settlements that the Forest Service demands.

With the assurance that the gentleman from California gives me that this does not add to the acreage of the national forest, I shall not object. If it would, I should object.

Mr. ENGLEBRIGHT. It does not.

Mr. GARBER. What is it that is proposed to be withdrawn?

Mr. ENGLEBRIGHT. Only certain sections—about 7,000 acres.

Mr. GARBER. It does not refer to watersheds?

Mr. ENGLEBRIGHT. No.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with. The provisions of the bill refer chiefly to the number of sections of land.

The SPEAKER. Without objection, the reading of the bill will be dispensed with and it will be printed in the RECORD.

There was no objection.

The bill reads as follows:

Be it enacted, etc., That the public lands of the United States within the boundaries of the Angeles National Forest located in the State of California and hereinafter described are hereby withdrawn from location or entry under the mining laws of the United States.

All Government lands in sections 6, 7, and 18, township 1 north, range 7 west, San Bernardino meridian.

All Government lands in sections, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, township 1 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, and 27, township 1 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 18, 21, and 24, township 1 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 14, township 1 north, range 11 west, San Bernardino meridian.

All Government lands in sections 1, 2, and 12, township 1 north, range 12 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 30, and 31, township 2 north, range 7 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 10, 13, 15, 16, 17, 18, 19, 20, 21, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 8 west, San Bernardino meridian.

All Government lands in sections 5, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 9 west, San Bernardino meridian.

All Government lands in sections 1, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 31, 32, 33, 34, 35, and 36, township 2 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 11 west, San Bernardino meridian.

All Government lands in sections 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 2 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 23, 24, and 26, township 2 north, range 13 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, and 6, township 2 north, range 14 west, San Bernardino meridian.

All Government lands in sections 19 and 20, township 3 north, range 7 west, San Bernardino meridian.

All Government lands in sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 21, 23, 24, 28, 29, 32, and 33, township 3 north, range 8 west, San Bernardino meridian.

All Government lands in sections 1, 4, 5, 7, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, township 3 north, range 9 west, San Bernardino meridian.

All Government lands in sections 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, township 3 north, range 10 west, San Bernardino meridian.

All Government lands in sections 1, 3, 10, 11, 12, 13, 14, 15, 17, 20, 22, 23, 24, 26, 27, 29, 30, 31, 32, 34, and 35, township 3 north, range 11 west, San Bernardino meridian.

All Government lands in sections 4, 5, 6, 8, 16, 17, 20, 21, 22, 25, 26, 27, 28, 29, 31, 32, 34, and 35, township 3 north, range 12 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 3 north, range 13 west, San Bernardino meridian.

All Government lands in sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 3 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 23, 24, 25, and 36, township 3 north, range 15 west, San Bernardino meridian.

All Government lands in sections 21, 28, 31, 32, 33, 34, and 35, township 4 north, range 8 west, San Bernardino meridian.

All Government lands in sections 20, 21, 27, 28, 29, 32, 33, 34, 35, and 36, township 4 north, range 9 west, San Bernardino meridian.

All Government lands in sections 19, 29, 30, and 31, township 4 north, range 10 west, San Bernardino meridian.

All Government lands in sections 3, 10, 11, 13, 14, 24, 30, 31, 32, 33, and 34, township 4 north, range 11 west, San Bernardino meridian.

All Government lands in sections 24, 25, 31, 32, and 33, township 4 north, range 12 west, San Bernardino meridian.

All Government lands in sections 17, 18, 35, and 36, township 4 north, range 13 west, San Bernardino meridian.

All Government lands in sections 11 (inside forest), 13, 14, 15, 16, and 17 (inside forest), township 4 north, range 14 west, San Bernardino meridian.

All Government lands in sections 27, 28, and 34, township 5 north, range 11 west, San Bernardino meridian.

All Government lands in sections 7 and 18, township 5 north, range 14 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 6, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, and 30, township 5 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 2, 4, 5, 11, 12, 14, 23, 25, and 26, township 5 north, range 16 west, San Bernardino meridian.

All Government lands in sections 3, 4, 10, 15, and 22, township 5 north, range 18 west, San Bernardino meridian.

All Government lands in sections 7, 8, 18, 25, 26, 27, 28, 29, 31, 32, 35, and 36, township 6 north, range 14 west, San Bernardino meridian.

All Government lands in sections 2, 5, 6, 11, 12, 13, 14, 19, 20, 21, 22, 27, 31, 32, 33, and 34, township 6 north, range 15 west, San Bernardino meridian.

All Government lands in sections 1, 6, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 27, and 34, township 6 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 6, 8, 12, 13, 14, 15, 16, 17, 18, 19, 21, 27, and 28, township 6 north, range 17 west, San Bernardino meridian.

All Government lands in section 13, township 6 north, range 18 west, San Bernardino meridian.

All Government lands in section 30, township 7 north, range 14 west, San Bernardino meridian.

All Government lands in sections 16, 17, 18, 21, 22, 23, 25, 26, 27, 30, 31, 32, 33, and 34, township 7 north, range 15 west, San Bernardino meridian.

All Government lands in sections 6, 7, 12, 13, 17, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, and 33, township 7 north, range 16 west, San Bernardino meridian.

All Government lands in sections 1, 2, 5, 6, 7, 8, 10, 11, 12, 18, 19, 30, and 31, township 7 north, range 17 west, San Bernardino meridian.

All Government lands in section 36, township 7 north, range 18 west, San Bernardino meridian.

And all Government lands in sections 32, 34, and 35, township 8 north, range 17 west, San Bernardino meridian.

SEC. 2. That this act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereafter maintained in accordance with such laws: *Provided*, That the President, upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws any of the lands hereby withdrawn therefrom.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

INCREASE OF SALARIES OF FIRST-CLASS POSTMASTERS

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to return to Calendar No. 787, to the bill H. R. 5837.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5837) to increase the salaries of certain postmasters of the first class.

The SPEAKER. Is there objection?

Mr. GILBERT. Mr. Speaker, reserving the right to object, I wish to state to the House that I have never made a practice of objecting to the consideration of any bill unless I have been thoroughly familiar with the bill and have been convinced of its lack of wisdom. In this particular instance my attention was not directed so much to the bill as to the method of passing it by unanimous consent; a bill affecting 40 or 50 of the big postmasters of the United States—the highest priced, the highest paid, the highest salaried.

But I am informed by those who have studied the bill and who regret the situation of its being on this calendar as much as I that the bill is meritorious, and I do not care to take the responsibility under that situation of blocking its passage. So I withdraw any objection I have to it.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph under the heading "Reclassification of postal salaries," in section 1 of title 1 of the act of February 28, 1925, reclassifying the salaries of postmasters be, and the same is hereby, amended to read as follows:

"First-class, $40,000 but less than $50,000, $3,200; $50,000 but less than $60,000, $3,300; $60,000 but less than $75,000, $3,400; $75,000 but less than $90,000, $3,500; $90,000 but less than $120,000, $3,600; $120,000 but less than $150,000, $3,700; $150,000 but less than $200,000, $3,800; $200,000 but less than $250,000, $3,900; $250,000 but less than $300,000, $4,000; $300,000 but less than $400,000, $4,200; $400,000 but less than $500,000, $4,500; $500,000 but less than $600,000, $5,000; $600,000 but less than $1,500,000, $6,000; $1,500,000 but less than $3,000,000, $7,000; $3,000,000 but less than $7,000,000, $8,000; 7,000,000 but less than $10,000,000, $9,000; $10,000,000 but less than $20,000,000, $10,000; $20,000,000 but less than $40,000,000, $11,000; $40,000,000 and upward, $12,000."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL POINT LIGHTHOUSE RESERVATION, N. C.

The next business on the Consent Calendar was the bill (S. 4302) to authorize the Secretary of Commerce to convey the Federal Point Lighthouse Reservation, N. C., to the city of Wilmington, N. C., as a memorial to commemorate the Battle of Fort Fisher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is any Member particularly interested in this bill? I think the provisions in the second section are too broad and these provisions have been discarded by committees of the House for some time because they mean nothing. The conditions are so involved that the Government can never take advantage of them, so I will ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. SNELL). Without objection, it is so ordered.

There was no objection.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

BAYOU BARTHOLOMEW

The next business on the Consent Calendar was the bill (H. R. 11481) to make certain portions of Bayou Bartholomew in Arkansas nonnavigable.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

NEW YORK DEVELOPMENT ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 12895), granting the consent of Congress to the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNOR of New York. Mr. Speaker, I object.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 13318) authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, let me ask the gentleman from Texas, in the absence of his colleague, if he is personally acquainted with the personnel of the makeup of the Val Verde County Bridge Co.?

Mr. LANHAM. I will say to the gentleman that I know only one of these gentlemen because most of them live in Mr. HUDSPETH'S district, who is not able to be here. Mr. HUDSPETH wrote to some of his friends with reference to the construction of this bridge at or near Langtry. This is an international boundary bridge and there is no bridge within 60 miles of Langtry on either side. This road is not within the system that gets Federal aid, so those people down there without this relief would be without a bridge absolutely.

Mr. LAGUARDIA. They intend to construct a bridge?

Mr. LANHAM. Oh, yes.

Mr. LAGUARDIA. I want to point out that we have had an experience with an international bridge through the bill introduced by the gentleman from Michigan [Mr. CRAMTON]. That bill provided a very satisfactory recapture clause, but you do not have any recapture provision in this bill at all.

Mr. LANHAM. This bill, of course, was drawn in accordance with the regular form for these international bridges.

Mr. LAGUARDIA. Oh, no; not since the Cramton bill, and I will tell you that should be a model, and if it was possible to do it in one instance it surely ought to be possible to do it in all instances.

Mr. DENISON. I will say to the gentleman from New York that this bill is drawn in accordance with the form that has been accepted and agreed upon by the committee in the House and the committee in the Senate. All international bridge bills have been passed in accordance with this bill except the one which was especially prepared by the gentleman from Michigan [Mr. CRAMTON], because the parties were on both sides of the line. Of course, there is no way that Congress can enforce such a provision.

Mr. LAGUARDIA. Except by withholding permission. I am not going to object now, but in December, when we come back, there will be a new era.

Mr. DENISON. I will be very glad to have the gentleman from New York confer with us and make any suggestions he may like to make at that time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the Val Verde County Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Langtry, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Val Verde County Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Val Verde County Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Val Verde County Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ST. CROIX RIVER

The next business on the Consent Calendar was the bill (H. R. 13502) authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FREAR. Mr. Speaker, reserving the right to object, I have had an understanding with the gentleman from Minnesota [Mr. ANDRESEN], so I do not care to explain to the House at this time the objections that exist. Of course, the gentleman knows what they are. I wish permission to extend my remarks in the RECORD at this point to avoid taking up the time of the House. I object to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Mr. Speaker, the following correspondence relative to a bridge at Stillwater, Minn., is inserted to explain grounds on which objection is made to the consideration of H. R. 13502:

APRIL 27, 1928.

Mr. H. J. KUELLING,

Wisconsin Highway Commission, Madison, Wis.

DEAR SIR: I have your letter in reference to the bridge at Stillwater, Minn., to connect with Wisconsin side of the river.

I have had no information regarding the matter and supposed the bridge that now crosses the river at Stillwater was built under some authorization of Congress; but whenever it is brought up for action I will give it consideration. I assume the proposal would not be to put any bill through next session, because this session is about to close.

Very truly yours,

JAMES A. FREAR.

No reply was offered to this letter, but I call particular attention to the fact that neither this letter nor the letter of April 25, to which it is a reply, in any way suggests that Wisconsin is to contribute toward the building of any bridge, but rather suggests that the Wisconsin commission desires to record its willingness toward a Minnesota project that had always been maintained as a Minnesota project at Stillwater's expense.

WISCONSIN HIGHWAY COMMISSION,

Madison, April 25, 1928.

Subject: Stillwater bridge.

Hon. JAMES A. FREER,

House of Representatives, Washington, D. C.

DEAR SIR: Proceedings are being initiated by the States of Minnesota and Wisconsin toward building a bridge at Stillwater, Minn., to connect with the Wisconsin side of the river.

I am taking this opportunity to remind you that our commission is in favor of such a bridge and that anything you can do toward assisting the necessary legislation will be very much appreciated.

As I understand it, the Minnesota people will ask that the bill be introduced by some one from that State, so all that is necessary from your standpoint is your support of the measure.

Thanking you very kindly for anything you can do, I am,

Very truly yours,

H. J. KUELLING,
State Highway Engineer.

This same highway commission letter was sent other Members of the Wisconsin delegation, including Representative JOHN C. SCHAFER, of Wisconsin, whose reply is noted because his pointed inquiry affecting the character of the bridge, Member introducing measure, and other important data was ignored by the commission, whether purposely or otherwise:

WISCONSIN HIGHWAY COMMISSION,
STATE CAPITOL ANNEX,
Madison, April 25, 1928.

Subject: Stillwater bridge.

Hon. JOHN C. SCHAFER,
House of Representatives, Washington, D. C.

DEAR SIR: Proceedings are being initiated by the States of Minnesota and Wisconsin toward building a bridge at Stillwater, Minn., to connect with the Wisconsin side of the river.

I am taking this opportunity to remind you that our commission is in favor of such a bridge and that anything you can do toward assisting the necessary legislation will be very much appreciated.

As I understand it, the Minnesota people will ask that be bill be introduced by some one from that State, so all that is necessary from your standpoint is your support of the measure.

Thanking you very kindly for anything you can do, I am,

Very truly yours,

H. J. KUELLING.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 28, 1928.

Subject: Stillwater bridge.

Mr. H. J. KUELLING,
State Highway Engineer,
Wisconsin Highway Commission, Madison, Wis.

MY DEAR MR. KUELLING: I have your letter of April 25, 1928, and will be very glad, indeed, to be informed when the Stillwater bridge bill is introduced, the name of the Member of Congress introducing same, and the number of the bill. I would also appreciate being informed whether the contemplated bridge is a free highway bridge, a public or private toll bridge.

Faithfully yours,

JOHN C. SCHAFER.

No answer was ever received from the Wisconsin Highway Commission by Mr. SCHAFER.

The RECORD shows that thereafter, on April 30, H. R. 13416 was introduced in terms as follows:

[H. R. 13416, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,
April 30, 1928.

Mr. ANDRESEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill granting the consent of Congress to the State of Minnesota to construct a bridge across the St. Croix River at or near Stillwater, Minn.

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the St. Croix River, at a point suitable to the interests of navigation, at or near Stillwater, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Thereafter on May 3, or three days later, a second bill affecting the same project was introduced, as follows:

[H. R. 13502, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,
May 3, 1928.

Mr. ANDRESEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State of Minnesota be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Croix River at a point suitable to the interests of navigation, at or near Stillwater, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State of Minnesota all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. Speaker, under this bill does the State of Minnesota expect to come over to Wisconsin and there exercise the right of eminent domain, condemn property, and hold jurisdiction over the same as it does on the west bank of the St. Croix River a half mile distant? If not, why does the bill grant rights solely to Minnesota? If an oversight in the first instance, how can the same oversight occur when a corrected bill is filed and reported by the committee? All this is confusing excepting on the theory that some arrangement was under consideration to connect the State of Wisconsin that does not appear from the bill as introduced.

Again, it will be noted that this bill grants authority alone to the State of Minnesota that was authorized to enter on property, occupy and condemn "approaches in the State in which such real estate or other property is situated upon making compensation according to the laws of such State."

No intimation that Wisconsin had any financial concern in the matter appears from the record, nor was any information furnished affecting a proposed bridge to cost between a half million and a million dollars, or possibly more with the approaches. No one appears to be able to furnish the information or to give the names of those who are to pay the expense, excepting as the correspondence further shows. With a bridge that had previously been built and always maintained by Stillwater it was fairly assumed that a permit to Minnesota and to Minnesota alone with the knowledge of the Wisconsin Highway Commission, as shown by letter of April 25, would be built and maintained entirely at the cost of Minnesota. No one objects to that arrangement, but that is not the proposition as shown by telegram from the commission hereafter noted, which states on direct questioning that St. Croix County is to pay one-third of Wisconsin's half of the cost, whereas without special contributions from Washington County, that is especially benefited, Minnesota pays all of its half of the cost.

On May 18 my office located the Stillwater bridge situation through a report in a paper published in St. Croix County, Wis., which is as follows:

COUNTY BOARD SAYS "NOTHIN' DOING" ON PROPOSED BRIDGE AT STILLWATER, MINN.—BOARD VOTES ALMOST TO A MAN AGAINST BRIDGE IF ST. CROIX HAS TO PAY A PORTION OF IT—COMMITTEE OF FIVE REPORTED THE SENTIMENT OF THE BOARD BEFORE HIGHWAY COMMISSION WEDNESDAY

If the State Highway Commission of Wisconsin takes the opinion of the county board into consideration there will be no new bridge across the St. Croix River at Stillwater.

An informal meeting was held at Hammond Saturday, where the bridge question was discussed by board members and other interested parties. The discussion became a very heated one in some cases, but no blows were struck. After the discussion had been carried on for some length of time the vote of the board expressed very plainly that they were absolutely against the bridge if St. Croix County had to be taxed to stand a portion of the cost.

The bridge as proposed would be an interstate bridge, Minnesota paying half and Wisconsin the other half. Under the Minnesota law the State would pay their cost and so, of course, Stillwater is all for the bridge—they practically get something for nothing. Under the fool Wisconsin law, St. Croix County would be held liable to pay one-third the cost of the bridge.

The tax would be a direct tax against each person in the county. It has been estimated that should this bridge be built the tax for the county would be at least $100,000. Realizing as we all do that a bridge at Stillwater would not be of great benefit to a very great proportion of St. Croix County taxpayers, we are sure that all our readers agree with the sentiment of the board in opposing this bridge.

At the Hammond meeting Chairman Kelly appointed a special committee consisting of Supervisor John Sakrison, Deer Park; C. A. Smith,

Springfield; Andrew Bottolfson, Star Prairie; M. E. Fraher, Glenwood City; and Nels Swenumson, of Baldwin, to report the opinion of the board at the hearing of the highway commission at Hudson Wednesday.

The above-mentioned committee met with the highway commission as directed, and John Sakrison presented the view of the committee. It was admitted that a new bridge was needed but that the commission delay action on building said bridge until the present law (making the county liable for one-third payment) be repealed. The report brought out the injustice upon St. Croix County taxpayers to have to pay one-third the cost of a bridge used by less than one-eighth of the taxpayers. Others who supported the board's decision against the bridge were N. O. Varnum, Steven Eversen, C. A. Smith, and Judge Arnquist.

Our supervisor, Nels Swenumson, to whom we are indebted for this information, informed us that Stillwater interests attended this hearing with a very smooth-working and well-oiled machine, presenting every possible argument for the building of the bridge.

The commission, as usual, listened to all without any comments and will now go back to Madison and make their decision as they d—please.

Any clear-thinking human being can see the injustice of this county paying for an interstate bridge connecting State highways. It's so unreasonable it's a joke, and the fault was with the legislature of 1927 that let such a piece of purely sectional legislation slip by.

St. Croix County's board committee put up a good plea opposing the bridge on good, sound, economic reasons. Supervisor Swenumson said that even if the commission does go on record favoring the bridge he believes the county will fight the law.

Other press clippings I learn are to the same effect but the foregoing is the only one called to my attention.

Thereafter an immediate inquiry was had of the Minnesota Representative who had introduced the bill and whose action throughout has been proper and blameless.

The following report was located and a telegram thereupon sent to the Wisconsin Highway Commission which with their reply is as follows:

[H. Rept. No. 1678, 70th Cong., 1st sess.]

Mr. NEWTON, from the Committee on Interstate and Foreign Commerce, submitted the following report (to accompany H. R. 13502):

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13502), authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn., having considered the same, report thereon with a recommendation that it pass.

This bill is similar to H. R. 13416, which has the approval of the War and Agriculture Departments as will appear by the letters attached and which are made a part of this report.

WAR DEPARTMENT, *May 7, 1928.*

Respectfully returned to the chairman Commitee on Interstate and Foreign Commerce, House of Representatives.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill (H. R. 13416, 70th Cong., 1st sess.) granting the consent of Congress to the State of Minnesota to construct a bridge across the St. Croix River at or near Stillwater, Minn.

C. B. ROBBINS,
Acting Secretary of War.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 7, 1928.

Hon. JAMES S. PARKER,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

DEAR MR. PARKER: Careful consideration has been given to the bill H. R. 13416, transmitted with your letter of May 1 with request for a report thereon and such views relative thereto as the department might desire to communicate.

This bill would authorize the State of Minnesota, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Croix River, at or near Stillwater, Minn. The location indicated for the proposed bridge is on the system of Federal-aid highways approved for Minnesota. Favorable action on the bill is recommended.

Sincerely,

R. W. DUNLAP, *Acting Secretary.*

WASHINGTON, D. C., *May 23, 1928.*

SECRETARY STATE HIGHWAY COMMISSION, or
H. J. KUELLING, *Engineer, Madison, Wis.:*

House bill 13502, introduced by ANDRESEN, Minnesota, reported by Bridge Committee, authorizes, as to be amended, States of Minnesota and Wisconsin to construct and operate a free highway bridge across the St. Croix River at Stillwater, Minn. St. Croix County board is reported to have protested against this bridge bill because bridge construction under existing Wisconsin law will cost St. Croix County taxpayers one-third of the total Wisconsin cost. Saw ANDRESEN this morning, also Chairman DENISON of committee, but before opposing bill's passage am wiring you to ascertain if Wisconsin State Highway Commission favors this Stillwater bridge; and if so, will St. Croix County be required to pay such county taxes toward bridge construction. The bridge is primarily for Stillwater's benefit. Please wire answer to-day.

JAMES A. FREAR,
Member of Congress.

MADISON, WIS., *May 23, 1928.*

Hon. JAMES A. FREAR,
Member of Congress, Washington, D. C.:

Commission held hearing Stillwater bridge May 16. Finding not yet made. If favorable, St. Croix County would be assessed one-third of Wisconsin's share; benefits are mutual.

W. B. BUETOW,
State Highway Engineer.

It will be noted that on May 23 a finding had not yet been made by the Wisconsin commission on a bridge bill that on April 25, a month previously, the Wisconsin delegation had been requested by the commission to support, and which bill was reported to the House and placed on the calendar May 15. That in addition the reply wire cryptically states that if the Wiscousin commission decided favorably, "St. Croix County would be assessed one-third of Wisconsin's share; benefits are mutual," whatever that means. This is the first word from the commission that Wisconsin and St. Croix County would have anything to do with the bridge or with its cost. In fact, nothing connected Wisconsin with the building of the bridge until my direct question, based on the press notice. Thereupon I advised Chairman DENISON of the subcommittee of the situation, because of the fact that motion to adjourn which had passed the House to take effect May 29 on the passage in the Senate would thereafter suspend all rules so that the Speaker might recognize any Member with any bill without notice, and thereby Members would have no protection against surprises.

The letter to Chairman DENISON, his reply, and letter to the Wisconsin State Highway Commission regarding the Stillwater bridge proposal is self-explanatory.

WASHINGTON, D. C., *May 24, 1928.*

Hon. EDWARD E. DENISON,
House Office Building, Washington, D. C.

DEAR MR. DENISON: I received a reply to my telegram which I took to your office to show you in which our State highway engineer, Madison, Wis., says that the Wisconsin State Highway Commission has not made a finding yet on the Minnesota bridge proposal at Stillwater, but if the finding should be in favor of the bridge, St. Croix County, under the law, would have to pay one-third of the Wisconsin tax. This would mean that a little county would be taxed approximately $100,000, according to the statement of their county board which opposes the bill for a bridge that is of practically no benefit to the county because it touches the north end, but it is for the benefit entirely of Stillwater, a city across the river. * * * I have no objection to the bridge nor to the State building the bridge, but it would be a tremendous burden for a little county that has other bonds outstanding.

I saw the Speaker and told him my predicament because of the fact that any suspension of rules enabled him to recognize anyone, and I wanted to be present at least if the bill was to be brought up in the House. He sympathized with my position and suggested that I see you and see that the bill will not be among those you would bring out (by suspension). Several of the Members, of course, and Senators would be with me on the proposition, but I take it that unless hard pressed you will not care to bring up the bill, but in any event, if so, would give me a chance to read the telegrams and explain the situation that would appeal to any Member as a valid objection.

* * * * * * *

Very sincerely,

JAMES A. FREAR.

[E. E. DENISON, twenty-fifth district, Illinois, member of Committee on Interstate and Foreign Commerce]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 25, 1928.

Hon. JAMES A. FREAR,
House Office Building, Washington, D. C.

DEAR MR. FREAR: This will acknowledge receipt of your letter of the 24th.

In view of the facts stated in your letter I will not move to suspend the rules to pass the bill referred to nor ask any special consideration of the bill.

If it should be called in regular course on the call of the Consent Calendar, you can object, and very properly so, and let the bill go over until next session.

Very truly,

E. E. DENISON.

MAY 25, 1928.

Mr. H. J. KUELING,
Engineer, Wisconsin State Highway Commission,
Madison, Wis.

MY DEAR SIR: Your letter of April 25 says that the Wisconsin State Highway Commission is in favor of a bridge across the St. Croix River at Stillwater and it asks for my support. At that time I answered it is very late in the session, but if presented I would give the matter careful consideration.

Have just learned that the St. Croix County Board of Supervisors has protested against building the bridge because of their understanding that it will cost St. Croix County, under the Wisconsin law, upward of $100,000 for its share. As the bill is on the calendar I wired your commission May 23 asking the facts and your reply of the same date is received wherein you state:

"Commission held hearing Stillwater bridge May 16. Finding not yet made. If favorable St. Croix County would be assessed one-third of Wisconsin's share. Benefits are mutual."

I am personally acquainted with existing conditions and have been over that road a hundred times. Presumably not 10 per cent of the people of St. Croix County will have occasion to use the bridge because of its location near the northern boundary of the county. It was originally owned by the city of Stillwater because of the interests of Stillwater business men in Wisconsin trade.

On what theory should St. Croix County contribute a tax of one-third of Wisconsin's share of the cost for a bridge located at Stillwater primarily for the benefit of Stillwater business men?

I am writing this because of your letter of April 25 and your telegram of May 23 in answer to mine based upon what I understand to be a protest of the St. Croix County board against contribution toward such bridge. In view of the fact that it was not reported until May 15, a little over a week ago, and that the facts have not been presented to Congress, I am asking if your commission still urges action requested in your letter of April 25?

Would it not be just for the State legislature to exempt from the provisions of the one-third tax payment by the county in case of construction of interstate bridges, which I understand is the law in Minnesota?

Very truly yours,

JAMES A. FREAR.

Mr. Speaker, no answer has been received by mail or wire to this letter and no further information is to be had prior to the bill's consideration if had without objection.

I offer only a brief comment on the record. The Wisconsin State Highway Commission's failure to apprise Wisconsin's Representatives of the facts is inexcusable. No corkscrew should have been necessary to learn the situation.

That St. Croix County, a comparatively small agricultural county, should be called upon to pay $100,000, or any other amount, toward a bridge that had been built by Stillwater and for nearly a half century maintained by Stillwater in order to secure Wisconsin trade is hard to understand and extremely unjust. By a peculiar difference in State laws not 10 per cent of the taxpayers of this same county have used the Stillwater bridge, because it is situated near the north end of the county, yet not only is this Wisconsin county to pay a large part of the construction cost in addition to its own share of the State tax, but Stillwater and Washington Counties, Minn., primarily benefited, pay no greater proportion of the Minnesota cost than does Winona or other cities a hundred miles distant.

These facts in themselves entitled Members who were asked to vote for the bill to a full statement of the situation from the Wisconsin Highway Commission. That has not been but seemingly avoided and it is hard to explain from any reasonable standpoint. That the Minnesota Stillwater bridge bill was to be amended before passage by inserting the word "Wisconsin" is not alone possible but probable, and that failing in the House, it would be inserted in the Senate and retained by the conferees, I have reason to believe without in any way impugning the motives of any Member. The deception, if such it be, must be charged to the responsible officers in my own State, who I submit, whether accidentally or purposely, did not give the information to which we were entitled.

I know the location and history of the old Stillwater bridge fairly intimately, and the facts of reconstruction have been learned by accident, because no word came from my State or from the county affected, other than correspondence with the State highway commission here inserted.

For reasons stated I have objected to the consideration of the bill.

Until the Wisconsin law is amended so that a small unprotected community will not be burdened with an additional grossly unjust and indefensible tax for an interstate bridge, this bill ought not pass.

CONDEMNATION PROCEEDINGS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 834, the bill (S. 4124) to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Texas. Reserving the right to object, what does the bill provide?

Mr. ZIHLMAN. It provides for methods of sending notices in condemnation cases made necessary by the decisions of the courts. It is a bill sent here by the District Commissioners to provide a form of notice where benefits are assessed in condemnation cases.

Mr. GARRETT of Texas. Does it change the law of condemnation to give them any more authority to condemn than they have had heretofore?

Mr. ZIHLMAN. It does not. It relates merely to notices sent to people who are assessed for benefits.

Mr. GARRETT of Texas. It is a ministerial measure and does not go to the question of condemnation.

Mr. ZIHLMAN. No; that bill was objected to a few moments ago.

Mr. GARRETT of Texas. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That where in any condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchapter 1 of chapter 15, or in accordance with the provisions of chapter 55 of the Code of Law for the District of Columbia, the jury of condemnation shall assess benefits against any land or parcel of land no part of which was taken by the condemnation proceedings, and the owner of the land or parcel of land so assessed for benefits was not served with notice of the condemnation proceedings, notice of such assessment for benefits shall be given by the Commissioners of the District of Columbia by registered letter, mailed to the last known address of the person listed on the records of the assessor of the District of Columbia as the owner of the land or parcel of land so assessed, and, in addition thereto, the court shall give public notice of the land or parcels of land assessed for benefits, no part of which was taken by the condemnation proceedings, by advertisement once in each of three daily newspapers published in the District of Columbia showing the amount assessed against each such piece or parcel of land and stating the time within which interested parties may file with the court any objections or exceptions they may have to the verdict. The mailing by registered letter and the notice by publication herein provided for shall be sufficient notice to the owner of any land or parcel of land assessed for benefits as aforesaid. Nothing herein contained shall be considered to abrogate or nullify the option conferred upon the Commissioners of the District of Columbia by the act of Congress approved May 28, 1926, entitled "An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes."

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word simply to contribute this very brief observation on the question of condemnation proceedings.

The general bill, which is No. 841 on the calendar, was objected to. There has been quite a lively protest against this by the Woman's Party members. It should be noted in connection with this that the bill, No. 841, would not affect the Woman's Party building situation, since the bill expressly exempts from its operation cases where condemnation proceedings have commenced and commissioners have been appointed, and in the case of the Woman's Party building proceedings have been commenced, commissioners have been appointed, and proceedings are being held. So they are exempted from the provisions of the proposed law as reported to the House.

In this connection it is worthy of note as illustrating the importance of the legislation that the Woman's Party organization paid $134,000 for that piece of property and have testified under oath now that they value it at $1,000,000.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SCHAFER. What is the assessed valuation of that property?

Mr. CRAMTON. I do not know. I know they paid $134,000 for it and they are asking $1,000,000 for it. Personally, I am sorry the pending condemnation bill would not reach them, but it would not.

Mr. MACGREGOR. And that is a patriotic party.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT HASTINGS, MINN.

The next business on the Consent Calendar was the bill (H. R. 13503) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Hastings, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OUACHITA RIVER, ARK.

The next business on the Consent Calendar was the bill (H. R. 13540) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MY RECORD IN CONGRESS

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. SUMMERS of Washington. Mr. Speaker, recently I sent a letter to my friend Mr. Wells, of my district, in which I stated that the activities of Congress during my 10 years' service, if complete, would be a very long story. During this period we have considered more than 5,000 bills. Probably 70,000 bills were introduced. Many of these measures affect an individual—such as payment of a claim against the Government. They may affect a community, such as a bridge bill. However, many of them, such as tax reduction, the tariff, women's suffrage, prohibition enforcement, and hundreds of others, affect the entire population of the country. Some bills are disposed of in an hour, others require many months.

RECONSTRUCTION PROBLEMS MET

The reconstruction period following the greatest war in history has imposed on Congress and the country weightier problems than ever before known to America. As a Member of the House of Representatives during this period it has been my fortune to have had some part in this reconstruction program.

The Budget law, which we enacted several years ago, may not be very well understood but really concerns every taxpayer in the country. It estimates and balances future income and expenses and puts the Government on a business basis instead of the hit-and-miss plan that formerly prevailed. Under its operation we have cut Federal expenditures more than $2,000,000,000 annually.

We have taken 130,411 persons off the Federal pay roll. This alone results in a saving of more than a half million dollars a day.

We have cut Federal taxes four times in seven years.

We have relieved 3,000,000 of the smaller taxpayers from the payment of any Federal tax whatever. We have reduced the Federal tax burden for every man, woman, and child in the country. (Now please remember that real estate, personal, school, road, and all other general taxes paid to your city or county treasurer are levied, collected, and expended within the State and are not and can not be influenced in any way by Congress. Taxes levied by Congress are paid in our State to the collector of internal revenue at Tacoma.)

Meanwhile we have paid eight and three-quarter billion dollars on our public debt.

Annual interest payments have been reduced $300,000,000.

This financial record never has been equaled in the history of the world.

Staggering war taxes still prevail in other countries. A married man in the United States with a net income of $3,500 pays no income tax. In Great Britain, according to latest figures obtainable, he would pay $407; in Italy, $419; in France, $217; in Germany, very high, but I do not know the exact amount.

A calm survey of world conditions ought to make one happy that he lives in America.

LEGISLATION COVERS WIDE SCOPE

I only have time to mention a few of the other laws which I have helped enact, such as:

Repeal of war laws and again establishing friendly relations with the Central Powers.

An emergency farmers' tariff was soon enacted to shut out foreign farm products that were swamping our markets.

Restriction of immigration.

Federal water power act, which retains perpetual ownership of power sites by the Government for all the people.

Act for rehabilitation of those injured in industry, which is putting cripples into gainful employment where they support their families instead of sending them to the almshouse.

Enacted comprehensive prohibition law.

Adopted women's suffrage amendment.

Establishment of Veterans' Bureau, construction of hospitals, and numerous liberalizing laws for ex-service men.

Increased pension for Civil and Spanish War veterans and their widows.

General tariff law enacted.

Establishment of air mail.

Radio control law.

Establishment of an American merchant marine to carry our farm and factory products to the markets of the world.

Removal of all tax from automobiles and automobile parts.

Flood control.

Muscle Shoals.

Liberalized farm loans.

Established board of mediation to settle labor disputes and prevent strikes.

Liberalized homestead laws.

Antinarcotic laws.

Pass Hoch-Smith resolution to help reduce farm freight rates.

Several laws to encourage and assist aviation.

Deportation of aliens who violate the laws of this country.

Settlement of foreign debts.

Passed more than 50 laws requested by farmers.

Passed maternity act for protection of helpless mothers and babes.

Several hundred laws of general interest which we have helped enact could be mentioned.

National legislation must chiefly occupy the time and thought of a Representative in Congress. Legislation is prepared by patient investigation around the committee table where information is sought from all persons and all sources available.

Speech making may be the choice pastime of some Members, but they influence few if any votes. The chronic speech maker or orator only delays and hinders legislation rather than helps. The quiet, straightforward explanation of a bill gets results.

While national problems and legislation rank first, I conceive it as my duty to my constituents to render them and their communities every possible assistance. Our district is 3,000 miles from the Capital; too far for them to come and too expensive for them to send a special agent. While additional hours are required every day, it has been a great pleasure for me to help those who were not in position to help themselves.

OUR OWN PROBLEMS

I shall now refer to matters which concern our own State, district, and people.

FARM-TO-MARKET ROADS AND FREE BRIDGES

During my four years' service on the Roads Committee we wrote the present Federal aid road law requiring construction of more farm-to-market roads than interstate roads and guaranteeing free bridges when Federal funds are used. Also providing for $75,000,000 yearly Federal aid for post roads and $7,500,000 yearly for national forest roads.

In excess of $15,000,000 has been expended by Congress on roads in the State of Washington since I came here 10 years ago.

Secured $450,000 for Lola Pass or Lewis and Clark Highway, which will ultimately serve a throng of tourists entering the Pacific Northwest and will give better fire protection to a great national forest.

Secured survey of new toll gate road.

Wrote and have now pending Mount Adams Highway bill for construction of utility and scenic highway across Yakima Indian Reservation.

Have supported many other road bills.

Secured construction Mount Misery Garfield County road into national forest.

Wrote and secured enactment of bill for Burbank Bridge across the Snake River.

Wrote and secured enactment of bill for Pasco-Kennewick Bridge across the Columbia River.

Wrote and secured enactment of bill for Central Ferry as a free bridge across the Snake River.

Secured time extension resulting in the construction of Bridge of the Gods across Columbia River.

Wrote and secured enactment of bill for Vantage Ferry as a free bridge across the Columbia River.

BETTER MAIL SERVICE

Have aided materially in securing new rural mail routes and extension of old routes in every county in our district, giving better service to more than 15,000 constituents.

Had active part in securing village or city carrier service or otherwise improved service in Pullman (new building), Clarkston, Dayton, Walla Walla, Pasco, Kennewick, Yakima (addition to building), Ellensburg, Cle Elum, Roslyn, and Ephrata.

Air mail for east Washington terminating at Pasco.

Air-mail rate of 5 cents per ounce instead of 10 cents per half ounce.

Reduced postage on other mail and better pay for all postal employees and for fourth-class postmasters.

FARM LEGISLATION

Having quite full and detailed knowledge of diversified farm problems from many years' actual experience, and of the wheat growers and fruit growers' problems from my own personal experience during the past 20 years, I have recognized the seriousness of the farm situation and have at all times supported what I believed was the best farm-relief legislation obtainable.

While endeavoring to convince opponents of farm relief that conditions have changed, I related my experience in youth.

EARLY DAYS DOWN ON THE FARM

When I was a boy down on the farm we planted a few acres to corn, we sowed a few acres to wheat and oats and grass. We milked a few cows, we sold an occasional calf, we fattened a pen of hogs; a heterogeneous flock of poultry ran everywhere. A small band of sheep supplied blankets and socks, mittens, "pulse warmers," and red, white, and blue "comforters," and hoods for the girls.

The "Summers boys" worked early and late six days a week and cared for the stock all day Sunday. Any additional labor was procured at "50 cents a day and board," or 75 cents a day if the laborer boarded himself.

We took a few sacks of wheat to mill twice a year; that furnished flour and bread for the family for the entire year. We shelled a bushel of corn occasionally and took it to a near-by mill, waited for it to be ground, and returned with "the makings" of our corn bread and mush for winter evenings.

We swapped bacon for jeans and copper-toed boots. We swapped butter, at 8 to 18 cents a pound, and eggs, at 7 to 15 cents a dozen, for sugar and coffee and rice and "calico."

When we went courtin' we rode a mule or a stray colt. Those were the good old days our eastern friends still have in mind. No freight problem. No auto. No gasoline. No hard roads. No telephone. No radio. No phonograph. No piano. No organ—only a "Jew's harp," and I couldn't play that. No electric lights nor gas nor electric range. No coal bills. We cut our own fuel from our own or a neighbor's "woods" without restraint. No "store clothes" for Johnnie. No reaper. No mower. No "header." No "combine." Those were the days of the scythe and cradle. No movies. No soda fountains. No nothin' for a boy down on the farm but work, fishin', huntin', trappin', the old swimmin' hole, and school and spelling "bees" and games and "exhibitions" and church and Sunday school and "singings." That was the simple life.

Those were "the good old days" down on the farm. There was no farm problem then.

It has been difficult for the great industrial East to realize that agriculture has emerged from the shrouds of the Dark Ages.

SHIPPING-POINT INSPECTION HELPS PRODUCER

The shipping-point inspection law was written and piloted through Congress by me several years ago. It is now estimated to save growers and shippers of fruits and vegetables of our State more than $1,500,000 annually and the producers throughout the United States between $5,000,000 and $10,000,000 annually. Federal fruit and alfalfa grades are also established under this law.

FAIR DEALING BILL WILL PREVENT LAWSUITS

I have now introduced a bill, H. R. 11414, to encourage fair dealing in fruits and other perishable farm products and to provide for arbitration of disputes between western shippers and eastern receivers. This bill is widely indorsed not only in the Pacific Northwest but in the Mississippi Valley and by southern fruit and vegetable men and by the Department of Agriculture.

One very reliable firm in Yakima writes me as follows:

> We are sure that with the system contemplated under your bill shippers would be able to operate on a much lower margin of profit than they are able to at the present time, thus reducing the eventual cost to the consumer.
>
> Your shipping point inspection bill, which you had passed some years ago, undoubtedly results in a tremendous saving to growers of fruit and produce in the United States since it has been in effect. The Federal inspection service now has the full confidence of practically all shippers and receivers. We are quite sure the enactment of your new bill would result in a very much greater saving even than has been accomplished under the Federal inspection service, resulting in good for growers, shippers, dealers, and consumers.

FARM QUARANTINE ACT SAVES ALFALFA FIELDS

When the United States Supreme Court in 1926 decided the farm quarantine act unconstitutional and thus would have permitted weevil-infested alfalfa, scabby potatoes, and a score of other disease-bearing products to invade our State, Mr. Barnes, the director of agriculture of the State of Washington, wired me asking for a new Federal quarantine law. A perilous situation existed. If our alfalfa fields became infested, they could probably never be rid of the weevil. In cooperation with the Department of Agriculture, a new bill was drafted immediately. This Jones-Summers bill passed the Agricultural Committees of both Houses, was then passed by the House and Senate, signed by the President, and became our permanent farm products quarantine law six weeks from the day the Supreme Court handed down its decision.

SECURED APPROPRIATION TO CONTROL WIREWORMS

Wireworms are ravenous in the Yakima and Walla Walla Valleys. They nibble more than half a million dollars from our potatoes and onions every year. I have just secured a double appropriation to speed up the control work.

SPRAY DEPOSIT—PRECOOLING OF FRUITS

A few weeks ago I demonstrated the need and secured an appropriation of $19,400 for the study of the spray-residue problem, which I have been fighting for eight years, and for the study of precooling, storage, and transportation of fruits. It is believed by western growers this precooling study may result in a saving of railway icing charges, running to a million dollars a year or more for growers and shippers in the State of Washington. The benefits of these studies will go to every fruit grower in the State.

DUST FIRES—GRAIN BAGS

When dust explosions and resultant fires were frequent and heavy losses were common in our wheat fields we made a special appeal to the Department of Agriculture for help. An expert went into our harvest fields and did some good work. The problem is now largely solved.

Several years ago we had an active part in securing a Treasury ruling that imported jute bags might be branded by the bale instead of branding each bag separately. It was represented that this effected a saving of around a dollar a hundred on bags.

Recently I have petitioned for a study of the jute-bag question by the Tariff Commission and have asked for a 50 per cent reduction on such bags. Experience is a good teacher; last year my grain bags cost me $1,200; a few years ago they would have cost but half as much.

APPLE BOXES

A bill was pending in Congress standardizing fruit and vegetable containers. It was a good bill except that it proposed to change the size and shape of our established Northwest apple box. After showing the author of the bill and the Representative in charge of the bill that even a slight change would destroy our nationally established apple pack and complicate fabrication of boxes, he agreed to and did drop the Northwest apple box from the bill.

CHERRIES AND ONIONS NEED PROTECTION

During the past several years we have argued for an increased tariff on cherries and finally secured a personal visit to the Yakima Valley of the Tariff Commission investigators. The California-Oregon-Washington fight has resulted in a 50 per cent increased duty to protect our growers from Italian cherries.

A few months ago in behalf of Walla Walla and Yakima onion growers I appeared personally before the Tariff Commission and testified for them, asking for a 50 per cent increased duty on onions to protect our growers from onions grown in Egypt and Spain.

REDUCED FREIGHT RATES URGED

We have never believed the "Portland differential" wheat rate was justified. I am convinced from my own experience and the experience of others that this preferential rate costs us about 3½ cents a bushel on all wheat grown south of the Snake River. I have in the past and shall in the future strive for a competitive market, which can only be secured by reducing rates to Puget Sound.

It was my good fortune to assist in enacting the Hoch-Smith resolution into law, and as one of an Appropriations Committee of five have helped to supply the Interstate Commerce Commission with necessary funds to put it into effect. I have strongly urged reduced rates under that resolution for all farm and orchard products. The resolution was intended for present relief; to help agriculture now, in 1928, and not at some distant date when the farmer is already bankrupt.

COOPERATION SECURES YAKIMA WEATHER STATION

When the need of a full-time, first-order weather station at Yakima was brought to my attention a few weeks ago by a Yakima lawyer, I immediately conferred with the proper authorities here, secured an estimate of cost, and wired the Yakima Chamber of Commerce to forward by air mail 10 best reasons why such an office should be established. Later this information was required by the chief forecaster at San Francisco. In both instances the Yakima chamber responded immediately, and with 12 good reasons. That was splendid cooperation which I greatly appreciated. After personally presenting all the evidence, the Weather Bureau, the Secretary of Agriculture, and finally the Appropriations Committee agreed that a valley and near-by territory that produces $75,000,000 of agricultural products, most of which are fruits and vegetables, and highly sensitive to weather changes, is entitled to a first-order weather station for the protection of its crops.

Twice a day passenger air service which was established May 15 between Yakima and Portland was another strong argument in behalf of the station. So on July 1 Yakima, the sixth agricultural county in the United States, will have a much-needed first-order weather station that will well serve every farmer in Yakima and adjoining counties.

SERVICE MEN

When the World War ended hospitals had to be provided for the disabled and those broken in health. My mind turned to Fort Walla Walla. In securing the necessary legislation for the conversion of old Fort Walla Walla, which had been idle for 10 years, into a veterans' hospital the Government was saved half a million dollars and the veterans were provided with one of the most desirable hospitals in the whole country. Within the last few days, after two years' effort, we have appropriated $250,000 for a badly needed new ward for bedfast patients.

RED TAPE CUT

Veterans' claims were hopelessly entangled with red tape. It has been my great pleasure to assist more than 1,025 of those patriotic young men in adjusting their claims with the Government. Awards varying from $1.25 to $10,000 have been secured. These cases have required from a few days up to 13 months for final disposition.

Civil War veterans, their widows and orphans, and veterans of Indian wars and of the Spanish-American War have had their difficulties. Five hundred and ninety-five of these have had my personal assistance in presenting their pension claims.

Abraham Lincoln admonished us "To care for him who shall have borne the battle and for his widow and his orphan." This office has tried to be helpful in all cases.

LAKE KEECHELUS CAMP SITE SAVED

The tract of land known as Lake Keechelus Camp had been filed on in the nineties as a "lieu land claim." There was a cloud on claimant's title. Twenty years later the construction of a hard-surfaced road, the universal use of the auto, and abundant supply of cold spring water and shade made this a favorite outing place for Kittitas County and a resting place for cross-State tourists. Mr. Harry Averill, then of Cle Elum, who was my secretary at that time, informed me that this choice camp was "in danger of being lost to the public and that a parking fee would then no doubt be charged the hundreds of local people who picnic there on Sundays and holidays."

I protested against this beautiful site passing under private control unless claimant could show unquestioned title, and requested the Secretary of the Interior to search the records for 20 years back. Two or three failures to comply with the law were found. Lake Keechelus camp site was saved and remains a part of the national forest, with no wire fence and padlocks, and will be forever available to the public.

INDIAN RESERVATION

The welfare of the Indians has always had my sympathetic interest. The development of the Wapato project, including the Satus unit and the pumping unit, have had my full cooperation.

An agreement to cut repayment charges from $10 per acre (which was first written in the bill) to $5 and later to $2.50 was secured.

My Mount Adams Highway bill, for the construction of a highway across the reservation, would add nearly a million dollars to the value of Indian timber, make their mountain resorts accessible, and would serve the entire reservation and the Pacific Northwest. A two-day tour up the Columbia or Northbank Highway past snow-capped Mount Hood, through the beautiful white salmon country, under the shadow of snow-capped Mount Adams, through the Yakima Reservation and the highly developed Yakima Valley, over the beautiful new Naches Pass Highway, through Rainier National Park, and on to Tacoma, Seattle, and Puget Sound, could not be surpassed in this or any other country for beauty and variety of scenery.

CLAIMS ADJUSTED—FAMILIES REUNITED

Income, estate, and other claims (from 1 to 20 years old), totaling hundreds of thousands of dollars, have been adjusted. You may be sure these are pretty knotty claims, as they only reach this office after having passed through many hands.

Youthful sons, who have run away and joined the Army or Navy, have been located and returned to their distressed or needy parents.

Two young girls lost to their parents in a foreign country for 10 years were located after many months in correspondence covering the United States, Russia, Germany, and England, and the family reunited.

Military decorations for heroic action in certain cases and from the King of Belgium were secured.

GUNS DONATED

The identical French 155-millimeter guns used so effectively by the One hundred and forty-sixth Field Artillery on the western front were permanently donated by my bill to Walla Walla, where the battalion was recruited—the only instance of this kind in the United States. As you know, these guns are now proudly resting in our city park.

Consent of the Director of the Veterans' Bureau was secured for establishment of Walla Walla airport on hospital grounds.

Consent of Federal Power Commission for wing dam in Snake River at Burbank was secured.

Bird sanctuary requested and granted on veterans' hospital grounds at Walla Walla.

Assisted in securing Interstate Commerce Commission hearings for railroad in Asotin County.

SAGE BRUSH OR CIVILIZATION

I believe in development. My family has pioneered across this country since 1637. I believe in good roads, good schools, good churches, good homes. If the State of Washington does not develop, then we will stagnate, become tax ridden, and out of step with civilization while development will go to other parts of the country.

Our national population increases 2,000,000 annually. Every year requires the products from at least 5,000,000 additional acres. These products will be grown in Australia, the Argentine, New Zealand, and Canada if they are not grown in the United States. I am for the United States. Development is a slow process. In 1919 I introduced the first bill for the Kittitas high line and helped secure final results. The heroic pioneers of that valley had been trying for this development for 35 years. The work is now well under way, but several years will yet pass before that project is fully developed.

I mention this to show that this generation need have no fear of irrigation. It requires from 25 to 50 years to develop a project.

The Roosa-Moxee-Sunnyside-Kennewick project will be next constructed. It will benefit all. It will hurt nobody. No doubt our ancestors once thought development should stop at the Connecticut River or the Hudson or the Appalachian Mountains. We know they opposed development west of the Missis-

sippi, and at a later date were shocked at suggested settlement and development west of the Rockies.

I have piloted five Columbia Basin bills through the House during the past 10 years; another bill is pending. Work as hard as we may we shall have 60,000,000 more mouths to feed when the project is completed and fully settled. At that time we will have a strong market for every pound of food produced in the United States and will be importing freely from the countries I have named.

Senator JONES and I introduced the first bills changing the repayment period on irrigation projects from 20 to 40 years and liberalizing the reclamation law in other respects.

COMMITTEE ASSIGNMENTS

From the Members who have served longest in Congress and have been under observation for several years and who are believed to be qualified for the special service required the important committees are selected.

These are the words of Champ Clark after 22 years in Congress, 8 years as Speaker of the House of Representatives:

A man has to learn to be a Representative, just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up.

No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country.

The best rule, it seems to me, is for a district to select a man with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things. We live in parlous time. Abraham Lincoln's favorite argument for his own reelection was that it is unwise to swap horses in the middle of the river—which applies to Congressmen as well as Presidents.

My colleagues of the House have honored me with membership on the Appropriations Committee. This is said to be the first time a Member of the House from the State of Washington has ever been assigned to this committee.

The committee prepares all appropriation bills for every activity of the Federal Government. This large committee of 35 members function through 10 subcommittees of 5 members each.

AGRICULTURAL APPROPRIATIONS

The Agricultural Appropriations Subcommittee comprises Hon. L. J. DICKINSON of Iowa, chairman, who is familiar with agricultural problems in general and speaks with authority on agricultural requirements in the Mississippi Valley; Hon. EDWARD H. WASON, of New Hampshire, who speaks for New England and the East; JOHN W. SUMMERS, of Washington, who speaks for agriculture in the Intermountain and Pacific States; Hon. JAMES P. BUCHANAN, of Texas, and Hon. JOHN N. SANDLIN, of Louisiana, who speak for agriculture in the South. You will note your Representative is the only member west of Iowa and consequently the only member of the committee familiar with western agricultural problems.

My committee colleagues are capable men. We study the needs of agriculture conscientiously and sympathetically. We prepare a bill carrying a little less than the total amount recommended by the President and the Director of the Budget. However, our bill must provide funds for every agricultural college in the United States, for county agricultural agents, for extension work of all kinds, for the study of production of all farm crops, their pests of every kind, of cattle, sheep, hogs, poultry, dairying, eradication of disease from plants and animals, codling moth, Japanese beetle, earwig, Mexican fruit worm, predatory-animal control, marketing at home and abroad, and hundreds of other farm activities of which I would write you if time permitted.

National forests and the Bureau of Public Roads are administered by the Secretary of Agriculture and about $85,000,000 are provided for roads in our bill. The bill carries a total of near $140,000,000 for all agricultural activities, including post roads and national forest roads and trails.

Our committee spent many weeks in preparing this bill. Specialists and practical farmers in every branch of agriculture testified before our committee. One thousand three hundred pages of their testimony is printed and is known as the "Hearings on the agricultural appropriation bill." My many years' experience in farming in the Mississippi Valley and in Washington served me well in considering these problems. This was the most interesting and probably the most valuable work I have done since coming to Congress 10 years ago. Nothing spectacular, no newspaper headlines, no speeches, just a lot of hard work around the committee table, where much of the real work of Congress is done, working out a thousand problems for six and a half million farmers.

INDEPENDENT OFFICES

The independent offices appropriation subcommittee, of which I am also a member, is composed of Hon. WILL R. WOOD, of Indiana, chairman; Hon. EDWARD H. WASON, of New Hampshire; JOHN W. SUMMERS, of Washington; Hon. THOMAS H. CULLEN, of New York; and Hon. FRED M. VINSON, of Kentucky. You will again note your Congressman is the only member of this committee west of Indiana.

This committee also spends many weeks listening to the reports of work done during the preceding year, the plans for future work, and the amount of money expended in the past and required for the future by the following activities of the Federal Government:

Executive (this includes all public expenditures by the President, including the White House).

Alaskan relief.

Alien Property Custodian.

American Battle Monuments Commission (World War monuments in France).

Arlington Memorial Bridge Commission.

Board of Mediation (which settles most all railway labor disputes).

Board of Tax Appeals (the final arbiter of income-tax controversies).

Bureau of Efficiency (which studies the operation of various departments and suggests money-saving methods).

Civil Service Commission.

Commission of Fine Arts (which approves the plans for all public and other important buildings in the Capital).

Employees' Compensation Commission.

Federal Board for Vocational Education (which cooperates with 41 States in rehabilitating industrial cripples).

Federal Power Commission.

Federal Radio Commission.

Federal Reserve Board.

Federal Trade Commission.

General Accounting Office (which must audit and O. K. every dollar expended from the Federal Treasury).

Housing Corporation (which is closing up war-housing activities).

Interstate Commerce Commission (which establishes all freight rates).

National Advisory Committee of Aeronautics (for improvement of flying craft).

Public Buildings and Public Parks.

Smithsonian Institution.

Tariff Commission.

United States Geographic Board.

United States Shipping Board.

United States Veterans' Bureau (with all its activities throughout the United States requiring $485,000,000 for the next fiscal year).

I may safely say no other committee of Congress covers so wide a field of activities as this.

These 26 activities of the Federal Government require a total of about $560,000,000 annually. This is the second largest bill prepared by any committee of Congress and ranks in amount next to the Post Office appropriation bill.

Every dollar of these vast requirements is first scrutinized by the Director of the Budget and the President and are then recommended to the Congress. They are then even more painstakingly scrutinized and investigated for several weeks by our committee which reduces the amounts wherever it can be done without crippling the work which is to be undertaken. The bill is then considered for several days by the House, then by the Senate Appropriations Committee, then by the Senate, then by a conference committee of the two Houses, and finally goes to the President for his signature. The funds then become available.

This is the Budget law, which we enacted in 1921, in operation. It saves tens of millions of dollars annually and has made it possible for Congress to cut—to reduce—Federal taxes four times during the past seven years.

I am deeply appreciative to the newspapers of our State, to chambers of commerce and many other organizations, and to my constituents and colleagues for their help and cooperation in all things.

I told my friend his letter would have no end if it included all the activities of Congress that affect our State and Nation. That I had tried to picture such activities

as would answer his inquiries and give him a general but close-up view of my work. Many friendly inquiries similar to his had been received, but it was obvious that I could not rewrite such a lengthy letter to all and that I was sure he would not object to my sending to others printed copies of what I had written him with the hope that they would be accepted by everyone as a personal statement from me.

He also was reminded that my office wanted to be of service not only in national affairs but also in matters where the community or the individual is concerned.

CONSENT CALENDAR

FOOT BRIDGE ACROSS THE FOX RIVER, DUNDEE, ILL.

The next business on the Consent Calendar was the bill (H. R. 13593) granting the consent of Congress to the city of Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River within the city of Dundee, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill with committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE CHOCTAWHATCHEE RIVER, DALE COUNTY, ALA.

The next business on the Consent Calendar was the bill (H. R. 13651) granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill with the committee amendment, which was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE BLACK RIVER, JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 13687) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS THE OUACHITA RIVER AT HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 13705) authorizing H. M. Wheeler, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent this bill be passed without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS LAKE CHAMPLAIN, ROUSES POINT, N. Y.

The next business on the Consent Calendar was the bill (H. R. 13707) authorizing Elisha N. Goodsell, his heirs and legal representatives and assigns to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, I object.

BRIDGE ACROSS MISSOURI RIVER, ST. LOUIS COUNTY, MO.

The next business on the Consent Calendar was the bill (S. 4203) authorizing J. H. Haley, his heirs and legal representatives and assigns to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Does the gentleman know J. H. Haley?

Mr. COCHRAN of Missouri. A meeting was held in St. Louis County after I exposed the activities of E. M. Elliott, and I was notified Mr. Haley, a citizen of the county, was selected as the one to apply for the franchise. I was further advised he has no connection whatsoever with Elliott.

Mr. NIEDRINGHAUS. Let me say to the gentleman that the representative citizens of St. Louis County are all in favor of the construction of this bridge.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIGHTHOUSE RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, this is a bill authorizing the Secretary of Commerce to transfer to the Colonial Dames of America in Virginia a piece of land, another piece of land to the Ann Arbor Railroad Co., and the transfer of control of land from the Secretary of Commerce to the Secretary of the Navy, and it seems to me a bill like this ought not to be expected to be passed unless the membership is informed more fully about it.

Mr. MONTAGUE. As far as I am concerned, let me say to the gentleman I am only interested in the first piece of land. I want to say that the Government runs no risk in transferring this property. It is idle property. The particular piece of property that I am interested in the Government has more land than it needs for the lighthouse. They want to put up a historical monument there. The Lighthouse Service will not be impaired in anyway, and unless this is done by the 28th of June the rights will lapse.

Mr. SCHAFER. Why should the Government give the Ann Arbor Railroad title to land?

Mr. MONTAGUE. I can not answer the gentleman.

Mr. SCHAFER. I think we ought to strike out all of section 2 and pass the bill. If that is not done, I shall object.

Mr. LAGUARDIA. Section 3 simply transfers from the Secretary of Commerce to the Secretary of the Navy. That is all right.

Mr. SCHAFER. How about the railroad?

Mr. LAGUARDIA. We can take that out.

Mr. SCHAFER. If an amendment be offered to that effect, all right.

Mr. LAGUARDIA. I shall offer it. Mr. Speaker, with the understanding that I shall move to strike out section 2 on the ground that there is not sufficient information before the House to warrant its passage, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer to the Colonial Dames of America in Virginia the following-described portion of the Dutch Gap Lighthouse Reservation, Va.; Beginning at a stone marked "A" on blueprint No. 5624, on file in the office of the Superintendent of Lighthouses, Baltimore, Md., which is designated as the point of beginning in deed dated November 12, 1889, from the city of Richmond to the United States and recorded among the land records of Henrico County, Va., in deed book No. 128–A, page 301, etc., running thence south 40° west 122.98 feet to B, thence south 50° east 228 feet to C, thence north 40° east 160 feet to D, thence north 50° west 60 feet to E, thence north 40° east 162.98 feet to F, thence north 50° west 118 feet to G, thence south 80° west 78 feet to H, thence south 40° west 140 feet to A, the point of beginning, containing 1.43 acres, which includes all of the land conveyed from the city of Richmond to the United States by aforementioned deed, and all of first parcel described in deed of May 30, 1873, from city of Richmond, Va., to the United States recorded in deed book No. 92, page 72 etc., except plots D, E, F, J, which is retained by the Lighthouse Service. The property shall be used and maintained by the Colonial Dames of America in Virginia for historical purposes only. If at any time for a period of one year it should not be so used and maintained, it shall revert to the United States without notice, demand, or other suit or proceeding. The United States reserves the right to locate and maintain upon the property so transferred any aids to navigation and in any locations thereon the Secretary of Commerce may deem necessary, and to enter and leave the property by the most convenient routes for this purpose.

SEC. 2. The Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Ann Arbor Railroad Co., having its principal place of business at Toledo, Ohio, a tract of land lying south of the

harbor entrance connecting Lake Michigan and Lake Aux Bocs Sucs, at Frankfort, Mich., deeded to the United States by warranty deed on August 1, 1908, from Charles T. Parker, administrator de bonis non com testamento annexo of Henry Day, deceased, said deed being recorded February 23, 1909, in the register's office of Benzie County, Mich., in Liber 39 of Deeds, pages 57 and 58, described therein by metes and bounds, as follows:

"Beginning at a point on the fence situated on the west side of the buildings of the life-saving station 70 feet measured on said fence from the southerly boundary of the life-saving station reservation; running westerly 150 feet parallel with the south boundary of the reservation; thence true north 150 feet, more or less, to the face of the revetment; thence easterly along the face of the revetment to its intersection with the fence aforesaid; thence in a southerly direction along the line of said fence 150 feet, more or less, to the place of beginning, being an area of land approximately 150 feet square, which land is situated in the southeast quarter northeast quarter section 28, township 26 north, range 16 west, Benzie County, Mich.; excepting perpetual easements for life-saving purposes granted to the United States of America in certain conveyances bearing dates, respectively, November 4, 1883, and June 3, 1889."

The said tract of land to be given in exchange for and dependent upon the Ann Arbor Railroad Co. conveying to the United States the fee-simple title, as evidenced by a warranty deed and abstracts acceptable to the Attorney General of the United States, to the following tract of land lying northerly of the said harbor entrance and described by metes and bounds, as follows:

"Starting at the common corner between sections 21, 22, 27, and 28, township 26 north, range 16 west, State of Michigan, running due west along the section line a distance of 690 feet; thence running due south a distance of 1,160.38 to a stake; thence north 86° 36″ west a distance of 291 feet to the place of beginning.

"Thence running south 3° 24″ west a distance of 80 feet to a stake; thence north 86° 36″ west for a distance of 281 feet to a stake; thence north 3° 24″ east for a distance of 80 feet to a stake; thence south 86° 36″ east for a distance of 281 feet to the place of beginning of the land hereby conveyed, containing ½ acre, more or less."

SEC. 3. The Secretary of Commerce is hereby authorized to transfer to the control of the Secretary of the Navy the parcels of land hereinafter described and forming portions of the Parris Island Lighthouse Reservation, S. C.:

Parcel No. 1: The tract of land, together with all buildings and appurtenances, which was formerly the site of the Parris Island Range Front Light, described as follows in a deed of July 26, 1878, from James C. Snyder to the United States, recorded June 12, 1879, in book No. 11, page 511, of Beaufort County register's office:

"All that piece or parcel of land being a part of a tract of land formerly known as the 'Means Plantation' and numbered according to a map of a survey on file in the office of Commissioners of Internal Revenue, Washington, D. C., as lot 23, section 20, township 2 south of Beaufort base line and 1 west of the St. Helena meridian in the county of Beaufort and State of South Carolina, to wit:

"'Commencing at a point on the shore of a creek known as "Means Creek" north 28° and 41″ west, 206 feet from the southeast corner of lot 23 of the aforesaid map and running thence north 77° and 30″ west 558 feet; thence north 72° and 15″ east 710 feet to Means Creek; thence southerly along the shores of Means Creek to the place of beginning, the whole containing 2¼ acres, more or less, and including the water privileges of the front on Means Creek, and * * * a right of way of sufficient width for the construction of an earthen causeway and for the procuring of the material to construct and keep in repair the same across the land lying between the aforesaid piece or parcel of land and an earthen causeway across the marsh to the southerly end of Parris Island.'"

Parcel No. 2: The tract of land, on which the Parris Island Range Rear Beacon is now located, described as follows in a deed of February 28, 1879, from Silas E. Taylor to the United States, recorded November 14, 1879, in book No. 11, page 576, of Beaufort County register's office:

"All that piece and parcel of land situated, lying, and being on Parris (or Parry) Island in the county of Beaufort and State of South Carolina, to wit:

"'All of the northeast quarter northeast quarter southeast quarter section 18, township 2 south, range 1 west, of Beaufort principal meridian, according to a plat of the United States survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., and numbered according to the said plat, lot 33, of the aforesaid section, containing 10 acres, more or less.'"

The Parris Island Range Rear Beacon shall be allowed to remain in its present position until removed or relocated by or with the permission of the Department of Commerce Lighthouse Service. The Department of Commerce Light House Service shall also retain the right of ingress and egress by the most convenient route across the above-described parcel No. 2, for maintenance, relocation, or removal of the said rear beacon of this range.

SEC. 4. The Secretary of the Treasury is hereby authorized and directed to transfer to the Department of Commerce for lighthouse purposes an additional strip of land 6 feet in width, extending in a southerly direction from Jefferson Avenue a distance of 150 feet, parallel and contiguous to the easterly line of the portion of the old Marine Hospital Reservation, Detroit, Mich., which was transferred to the Department of Commerce by authority of the act of Congress approved May 18, 1926.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out all of section 2.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Beginning on line 6, on page 3, strike out all of section 2.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CACHE NATIONAL FOREST, IDAHO

The next business on the Consent Calendar was the bill (H. R. 310) authorizing an addition to the Cache National Forest, Idaho.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object simply to state that the Department of the Interior and the Department of Agriculture should surely get together on these transfers of lands for national forests. It makes it extremely difficult for a Member of Congress to get all of the facts when the two departments are in conflict. They ought to adopt some policy so that we may have harmony between these two departments. I shall not object at this time, but at the next session of Congress unless the two departments can work out a program, I shall object to all of these bills.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Cache National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

The west half of sections 6, 7, and 18, sections 19, 30, and 31, in township 8 south; section 6 and the west half of sections 7, 18, 19, and 30, in township 9 south, range 36 east of Boise meridian; sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, in township 8 south; sections 1, 2, 10, 11, 12, 13, 14, 23, 24, 25, and 26, in township 9 south, range 35 east of Boise meridian, Idaho.

With the following committee amendments:

Page 2, line 2, after the word "south," insert "range 36 east, Boise meridian."

Page 2, line 6, after the word "south," insert "range 35 east, Boise meridian."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HIRING VEHICLES FROM LETTER CARRIERS

The next business on the Consent Calendar was the bill (H. R. 13451) to authorize the Postmaster General to hire vehicles from letter carriers for use in service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3850 of the Revised Statutes (U. S. C., title 39, sec. 52) be amended by the addition of the following:

"*Provided*, That beginning with the fiscal year 1928, and thereafter, the Postmaster General may hire vehicles from letter carriers for use in the city delivery and collection service, either under an allowance or on a contract basis."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CESSION OF CERTAIN LANDS IN IDAHO

The next business on the Consent Calendar was the bill (H. R. 13144) to cede certain lands in the State of Idaho, in-

cluding John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ALABAMA NATIONAL FOREST

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 130) suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, has the State of Alabama agreed to this?

Mr. HILL of Alabama. Yes.

Mr. LAGUARDIA. Is the gentleman going to move to strike out the recitals?

Mr. HILL of Alabama. The recitals came over in this form from the Senate. We can not strike them out unless we send the joint resolution back to the Senate.

Mr. LAGUARDIA. You can not put them in the law. You might as well put in a Mother Goose rhyme.

Mr. HILL of Alabama. I have no objection to their going out.

Mr. LAGUARDIA. I shall not insist upon their going out.

Mr. SCHAFER. Reserving the right to object, is the entire delegation in the Senate and the House from Alabama in favor of this bill?

Mr. HILL of Alabama. So far as I know.

Mr. LAGUARDIA. This is not in conflict with any policy announced by the Vatican, is it? [Laughter.]

Mr. HILL of Alabama. Not that I know of.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas section 7 of the act of March 1, 1911 (36 Stat. 961), provides "That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams"; and

Whereas the State of Alabama by an act approved November 30, 1907, consented to such acquisitions; and

Whereas the State of Alabama by an act approved September 28, 1923, repealed the aforesaid act of November 30, 1907; and

Whereas the Secretary of Agriculture was not informed of said repeal and continued to contract for the purchase of certain lands within the present exterior boundaries of the Alabama National Forest, located in Winston, Lawrence, and Franklin Counties, in the said State of Alabama; and

Whereas the forestry officials of the said State of Alabama approved the policy of consolidation of lands within the present exterior boundaries of the aforesaid Alabama National Forest: Now therefore be it

Resolved, etc., That the provisions of section 7 requiring the consent of the said State legislature for the acquisition of such lands be and the same are hereby suspended as to any unacquired lands within the present exterior boundaries of the said Alabama National Forest until and including December 31, 1930.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

INSURANCE ON WHEAT

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, the gentleman from Kansas [Mr. STRONG] is interested in this bill and is temporarily out of the Chamber. I ask unanimous consent that it be passed over to be called up later by him.

Mr. LAGUARDIA. Oh, no; let us have it passed without prejudice.

The SPEAKER pro tempore. Without objection, it will go over without prejudice.

There was no objection.

CONVEYING CERTAIN LANDS TO HOT SPRINGS, ARK.

The next business on the Consent Calendar was the bill (S. 3361) authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, the only guaranty to the Government that this money will be used for the construction of this fire house is in the deed. The deed authorizes the city to sell part of this land. Surely that is not sufficient guaranty to carry out the intention of the bill that the land is given with the understanding that the fire house will be built upon the remaining land.

Mr. HILL of Washington. Mr. Speaker, I reported the bill from the Committee on Public Lands.

Mr. LAGUARDIA. The bill provides:

The deed executed by the Secretary of the Interior shall contain the express condition that if the proceeds of any such sale or other disposition are not used for the construction of such building or if the city uses or permits to be used for any other purposes than that herein authorized that part of the lot upon which such building is erected or attempts to alienate it, the title to that part of such lot shall revert to the United States.

Mr. HILL of Washington. Yes; that part that is to be used as a site for the fire station. It authorizes the sale of so much of that part of the land which is not to be used as a site for a fire station, and if the proceeds of the part sold are not used in the construction of this fire-station building, then the 50-foot front on the part reserved on which the fire station is to be erected shall revert to the United States.

Mr. LAGUARDIA. Exactly.

Mr. HILL of Washington. It does authorize that portion of the land that is not to be used as a building site for the fire station.

Mr. LAGUARDIA. The bill is poorly drawn.

Mr. HILL of Washington. It is a Senate bill.

Mr. CRAMTON. The bill to my mind is of very questionable propriety. The Government gave this land to the city. Now the city wants to sell a part of it and use the money in building a fire house. The city ought to build its own fire house, and in the city, which is a health and recreation center, it would not hurt at all to have a little green park around the fire house. It seems to me a very shortsighted policy for them to make this proposal.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GRANT OF LAND TO SAN JUAN COUNTY, WASH.

The next business on the Consent Calendar was the bill (H. R. 12775) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public park purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection of the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title and fee to lot 2 of section 2 in township 35 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situated within an abandoned military reservation on Lopez Island in said county, said lot containing 22 acres, be, and the same is hereby, granted, on the payment to the United States of $1.25 per acre subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes in addition to and enlargement of the park granted to said county of San Juan, State of Washington, by the act of Congress of April 17, 1926: *Provided,* That if said lands shall not be used for the purposes hereinabove mentioned, the same or such part thereof not used shall revert to the United States: *Provided further,* That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

With a committee amendment as follows:

Page 2, line 7, after the words "United States," insert a colon and the following proviso: "*Provided further,* That said land shall be subject to the right of way for county roads granted to the county

authorities of San Juan County, State of Washington, by the act of Congress of February 21, 1925 (43 Stat. 957)."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ISSUE PATENTS FOR LANDS HELD UNDER COLOR OF TITLE

The next business on the Consent Calendar was the bill (S. 3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, here, indeed, we have something novel in connection with the law of adverse possession. The bill seeks to validate title where land has been held adversely for 20 years. But the bill goes further than that, and, something that I have never seen in the law of adverse possession, it authorizes the giving of title not only when held in adverse possession for 20 years, not to the grantee, but to the grantor. If one has held adversely, he must have been in possession for 20 years, but here one could have held adverse possession and without color of title sell this title. Surely that is not the intention of the bill.

Mr. COLTON. This bill was introduced by the chairman of the committee at the request of the Secretary of the Interior to correct this situation. We have frequent bills coming before our committee to quiet title to tracts of land that have been held for long periods of time.

Mr. LAGUARDIA. Exactly.

Mr. COLTON. And very frequently valuable improvements have been placed upon these tracts of land.

Mr. LAGUARDIA. True.

Mr. COLTON. When the examination is made of the abstract the chain of title is incomplete, and it requires in each case almost a perfunctory matter of coming before the Committee on Public Lands and getting a bill through.

Mr. LAGUARDIA. But you can not have a chain of title if the land is held adversely, because the person holding has no title, and surely he can not convey that which he has not got.

Mr. SCHAFER. Does the gentleman from Utah state that the committee does not go into the matters when the matters come before the committee?

Mr. COLTON. I did not say that.

Mr. SCHAFER. You say it considers them perfunctorily.

Mr. COLTON. I say in almost all instances we are compelled to rely on the report of the Secretary of the Interior. That is the only source of information we have, so that in the last analysis it is left to the Secretary of the Interior. This bill authorizes him, when he finds on investigation that those who are claiming the land are entitled to it, to issue a patent for less than 160 acres; only in those cases.

Mr. LAGUARDIA. If the law would read, "Has been held in good faith for more than 20 years," there would be no objection.

Mr. COLTON. Some of these cases go back for 25 or 30 years.

Mr. HUDSON. Regular order, Mr. Speaker!

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. LAGUARDIA. Of course, if anyone wants to object, he can do so.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGES ON THE SAN CARLOS INDIAN RESERVATION, ARIZ.

The next business on the Consent Calendar was the bill (S. 4321) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, if the bill is considered I want to offer an amendment providing that if the money is received it shall be paid to these Indians.

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, may I call the attention of the gentleman to the fact that all this bill seeks to do is to sell the bridges and give a salvage right to the bridges. That is satisfactory, but I fear the way the bill is drawn we may be selling the right to use these bridges. Let us assume these bridges are sold and the purchasers demand their rights as owners of bridges.

Mr. CRAMTON. I am familiar with the situation, because I have visited this locality. These bridges will be under water the greater part of the year, and there will be no rights connected with them. There was a road which these bridges served, but the San Carlos Dam, which will be completed this fall, will flood all of this area and cover the road leading to the bridges, and during the greater part of the year water will cover the bridges. So they will have no value except to be removed.

Mr. LAGUARDIA. But that is not clear in the bill. Unless the gentleman puts in the bill a statement showing that is all which is sold I fear there might be some claim made by the purchasers of the bridges that they have rights as owners of bridges. I am fearful of selling bridges that are under water.

Mr. CRAMTON. The bill provides that these bridges will no longer be serviceable after the completion of the Coolidge Dam, and that makes it clear that the bridges are to be removed.

Mr. LAGUARDIA. The intent now is to simply sell these bridges as junk?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. And no rights are to be acquired to operate bridges?

Mr. CRAMTON. None whatever.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized under such terms and conditions as he may deem proper, to dispose of two bridges, one across the Gila River on the San Carlos Apache Indian Reservation, Ariz., and the other across the San Carlos River on that reservation, constructed in pursuance to a provision in an act approved July 15, 1913 (38 Stat. L. 85), that will no longer be serviceable after the completion of the Coolidge Dam now being constructed across the Gila River in Arizona.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: On page 2, line 2, strike out the period after the word "Arizona" and insert in lieu thereof a comma and the following: "the proceeds from such sale to be deposited in the Treasury to the credit of the San Carlos Indians and draw interest at 4 per cent per annum."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OLEOMARGARINE

The next business on the Consent Calendar was the bill (H. R. 10958) to amend the definition of oleomargarine contained in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BURDICK. Mr. Speaker, I object.

PRODUCTION OF LIVESTOCK

The next business on the Consent Calendar was the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. This bill was reported out of the committee with the understanding that it would not be called up at this session.

Mr. CRAMTON. Mr. Speaker, further reserving the right to object, I hope the understanding will extend to the next session as well.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ASSIGNMENT OF RAILWAY POSTAL CLERKS

The next business on the Consent Calendar was the bill (H. R. 58) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized to assign railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks whenever, in his opinion, such employment is necessary. Such employees shall receive credit on their Railway Mail Service records for the time employed in the sea-post service, but shall be allowed the salary and expenses of a Class I sea-post clerk, payable out of the appropriation available for maintaining sea-post service, in lieu of any other salary and expense.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL BUILDING IN THE CITY OF HARTFORD, CONN.

The next business on the Consent Calendar was the bill (S. 4035) authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I simply do so in order to call attention to the fact that here is another bill that is improperly drawn. The bill contains a recital of fact, which is highly improper. The gentleman from Hartford tells me this is a Senate bill and he is anxious to have it passed without going back. I simply want to call attention to the fact that the bill provides:

That in consideration of the fact that the site of the present Federal building at Hartford, Conn., was originally donated to the United States for Federal uses, the Secretary of the Treasury—

And so forth. Those first five lines should not be in the bill at all and whoever drew the bill did a poor job.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of the fact that the site of the present Federal building at Hartford, Conn., was originally donated to the United States for Federal uses, the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Hartford, Conn., title to said site and the Federal building thereon, upon completion and occupancy of the new Federal building authorized to be construction in said city.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC MARKET ON PENNSYLVANIA AVENUE

The next business on the Consent Calendar was Senate Joint Resolution (S. J. Res. 50) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. SCHAFER. Mr. Speaker, I object.

DIVERSION OF THE WATERS OF THE NORTH PLATTE RIVER CASPER-ALCOVA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 13420) to provide for the storage and diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SARATOGA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 13421) to provide for the storage and diversion of the waters of the North Platte River and construction of the Saratoga reclamation project.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. GILBERT. Mr. Speaker, reserving the right to object, is it the intention that this bill will be called up again at this session?

Mr. SIMMONS. I will say to the gentleman that I am personally opposed to both of the bills, and I am taking this action hoping that Nebraska and Wyoming during the recess of Congress can agree on the terms of them.

Mr. GILBERT. I am very much opposed at this time to adding other tillable lands, in face of the surplus of agricultural projects we now have on hand, and if there is any prospect of these bills being called up again at this session I want to object.

Mr. SIMMONS. They are not my bills and I am opposed to them, but I am taking this course hoping that the objection which Nebraska has can be met during the recess of the Congress.

Mr. GILBERT. In view of the gentleman's statement, I will consent that they be passed over.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska that the bills be passed over without prejudice?

There was no objection.

FILLING OF VACANCY IN THE NORTHERN DISTRICT OF ILLINOIS

The next business on the Consent Calendar was the bill (S. 4183) authorizing the filling of a vacancy occurring in the office of the district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, as to this bill and all bills of a similar character, I am going to ask that they be passed over without prejudice. If there is going to be opposition to one or two of these bills for purely personal, political reasons, we might as well know it now and there will be opposition to all of them. I ask unanimous consent to have this bill passed over without prejudice.

Mr. GRAHAM. Reserving the right to object, Mr. Speaker, I wish to call the attention of the gentleman to the fact that this bill simply provides for removing the disqualifying clause——

Mr. LAGUARDIA. We will come back to it.

Mr. GRAHAM. We may not get back to it. We may adjourn. This is a case where the judge is very ill, lying at the point of death.

Mr. LAGUARDIA. This is not to cure the judge?

Mr. GRAHAM. No; but it is to give the President power to appoint a man in his place. The delegation is all clamorous for it, the business of the court needs it, and the Department of Justice has specifically requested it. Our committee, as I remember it, reported it without objection.

Mr. LAGUARDIA. And may I say to the distinguished chairman of the great committee that we have a very bad situation in New York in the southern district and in the eastern district. We will take them all up together in a proper legislative manner, and not in this way. I object.

HOT SPRINGS, ARK.

Mr. REED of Arkansas. Mr. Speaker, I ask unanimous consent to return to Calendar No. 871, the bill (S. 3361) authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I think in the future I will have to object to returning to bills on the calendar. It slows up the business of the day, but I will not object in this particular case.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the city of Hot Springs, Ark.,

subject to the provisions of section 2 of this act, all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark., the use and occupation of which by such city was authorized by the act entitled "An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.," approved August 21, 1912.

SEC. 2. The lot shall be used by the city for fire-department purposes only, except that the city may sell or otherwise dispose of so much of the lot as may be necessary to provide funds for the construction of a new building for its fire department. The deed executed by the Secretary of the Interior shall contain the express condition that if the proceeds of any such sale or other disposition are not used for the construction of such building or if the city uses or permits to be used for any other purpose than that herein authorized that part of the lot upon which such building is erected or attempts to alienate it, the title to that part of such lot shall revert to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPORTIONMENT OF THE WATERS OF THE CIMARRON RIVER

The next business on the Consent Calendar was the bill (H. R. 6496) granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have an amendment to suggest to this bill and the bills to follow to this effect:

Other than the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with such negotiations, compacts, or agreements. The payment of such expenses of such representative is authorized to be made from the appropriations for cooperative and general investigation for the Bureau of Reclamation.

Mr. MORROW. That is all right.

Mr. GILBERT. Mr. Speaker, further reserving the right to object, in reading these bills I do not see that they add any tillable area to the United States. Not being familiar with such subjects, I want to ask the gentleman if my understanding about this is correct.

Mr. MORROW. That question does not enter into the proposition at this time.

Mr. GILBERT. That is what I thought.

Mr. MORROW. The question is one of reserving to each State the proper part of its water whenever the State can use it.

Mr. GILBERT. This just authorizes the States to enter into an agreement about it.

Mr. MORROW. That is all.

Mr. TAYLOR of Colorado. And make an amicable adjustment of the water rights of the two States.

Mr. HASTINGS. And this law is necessary in order to be able to do that.

Mr. COLTON. Reserving the right to object, what is the purpose of having a representative of the Interior Department?

Mr. TAYLOR of Colorado. The Secretary of the Interior requested that they be represented and this section was put in the bill for that purpose.

Mr. COLTON. I may not be right about it, but as I recall, in the compact for the settlement of the waters of the Colorado River, it was left to the discretion of the President of the United States to appoint a representative.

Mr. TAYLOR of Colorado. I have forgotten about that, but, Mr. Speaker, I will say to the gentleman from Utah that all of these nine bills are in identically the same language as the three bills that have been passed during a former session of Congress and all of them by consent of the States and the representative of the Interior Department.

Mr. LEATHERWOOD. Mr. Speaker, reserving the right to object, is this the compact measure?

Mr. TAYLOR of Colorado. Yes.

Mr. HASTINGS. This is between New Mexico and Arizona.

Mr. LAGUARDIA. Is Arizona going to consent to anything now?

Mr. HASTINGS. I meant to say Oklahoma.

Mr. LEATHERWOOD. I think these bills are not urgent at this time at all. I had an understanding in the committee with the gentleman from Colorado that I was to have an opportunity to examine them and perhaps offer an amendment. There is one paragraph which I think is objectionable. I therefore object.

Mr. CRAMTON. Instead of doing that, would the gentleman be willing to have the bill passed over without prejudice? This will give the gentleman an opportunity to make his examination.

Mr. LEATHERWOOD. I have no objection to that.

Mr. TAYLOR of Colorado. I may say to the gentleman from Utah that there are nine of these bills in identically the same language and they all apply to agreements between States.

Mr. LEATHERWOOD. It is my desire that none of these bills pass to-day, and the one directly affecting the State of Utah and the Colorado River I shall object to that being considered anyway at this time.

Mr. TAYLOR of Colorado. Is the gentleman objecting to the bills that do not pertain to the Colorado River?

Mr. LEATHERWOOD. I think they all ought to go over at this time. I ask that they go over without prejudice.

The SPEAKER pro tempore. Without objection, the bills H. R. 6496, H. R. 6497, H. R. 6498, H. R. 6499, H. R. 7024, H. R. 7025, H. R. 7026, H. R. 7027, and H. R. 7028 will be passed over without prejudice.

There was no objection.

JAMES RAYBORN MOORE

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to print in the RECORD the oration of James Rayborn Moore, from my district, who won the national oratorical contest last Saturday night. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, during the past five years there has been a nation-wide oratorical contest among the high-school students. This has been instituted and carried on by the great newspapers of the country. Among these is the Courier-Journal, of Louisville, Ky. This year about 2,500,000 high-school students of the United States set about in an elimination contest to select seven regional representatives. The seven successful regional competitors were James Rayborn Moore, of Somerset, Ky.; Frederic R. Johnson, of Cairo, Ill.; Charles J. Olson, Worcester, Mass.; Joseph West, Omaha, Nebr.; Ralph Zabludofsky, Brooklyn, N. Y.; Elliott Norquist, Kansas City, Mo.; and Benjamin E. Hinden, of Washington, D. C.

On last Saturday night these seven young men, representing the seven regional districts of the United States, met in the Washington Auditorium, Washington City, in a most colorful and memorable contest to decide the oratorical championship of the United States. Perhaps 7,000 people were present, distinguished men and women in all walks of life. Hon. Herbert Hoover, Secretary of Commerce, delivered an address, in which he praised the young men and lauded the sponsors of this splendid enterprise and commended the high character and splendid spirit of the American youth, but he pointed out that in order for America to render her greatest service at home and abroad she must remain American, with a heart sympathetic and generous, yet always intensely national in its fervent loyalty to those institutions of government which have done so much not only to make this Nation great, but to release the energies of individual men and women and establish equality of opportunity among them.

Music was furnished by the United States Marine Band orchestra. Mr. Reinald Werrenrath, one of America's great singers, rendered some beautiful selections. The timekeepers of the speakers were Rear Admiral Richard Henry Leigh and Maj. Gen. John A. Lejeune. The judges were Mr. Justice Van Devanter, Mr. Justice Sanford, Mr. Justice Butler, and Mr. Justice Stone, of the Supreme Court of the United States. The program was broadcasted to millions of listeners by the National Broadcasting Co.

The subject of these young orators was the Constitution. By the unanimous decision of the judges, Mr. James Rayborn Moore, of Somerset, Ky., whose subject was "The present significance of the Constitution," was declared the winner. The tremendous applause given young Mr. Moore at the conclusion of his speech proved conclusively that he had won the audience as well as the decision of the judges. Mr. Elliott Norquist was given second place and Mr. Charles J. Olson third. Mr. Moore, as the winner, receiver a beautiful silver loving cup, and he will represent the high-school students of the United States in the international contest to be held in the city of Washington in October, 1928, where he will meet the victors from England, France, Germany, Canada, Cuba, Brazil, Argentina, Japan, and Mexico. We confidently believe that Mr. Moore will win the international honors. Mr. Moore's speech is as follows:

The love of liberty is instinctive to all men in all ages. To the Latin and Slavonic races liberty has been like some heavenly nebula, luminous and unattainable. To the fierce and practical Saxon it was a concrete thing upon which he must verily lay his hands.

The story of the American Constitution is the story of the Anglo-Saxon race. Its realization is the outcome of a slow process of historical development from the Norman Conquest to the surrender at Yorktown.

The seeds of Anglo-Saxon self-government fruited at Runnymede when the barons of England forced King John to sign the Magna Charta. They fruited again when Oliver Cromwell drove his worthless sovereign from the English throne. They reproduced a thousandfold when Washington, submerged in the wintry snows of Valley Forge, called upon his God to deliver his Nation from the British chains of despotism. From the days of Magna Charta to the days of George III liberty has been developing.

DESTINY OF PIONEERS

America is the destiny of a masterful, pioneering people determined to preserve in the New World the fruits of a thousand years' struggle for freedom in the Old. The story of our country is grander than that of the Greek and nobler than that of the Roman. Its struggle for existence, its heroism, its expansion, and the courage and endurance of its men and women challenge the best and noblest of all the recorded past.

From the earliest colonial period all the aspirations for political security and progress led to the establishment of the principle of representation in government. The characters under which the colonists built their settlements, the laws they made, their attempts at union, and their growing independence up to 1789, all form the background of our Constitution. Starting with the establishment of the Virginia House of Burgesses in 1619, there was a continuance in the growth of representative assemblies in all of the Colonies, so that by the time of the Revolution the political struggle had become one between Parliament on the one hand and the representative assemblies on the other.

When English liberties failed the North American colonists they petitioned the King. In vain they appealed to Parliament for the rights of English men. The answer to this petition and appeal was fleets and armies, the blood of Lexington, and the fires of Charleston.

The Colonists writhed under the principle of "taxation without representation," and strong only in the justice of their cause and the stoutness of their hearts, they flung defiance in the face of the mightiest military power in Christendom.

Then dawned a new era for the whole country, because the divine spark of nationality first kindled by that act was fanned into a mighty flame, which immediately spread throughout the 13 Colonies. Union! Union! was the instinctive and simultaneous cry throughout the land. Independence was declared, and the illustrious Washington led his country through a long, despairing revolution to victory over a people who had acknowledged no victor for 700 years.

VETERANS SAW PROMISE

The veterans who stood with Washington and Lafayette at Yorktown saw gleaming the rainbow promise of a new nation under whose institutions liberty, order, and opportunity should be enjoyed by millions. They saw a new nation with new ideals and new purposes, conceived in the holy thoughts of "liberty, equality, and freedom," the most sublime doctrine since the Sermon on the Mount.

Let us never forget that we possess a noble inheritance bought for us by the toil and suffering and the blood and sacrifice of our ancestors.

At the close of the Revolution "the liberated colonies were drifting into anarchy and chaos" for the need of an effective central government. In 1777 Congress adopted the Articles of Confederation, which were ratified by the States in 1781. These soon proved inadequate. No mere confederacy could answer the needs of the new American people. That people needed a national government.

It was providential that the ineffectiveness of the confederation was so soon recognized, and that there was at hand the leadership of such men as Washington, Madison, Franklin, Hamilton, and others to guide a distraught people to so sound a basis of nationality. These great names and their services to the Union adorn the pages of our history as the stars the glittering firmament. They gave us our independence, our Constitution, our Union, and our freedom.

The Constiutional Convention met in Philadelphia May 14, 1787, to revise the Articles of Confederation, but "with admirable boldness its members resolved to cast these aside and to draft a wholly new Constitution." This famous assembly of 55 delegates, 39 of whom signed the Constitution, were students of governmental experiments and had the experience of the English constitution and of their colonial and State governments. Combined in that notable gathering were the vigor and enthusiasm of youth and the counsel and moderation of age.

WORK IS ACCOMPLISHED

After four months of arduous labor through a scorching Philadelphia summer, a colossal work was accomplished "the results of which were to affect the whole future of the human race."

In a document containing only 4,000 words and 150 distinct provisions the fathers of this Nation laid deep and strong the foundations of the most perfect and enduring temple ever conceived by the wisdom of sages or consecrated by the blood of heroes.

This supreme law of our land consists of a preamble and seven articles to which only 19 amendments have been added during the 140 years of its existence. The three chief articles deal, respectively, with the legislative, executive, and judicial organs of government—that marvelous system of checks and balances which is the very cornerstone of American democracy. The first 10 amendments, known as the bill of rights, gave permanence to the great declaration that men possess inalienable rights, such as freedom of religion, of speech, of assembly, of the press, and trial by jury.

A dual form of government is embodied in this sacred instrument which has made it possible for 13 weak States to grow into 48 great Commonwealths. Never before in the history of man has a Government struck so fine a balance between State rights and the powers of the National Government, each with its legislative, its executive, and its judiciary moving one within the other noiselessly and without friction.

That which distinguishes the American Republic from the other republics in the past, which have failed, is the fact that its Constitution has made it a representative government. The ideal of local self-government is one of our most priceless heritages. This is our Government! Our country! How enviable our lot who live under such a Government as this!

CALLED ADAPTABLE

The vitality of our Constitution is due to the fact that by usage, judicial interpretation, and amendment it can be adapted to the ever-accelerating changes of the most progressive age in history. Through his interpretation John Marshall, Chief Justice of the Supreme Court during 34 of the crucial years of this Republic, breathed into the Constitution the breath of life and solidified the Union. It has withstood shocks of foreign conflict and the perils of domestic strife.

Upon our flag have been written six memorable conflicts, each one ultimately inevitable. Wherever our battle flag has been raised its purpose has been to relieve suffering humanity from the hand of oppression. From the time of the opening volley of flintlock musketry at Bunker Hill to that day in the Argonne Forest when the news of the armistice was flashed around the world American men have fought for ideals of liberty.

We have made our place in the world through the Union and the Constitution. A challenge comes to every American citizen to uphold this Constitution by defending our institutions from all sinister influences, both foreign and domestic, that our flag may represent 150 years hence, as it has represented for 150 years past, humanity's best hope for ordered freedom and enlightened progress.

I wish to extend to the Courier-Journal my sincere thanks for being one of the sponsors of this great enterprise.

Mr. Moore is less than 18 years of age, but his oration would do credit to men of more mature years and wider experience. His victory should be an inspiration to every boy and girl of this Nation. Mr. Moore comes from the great highland region of Kentucky, the district I have the honor to represent. He says the story of the American Constitution is the story of the Anglo-Saxon race. He comes from that section of the highlands of our country where lives the pure strain of the Anglo-Saxon.

Every State of the galaxy of 48 has furnished men and women who shed luster on the pages of American history. However small or new, they have wrought gloriously for the upbuilding of the Republic. Their splendid achievements excite nothing but admiration in my bosom.

I am sure you will pardon me for recalling a few of the characteristics and achievements of the people of the section from which Mr. Moore comes. You will better understand his viewpoint. He comes from the hill country. We know that political and religious freedom found their first expression in the highlands. Is it too much to say that the hope of the perpetuity of our Constitution and our American institutions is more nearly secure in the highlands than any other part of our country? History tells us how the sharpshooters from the mountains of Kentucky and Tennessee marched with that grand old hero, General Jackson, to New Orleans, delivering his country from peril and making himself immortal. The story of Zachary Taylor, Jefferson Davis, and many others from the foothills of Kentucky, when they carried the Stars and Stripes to victory in the land of Monterey, is familiar to every American girl and boy. The immortal Lincoln himself came from the Kentucky hills. When the great question of freedom and the union pressed upon our country in 1861, more men and boys entered the Union Army in many of the counties than there were voters.

When the Spanish-American War came on, in many of these mountain counties more than three times as many young men offered themselves to redress the wrong of the Maine and give

freedom to Cuba than could be accepted. Breathitt County, another mountain county of Kentucky, did not have a drafted man in the World War. More young men volunteered than was necessary to fill the quota. From the mountains of Leslie County came Sergt. Willie Sandlin, who, according to the records of the War Department, killed more Germans single-handed than any other soldier in that Great War and for which he was given the congressional medal of honor and the highest honors granted by the allied countries to noncommissioned officers.

During the World War no man, woman, or child from this congressional district was indicted and convicted for disloyalty and no one was sent to a concentration camp. The people of this section love the Constitution and the institutions of our country. Their ancestors were the actors in the great drama in winning the wilderness and in building the Republic. They suckle their Americanism and their patriotism from their mothers' breast, and they have heard the story of the sacrifices and struggles that made this Republic on their fathers' knees. There is no room in the mountains of Kentucky for the red flag of anarchy. We know there but one loyalty, one flag, and one country. Young Mr. Moore was brought up in the surroundings that inspired him to make the splendid speech that won for him the applause of his countrymen and the praise of 2,500,000 high-school boys and girls of America. We know that in the great international contest he has the prayers and good wishes of not only the people of the hills of Kentucky, but also the 120,000,000 of loyal Americans.

NATURALIZATION OF CERTAIN ALIENS

The next business on the Consent Calendar was the bill (H. R. 13791) relating to the naturalization of certain aliens.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. This looks like a bill for a particular case.

Mr. JOHNSON of Washington. It is not. This is a meritorious bill. It affects a soldier who except for this would be debarred from citizenship. He served in the Army and is on the compensation list. He saw active service and should be relieved. We are unable to bring in individual bills.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any provision of law to the contrary, no alien shall be debarred from becoming a citizen of the United States on the ground that he withdrew his intention to become a citizen of the United States in order to secure discharge from the military service, if such discharge took place after November 11, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OLEOMARGARINE

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 10958.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. LINTHICUM. Mr. Speaker, the bill (H. R. 10958) to amend the definition of oleomargarine is before Congress to-day upon the Consent Calendar, and will be objected to. I am unalterably opposed to this bill. It takes from the people a product which does not resemble butter in its packing nor in any other manner except that it has somewhat of a butter color.

This product sells at 25 cents per pound to the consumer, and if this bill is passed it would add 10 cents per pound as a tax, and thereby cost the consuming public that much additional for every pound.

SHOULD INCLUDE ALL PRODUCTS COLORED BY ANY INGREDIENT

If we intend to tax products which are colored and add 10 cents per pound as such tax, then we should amend the oleomargarine law so that it will include all products colored, not only by artificial means, as now provided in the law, but those colored by "any ingredients." At the present time the packers who control the meat product are able to get a yellow fat from old cattle and use this in the coloration of their products. This not being an artificial coloration is subject alone to one-fourth cent per pound tax, whereas all the people not able to get this natural product which the packers control would, under the proposed bill, be compelled to pay 10 cents per pound whether it resembled butter in its preparation and packages or not and would therefore be eliminated from competition and driven out of business.

DEPARTURE FROM THE ORIGINAL PURPOSES

It is undisputed that the purpose of the original oleomargarine legislation was to prevent fraud by regulation of the sale of oleomargarine for butter. The proposed bill abandons this purpose entirely and makes taxable every combination of the fats of cattle, hogs, sheep, fish, and so forth, whether it is solid or liquid, a food article or not, if it have a moisture content of more than 1 per cent. This in no way tends to protect butter from fraudulent substitutes.

SUGGESTED BILL OF 2 CENTS PER POUND

I am of the opinion that if we should pass a bill which provided that any product colored by "any ingredient" or artificial coloration should be subject to a tax of 2 cents per pound, a sufficient sum would be realized to cover all overhead charges of enforcing the law, and in addition thereto the proper inspection of the various premises where the product is produced. The public would then be better protected and there would be equal justice to all manufacturers, no matter how the product was colored. The proposed bill is neither just nor fair—it discriminates. This method would give to the people a chance to buy a product thoroughly clean and wholesome at a very much lower price than they are now compelled to pay.

The dairy interests would be abundantly protected, and there would be, to my mind, very little grounds for complaint. The dairy business is no longer an infant industry. It has grown to be a collossal business; in fact it is the largest industry of our country; it even overtops the steel industry in the present year. I do not believe it needs to worry about any competition, because certain oleomargarine or other similar products are not in the same class with the dairy products, and a bill as I suggest of a 2-cents-per-pound tax, would protect the dairy interests and the people from all competition or fraud.

CHANGES IN PRESENT LAW AS SOUGHT BY PROPOSED BILL

The present oleomargarine law was passed August 2, 1886, and amended May 9, 1902. Section 2 of the act defines the substances which are taxable under section 8.

This bill seeks to amend section 2 of the act of 1886, by inserting on line 11 of the bill the words "fish oil or fish fat," and inserting a comma preceding the word "annotto." On line 12 inserts the figure "(1)", on line 13 inserts the figure "(2)", and omits the words "when so made" preceding the word "calculated." Beginning with line 14 is inserted new provisions as follows:

Or (3) churned, emulsified, or mixed in cream, milk, water, or other liquids, and containing moisture in excess of 1 per cent. This shall not apply to (1) puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118° F. or more, nor (2) to any of the following containing condiments and spices: Salad dressings, mayonnaise dressings, or mayonnaise products.

BILL ENLARGES PRESENT ACT BY INCLUDING VEGETABLE OILS AND FISH OILS

By the insertion of a comma preceding the word "annotto," in line 11, page 2, which is not in the original act, the bill plainly brings all mixtures and compounds which contain vegetable oil within the definition of oleomargarine, whereas there has heretofore been some question raised as to whether or not by the omission of the comma in the original act it did not refer to a dye known as "vegetable-oil annotto," and aside from this animal fats and oils only.

By the insertion of the words "fish oil or fish fat" the bill makes all products containing fish oils or fats taxable as oleomargarine. These oils are very extensively used for medicinal and industrial purposes. The amendment sought by this bill does not require the oil or fat to be solidified or crystallized or to appear like oleomargarine or butter, the only test being that it contain more than 1 per cent of moisture.

TESTS OF TAXABILITY UNDER PRESENT LAW

The courts have held that the present law sets up two tests; that is, (a) if the substance containing any of the enumerated ingredients be made in imitation or semblance of butter it is taxable as oleomargarine; and (b) if it be so made in imitation or semblance of butter and is calculated or intended to be sold as butter or for butter it is taxable.

In the recent case of Jelke against United States, the United States Court of Claims said:

Plaintiff's product is taxable if (a) made in imitation or semblance of butter, or (b) when so made calculated or intended to be sold as or for butter. It is not necessary that both conditions be present, if made in imitation or semblance of butter it is subject to tax under the oleomargarine law.

THE PROPOSED LAW SETS UP A THIRD TEST NOT LIMITED TO FOOD PRODUCTS

By the addition of the words in clause (3), lines 15, 16, and 17, the bill makes a third test entirely independent of the two

preceding. It does not restrict the article taxable as oleomargarine to substances made in imitation or semblance of butter or to substances calculated or intended to be sold as or for butter, or even to food products, but opens the door and declares taxable every and all combinations or mixtures of certain animal, fish, or vegetable fats or oils regardless of taste, smell, texture, or use, if they contain more than 1 per cent moisture. This would plainly tax as oleomargarine such articles as soaps, cod-liver emulsion, and probably dozens of substances not in any way related to oleomargarine.

That this is the opinion of the experts of the Department of Agriculture is shown by the following extract of a letter of Assistant Secretary of Agriculture R. W. Dunlap in answer to an inquiry by Hon. CHARLES L. MCNARY.

Omitting the introduction, it says:

The bill amending the definition of oleomargarine in the act entitled "An act defining butter, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended in its definition of oleomargarine, appears to be sufficiently broad to cover a number of products now in commerce other than those commonly regarded as oleomargarine. Stripped of excess verbiage, the definition of oleomargarine may be read as "all mixtures or compounds of animal oil or fat, vegetable oil annotto, and other coloring matter, churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent." The department believes that this definition could be held to cover commercial ice cream, which is animal fat, i. e., butter, emulsified and mixed with milk; processed cheese, which consists of an animal fat, butter emulsified with milk, water, or other liquids and usually containing vegetable color; cod-liver-oil emulsion, an animal oil, emulsified with sirup and water. It seems that butter itself, although defined in another section of the act, is really an animal fat churned, emulsified, or mixed in cream or milk. Mayonnaise salad dressing clearly seems to fall within this definition.

THE TEST UNDER THE PRESENT LAW IS ADEQUATE AND LEAVES QUESTIONS OF FACT AS TO INDIVIDUAL PRODUCTS TO A BOARD AND TO THE COURTS

Section 14 of the present act provides for a board of expert chemists and microscopists, with authority to examine and analyze all substances in contested cases and determine whether they should be taxable as oleomargarine under the law, and the decision of this board is final. If this board, after analysis and examination, decides that a product is "made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter," it is taxable and there is no appeal from their decision, except to the courts. Under our theory of law questions of fact should be left to the courts for decision and not descend to particulars in the law itself.

UNDEFINED EXEMPTIONS ARE EASILY EVADED

By that portion of the bill following line 17, the bill endeavors to exempt certain articles or substances from the general provisions of the law, the first of which is referred to as "puff-pastry shortening." This will plainly exempt any substance which might be used or referred to as shortening for puff pastry if it have a melting point of 118°. "Puff pastry" in a legal sense is an undefined article. What it might include is in no way limited, defined, or standardized by the bill or the present law.

That portion of the bill following clause (2), line 20, is subject to all the criticism directed to the exemption of puff-pastry shortening and, in addition, abandons any restriction, such as moisture content or melting point. The words "salad dressings, mayonnaise dressings, and mayonnaise products" are all undefined terms and open to exemption any substance which any manufacturer might see fit to call such name, regardless of its appearance or use. It is therefore my opinion that the proposed bill is too broad in its terms and would open up unlimited litigation and contention, where the present law has been fully adjudicated by both the Supreme Court and the inferior courts. U. S. *v.* McCray (195 U. S. 27); U. S. *v.* Ciff (195 U. S. 159).

I am opposed to using the taxing power of the Government for the destruction of any legitimate industry of our country. I am opposed to adding additional taxes to food products which will further burden the consuming public. I am opposed to increasing the burden upon the public merely because the great dairy interests and packing interests are in combination and demanding the increase of taxes upon certain products that they may the better drive them out of business. This is not the time for further taxing the people for the benefit of special interests. Let us rather include oleomargarine and all similar products when colored by "any ingredients" under a bill prescribing a 2-cents-per-pound tax, which will accomplish more and in a better way than the proposed Haugen oleomargarine bill. I am for the consumers and the reduction of the cost of living.

REPAIRS TO CERTAIN NAVAL VESSELS

The next business on the Consent Calendar was the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MCCLINTIC. I object.

INCREASING LIMIT OF COST ON ONE FLEET SUBMARINE

The next business on the Consent Calendar was the bill (H. R. 13248) to authorize an increase in the limit of cost of one fleet submarine.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limitation imposed in the Navy Department and naval service appropriation act, fiscal year 1925, on construction and machinery expenditures on account of one fleet submarine (mine-laying type), increased to $6,300,000 by the act of March 2, 1927 (44 Stat. L. 1343), is hereby further increased to $6,500,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DAIRY AND LIVESTOCK EXPERIMENT STATION, LEWISBURG, TENN.

The next business on the Consent Calendar was the bill (H. R. 13447) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

INDIAN ALLOTMENTS DISPOSED OF BY WILL

The next business on the Consent Calendar was the bill (H. R. 10372) regulating Indian allotments disposed of by will.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910, as amended by the act approved February 14, 1913, entitled "An act regulating Indian allotments disposed of by will," be, and the same is hereby, amended to read as follows:

"SEC. 2. That any persons of the age of 21 years having any right title, or interest in any allotment held under trust or other patent containing restrictions on alienation or individual Indian money or other property held in trust by the United States, shall have the right prior to the expiration of the trust or restrictive period and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided however*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been approved and it is subsequently discovered that there was fraud in connection with the execution or procurement of the will, or that the will was mistakenly approved, the Secretary of the Interior is authorized, within one year after the discovery of the fraud, or within one year after the approval of the will where mistake is discovered, to cancel the approval of the will; and the property of the testator shall thereupon be disposed of as though such will had not been made: *Provided further*, That the approval of the will and the death of the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the money to the legatee or legatees either in whole or in part, from time to time, as he may deem advisable, or use it for their benefit: *Provided further*, That sections 1 and 2 of this act shall not apply to the Five Civilized Tribes or the Osage Indians."

With the following committee amendments:

Page 1, line 7, after "1910," insert "(36 Stats. L. 855, 856; U. S. C., title 25, sec. 373)."

Page 1, line 8, after "1913," insert "(37 Stat. L. 678; U. S. C., title 25, sec. 373)."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL UNITED STATES JUDGES, SOUTHERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, I object.

Mr. CULLEN. Mr. Speaker, I object.

Mr. WELLER. I object.

Mr. COHEN. I object.

Mr. BOYLAN. I object.

Mr. SIROVICH. I object.

Mr. CAREW. I object.

The SPEAKER pro tempore. Objection is heard.

ADDITIONAL JUDGE, UNITED STATES COURT, EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 5774) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNOR of New York. I object.

Mr. CULLEN. I object.

Mr. WELLER. I object.

Mr. COHEN. I object.

Mr. BOYLAN. I object.

Mr. SIROVICH. I object.

Mr. CAREW. I object.

LICENSING OF PATENTS OWNED BY UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 12695) to authorize the licensing of patents owned by the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have two amendments to offer and will object unless I can do so. It seems to me that no exclusive license should be granted. That could be corrected by striking out in line 9 "unless approved by the President." Then, after that I would provide that rights are reserved to the United States to manufacture, produce, or acquire any article covered by such patents without the payment of royalty or other fees.

Mr. VESTAL. Mr. Speaker, I do not think it is necessary to have that amendment, since the Government of the United States owns these patents. The Government is only going to give licenses. I have no objection to that amendment, but I do think there are patents owned by the Government of the United States in which an exclusive license ought to be granted. They have some patents where it will require the expenditure of two or three million dollars. The passage of this legislation means the bringing in of hundreds of thousands of dollars for the Treasury of the United States. There are thousands of patents that the Government owns lying there.

Mr. LAGUARDIA. Will the gentleman accept my amendment?

Mr. VESTAL. I have no objection to the last amendment.

Mr. LAGUARDIA. That will cover it.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. With that understanding, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the President may prescribe, licenses under patents or applications for patents owned by the United States may be issued to individuals, firms, or corporations upon such terms and conditions as may best serve the public interest: *Provided,* That no exclusive licenses issued under said patents and applications for patents shall be valid unless approved by the President: *And provided further,* That all moneys received in respect of licenses issued under the provisions of this act shall be covered into the Treasury as miscellaneous receipts.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 1, line 9, after the word "President," insert the following: "*And provided further,* That rights are reserved to the United States to manufacture, produce, or acquire any article covered by said patents without the payment of royalty or other fee."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSURANCE ON WHEAT

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 870, authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, which was passed over without prejudice a short time ago.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota.

Mr. CRAMTON. Reserving the right to object, I have suggested certain amendments to the resolution which I think are agreeable. The amendments would strike out the declaration that these amounts are now justly due and would limit the appropriations or the liability to $1,000,000.

Mr. BURTNESS. Those arrangements are agreeable.

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

OPERATORS' PERMITS, GOVERNMENT-OWNED VEHICLES

The next business on the Consent Calendar was the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

Mr. BUSBY. Mr. Speaker, I object.

Mr. KINCHELOE. Mr. Speaker, I object.

CARE OF INSANE CITIZENS, ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CONSOLIDATING ACTS RESPECTING COPYRIGHTS

The next business on the Consent Calendar was the bill (H. R. 8913) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. BUSBY. I object to that, because this is the second time it has come up on the Consent Calendar, and there is no use of watching it any further.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

Mr. BUSBY. Mr. Speaker, I object.

Mr. KINCHELOE. Mr. Speaker, I object.

Mr. SOMERS of New York. Mr. Speaker, I object.

REQUIRING STEAMSHIP COMPANIES TO CARRY THE MAIL

The next business on the Consent Calendar was (H. R. 6864) to authorize the Postmaster General to require steamship companies to carry the mail when tendered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WHITE of Maine. Mr. Speaker, reserving the right to object, I call attention to the fact that this bill deals with the clearance of vessels of the United States from ports of the

United States. I conceived that to be a matter within the jurisdiction of the Committee on the Merchant Marine and Fisheries and not of the Post Office Committee. I am not going to object.

Mr. LAGUARDIA. Mr. Speaker, I am.

Mr. WHITE of Maine. I suggest that hereafter questions of this character be left with the Committee on the Merchant Marine and Fisheries.

Mr. LAGUARDIA. Further reserving the right to object, this seeks to compel foreign steamships to accept mail on penalty of not receiving a clearance. The clearance of foreign ships is covered by treaties. The Department of State has not been heard from on this. Until we get the opinion of the Department of State. I shall object to the passage of any legislation of this kind. I object.

RELIEF OF THE STATE OF FLORIDA

The next business on the Consent Calendar was the bill (S. 3917) for the relief of the State of Florida.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 1567677, drawn August 22, 1927, in favor of "State treasurer of Florida" for $11,789.53 and lost, stolen, or miscarried in the mails.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COMPENSATION FOR TRANSPORTATION OF FOREIGN MAIL

The next business on the Consent Calendar was the bill (H. R. 6865) to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WHITE of Maine. Mr. Speaker, reserving the right to object, this bill deals specifically with the rates of compensation to be paid to American vessels for the carriage of mail. Since the bill was introduced, the merchant marine act of 1928 has been passed, authorizing contracts for carrying the mail and fixing the limit of compensation to be paid. I have been somewhat concerned lest this bill might, being subsequent in point of time, limit the authority given to the Postmaster General under the merchant marine act. I wanted to offer an amendment providing that "nothing herein should be construed to limit the authority of the Postmaster General under the act of 1928."

Mr. HOGG. I do not think it is necessary, but that will be satisfactory.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4009 of the Revised Statutes as amended by the act of July 3, 1926 (44 Stat. L. 900), is hereby amended as to subdivision (a) thereof to read as follows:

"(a) Except as provided in subdivision (b), for transportation of mails, (1) between the United States or its Territories or possessions and any foreign country, (2) between the United States and its possessions or its naval or military forces abroad, or (3) between any such possession or naval or military forces and any other such possession or naval or military forces, the Postmaster General may allow, in the case of a vessel of the United States, compensation not in excess of 80 cents a pound for letters and post cards and 8 cents a pound for other articles (including parcel post), and in the case of a foreign vessel, compensation not in excess of the sea transit rates prescribed from time to time by the Universal Postal Union Convention."

With committee amendments as follows:

Page 1, line 3, after the word "that," insert "subdivision (a) of."

On page 1, line 5, after the word "large," insert "part 2." And on the same line, after the figures "900," insert "(U. S. C., title 39, sec. 651)."

On page 1, line 6, after the word "amended," strike out the words "as to subdivision (a) thereof."

Page 1, line 9, after the word "of," insert the word "the."

The committee amendments were agreed to.

Mr. WHITE of Maine. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Maine.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Maine: At the end of the bill strike out the period and insert a colon and the following: "*Provided,* That nothing herein shall limit the authority of the Postmaster General to enter into contracts for the transportation of mail under the provisions of the merchant marine act of 1928 at the rates of compensation therein authorized."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GRANT OF LAND TO THE CITY OF ST. PAUL, MINN.

The next business on the Consent Calendar was the bill (H. R. 12988) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I would like to ask the gentleman from Minnesota as to the purpose of the proviso.

Mr. MAAS. I am going to move to substitute the Senate bill 4148 for the House bill, providing that it shall be paid within one year and paid for by the Federal Government if used for other than public purposes.

Mr. LAGUARDIA. That would provide in this bill that you would have to pay any price at which it was appraised?

Mr. MAAS. Yes. I ask unanimous consent, Mr. Speaker, to substitute the Senate bill 4148 for the House bill.

Mr. SCHAFER. Reserving the right to object, you have a saving clause there.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota to substitute the Senate bill 4148 for the House bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4148) authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota

Be it enacted, etc., That the Secretary of War is authorized and directed to grant to the city of St. Paul, Minn., the lot of land described as follows: Lot No. 3 in block No. 31, St. Paul proper, according to the recorded plat thereof on file in the office of the register of deeds in said county of Ramsey and all that part of lot 4, in said block 31 aforesaid according to the recorded plat thereof described as follows: Commencing at the southwest corner of lot No. 4, block No. 31, St. Paul proper, thence running northerly along the west line of said lot aforesaid 107.31 feet to an alley, thence at right angles easterly along the southerly line of said alley to the easterly line of said lot 4, thence southerly along said east line of lot 4 to the southeast corner of said lot 4, thence easterly along the northerly line of Second Street to the place of beginning; for the sum of $34,750: *Provided,* That said sum is paid to the United States within one year from the date of the approval of this act, or sooner if funds are made available: *Provided further,* That the conveyance of said tract of land to the said city of St. Paul shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought.

SEC. 2. The net proceeds derived from the grant of such land shall be covered into the Treasury to the credit of the military post construction fund.

The Senate bill was ordered to be read a third time, and was read the third time.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

GENERAL OFFICERS OF THE LINE IN THE ARMY

The next business on the Consent Calendar was the bill (H. R. 13244) to make chiefs and assistant chiefs of branches of the Army eligible for appointment as general officers of the line.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, Mr. Speaker, I think the chairman of the committee ought to give the House some explanation of this bill. It authorizes an appropriation of approximately $15,000,000.

Mr. JAMES. Mr. Speaker and gentlemen, last year we had an authorization bill which died in the Senate because of the filibuster. The authorization bill which we passed at this session of Congress was over in the Senate between two and a half and three months. The next session will be the short session of Congress and unless this bill passes at this session of Congress it will not get over there until about the third week and there will be about two months left, so that I am afraid it might die on the calendar.

Mr. MOORE of Virginia. The necessities are very great?

Mr. JAMES. Yes. I have visited practically every post named in this bill.

Mr. MOORE of Virginia. And the necessities exist all over the country?

Mr. JAMES. Yes.

Mr. LAGUARDIA. Will this complete your program?

Mr. JAMES. This is the fourth year of the five-year aircraft program.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $14,200,260, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Albrook Field, Canal Zone: Dispensary, $30,000.

Corundu, Canal Zone: Barracks, $357,500.

France Field, Canal Zone: Barracks, $360,000; noncommissioned officers' quarters, $324,000; officers' quarters, $427,200; dispensary, $30,000.

Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $100,000; officers' quarters, $300,000.

Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, $111,600; officers' quarters, $150,000; dispensary, $40,000.

San Juan, Porto Rico: Barracks, $10,000; noncommissioned officers' quarters, $11,600; officers' quarters, $150,000; dispensary, $40,000.

Aberdeen Proving Ground, Md.: Hospital, $60,000.

Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, $54,000; service club, $50,000.

Fort Benning, Ga.: Noncommissioned officers' quarters, $526,000; officers' quarters, $114,000; dispensary, $60,000.

Fort Bragg, N. C.: Noncommissioned officers' quarters, $144,000; nurses' quarters, $60,000; officers' quarters, $496,000; hospital, $100,000.

Carlisle Barracks, Pa.: Mess hall and kitchen, $110,000.

Crissy Field, Calif.: Barracks, $158,400; noncommissioned officers' quarters, $144,000; officers' quarters, $150,000.

Camp Devens, Mass.: Noncommissioned officers' quarters, $36,000; officers' quarters, $164,000.

Fort Douglas, Utah: Noncommissioned officers' quarters, $54,000; officers' quarters, $75,000.

Erie Ordnance Depot, Ohio: Hospital, $75,000.

Fort Humphreys, Va.: Noncommissioned officers' quarters, $274,000.

Fort Jay, N. Y.: Hospital, $400,000.

Langley Field, Va.: Barracks, $764,160; noncommissioned officers' quarters, $216,000; officers' quarters, $480,000; hospital, $175,000.

Fort Leavenworth, Kans.: Hospital ward, $75,000.

Fort Leonard Wood, Md.: Noncommissioner officers' quarters, $50,000; nurses' quarters, $40,000; officers' quarters, $210,000.

Letterman General Hospital, Calif.: Hospital ward, $150,000.

Camp Lewis, Wash.: Noncommissioned officers' quarters, $93,000; officers' quarters, $215,000.

March Field, Calif.: Noncommissioned officers' quarters, $100,800; hospital, $150,000.

Marshal Field, Kans.: Barracks, $125,000; noncommissioned officers' quarters, $144,000; officers' quarters, $300,000.

Maxwell Field, Ala.: Officers' quarters, $300,000.

Camp McClellan, Ala.: Hospital, $100,000.

Mitchel Field, N. Y.: Noncommissioned officers' quarters, $216,000; officers' quarters, $660,000; hospital, $150,000.

Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $250,000.

Fort Monroe, Va.: Officers' quarters, $200,000.

Camp Normoyle, Tex.: Barracks, $180,000.

Plattsburg Barracks, N. Y.: Barracks, $45,000; addition to hospital, $55,000.

Raritan Arsenal, N. J.: Noncommissioned officers' quarters, $42,000; hospital, $50,000.

Fort Riley, Kans.: Officers' quarters, $200,000.

Rockwell Field, Calif.: Noncommissioned officers' quarters, $108,000; officers' quarters, $150,000.

Fort Sam Houston, Tex.: Noncommissioned officers' quarters, $150,000; officers' quarters, $250,000.

San Antonio primary training school, San Antonio, Tex.: Noncommissioned officers' quarters, $61,200; officers' quarters, $600,000; completion of hospital, $50,000.

Selfridge Field, Tex.: Noncommissioned officers' quarters, $230,400; officers' quarters, $465,000.

Fort Slocum, N. Y.: Barracks, $180,000.

Fort Snelling, Minn.: Officers' quarters, $54,500.

Fort Wadsworth, N. Y.: Barracks, $50,000; noncommissioned officers' quarters, $30,000.

Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000.

SEC. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, a sum not to exceed $666,000 for that purpose.

SEC. 3. That there is hereby authorized to be appropriated, not to exceed $200,000, to be expended for the construction of a sea wall, and for necessary fill for improvement of landing field at Langley Field, Va., as in the judgment of the Secretary of War may be necessary.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MONUMENT ON THE SITE OF BATTLE BETWEEN NEZ PERCES INDIANS AND THE COMMAND OF NELSON A. MILES

The next business on the Consent Calendar was the bill (H. R. 8109) authorizing the Secretary of the Interior to erect a monument on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to erect a suitable monument and historical tablet on the northwest quarter section 12, township 30 north, range 19 east, Montana meridian, owned by the United States, the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or so much thereof as may be necessary, to carry out the provisions of this act.

SEC. 3. That the Secretary of the Interior is hereby authorized to enter into an agreement with the State of Montana, or Blaine County, Mont., or citizens of Montana, or either or any of them, for the care and upkeep of the herein-described lands and the monument herein authorized.

With the following committee amendment:

Page 2, line 1, strike out "$3,000, or so much thereof as may be necessary to carry out the provisions of this act," and insert "$1,500, no part of which shall be made available until a like amount has been raised by private subscription and deposited with the Secretary of the Interior."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

The next business on the Consent Calendar was the bill (H. R. 12521) creating the Mount Rushmore National Memorial Commission and defining its purpose and powers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of New York. Mr. Speaker, reserving the right to object, I want to ask the introducer of this bill if it is proposed to erect a statue of the President in South Dakota, and why there have not been plans made to add the statue of President Wilson to the statues of the patriots, Washington, Jeffer-

son, Lincoln, and Roosevelt? I have a news story to the effect that it is intended to put there a statue of President Coolidge and I would like to know if there is anything in that.

Mr. CRAMTON. There is no such purpose stated in the bill.

The SPEAKER pro tempore. Is there objection?

Mr. RAGON. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill by inserting certain amendments I have in mind to offer, which I understand are acceptable to those in charge of the bill.

Mr. Speaker, under the permission given me to extend my remarks on S. 3848 (H. R. 12521), I submit the following amendments, which I have suggested to the gentleman from South Dakota [Mr. WILLIAMSON], and which I am advised are acceptable to him:

Page 2, lines 3 to 8, inclusive, strike out all of the proviso.

Page 3, line 5, after the word "Dakota," insert the following: "No charge shall ever be made for admission to the memorial grounds or for viewing the memorial. No money hereby authorized to be appropriated shall be expended until the Secretary of the Treasury receives satisfactory assurance that said memorial when completed will be suitably maintained by the State of South Dakota."

Page 3, line 11, strike out the comma and the words "solicit, and collect."

Page 3, strike out all of lines 16 to 18, inclusive.

Page 3, line 19, strike out "(d)" and insert in lieu thereof "(c)."

Page 3, strike out lines 24 and 25, inclusive, and lines 1 and 2, on page 4.

Page 4, line 3, strike out "(f)" and insert in lieu thereof "(d)."

Page 4, line 5, insert after the word "that," the words "not more than."

Page 4, lines 6 and 7, strike out the words "an appropriation of" and after the word "authorized" insert the words "to be appropriated."

Page 4, line 13, strike out the word "collected" and insert in lieu thereof the word "advanced."

Page 4, line 13, strike out the word "by" and insert the word "to."

With these amendments the bill would read as follows:

H. R. 12521

A bill creating the Mount Rushmore National Memorial Commission and defining its purpose and powers

Be it enacted, etc., That a commission is hereby created and established, to be known as the Mount Rushmore National Memorial Commission (hereafter referred to as the commission), to consist of 12 members who shall be appointed by the President. The members shall serve at the pleasure of the President, who shall fill all vacancies that from time to time occur.

The members of the commission shall serve without compensation except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act, or acquired by other means hereafter authorized.

SEC. 2. The commission when appointed shall organize by electing a chairman, a vice chairman, a secretary, and a treasurer: *Provided*, That a treasurer may be selected outside of the commission and may be a bank or trust company. Such treasurer shall execute a bond so conditioned and in such amount as shall insure the protection of funds coming into his possession.

The commission may also create from its own membership an executive committee of five which shall exercise such powers and functions within the purview of this act as may be authorized by the commission.

SEC. 3. The purpose of the commission is to complete the carving of the Mount Rushmore National Memorial to consist of heroic figures of Washington, Jefferson, Lincoln, and Roosevelt, together with an entablature upon which there shall be cut a suitable inscription to be indited by Calvin Coolidge, and to landscape the contiguous grounds and construct the entrances thereto. Such memorial is to be constructed according to designs and models by Gutzon Borglum now owned or contracted for by the Mount Harney Memorial Association of South Dakota. No charge shall ever be made for admission to the memorial grounds or for viewing the memorial. No money hereby authorized to be appropriated shall be expended until the Secretary of the Treasury receives satisfactory assurance that said memorial when completed will be suitably maintained by the State of South Dakota.

SEC. 4. The commission is authorized—

(a) To receive and take over all property, contracts, rights, and moneys now in the hands of and possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incompleted figures on Mount Rushmore.

(b) To receive funds and pledges to cover the expense of finishing such memorial and to pay out the same upon properly receipted vouchers to persons entitled.

(c) To employ the services of such artists, sculptors, landscape architects, and others as it shall determine to be necessary to complete said memorial, including the landscaping of the grounds and construction of the entrances thereto.

(d) To exercise such powers and functions as are necessary and proper to carry out the purposes of this act.

SEC. 5. That not more than one-half of the cost of such memorial and landscaping shall be borne by the United States, and not to exceed $250,000 is hereby authorized to be appropriated for the purpose. Upon requisition of the executive committee herein provided for, the proportionate share of the United States shall be advanced to the treasurer of said commission from time to time by the Secretary of the Treasury out of any available appropriation, and in sufficient amounts to match the funds advanced from other sources to said commission, whether such funds are in the hands of its treasurer or have already been expended upon such memorial by the commission or by its predecessor, the Mount Harney Memorial Association: *Provided*, That the Secretary of the Treasury shall first be satisfied that the funds received from sources other than the United States are actually available in the hands of the treasurer of the commission or have been properly expended in carrying out the purposes of this act.

SEC. 6. That such commission, on or before the 1st day of December of each year, shall transmit to Congress a report of its activities and proceedings for the preceding year, including a full and complete statement of its receipts and expenditures.

The effect of my amendments is to do away with the salaried secretary, relieve the Federal commission of the task of soliciting funds from private sources to match the Federal contribution, forbid commercializing the memorial, and provide for maintenance by the State of South Dakota.

MOUNT RUSHMORE MEMORIAL BILL

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 12521.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BLACK of New York. Mr. Speaker, the Springfield Republican of May 23, 1928, carried the following article, which has not been positively denied by the sponsors of the bill:

PROPOSES COOLIDGE BUST IN MOUNTAINS—BILL WOULD IMMORTALIZE HIM IN SOUTH DAKOTA STONE WITH WASHINGTON, CONGRESSMAN LUCE RECOMMENDS

WASHINGTON, May 22.—A bill which would immortalize Calvin Coolidge in mountain stone of South Dakota in company with Washington, Jefferson, Lincoln, and Roosevelt has been reported to the House by Congressman ROBERT LUCE, of Massachusetts, chairman of its Library Committee.

An appropriation of $250,000 would be authorized for a national memorial to be carved by Gutzon Borglum on the side of Mount Rushmore in the Black Hills of South Dakota, where Mr. Coolidge went on his vacation last summer. He dedicated the site, at the request of the State, and Borglum showed him a space reserved for his bust next to that of Roosevelt.

The project also contemplates a mammoth tablet, 80 feet wide and 120 feet high, on which would be inscribed a story of America written by President Coolidge. The report favoring the bill mentions Washington, Jefferson, Lincoln, and Roosevelt, but not Coolidge, because his inclusion, it was feared, would incur disapproval of the White House but the State of South Dakota is firmly resolved to so honor him in gratitude for his visit and in admiration of his statesmanship.

The busts would be of heroic proportions of 465 feet high, disappearing into the ledge at the waist lines and showing the heads above the sky line.

This article should not go by without some comment in Congress. The Mount Rushmore Memorial in South Dakota should bear this inscription: "The farmers asked of Coolidge bread, and he gave them this stone."

The memorial is to have statues of Washington, Jefferson, Lincoln, and Roosevelt. There may be no statue to Coolidge in deference to Cal's well-known interest in art. A very fitting memorial to Cal will be an empty space on the tablet.

However, future generations may decide that a bust of Cal should be erected. That would be a bust. The statue of the other patriots would fall off their pedestals laughing at Cal in a Tom Mix suit, riding an iron horse with the sofa only 20 feet away. Or perhaps there will be a frieze (or freeze) of Cal, couchant, a la Big Chief Pain-in-the-Neck, making funny faces at a couple of little brook trout rampant. Better there should be three figures, a farmer prostrate, a Coolidge triumphant with foot on farmer's neck, Big Interest gloating with approving hand on Calvin's shoulder. This last suggestion should appeal to the good folks of the Northwest for whom the memorial is to be erected.

Cal is to write a history of America that is to be cut into the tablet. Instead he should have inscribed his McNary-Haugen veto set at the music of "Down on the Farm" (in fact very down on the farm).

There are two main objections to the bill—the omission to honor Wilson and the great cost of the memorial. As a good Democrat, though, I should be glad that Wilson is not to be used as one of a supporting cast to the real intent of the memorial to commemorate Coolidge. Of course, though the presence of a Coolidge reminder might serve to emphasize the greatness of the other Presidents.

Why in this age of economy spend $250,000 on a memorial to Cal in the Black Hills? It is not needed there. The ghost of its funny little cowboy of 1927 will go tripping around on its spurs forever in the manner of the Headless Horseman of Sleepy Hollow. Why a memorial to Cal in the Black Hills? I am sure in these days of stock-market prosperity a fund for a monument to him to be erected at Broad and Wall Streets, New York City, could be raised in five minutes. If we can not afford a Navy, if we can not take care of our disabled emergency officers, or of our night post-office workers, or of the fourth-class postmasters, or of our gold-star mothers, surely we can not spend $250,000 on a memorial to Cal in the Black Hills.

Then why have a great artist like Borglum? Let us have a statue of Cal if Daddy Stearns wants it, but let us do Cal justice and have it made by Rube Goldberg or by the creator of Andy Gump.

I predict this is one bill that economy will not require to be vetoed.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE SURRENDER OF CORNWALLIS AT YORKTOWN, VA.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 279) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute House Concurrent Resolution 43. It is identical in language, and the committee intended to report it as a concurrent resolution rather than as a joint resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent to substitute a concurrent resolution for the joint resolution. Is there objection?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a commission to be known as the United States Yorktown Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 10 commissioners, as follows: Five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. That it shall be the duty of the commissioners to prepare and report a plan or plans and a program for the commemoration of the seige of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781, with an estimate of the probable cost; to give due and proper consideration to such plan or plans as may be submitted to them for said celebration; to confer with such civic associations and organizations and with such other commissions, Federal, State, or municipal, as may be appointed for purposes similar to the purposes of this resolution, and to take such steps as may be necessary to secure the coordination and correlation of plans prepared by State commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies; and to do all such other things as may be necessary to carry into full effect the intents and purposes of this resolution.

SEC. 3. That the commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission: *Provided*, That said commission can so arrange that no part of the pay or expense of said secretary and other assistants, if any, shall be paid by the United States.

SEC. 4. The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, and the same shall be paid out of the contingent funds of the House and Senate.

SEC. 5. That the said commission be, and the same is hereby, authorized to call upon the Commission of Fine Arts, in Washington, for their assistance and advice in connection with any plan or plans that may be submitted or considered, and the said Commission of Fine Arts is directed to render such assistance and advice as its other duties may permit and as may be within its power.

SEC. 6. That the commission shall, on or before the 15th day of December, 1928, make a report to the Congress, in order that enabling legislation may be enacted.

SEC. 7. That the commission hereby created shall expire within two years after the expiration of the celebration.

SEC. 8. That this concurrent resolution shall take effect immediately.

The concurrent resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the concurrent resolution was passed was laid on the table.

House Joint Resolution 279 was laid on the table.

DRY VALLEY ROAD

The next business on the Consent Calendar was the bill (H. R. 12662) to provide for the paving of the Government road known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the War Department says that this road, like others we have acted on, is principally needed, not for the purpose of reaching the park but for the use of the general public. Certain provisions have been put into other bills, and I have amendments here uniform with the provisions that were put into the Ringgold road bill and the La Fayette extension road bill, both in the gentleman's district, providing that half the cost be taken care of by the State or locality and providing for acceptance of the road by the community before the expenditure is made. I have discussed it with the gentleman from Georgia and I understand he does not feel he is in a position to accept those amendments in this case.

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TARVER. This road, which is covered by the provisions of this bill, is a part of the road leading from Lookout Mountain to the Chickamauga and Chattanooga National Military Park.

One-half of this road will be paved under an act passed by this Congress, which provides for no contribution by the local authorities and which runs through the State of Tennessee and up to the Georgia line. This merely provides for the paving of the remainder of the road. The other bill provided for $20,000 per mile, whereas this bill provides for only $15,000 a mile. You can not, without discriminating against the portion of the road which lies in my district, require the sort of amendment upon which the gentleman insists, and, therefore, I can not agree to it.

Mr. CRAMTON. I would state to the gentleman it is unfortunate we were overgenerous in the case he speaks of.

Mr. TARVER. I do not think you were overgenerous——

Mr. CRAMTON (continuing). And inasmuch as this is for a public commercial use, we are doing pretty well when we contribute one-half of the cost of an approach road. In no other case do we contribute one-half of the cost of approach roads. Even as to national parks we do not build the approach roads.

Mr. TARVER. If the gentleman will permit me to proceed for a moment, I want to say that these roads belong to the Government of the United States. The Government of the United States through the War Department is anxious to surrender jurisdiction over the roads and avoid the expense of their upkeep. The other day the gentleman was very anxious to have passed here a bill which provided for the expenditure of several million dollars on Indian reservations out West without any local contribution.

Mr. CRAMTON. May I ask the gentleman how he voted upon that bill?

Mr. TARVER. It depends entirely upon whose ox is being gored. That case was not nearly as deserving as this.

Mr. CRAMTON. Yes; it makes a difference whose ox is being gored.

Mr. TARVER. The gentleman will not let me complete my statement.

Mr. CRAMTON. I do not yield. The bill the other day meant nothing to my State, but was for the building of roads by the United States across lands exclusively owned by the United States.

Mr. TARVER. Across Indian reservations.

Mr. CRAMTON. And where there was no available property for taxation, because the lands are exempt from taxation. This bill proposes that through a settled, well-developed, and I assume highly civilized community we shall build roads outside

of any national reservation and for the convenience of the public. Mr. Speaker, I object.

Mr. TARVER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker, the status with regard to the bill which is pending on the calendar to which the gentleman has referred is not what he has stated to the House. The road, which is proposed to be improved under the provisions of this bill, is a road belonging in fee simple to the Government of the United States.

Mr. CRAMTON rose.

Mr. TARVER. I will not yield to the gentleman because he has already made his objection.

The War Department, the Bureau of the Budget, the President of the United States himself, desire that this road shall be surrendered to the jurisdiction of the local authorities in order that the Government may avoid the expense of its upkeep, and as I have already stated, another portion of the road has already been provided for under legislation passed at this Congress. The gentleman's objection therefore, apparently, does not come because of a conscientious objection to the legislation, but because of a desire to discriminate between the part of the road which lies in Georgia and the part which lies in Tennessee, the improvement of which has already been authorized.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I will only make this observation. The gentleman from Georgia at this session has gotten through two of these bills with an expenditure totaling over $300,000 for improvement of roads in his district. I think the gentleman ought to be happy.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

MONTEREY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 13033) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Monterey, Calif., by suitable instrument, an easement for a right of way over that portion of the military reservation at Monterey, Calif., particularly described as follows, to wit:

Beginning at a point on the south line of the United States Military Reservation, Monterey, Monterey County, Calif., which bears north 80° east, 75.16 feet distant from the point of intersection of said line of said reservation with the east line of Lighthouse Road (sometimes called Lighthouse Avenue), and running thence north 80° east 62.13 feet to a point which is 25 feet distant westerly from the center line of the Southern Pacific Railroad track; thence northerly on a curve of 630 feet radius, curving to the right (long chord, north 5° 17½′ west 346.77 feet) 351.3 feet to a point on the east line of said Lighthouse Road and 20 feet distant west from the center line of said Southern Pacific Railroad track; thence south 18° 35½′ west, along the east line of Lighthouse Road, 283 feet; thence south 19° 41′ east 138.6 feet to the point of beginning, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TABLET TO THE MEMORY OF NANCY HART

The next business on the Consent Calendar was the bill (H. R. 7452) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, this Congress can not afford to adopt the policy which the Committee on the Library seems to advocate of appropriating money for markers and tablets all over the United States. No doubt there have been thousands of such occurrences as are referred to here and of equal merit. It would be quite praiseworthy for the communities to take some note of it, but the expense would be unending for the Federal Government. I felt that I should withdraw my objection to his bill to glorify the memory of Kettle Creek. I am obliged to object to this bill for several reasons. In the first place I do not think we should dim the glory of Kettle Creek and then the example of English set forth in the bill is one that we ought not to glorify by embalming in the statutes.

Mr. McKEOWN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. McKEOWN. I want to call the gentleman's attention to the fact that Nancy Hart was one of the most noted characters in the Revolutionary history. From her descended a long line of the most illustrious men in this country.

Mr. CRAMTON. If her descendants are numerous enough they, with the gentleman from Oklahoma and myself, can contribute $5 apiece and put up the marker.

Mr. McKEOWN. Thomas Benton and Henry Clay were two of her descendants.

The SPEAKER. Objection is heard.

Mr. BRAND of Georgia. Mr. Speaker, I ask that the chairman of the Library Committee or some member of that committee may be heard on the bill.

The SPEAKER. Objection has been made.

Mr. BRAND of Georgia. Then I ask to speak for two minutes.

Mr. HOLADAY. I object.

Mr. BRAND of Georgia. Who objected?

The SPEAKER. The gentleman from Illinois.

Mr. BRAND of Georgia. A parliamentary inquiry. Can a Member object without rising?

Mr. HOLADAY (rising). I object.

JUVENILE INSURANCE

The next business on the Consent Calendar was the bill (S. 3694) regulating juvenile insurance by fraternal beneficial associations in the District of Columbia.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Texas. I object.

FRATERNAL BENEFICIAL ASSOCIATION—DEATH BENEFITS

The next business on the Consent Calendar was the bill (S. 3844) amending the fraternal beneficial association law for the District of Columbia as to the payment of death benefits.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, the provisions of this bill are very far reaching, and I ask that it go over without prejudice.

The SPEAKER. Without objection, it is so ordered.

SANTA ROSA ISLAND, FLA.

The next business on the Consent Calendar was the bill (S. 3991) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. If the gentlemen who are for this bill will consent to an amendment striking out on page 2, lines 7, 8, and 9, including the word "described," in line 10, I shall not object. The bill turns over property for park purposes and then it proceeds to confer authority under such regulations and restrictions to charge certain rates to the public.

Mr. JAMES. There is no charge for admission to the grounds.

Mr. McSWAIN. If this amendment is adopted, it will necessitate the bill going to conference.

Mr. GREEN. I would prefer that it be amended and go to conference rather than to kill the bill.

Mr. CHINDBLOM. Further reserving the right to object, I would like to know just what is meant by declaring something to be a public purpose in an act of Congress, whereas as a matter of fact, and probably as a proposition of law, it is not a public purpose.

Mr. GREEN. The department has carefully considered this matter and holds that bathing purpose is a public purpose, the

same as park purposes. They have authority to build two bridges already granted by Congress, going over to this, and without this legislation they can not go ahead with the improvement of the park.

Mr. CHINDBLOM. If the present act of March 7, 1926, does not properly define a public purpose, then that act should be amended generally.

Mr. GREEN. This is a special amendment to cover this, whereby they may erect a beach resort and make certain that the provisions of the old act do not interfere with it. It is approved by the department.

Mr. CHINDBLOM. My purpose is to call attention to the fact that in this legislation you are for this specific purpose and this specific purpose only giving a new definition to the words "public purposes." I withdraw the reservation. I am not intending to object to the bill, but I think it is so anomalous that we ought to call attention to what is being done.

Mr. LAGUARDIA. Mr. Speaker, with that understanding I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the words "public purposes" in the proviso in section 7 of the act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926, shall be so construed as to include and permit any lands being a part of Santa Rosa Island in the State of Florida, acquired by said State or by a county or municipality thereof under the provisions of that act to be used for recreational, amusement, and bathing purposes by said State, county, or municipality, or by any person or corporation or their assigns with its authority under such regulations and restrictions and at such rates of charge to the public as such State, county, or municipality shall prescribe, provided no charge for admission to the grounds shall ever be made.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, strike out all of lines 7, 8, 9, and down to and including the word "prescribed" in line 10.

The amendment was agreed to.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the word "shall" in line 1 on page 2, be properly spelled.

The SPEAKER. Without objection it will be so ordered.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL WAR LABOR BOARD

Mr. KENT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 827, H. R. 5780, to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 827. Is there objection?

Mr. TARVER. Mr. Speaker, I object.

Mr. KENT. Mr. Speaker, will the gentleman withhold his objection?

Mr. TARVER. I reserve the objection.

Mr. KENT. Just a few moments ago the gentleman from Minnesota objected to the immediate consideration of this bill. He did so under a misapprehension. I have conferred with him and he has consented to withdraw his objection. I sincerely hope the gentleman from Georgia will not object at this time.

Mr. TARVER. I am sorry, but I feel it my duty to object.

Mr. KENT. Will the gentleman withhold for a moment. This is nothing more than enabling legislation. It is carrying out the provisions of legislation passed in the Sixty-eighth Congress. It is nothing more than an administrative matter which must be taken care of in order that the provisions of the award of the War Labor Board may be carried out. I have had a long conversation with the gentleman who objected to its consideration and he did so under a misapprehension.

Mr. TARVER. The gentleman now addressing me does not appear to be the author of the bill.

Mr. KENT. The author of the bill is here, the gentleman from Pennsylvania [Mr. BUSHONG], in an adjoining district to mine. I sincerely hope the gentleman will not interpose an objection to this meritorious legislation.

Mr. TARVER. Mr. Speaker, I object.

BAYOU BARTHOLOMEW, ARK.

Mr. PARKS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 842 (H. R. 11481) a bill to make certain portions of Bayou Bartholomew in Arkansas not navigable. I think the objection was made inadvertently or without knowledge of just what the bill provides.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to return to Calednar No. 842. Is there objection?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object in order to state to the gentleman that there was no inadvertence on the part of the gentleman who objected. The department responsible for the administration of this subject says that this bill ought not to pass.

Mr. PARKS. But the department itself misunderstands it.

Mr. CRAMTON. If the gentleman will explain it to the department and get their approval, then I will withdraw my objection.

Mr. PARKS. Mr. Speaker, let me explain the matter to the gentleman. The department objected to the bill as originally drawn. Then I amended it. This is a little bit of a stream down there, and under this amended bill it will be made nonnavigable on the upper stretches of it. There has never been any improvement out there where the department objects to this bridge being built. We want this in order that the county court may build a little wooden bridge across this stream. It is a little bit of a stream and there never was any navigation on it.

Mr. CRAMTON. Will not the gentleman from Arkansas do this. Let us pass this over without prejudice, and let it hold its old place on the calendar, and then the gentleman can get a report from the department, withdrawing their objection.

Mr. PARKS. I do not think the department will withdraw any objection to any bill that they have already objected to. We pass these bridge bills every day that the department is objecting to strenuously.

Mr. CRAMTON. I do not know of any bridge bill that has been passed that the department objected to.

Mr. PARKS. Oh, I can name them one after another. This does not interfere with navigation. The department has never spent a dollar on this place. I ask that it be made nonnavigable. We have to build this bridge, and it must be built in the summer time.

Mr. CRAMTON. I happen to have had some experience with this part of the law. If all the purpose of this bill is to build a little wooden bridge——

Mr. PARKS. That is all——

Mr. CRAMTON. If there is no navigation, all the gentleman has to do is to go to the War Department, not come to Congress, and ask for a permit for the building of that bridge. Of course, the law provides that whenever a bridge does interfere with navigation, on the statement of the War Department it has to be removed, but under the gentleman's statement he would have no trouble in getting a permit without coming to Congress. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

INAUGURAL ADDRESS OF THE GOVERNOR OF THE PHILLIPPINES

Mr. GUEVARA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the inaugural address of the Governor of the Philippine Islands on the morning of March 1, 1928.

The SPEAKER. Is there objection to the request of the gentleman from the Philippine Islands?

There was no objection.

Mr. GUEVARA. Governor Stimson has admirably set forth in that speech certain principles upon which the relationship between the United States and the Philippine Islands ought to rest. I am happy to say that Governor Stimson has expressed in his speech the real thought of American statesmen and the high ideals of this Nation in its dealing with the people living under its flag.

Governor Stimson has patriotically laid down the basis for mutual and friendly understanding between the two peoples—a step advantageous to both parties while we remain under your flag, and beneficial when the Congress of the United States shall deem it proper to settle our ultimate destiny in the future.

The matter referred to is as follows:

INAUGURAL ADDRESS OF GOVERNOR GENERAL STIMSON DELIVERED ON THE NEW LUNETA UPON HIS ARRIVAL IN THE PHILIPPINE ISLANDS ON THE MORNING OF MARCH 1, 1928

Fellow countrymen, I thank you for the warmth of your greeting. Previous contact with the people of these islands has acquainted me with their kindness to the stranger, and I welcome it now as a hopeful augury of success in the difficult task before me. What we have to

accomplish together in the successful administration of government in these islands can only be achieved by the fullest possible measure of sympathetic and patient cooperation. For my own part I shall use my utmost endeavor to establish such harmonious cooperation under the organic law under which it is our joint duty to labor.

It is not within the province of the Governor General to determine the future relations of the inhabitants of these islands to the United States; that duty rests with the Government of the United States. But it is his duty, so long as the present connection remains, to endeavor to make that union a happy and fruitful one, and to carry on the government of these islands, so far as it rests in his hands, in full conformity with the noble and unselfish purpose of the American leaders who in past years have devised, created, and administered it.

It has been my good fortune during my life to come into close contact with several of these men. I have sustained both personal and official relations with that statesman who, as Secretary of War, first laid the broad and enduring foundations of American policy in the Philippines upon which all subsequent growth has been predicated, Elihu Root; with that devoted founder of your civil government and laws, William Howard Taft; with that efficient administrator, so justly beloved throughout the Archipelago, W. Cameron Forbes; and finally with that faithful friend of the Filipino people whose recent labors have made possible, we believe, a new era of constructive accomplishment, Leonard Wood. These great men, each in his own time and way, have helped to formulate the doctrine of trust responsibility which underlies the sovereignty of America in these islands and places upon the shoulders of the Governor General a duty of protection toward the liberties of the humblest citizen. No one can approach such a task, in the light of such examples, in any other than a spirit of profound humility.

For many years I have earnestly followed and observed the development of government in the Philippines and have noted with gratification the progress which has been made. During the past two years I have had occasion to visit and study other peoples both in the Orient and in the Americas, and I congratulate you on the contrast between the peace, the order, the general contentment prevailing here, and conditions which I observed in some of these countries.

I congratulate you especially upon the zeal which you have consistently displayed toward education and the progress which has been made through that instrumentality in the direction of achieving national consciousness and a common language. In so doing you have grasped at one of the basic necessities of a self-governing people, and the vigor and readiness to make sacrifices which have accompanied your efforts have been in a high degree remarkable and encouraging. Errors in the methods and character of education have possibly been committed; by too many students it has been regarded as the object and end of their endeavor, instead of merely the means toward further effort in the never-ending struggle of life. Yet when all is said, in following the injunction of Solomon to take fast hold of instruction, you have taken a long step forward on what President Roosevelt has called, "the stony and difficult path which leads to self-government."

I venture to hope that during my administration further progress may be made along that same road, and among the various matters which I deem important, I lay particular stress upon industrial and economic progress. It has often seemed to me that sometimes in our insistence upon political development we overlook the importance of the economic foundations which must underlie it and upon which it necessarily rests. By some of us, industrial development has even been dreaded as if it were inconsistent with the liberties of a people. As a general proposition, I believe that no greater error could be made. History shows that it has been the great commercial and industrial nations which have first developed individual liberty and free institutions and which have most tenaciously clung to them. It has shown further that within such countries it has been the middle artisan class, produced by industry and commerce, which has been the pillar and support of their free institutions. The industrial guild, in ancient times, was a birthplace of common rights, and in later days the trade-union brought forth by industrial development has often been a bulwark against governmental oppression. On the other hand, those nations which have depended solely upon agriculture and the tillage of the soil, where there was no commerce or industry and no middle class of citizens engaged in them, have been the ones most prone to drift into the abuses of serfdom and peonage and other varying forms of servitude. If there is danger to-day of the loss of personal freedom in these islands, if for example the threat of the usurer overhangs any class of your citizens, it is the tillers of your rice paddies who are subject to the danger rather than the artisans of your shops and factories.

Furthermore, the world has now reached a stage of progress where government is expected to engage in activities for the social benefit or protection of the individual, all of which are expensive and require greater governmental revenues. The constantly expanding system of public education, to which I have just alluded, is but a single example. The government of to-day is expected to furnish not only schools and colleges, but also hospitals, asylums, libraries and museums, public roads, aqueducts, and post offices, and a constantly increasing variety of services of health and education, travel and communication, protection, and social welfare which modern civilized life regards as essential. All of these services minister to the comfort and welfare of the individual citizens; some of them, like education, directly conduce to his ability to govern himself.

Some of them are particularly necessary in the Tropics, with its constant threat of epidemic disease. But they all cost money. They all make inroads on the revenues which come from taxation. To support them a community must possess the wealth which comes only with industrial development. To-day your budget and your tax laws indicate that you are already reaching the limit of the revenues obtainable upon your present economic development. You are faced with the alternative of increasing your taxable wealth or checking and holding back some of the necessary activities of your government and important public improvements.

In short, it is the simple truth not only that individual freedom and the practice of self-government are found to be most prevalent and firmly held in those communities and nations which have a highly developed system of industry and commerce as a foundation, but it is also true that only in such communities and nations can the average citizen attain the degree of individual comfort, education, and culture which modern civilization is coming to demand.

Is there any reason why the Filipino people should not attain such an economic development? Manifestly, it lacks it to-day. Manifestly, its attention during the past generation has been more concentrated upon political than economic development, with the result that progress in the latter field has not kept place with the exceptional progress made in education and public affairs.

But the Philippine Islands to-day are possessed of a political connection with the foremost industrial nation in the world—the nation where not only has mechanical invention made the greatest advances but where the organization and methods of industry and the relations of capital and labor are more enlightened and fruitful than in any other country under the sun. Is it not the part of wisdom and of prudence for this people to absorb to the uttermost the lessons and benefits which can be derived from the teaching of such a successful practitioner?

Have not the people of the United States sufficiently demonstrated the unselfishness of their attitude toward the islands in the matter of political development to make them worthy of confidence in the matter of economic development? I believe that nowhere in the world are the relations of capital to the public watched with a more jealous eye than to-day in the United States. The abuses of capital which excited criticism a generation ago have been curbed. The American captains of industry of to-day have a very different standard of duty toward the public from their predecessors of the nineteenth century. It should be an easy matter for wise statesmanship to gain for these islands the inestimable benefit of the guidance of American industrial experience and capital, upon terms which would not only share present profits with the Filipino people but would also leave their rights and resources unimpaired for the generations to come.

Moreover, I believe that the establishment of such industrial relations with the United States would greatly benefit the social relations of the two peoples. Business relations between worthy partners tend to produce mutual confidence. On a small scale I witnessed a striking example of this tendency when I visited Hawaii on my journey hither.

The Filipino laborers who go from here to the Hawaiian sugar plantations occupy a very different position in that community to-day than they did 10 years ago. They have won their place in the confidence of those with whom they come in contact. They have become almost indispensable to the industry of those islands, while at the same time they have themselves derived corresponding benefit in training, in responsibility, and in earning power. As I listened to the generous praise spoken of them by their employers in Hawaii, I could not help feeling that if such a change of sentiment could be effected by the mere contact of a few laborers engaged in field labor, what an enormous social benefit could be derived should the Filipino people in large numbers and of all classes, laborers, artisans, and investors, be brought into friendly, profitable, and cooperating contact with the representative business men of industrial America.

Three centuries ago, under the leadership of Spain, you turned your faces from the Orient toward the Western World. You accepted a civilization and a religion which marked you as a separate people from those who surrounded you. Now, with the passage of those three centuries, your connection with the West has itself become transformed into a promise of new opportunities. The Nation with which you are now connected represents not only political freedom, but the highest average standard of social and material welfare which has yet been developed in this world.

I can not believe that this opportunity will not be grasped by the Filipino people. On the contrary, I believe that it will, and through it that they will press forward into new stages of political freedom, individual comfort, and social welfare.

I have addressed myself thus far to the Filipino people, because the steps necessary for the solution of the problem which I have been discussing must primarily be taken by them. Before, closing, may I

add a word of appreciation and good wishes to the American residents of these islands. I am keenly sensible of the debt of gratitude which both the Filipino people and the people of the United States owe to them and of the duty which rests upon the shoulders of the Governor General to protect their legitimate rights and interests. Whether in the military uniform of the United States, whether as civil servants and teachers of this government, or whether as business men risking their all in the development of its resources, these Americans have rendered inestimable service to this land. They have been the pioneers in the performance of an American service to an Oriental people, such as no other nation of the world has even attempted. It would be a shortsighted policy indeed which allowed them to be treated either with neglect or injustice, for such a policy could result only in ultimate injury to this country where their service was rendered.

In the conduct of this office into which I have now been inducted, it will be my earnest endeavor to be watchful of the interests of both Americans and Filipinos alike, to be equally accessible to all and patient in hearing all sides of such issues as may rise.

Working all of us together, in a spirit of sympathetic cooperation, I trust that under the providence of God, we may be successful in carrying forward the high aims and purposes of the noble men who have preceded us.

MANILA, *March 1, 1928.*

Mr. Speaker and gentlemen of the House, you will recall that when the gentleman from Kentucky [Mr. GILBERT] was making his able and informative speech regarding the Philippine Islands on March 28, 1928, the gentleman from Nebraska [Mr. SIMMONS] brought a question about the Fourth of July celebration at Manila. He said that Senator Quezon and other prominent Filipino leaders did not occupy a place on the platform during the celebration nor took part in the parade, and concluded that they refused to take part in the celebration. At that time I emphatically denied that any Filipino has ever refused to attend a celebration of the Fourth of July. I may say that every Filipino—men and women—regards the Fourth of July as the most sainted day in the world, for it stands for liberty, not only of the American people but of all human beings as well.

To-day I stand ready to prove why Senator Quezon and some Filipino leaders did not take part in this celebration. I have at hand a telegram I received from Senator Quezon which I think justified their act beyond question. It reads:

Hon. PEDRO GUEVARA,
Washington, D. C.:

It is true that I refused to participate in the celebration of the Fourth of July last year because the reading of the Declaration of Independence was excluded from the program and replaced with a speech by Admiral Kittelle which I knew would ridicule the ideals of self-determination and national independence. Such a program and such a speech I contend is not a celebration, but rather a derision of the great event which is commemorated on the Fourth of July, and I shall not be a party to it. To every Filipino aspiring for the freedom of his country the Fourth of July is both a hope and an inspiration. He will not join those who would use the Fourth of July as an occasion to deny the principles contained in the Declaration of Independence and who would refuse to read such a declaration.

QUEZON.

Gentlemen, I do not wish to take up the valuable time of this House. But I wish you would realize how sacred a day we hold the birth of your great Nation. We look to it as the inspiration in our struggle for freedom. It is an encouragement to us, for we believe in the lofty ideals and principles of the illustrious founders of this great Republic. But when the reading of the Declaration of Independence is omitted in the celebration of the Fourth of July it ceases to be a July Fourth celebration because that for which the day is celebrated is left out. In the one celebrated in Manila last year, when Senator Quezon and other Filipino leaders refused to participate, the reading of the Declaration of Independence was deliberately stricken from the program. And they went further than that. In its place they substituted a speech, repugnant to ever American ideal—a speech that repudiates all the principles for which your forefathers have stood, fought for, and defended.

A like celebration in any part of the United States will not be attended, and I doubt if it will be tolerated.

JUVENILE INSURANCE IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 922, to the bill S. 3694. I understand there will be no objection from the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from Maryland asks unanimous consent to return to Calendar No. 922.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, my objection was made to the part of the bill that I believed was new. The gentleman from Maryland [Mr. ZIHLMAN] stated that it was already in the law. He was right and I was in error.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known as the juvenile fraternal act.

SEC. 2. That any fraternal benefit society authorized to do business in the District of Columbia may provide in its laws, in addition to other benefits provided for therein, for insurance and/or annuities upon the lives of children, at any age, upon the application of some adult person, as the laws of such society may provide. Any such society may, at its option, organize and operate branches for such children, and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society.

SEC. 3. That contributions to be made upon such certificates shall be based upon the Standard Industrial Mortality Table or the English Life Table No. 6, or the society may use a table based upon its own juvenile experience of at least 10 years and covering not less than 100,000 lives with a rate of interest not greater than 4 per cent per annum, or upon a higher standard.

SEC. 4. Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section 3.

SEC. 5. Any society shall have full power to provide for means of enforcing payment of contributions, designation of beneficiaries, and changing such designations, and in all other respects for the regulation, government, and control of such certificates and all rights, obligations, and liabilities incident thereto and connected therewith, not at variance with the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AWARD OF NATIONAL WAR LABOR BOARD TO CERTAIN EMPLOYEES OF THE BETHLEHEM STEEL CO.

Mr. KENT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 827.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 827. Is there objection?

Mr. SCHAFER. I object.

Mr. KENT. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHAFER. I do not think it is necessary to withhold it. I think we should proceed with the calendar. After we shall have completed the calendar we may go back. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE DEATH OF BRIG. GEN. CASIMIR PULASKI—UNITED STATES PULASKI SESQUICENTENNIAL COMMISSION

The next business on the Consent Calendar was the resolution (H. J. Res. 304) providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Pulaski Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of five commissioners as follows: One person to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives by the Speaker of the House of Representatives. Any vacancy in the office of a commissioner shall be filled in the same manner as the original appointment. The commissioners shall serve without compensation therefor from the United States. The commission shall select a chairman from among its members.

SEC. 2. The commission is authorized to arrange in cooperation with any organization or society without cost to the United States an appropriate observance and commemoration to take place in the month of October, 1929, of the one hundred and fiftieth anniversary of the

death of Brig. Gen. Casimir Pulaski, and to participate, on behalf of the United States, in such manner as it deems advisable, in any other observance or celebration of such anniversary which may be held in the United States during the year 1929.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I know that the people of the Nation, particularly those of Polish descent, will greatly appreciate the passage of the pending resolution by this Congress. The resolution provides for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and the establishment of a commission to be known as the United States Pulaski Sesquicentennial Commission. This commission is authorized to arrange, in cooperation with any organization or society, an appropriate observance and commemoration in the month of October, 1929.

Count Casimir Pulaski was born in Podolia, Poland, March 4, 1748. He became interested in military affairs before he reached his majority, and served in the guard of Duke Charles, of Courland, before he reached the age of 20. In 1768 he joined his father, Joseph Pulaski, in Poland, as one of the eight original associates of the Confederation of Barr. He and his father pledged their time and fortunes and lives to accomplishing the redemption of Poland. He carried on a partisan warfare after his father's death, and in 1769 raised a revolt in Lithuania. He finally forced the Russians to withdraw from the fortified monastery of Czenstochova, to which he had been driven, and took an active part in forcing them across the Vistula.

Subsequent unfortunate events caused Pulaski to leave his native land. He went to Turkey, but when the Sultan refused to aid him he removed to Paris in 1775. It was in the French capital that he made the acquaintance of Benjamin Franklin. After his talks with Franklin he became interested in the American struggle for independence and came to this country in March, 1777, immediately joining General Washington's staff in Philadelphia. In the Battle of Brandywine, in company with Greene, Wayne, Sullivan, and Lafayette, he struck his first blow in behalf of the American cause. His great service in this engagement was to defeat the attempt of the enemy to cut off the line of retreat. He executed his task so successfully and promptly that, upon the recommendation of Washington, he was commissioned as brigadier general by Congress and assigned to command the Cavalry. General Washington, in his letter to Congress recommending Pulaski for this place, said:

> This gentleman has been, like us, engaged in defending the liberty and independence of his country and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit.

Pulaski later saved the Army from a surprise at Warren Tavern, near Philadelphia, and took part in the Battle of Germantown. In the winter of 1777–78 he took part in the operation of Gen. Anthony Wayne and helped defeat a division of British troops at Haddonfield, N. J. Subsequently he was assigned to special duty at Valley Forge.

Congress, upon General Pulaski's suggestion and upon the recommendation of General Washington, authorized the formation of a corps of lancers and light infantry to be commanded by Pulaski. This corps, which was recruited mostly in Baltimore, later became famous under the name of Pulaski's Legion.

When he was stationed at Minisink, N. J., during the following winter, under a petty command which he did not like, he expressed himself as wishing to return to Europe, but Washington persuaded him to remain. On the 8th of May, 1779, he entered Charleston, S. C., and three days later, May 11, the city was invested by 900 British troops from General Prevost's army. Pulaski's assault was unsuccessful, but he held the city until the arrival of reinforcements on May 13.

In the siege of Savannah, which resulted in his death, he rendered distinguished service. In the assault of October 8 he commanded the entire cavalry, both French and American. In the course of the battle he received a wound in his right thigh, which proved fatal. He was taken from the battle field after the conflict to the brig *Wasp* for transfer to Charleston. Head winds delayed the ship for several days, and Pulaski died as the ship was leaving the river. He was buried at sea, but funeral services were held afterwards in the city of Charleston.

General Pulaski by birth and alliance was connected with some of the noblest families in the Kingdom of Poland, especially with the princely house of Czartorinsky. He was a patriot of the most self-sacrificing type and one of the outstanding heroes of the American Revolution.

Mr. Speaker, from the time of General Pulaski and General Kosciusko American citizens of Polish extraction have patriotically and unselfishly carved a record of honorable achievement in the history of the Republic.

The district which I have the honor to represent has a large number of residents of Polish extraction. They are a bulwark of strength to the Republic and among the leaders in political and economic progress. In the dark days of war the citizens of Polish extraction have emulated that high patriotism of Gen. Casimir Pulaski and Gen. Thaddeus Kosciusko and have given unstintingly of their life blood in order to protect the high ideals and liberties of the American Government. [Applause.]

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent to extend my remarks on the resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HUDSON. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD on House Joint Resolution 304 to commemorate the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, I wish to offer the following tribute to this son of the Polish people:

Casimir Pulaski, patriot, soldier, hero of two continents.

October 11, 1928, will be the one hundred and fiftieth anniversary of his death—death encountered while contending for the great principle of liberty. Born in 1748 he was but 31 years old at the time of his death, yet had rendered a full life of service to humankind. His youth was spent in the struggle of his native land—Poland—for liberty. He drank deep of its passion for freedom. Risked his all and by the Russian Government expatriated and sent into exile.

Then in exile in France the American patriots found him, told him the story of the struggle of the Colonies to attain to the goal his life had been dedicated to in his own land. It is not strange, therefore, that we find this brave, strong soul joining his fortunes with that of Washington and his army.

Coming to America in 1777 he won distinction and a great victory at Brandywine. There he was made brigadier general. Two years later in the seige of Sanannah he was mortally wounded, from which injury he died two days later. A great soul giving his all for the betterment of the people of all time.

The descendants of his people have wrought through these years of nation building their best into the fabric of our common life. As his contribution was noble and lasting, so has been theirs.

The sixth district of Michigan has many of these sons and daughters of Poland. They have builded schools, churches, and homes. They have toiled, saved, and now in industry, commerce, and learning are contributing no mean part in the Nation's wealth, culture, and position of the day.

I proudly join in the indorsement of the legislation providing for the commission to celebrate the life and sacrifice of this great soldier and patriot. In this connection I want to read the resolution adopted by the Common Council of the City of Detroit indorsing the establishment of the proposed commission, which resolution will not, I am sure, receive a single opposing vote.

> A concurrent resolution memorializing Congress to enact House Joint Resolution 27, to commemorate the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission
>
> Whereas on October 11, 1929, will occur the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski; and
>
> Whereas the service rendered by him was of great value and assistance to the cause of American independence of such high importance that on September 15, 1777, he was appointed brigadier general of the Continental Army and chief of dragoons, and on March 28, 1778, he was designated commander of an independent corps known as Pulaski's Legion; and

Whereas he died on October 11, 1779, of wounds received on October 9, 1779, at the siege of Savannah: Therefore be it

Resolved (by the Council of the City of Detroit), That we urge upon, and respectfully memorialize, the United States Congress to enact legislation which will provide for the effective carrying out of the provisions of the said bill whereby commission would be established by Congress to arrange an appropriate observance and commemoration to take place during the month of October, 1929, of such anniversary, and to participate, on behalf of the United States, in such manner as it deems advisable, in any other observance or commemoration of such anniversary which may be held in the United States during the year of 1929.

SEC. 2. Suitable copies of this resolution shall be sent by clerk of the city of Detroit to the President of the United States, presiding officers of both branches of Congress, to the members of the congressional Committee on Library, and to Senators and Members of the Congress representing the State of Michigan.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1609) entitled "An act recognizing the heroic conduct, devotion to duty, and skill on the part of officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes."

The message also announced that the Senate had—

Resolved, That the House of Representatives be respectfully requested to return to the Senate the bill (H. R. 13622) entitled "An act to amend and supplement the Code of the Laws of the United States of America."

The message further announced that the Senate disagrees to House Concurrent Resolution No. 41, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5 o'clock p. m.

CONSENT CALENDAR

TRANSFER OF SURPLUS MATERIALS FOR CONSTRUCTION OF BUILDINGS AT WEST POINT

The next business on the Consent Calendar was the bill (H. R. 6655) to authorize the transfer of surplus materials for construction of buildings at West Point.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, is there any gentleman here from the Committee on Military Affairs? I shall offer an amendment to strike out, on line 5, the word "all," so that the bill will read, "That the Secretary of War is hereby directed to turn over to the United States Military Academy, without expense, surplus tools and materials as may be available," and so forth.

Mr. FROTHINGHAM. That is satisfactory.

Mr. LAGUARDIA. With that understanding, I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to turn over to the United States Military Academy, without expense, all such surplus tools and materials as may be available and necessary for the construction of buildings or for use in the instruction of cadets in the academy.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment, on page 1, line 5, to strike out the word "all."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Line 5, strike out the word "all."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADDITIONAL JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 13116) to provide an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENT OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 9054) to amend section 118 of the Judicial Code, to provide for the appointment of law clerks to the United States circuit judges.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill

Mr. ROMJUE, Mr. TARVER, and Mr. COLLINS objected.

AGE LIMIT OF PERSONS CONFINED AT INDUSTRIAL REFORMATORY, CHILLICOTHE, OHIO

The next business on the Consent Calendar was the bill (H. R. 12249) to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GILBERT, Mr. LAGUARDIA, and Mr. VINSON of Kentucky objected.

AGRICULTURAL DAY

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 61) to provide for an agricultural day.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GILBERT, Mr. LAGUARDIA, and Mr. CRAMTON objected.

BRIDGE ACROSS THE WHITE RIVER

The next business on the Consent Calendar was the bill (H. R. 13108) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge and approaches thereto across the White River, at a point suitable to the interest of navigation, at or near Newport, Jackson County, State of Arkansas, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the State Highway Commission of Arkansas obtains Federal aid for the construction of the bridge as provided in the act entitled "An act to permit the granting of Federal aid in respect of certain roads and bridges," approved March 3, 1927: *Provided further*, That the State Highway Department of Arkansas shall not issue and sell bonds on the project in excess of the difference between the cost of same and the amount of Federal funds actually used in its construction.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 1, after the figures "1906" strike out the balance of line 1 and all of lines 2 to 10, inclusive.

Page 2, add a new section as follows:

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof. After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be

kept by the State Highway Commission of Arkansas and shall be available at all reasonable times for information of all persons interested."

Page 3, line 10, strike out the figure "2" and insert "3."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SABINE RIVER

The next business on the Consent Calendar was the bill (H. R. 13777) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr's Ferry.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Louisiana Highway Commission and the State Highway Commission of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Vernon Parish, La., and Newton County, Tex., at a point suitable to the interests of navigation, at or near Burr's Ferry, La., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the Louisiana Highway Commission, and the State Highway Commission of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, strike out the name "Burr's" and insert the name "Burr."

Page 2, line 2, after the word "Ferry" insert the word "Louisiana."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE POTOMAC RIVER

The next business on the Consent Calendar was the bill (H. R. 13848) to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the bridge now being constructed across the Potomac River at or near Paw Paw, W. Va., by the State of West Virginia and the State of Maryland, or any county or counties thereof, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation and operated as a free highway bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS WHITE RIVER

The next business on the Consent Calendar was the bill (S. 4344) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Clarendon, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 25 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 13, strike out "25" and insert "20."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF RHODE ISLAND

The next business on the Consent Calendar was the bill (H. R. 11800) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby established a commission to be known as the United States Commission on the Battle of Rhode Island (hereinafter referred to as the commission), and to be composed of five commissioners, as follows: One to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives to be appointed by the Speaker. The commission shall serve without compensation and shall select a chairman from among their number.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to be expended by the commission for actual and necessary traveling expenses and subsistence while discharging its official duties outside the District of Columbia.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,500 to be utilized in the discretion of the commission for the appropriate participation on the part of the United States in the celebration and observance on the island of Rhode Island of the one hundred and fiftieth anniversary of the historic battle of Rhode Island on the 29th day of August, 1928.

With the following committee amendment:

Beginning on line 9, page 2, strike out all of section 3.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGING OF THE CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the commission created by the act entitled "An act to create a commission to be known as the Commission for the Enlarging of the Capitol Grounds, and for other purposes," approved April 11, 1928, is authorized and directed to carry out the plan for the enlarging of the Capitol Grounds recommended by the commission in scheme B of its report to the Congress contained in House Document No. 252, Seventieth Congress, first session, as follows:

(1) Provision for an avenue extending from the western fountain in front of the Union Station southwesterly to Pennsylvania Avenue, joining said avenue between Second and Third Streets NW.;

(2) Closing of North Capitol Street south of D Street;

(3) Closing of C Street to vehicular traffic between New Jersey Avenue and First Street NE., and removal of street-car tracks from C Street and relaying them in a subway passing under Delaware Avenue;

(4) Removal of street-car tracks from Delaware Avenue and B Street (including the spur extending from Delaware Avenue into the Capitol Grounds) and relaying them on First Street NE., and establishing a convenient subway connection with the basement of the Senate Office Building;

(5) Construction of an underground garage extending from Delaware Avenue to New Jersey Avenue;

(6) Acquisition of private property and removal of existing buildings, as hereinafter provided; and

(7) Construction of terraces and fountains, grading, landscaping, and architectural treatment.

SEC. 2. For the purposes of this act the Architect of the Capitol is authorized, under the direction of the commission—

(1) To acquire, on behalf of the United States, by purchase, condemnation, or otherwise, all or any part of the privately owned lands, including buildings and other structures, in lot 800 of square No. 574; square No. 575; lots 1, 2, and 818 of square No. 630; lot 1 of square No. 631; the western half of square No. 633; and reservation No. 12, as such squares and reservation appear on the records of the office of the surveyor of the District of Columbia as of the date of the approval of this act. Any condemnation proceedings instituted under authority of this act shall be in accordance with the provisions of section 3 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, as amended.

(2) When title to the property specified in subdivision (1) of this section has been vested in the United States, to provide for the demolition and removal, as expeditiously as possible, of any structures thereon; and to provide for the demolition and removal, as expeditiously as possible, of any structures on other lands within the area of the proposed development.

(3) To enter into contracts, to purchase materials, supplies, equipment, and accessories, in the open market, to employ the necessary personnel, including professional services without reference to section 35 of the act approved June 25, 1910, and to make such expenditures, including expenditures for advertising and travel and the purchase of technical and reference books, as may be necessary.

SEC. 3. All privately owned lands acquired under the provisions of this act, together with all other lands within the area of development proposed in Scheme B of House Document No. 252, Seventieth Congress, first session, including streets and roadways, shall be a part of the Capitol Grounds under the jurisdiction and control of the Architect of the Capitol, and all lands within such area heretofore under the jurisdiction and control of the Commissioners of the District of Columbia are hereby transferred to the jurisdiction and control of the Architect of the Capitol; except that any street or roadway within such area under the jurisdiction and control of the Commissioners of the District of Columbia shall not be transferred to the jurisdiction and control of the Architect of the Capitol until such time as the Architect of the Capitol files notice in writing with the Commissioners of the District of Columbia that such transfer is necessary for the proposed development.

SEC. 4. (a) It shall be the duty of any street-railway company, the removal of whose tracks is necessary under the plan of the proposed development, when so requested in writing by the Architect of the Capitol, to remove any of such tracks, to repair and restore the space vacated, and to relay such tracks on the streets designated, as may be directed by the Architect of the Capitol, the total cost thereof to be borne by said companies.

(b) Whenever, in carrying out the provisions of this act, it becomes necessary to change the grade of any street occupied by the tracks of any street-railway company the company shall adjust the grade of such tracks to the new grade of the street, the total cost of such adjustment to be borne by said company.

SEC. 5. The Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to proceed with the development of that part of the public grounds in the District of Columbia connecting the Capitol Grounds with the Washington Monument and known as the Mall parkway, in accordance with the plans of Major L'Enfant and the so-called MacMillan Commission, with such modifications thereof as may be recommended by the National Capital Park and Planning Commission and approved by the Commission for the Enlarging of the Capitol Grounds. Such development shall include the grounds now occupied by the Botanic Garden between Pennsylvania and Maryland Avenues west of Fifteenth Street, and, as to such grounds, the development shall be in accordance with the approved plans for enlarging the Capitol Grounds. For the purpose of carrying out the provisions of this section, jurisdiction over that part of the public grounds the development of which is herein authorized shall be transferred to the Director of Public Buildings and Public Parks of the National Capital at such time as may be approved by the Joint Committee on the Library.

SEC. 6. There is hereby authorized to be appropriated the sum of $4,912,414, or so much thereof as may be necessary, to enable the Commission for the Enlarging of the Capitol Grounds to carry out the provisions of this act relating to the enlarging of the Capitol Grounds. Appropriations made under authority of this section shall be disbursed by the disbursing officer of the Department of the Interior.

Mr. ELLIOTT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 5, line 24, strike out the word "Fifteenth" and insert the word "First."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDUCATION FOR CITIZENSHIP

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD upon some methods and practices of teaching the Federal Constitution in the public high schools of the several States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, it seems but yesterday since on July 7, 1896, Nicholas Murray Butler, while delivering an address before the National Educational Association at Buffalo, N. Y., made this statement:

> The material advances made since the present century opened are more numerous and more striking than the sum total of those that all previous history records. We find it difficult even to imagine the world of our grandfathers, and almost impossible to appreciate or understand it. Without the factory, without the manifold products and applications of steam and electricity, without even the newspaper and the sulphur match, the details of our daily life would be strangely different. In our time wholly new mechanical and economic forces are actively at work, and have already changed the appearance of the earth's surface. What another hundred years may bring forth no one dares to predict.

When Doctor Butler talks about steam and electricity, newspapers and the sulphur match, to us of this day, 31 years later, it is as if we were reading the translation of a tablet recently unearthed in the tomb of King Tut. We are now speaking in terms of automobiles, airplanes, and radio. We are talking around the world without wires, and flying around the world with mechanical wings. The geometric rate of the world's progress has accomplished more marvels in the first quarter of the present century than it did in the whole preceding century. If the nineteenth century witnessed greater conquests over nature and greater advances in what we call civilization than all preceding centuries, what shall we say of the first 25 years that most of us have witnessed in the current century?

This enormous rapidity of development emphasizes and enforces the necessity for formal and systematic education. The world is developing so rapidly that the individual can not be expected merely to absorb the necessary knowledge and obtain the necessary training by mere accidental contact and haphazard information. In order to prepare the individual to comprehend the multitudinous forces playing about him and through him, the progress of the world up to date must be epitomized, the knowledge derived through long years of history must be

systematically arranged and named "science," in order that each individual may be quickly put in possession of this inheritance of the ages.

Thus the successive generations rise upon the shoulders of the preceding generations as if the race were ascending a ladder.

Under republican institutions, where the ideals of democracy permeate the foundations of government, both Federal and State, there is no alternative save formal public education. The equality among men announced in the Declaration of Independence must be translated into equality of opportunity, into the chance for every boy and girl to make of himself and for himself all that his capabilities and his character justify. But it must not be forgotten that this public education, under these popular institutions of government, is not alone for the benefit of the individual as such, not alone to equip him to run the economic race, not alone to enable him to compete in business with his fellows, not alone to qualify him for financial success, but there is the deeper, broader, and oft overlooked proposition that our American system of education exists primarily and essentially for the benefit of society itself. Government is the mere agency of society to protect, preserve, and promote society. Our educational institutions and system are but the instrumentalities of the Government for the perpetuation and perfection of that government and of society.

In an address delivered by Rev. Lyman Abbott to the National Educational Association in 1897, he summarized the commanding and paramount importance of education in the estimate of the people at that time in these words:

> We have entered in this country upon a sublime and even awful experiment. We have here 60,000,000 people, soon to become 100,000,000, without any common traditions, any common religious belief, any common race connection, any common language or literature, any government or authority over them, any trained aristocracy to lead them. We have gathered here to try an experiment never before tried in the history of the world, and certainly not on any considerable scale. Aristotle said there is government by the one, government by the few, and government by the many. We have added a fourth: Government by all—self-government.

But startling as were the facts then recited by him, the passage of 31 swift years since then has completely changed the picture. It is now 120,000,000 people; we have approximately 27,000,000 human beings in school taught by approximately 1,000,000 teachers, representing an annual outlay of approximately $3,000,000,000 and functioning in plants worth approximately $7,000,000,000.

This is America's pledge to education. This is the material manifestation of her faith in education. This is the proof of the power of such faith. These results indicate how deeply the conviction has gripped the minds and hearts of men that education is the supreme task of each generation.

But education in a democracy is inspired by entirely different ideals from education in an autocracy. Education where republican institutions prevail is not merely for the benefit of the individual, not merely to enable the person to be more efficient as a worker, or more accomplished as a scientist, or more successful as a professional man.

Where government rests upon the consent of the governed, as here, education is for the benefit of the entire community and to enable the citizens, both individually and collectively, to function as a self-governing people. Therefore, such education must ever have in mind its social and civic aspect, and these must dominate not alone the courses of study, but the discipline and the inspirational features. For this reason we insist that the flag, State and National, should be above every schoolhouse; that patriotic songs should be taught to and sung by the students; that all shall be subjected to the same rules and regulations; that, without respect to conditions of wealth or station, all should march to the same time, salute the same flag, pronounce the same American creed, voice the same prayer, and look through literature, history, science, and nature up to the God above all and in all.

Every President of the United States, from Washington to Coolidge, has emphasized the vital connection between education and the life of the Republic. In summarizing a lifetime of wide experience and reflection, and leaving his counsels as a testament of richest heritage to the Nation that his constancy and courage had done so much to establish, in his farewell address, Washington employed these memorable words:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

In the foreword to the sixth edition of that scholarly and comprehensive treatise upon the "Constitution of the United States," JAMES M. BECK, distinguished and widely read and traveled lawyer, President Coolidge gave utterance to his conviction of the importance of instruction in our constitutional system.

> It is of first importance that the study of the Constitution should be an essential part of the education of the American youth.
>
> While we can not all be trained in the technicalities of the law, we should all have some idea of our fundamental institutions.
>
> The Constitution is not self-perpetuating. If it is to survive, it will be because it has public support.
>
> To live under the American Constitution is the greatest political privilege that was ever accorded to the human race.

Most textbooks on Civil Government include a course on the Constitution of the United States. As it is ordinarily taught, especially to high-school students, it is exceedingly dry and perhaps unprofitable. It is difficult for young persons to comprehend the framework, the mere outline, the bony structure of government set up by the Constitution. All persons can easily understand the Declaration of Independence. It deals first with generalities and then proceeds to outline a bill of particulars against the misdeeds of the British Government. All of us can grasp the ethical significance of both the general propositions and the particular charges. But when we pass to the Constitution of the United States and to that of the several States, we enter a field that takes perhaps years of study and reading to enable a person to grasp the significance of the words.

But our American constitutional system can be taught so that the flesh and blood and nerve of the moral and ethical conception back of the Constitution may be comprehended. Merely by way of suggestion, I offer 10 propositions that might be characterized as the landmarks of our constitutional government and if these should be memorized and understood as the touchstone and key to the Constitution itself, the student would be greatly assisted and inspired. These 10 foundation stones, that are not written into the Constitution, but are implied in the system, are present as the major premise in the mind of every court that comes to construe the Constitution. They are as follows:

First. Properly and naturally, any government set up by people that have subscribed to the Declaration of Independence which pronounced that the Government rests upon the consent of the governed and may be altered by the governed at any time, might be called popular sovereignty, should take first place and be number one. Popular sovereignty implies the supremacy of the ballot box.

The one distinctive, unique, and original proposition in the Declaration of Independence was the assertion of "the right of the people to alter or to amend their form of government at will." That this proposition is carried into the Federal Constitution as an implication thereof is supported by the statement of Chief Justice William Howard Taft in an address by himself while President delivered before the National Educational Association at Boston on July 4, 1910:

> The Constitution was a charter of fundamental law, the most concise and comprehensive ever written, elastic enough to meet all contingencies and yet restrictive enough always to preserve intact the original plan. It established a Government on the principles set out in the Declaration of Independence. It executed the general promises of the declaration.

The second corner stone of the American system is "the equality of every citizen before law." It was a new thing in the world to build a government upon the conception of equality in the courts and in the legislative acts and in administrative measures based upon the unvarying assumption that every man, irrespective of inherent power or weakness, irrespective of poverty or wealth, irrespective of ignorance or learning, stands absolutely equal to every other man. Of course, in this proposition the word "man" is used generically to include women and children.

The third fundamental principle of American political life is that "ours is a government of laws and not of men." Laws must speak in general terms and individuals are considered only as they shall transgress general laws. Class legislation is universally denounced by us as un-American and unfair. Legislation or administration or judicial action in the interest of any individual, of a kind and to a degree different from what other individuals would receive, would be utterly unthinkable to the American mind and utterly abhorrent to the American heart.

The fourth distinguishing characteristic of our Government is the thought that lies embedded in the phrase "due process of law" and finds expression in the proposition that "every man must have his day in court." It simply means that governmental agencies hear before they condemn; that they proceed only by general and public investigation and render judgment only after a public trial when both sides or all sides shall have been given ample and free opportunity to present every argu-

ment and consideration affecting in any way the matter in hand. Such a procedure is so inherently just as to receive the universal approval of men everywhere since we commenced calling attention to it.

The next and fifth distinguishing feature that I call to your attention is the peculiar invention of American statesmanship; it is the division of governmental powers between the Federal Government and the several State governments whereby each is utterly independent and sovereign within its own sphere, operating at the same time within the same territory upon the same people, and yet occupying spheres so distinctly separated and marked as to bring since 1860 but infrequent and minor clashes. In this respect, the American system is novel and original; no government in any part of the world had ever before undertaken such a separation of powers. Though this experiment resulted in a great civil war that cost much in life and treasure, yet the impartial student of history must finally accord to it a high appraisement of merit and influence in contributing to the spectacular development of our Nation. The wonderful contrivance whereby general matters affecting the whole continent, relating to national defense and international relations and interstate transaction, were assigned to one continent-wide government, while on the other hand local interests left to the people of the separate States, has brought about such an enlistment of the interest and such an awakening of the activities of the whole people as to insure progress, development, and expansion along all lines. After according the highest place to the influence of racial stock, and after yielding second place to the geographical and climatic influences, combined with natural resources, the next highest factor in explaining the power and progress of the people of this country must be ascribed to this wonderful system of separating governmental powers designed by our fathers nearly 150 years ago.

The sixth and next touchstone of American life that I have singled out for mention is closely related to and correlated with the one last discussed. It is the existence of a system of checks and balances within our Government whereby one department is set over against another department, and one branch over against another branch, and one State over against another State, and all the States over against the Federal Government, and the small States over against the large States all worked out in such a wonderfully simple and harmonious way as to prevent runaway reform, to check radical progressivism, to insure sufficient stability and permanency without preventing desirable and well-considered progress.

The seventh test and measure of Americanism is the universal and unquestioned right of the majority to rule. This lies at the very base of any popular government and especially of our American constitutional government. The system of checks and balances just discussed insures to every individual the enjoyment of his life and liberty and the pursuit of happiness according to his own personal ideals, and subject to that fundamental conception the right of the majority to decide and determine what laws shall be passed and what amendments to the Constitution shall be made, and what shall be repealed, is as inherent in the American system as is the conception of loyalty to the King in the British system. The philosophy of our political action rests upon the propostion that the whole people agree, when proceeding into an election, that the majority shall be constituted the agent of the whole people for the election of the officers of the Government, who in turn shall enact the laws to govern us or repeal some of them, and we agree in advance to ratify and confirm the action of the majority so that whomsoever the majority selects and installs into office he may become the official voice and agent and representative of the whole people. In America no group nor section nor party can say to another group or section or party, "He is your President, not mine; that is your Supreme Court, not mine; this is your Congress, not mine; this is your law, not mine; this is your Constitution, not mine."

The President of the United States, of whatever party, during his term of office is my President; the Supreme Court is always my Supreme Court; the Congress is always my Congress; the Constitution from first to last is my Constitution; and the laws made in pursuance of that Constitution are my laws, and bind me, whether I voted for them or not and whether I personally approve of them or not, and as a loyal American citizen I am equally bound to respect and obey and enforce all of the laws constitutionally enacted, without discriminating in favor of some and against others, and if I fail in carrying out this cornerstone of American Government to that extent, I fail in my duties as an American citizen, and I fall short of my ideal of Americanism and I am to that extent disloyal to American ideals.

The next and eighth base upon which rests the American system is individualism as contrasted with socialism, the independence of every person as contrasted with group or class or sectional obligation, the privilege accorded to the individual to work out his own destiny and to carve out his own fortune and to accomplish his own ideal. Here we are reminded again of the thought wrapped up in the Declaration of Independence; if each individual be equally free from other individuals, if individuals owe no group allegiance and are entitled to no class distinctions, so all are equally bound to that collective group called society, equally obligated to strive in peace and in war for the defense of society and equally bound in peace and in war to promote the happiness and prosperity of society. The American conception is that the progress of all is best promoted by permitting the highest liberty of individual action and endeavor, so that the resultant of the struggles of each may more rapidly advance the civilization of all.

The next and ninth implied proposition contained in our system is education—not merely the right and privilege of each individual to have access to the means of education, but the duty, the obligation, of the State as one branch of the complete governmental system to see that, the door of school and college having been opened, the citizens to be shall have every inducement and assistance to enter and to remain and to develop under the guidance of such school and college. This function of education was reserved to the States; and from the earliest times the States have encouraged, though never financially aiding, denominations to establish schools and colleges to help the State discharge its function to educate. This great variety and diversity of agencies in the field of education has great merit and has contributed mightily to our Nation's power. The number of our strongest and best men and women that have come from our smallest and weakest colleges is marvelous. This diversity rests upon that conception of individualism already referred to. This diversity also creates a generous rivalry and stimulates progress through such rivalry, and calls into being the voluntary spirit in education and gives play to the capabilities of our men and women to administer our own affairs. Thus I hold that every denominational college in the land, even down to the small, oft derided and sneered at "collegette," is performing its part and playing its useful rôle in the cause of American education. If our men and women will contribute freely of their means, will sacrifice and save in order to have means so to contribute to the schools and colleges of their own choice, then I say the existence of such colleges is rendering a double service, in that they not only educate young men and women within their halls, but they are indirectly educating the men and women already come to maturity who are contributing to their support, who are managing their affairs, and who are busily sustaining the interest of the denominations in such institutions.

This is the very heart of the American educational system. Some cynically say such haphazard irregular agencies constitute "no system"; but we must remember the free spirit of man, especially of Americans, can not be chained, and the individualism of man can not be developed by molding all in the same pattern and marching all to the same music.

The tenth and last proposition to which I invite your attention might well have been classed as the first and foremost in importance; it is the place of religion in the life of America. This is not mentioned as cant or servile lip service to prevailing sentiment. Roger W. Babson, great exponent of American business and financial statistics, neither a politician nor educator nor a minister, announces this solemn proposition:

> The American people have gone wild over railroads, ships, buildings, and horsepower, but have forgotten the human soul from which all these things originated and upon which all these things depend.

Theodore Roosevelt lying on his deathbed, widely experienced in American life, profoundly versed in American history, deeply in sympathy with the American heart, said to his friend, Newell Dwight Hillis:

> Hillis, I think we have a 50-50 chance yet to save America.

He was not talking about saving America from a foreign foe; he was not filled with forebodings of any early overthrow of the American Government; he was not anticipating any pestilence or failure of food supplies from an impoverished soil for a multiplying population. The context shows that Roosevelt had in mind the thought that the heart, the sentiment, the soul, the spirit, of a nation is its real life, and that if it be lost, all is lost; if it be saved, all is saved.

Bigots pretended to believe that because the Constitution of the United States made no direct reference to the Deity and no appeal to Divine Providence that it would be a Godless Government. Others, pretending to fear that the powers of government might be stretched to permit the setting up of some favorite sect, insisted that the first amendment should become part of

our organic law prohibiting Congress from enacting any law respecting an establishment of religion, and at the same time denying to Congress the power to prohibit the free exercise on the part of every citizen of his own religious faith and practice. Strangers to our system might not understand that such a constitutional system could rest upon an implied faith in the power and providence of God, since there is no formal declaration of such. But as education, an activity peculiarly close to the breasts and bosoms of the people, was left to the State governments, so religion, the handmaid of government, the light of civilization, the soul of humanity, was left to the people of the several States, and by those States has ever been left, and probably ever will be left, to the conscience of the citizen himself. But essentially entwined with the American conception of government, part of the very bone and sinew and nerve of every conception of American life, is the separation, complete and perpetual, between church and state. Since Jefferson's preamble to the Virginia statute for religious liberty sounded first this call to conscience and common sense, the people of this Nation have increasingly and constantly become confirmed in their conviction that these two mighty pillars of civilization, these two mighty agencies for organizing the forces of humanity, that these two centers for the crystallization of human sentiment and human action shall stand separate, distinct, unalterable, and unvarying so long as the Constitution itself shall stand.

THE TARIFF

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. AYRES] may be permitted to extend his remarks in the RECORD on the tariff.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. AYRES. Mr. Speaker, on February 9 I introduced bill H. R. 10758, which is intended to amend the tariff measure of 1922, commonly known as the Fordney-McCumber Tariff Act. I am endeavoring, under Title I, to amend a number of paragraphs of Schedule 3, two paragraphs of Schedule 4, several paragraphs of Schedule 9, a paragraph of Schedule 10, several of Schedule 11, several of Schedule 12, and not only amending a number of paragraphs but also adding a paragraph to Schedule 7. I am also seeking to amend Schedule 15 of Title II of such act. In presenting this measure I make no claim that it is scientifically drawn; that is, from the viewpoint of a tariff expert, nor from the viewpoint of the highly protected interests. I do claim, however, that it is equitably framed from the viewpoint of the farmer, the laborer, and the great consuming masses.

The farmer has been complaining for some time of the discrimination against his industry in favor of the manufacturing industry as under the present tariff act. In answer to this complaint he is told that the reason and sole reason is the large surplus of agricultural products, and with this continuing surplus of such products it is impossible to stabilize the market of his production. Therefore he must cease to produce so much. I am wondering if it is known that there was imported into this country in 1926 more agricultural products than we exported. Government statistics show that in 1926 (which is the latest complete statistics available) we imported in round numbers $3,500,000,000 worth of raw and manufactured agricultural products of various kinds, about two-thirds of which entered this country free of duty to compete with American farmers and fruit producers who are compelled to pay protection prices for all they purchase.

It is contended that a tariff on many farm products now allowed to enter free and an increase of the rates on those carrying a small tariff would do no good. My answer is that it certainly would do no harm. I am endeavoring in my proposed measure to enable the producers of the raw material to secure some of the benefits of the tariff as well as the producers of the finished product. To accomplish this it is proposed to take some of the farm products now on the free list and put them on the protected list, to increase the rates on other products now carrying a small rate, to take some of the highly protected manufactured articles off of the protected list and restore them to the free list, and to reduce very materially the rates on many other articles. So, with that in mind, I am proposing to increase the rate of 1½ cents per pound on cattle weighing less than 1,050 pounds to 3 cents per pound and to increase the rate of 2 cents per pound on cattle weighing more than 1,050 pounds to 4 cents per pound. Notwithstanding the present rates, 211,598 cattle were imported for food purposes in 1926, and 436,204 cattle were imported for food purposes in 1927.

Also I propose to increase the rate on sheep from $2 per head, which is the present rate, to $3 per head, and to increase the present tariff rates on live hogs for slaughtering from one-half cent per pound to 3 cents per pound. Under the present tariff rates, 17,930,865 pounds were imported into this country in 1926, and this was more than doubled last year, there being 35,883,850 pounds imported in 1927.

I am seeking to amend Schedule 7 by adding an entire new paragraph, designated as 706A, which removes hides from the free list of the present tariff act, and provides a tariff rate of 6 cents per pound on dry cattle hides, 5 cents per pound on cattle hides wet-salted, 15 cents per pound on calfskins dry, and 8 cents per pound on calfskins wet-salted. It might be of interest to call attention to the imports of these hides within the past two years. There were 150,451,522 pounds of cattle hides imported into this country in 1926, and last year this was almost doubled, the figure being 237,233,752 pounds. And over 45,000,000 pounds of calfskins were brought into this country in 1926, and about the same amount last year. There is no protection whatever for this industry under the present law.

Under the present law there is a tariff rate of 3 cents per pound on live poultry. We imported 2,107,707 pounds of live poultry into this country in 1926, and about the same amount last year. I am endeavoring to protect this industry by increasing the rate to 8½ cents per pound. Dead poultry carries a rate of 6 cents per pound. I am proposing to increase this rate to 11 cents per pound, for in the years 1926 and 1927 over 10,000,000 pounds were brought into this country.

The measure I am proposing provides for an increase in the tariff rates on such farm products as barley, from the present rate of 20 cents to 30 cents a bushel; on corn from 15 cents to 30 cents per bushel; on oats from 15 cents to 25 cents per bushel; on paddy or rough rice from 1 cent to 2 cents per pound; on brown rice from 1½ to 2½ cents per pound; on milled rice from 2 cents to 3½ cents per pound; on broken rice from one-half cent to 1 cent per pound; on rye from 15 cents to 30 cents per bushel; on wheat from 42 cents to 50 cents per bushel; on peanuts not shelled from 4 cents to 5 cents per pound; on alfalfa seed from 4 cents to 8 cents per pound, and other grass seed accordingly; on beans, green or unripe, from one-half cent to 1 cent per pound; on dried beans from three-quarters cent to 3 cents per pound; on onions from 1 cent to 3 cents per pound. There are several other agricultural products that are carried in the bill introduced by me, but do not deem it necessary to mention them in detail at this time.

At the beginning I stated that I was not only endeavoring to increase the tariff rates on many farm products but was also endeavoring to decrease the rates on manufactured products that are highly protected and which the agriculturist is compelled to purchase. Here is where we meet face to face the bald, bold claim by high protectionists that the present tariff is very beneficial to labor, and that if the present rates should be lowered it would result in lower wages for employees of the manufacturing industries, and that the increased rates as provided in the Fordney-McCumber Tariff Act were needed to increase the factory employees wages. This claim is not substantiated by statistics. It might prove of interest to note that these employees are not the only people who were benefited.

In fact, the latest available Government statistics show that the increased rates carried in the Fordney-McCumber Tariff Act have not added to the wages of employees in any way comparable with the profits of the manufacturer or with the increased costs of living; in fact, they show that during the years the Fordney-McCumber tariff law has been in operation there has been a decided increase in overhead and profits as compared with the increases paid wage earners, which would seem to convict many of these industries either of gross mismanagement of their affairs or of reaping wonderful if not unconscionable profits. I shall endeavor to point this out as I proceed.

I am seeking to reduce the present tariff rates on foundry and machine-shop products, such as bolts, nuts, rivets, studs, steel points, washers, and many other articles of this kind, most of which carry a tariff rate of anywhere from 5 per cent to 35 per cent ad valorem. Some of these articles were on the free list prior to the Fordney-McCumber Act. The measure introduced by me reduces these rates to a straight 5 per cent ad valorem. Many of these articles are used daily by the farmers in repairing machinery and for other purposes. When such a modification of the present law is suggested, as I have said, we are met with the old argument that the increase in rates in the present law was granted to care for the wage earners producing such articles. Suppose we analyze this proposition by referring to the latest statistics obtainable. For instance, in 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $1,341,182,000. Of this amount, $622,571,000 was paid to the workers as wages and $718,611,000 went into profits and other overhead expenses.

Thus it can be seen that the wage earners received 46 per cent of such reported amount. Compare this with 1925, three years after full operation of the Fordney-McCumber Tariff Act, and we find that this industry reported the value of their products, exclusive of the costs of materials, to be $1,349,278,000. Of this amount, $590,801,000 was paid to the workers as wages and $758,477,000 went into profits and other overhead expenses, the wage earners receiving only 43 per cent instead of the 46 per cent under the old law.

The present law provides tariff rates in some instances double and treble, and even five to six times as high as the rates in the former law, on such articles as animal clippers, pruning and sheep shears, all scissors and other shears, blades, pliers, pincers, files, shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, drainage tools, and many, many more of such articles, many of which were on the free list under the Underwood tariff but now carry a rate of anywhere from 10 per cent ad valorem to 40, 60, and even in some cases as high as 85 to 210 per cent ad valorem equivalent. These are articles all of which are used by the farmer. It might be interesting to see who gets the major portion of the benefits from this increase in rates. Statistics show that in 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $47,152,000. Of this amount, $20,048,000 was paid to the workers as wages and $27,104,000 went into profits and other overhead expenses. Thus it can be seen that the wage earners received 42 per cent of this reported amount. Under the present law, in 1925 this industry reported the value of their products, exclusive of the costs of materials, to be $59,701,000. Of this amount, $20,226,000 was paid to the workers as wages and $39,475,000 went into profits and other overhead expenses, the wage earners receiving only 33 per cent, as compared with 42 per cent in 1919, and when the articles produced carried less than one-third the tariff they do at the present time. I am unable to see where the American wage earner in these industries got the biggest proportion of the increase. I am endeavoring to reduce these high and unconscionable rates, for it is evident they are not needed, in the first place, to protect the manufacturers of the same against foreign competition, nor are they used to increase the wages of the wage earners in these industries.

The Fordney-McCumber tariff act increased the tariff rates very materially on such articles of wearing apparel as gloves, hosiery, underwear, clothing of all kinds made of cotton, wool, silk, flax, and so forth, and also on threads of all kinds, knit fabrics, blankets, rugs, in fact all such articles, and various kinds of cloth made from wool, cotton, flax, and silk. It would be interesting to show just how the tariff rates on these articles have more than doubled, and in many instances trebled, all in the name of American labor. I am seeking to reduce these rates for the benefit of the American laborer and the American farmer, as well as all others who have to purchase such articles as a matter of necessity. A fair illustration as to how much the wage earner in these industries has been benefited by these increases can be seen, for example, in the industry of linen goods. In 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $2,808,000. Of this amount $1,636,000 was paid to the workers as wages and $1,172,000 went into profits and other overhead expenses. Thus it can be seen that the wage earners received 58 per cent of such reported amount. Under the present law, in 1925, this industry reported the value of their products, exclusive of the costs of materials, to be $4,762,000. Of this amount $2,462,000 was paid to the workers as wages and $2,300,000 went into profits and other overhead expenses, the wage earners receiving only 51 per cent instead of 58 per cent under the old law. It can be seen the wage earner did not get all of the increase. Another illustration is in the production of women's clothing. In 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $528,136,000. Of this amount $195,296,000 was paid to the workers as wages and $332,840,000 went into profits and other overhead expenses, showing that the wage earners received 36 per cent of such reported amount. Now suppose we turn to 1925. This industry reported the value of their products, exclusive of the costs of materials, to be $569,406,000. Of this amount $175,045,000 was paid to the workers as wages and $394,361,000 went into profits and other overhead expenses, the wage earners receiving 30 per cent of such reported amount as compared with 36 per cent in 1919, before this tariff law went into effect.

Take some of the other industries, like the aluminum industry. In 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $26,006,000. Of this amount $13,327,000 was paid to the workers as wages and $12,679,000 went into profits and other overhead expenses. Thus it can be seen that the wage earners received 51 per cent of such reported amount. The aluminum producers sought a higher rate and obtained an almost unbelievable increase, no doubt on the basis of caring for American wage earners. It will be interesting to see who received most of the benefits from this increase. In 1925, after these increased tariff rates had been enjoyed for three years, we find that the industry reported the value of their products, exclusive of the costs of materials, to be $42,846,000. Of this amount $19,753,000 was paid to the workers as wages and $23,093,000 went into profits and other overhead expenses, giving the wage earner 46 per cent instead of the 51 per cent which he received prior to the increase in tariff rates. It is not at all difficult to see who is the real beneficiary. The manufacturer reaped the benefits and the consumer, or user, paid the bill for the increase.

In almost all of the speeches made on the tariff by those who favor the present law the speakers invariable call attention to the fact that farm machinery is on the free list. They do not, however, call attention to the fact that all of the component parts of this machinery bear a high tariff rate, but when the question is asked why it is that farm machinery has more than doubled, in fact, in many instances, tripled in price to what it was in 1914, the answer, almost invariably is, that it is due to the increase in wages of the labor used in producing it, so it might prove interesting to analyze this situation.

Therefore, beginning with 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $160,389,000. Of this amount $66,705,000 was paid to the workers as wages and $93,684,000 went into profits and other overhead expenses. Thus it can be seen that the wage earners received 41 per cent of such reported amount. In 1925 this industry reported the value of their products, exclusive of the costs of materials, to be $95,618,000. Of this amount $37,388,000 was paid to the workers as wages and $58,230,000 went into profits and other overhead expenses, giving the wage earner 39 per cent as compared with 41 per cent in 1919, under the Underwood tariff. The question is, "Who got the benefit of this increased cost of farm machinery?" It is not difficult to answer. The next question is, "Who pays for it?" Ask the farmer.

I want to call your attention to one other item and then I am going to stop, and that is sewing machines. In almost every American home there is a sewing machine. In addition to this, hundreds of thousands of good, honest American women earn their living with a sewing machine. They were on the free list until the Sixty-seventh Congress passed the Fordney-McCumber Tariff Act and then they were placed on the protected list. Why it was done no one except the producers, who already had a monopoly, can tell. However, a rate of from 15 to 30 per cent was provided, and in 1925 there were exported 262,536 machines, valued at $8,743,670. The imports were negligible. Why make this monopoly all the more secure in its graft? I can not answer it. It may be that the housewives in the millions of American homes, or that the hundreds of thousands of women who earn their living with these machines, can answer it. Now what do we find as to this industry when it comes to the labor question? In 1919 this industry reported the value of their products, exclusive of the costs of materials, to be $33,536,000. Of this amount $24,494,000 was paid to the workers as wages, and $9,042,000 went into profits and other overhead expenses. Thus it can be seen that the wage earners received 73 per cent of such reported amount.

Now, in 1925, three years after they had succeeded in persuading Congress to take these machines from the free list and give them an unconscionable high tariff rate, we find that this industry reported the value of their products, exclusive of the costs of materials, to be $27,689,000. Of this amount $16,100,000 was paid to the workers as wages and $11,589,000 went into profits and other overhead expenses, giving the wage earner only 58 per cent as compared with 73 per cent in 1919. Yet these people would have you believe that the 15 and 30 per cent ad valorem tariff rates are going to the workers in this industry. I am seeking to put these machines back on the free list, where they should be.

It would be very illuminating to go into the question of labor in many of these industries not mentioned, but I realize it would drag this out so long that no one would listen to it or take the time to read it. The American people are too busy to pay attention to such matters. I often wonder if the agriculturist, who is so vitally affected by the tariff, ever stops to consider it. I know that the proponents of such measures feel sure they can depend on the political orator going before the farmers at the proper time and convincing them if it were not for the tariff he would be in a worse condition than the peasant farmer of Europe. So far it seems they have been successful, but I am inclined to believe that the farmer is waking up to the fact that

he has been a victim of that game which has been so successfully played for the past few years; that is, the game of fooling the farmer.

TO AMEND SECTION 266 OF THE JUDICIAL CODE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 13852.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I rise at this time in support of the bill introduced by me, known as H. R. 13852, which is an amendment to section 266 of the Judicial Code, and the text of which is as follows:

A bill to amend section 266 of the Judicial Code

Be it enacted, etc., That section 266 of the Judicial Code (U. S. C., title 28, par. 380) is amended by adding at the end thereof a new paragraph to read as follows:

"No district court or circuit court of appeals of the United States, or judge thereof, or the United States Supreme Court, or any judge thereof, shall have jurisdiction of any action or proceeding instituted by a public utility, contesting the validity under the Constitution of the United States of any rate or charge fixed by or under authority of the law of any State, in so far as such rate or charge applies to the intrastate business of such public utility, unless such public utility has first exhausted all remedies afforded by State law. The term 'public utility,' as used in this paragraph means any individual, partnership, association, or corporation engaged in the business, if affected with a public interest, of (1) a common carrier; (2) producing, manufacturing, or selling gas or electricity; or (3) receiving or transmitting messages for hire by telephone or telegraph.

"SEC. 2. This act shall be effective in respect to all actions and proceedings pending at the time of its enactment."

I was moved to introduce this bill by the acute crisis which now exists in my home city due to the repacious conduct of a utility corporation, which for many years sought to obtain all advantages out of its operation of our local transit system. At this time, it has cast aside all desire to serve the public and intends merely to enrich its treasury out of the pennies contributed to it by every man, woman, and child of the city of New York.

The Interborough Rapid Transit Co. was a very prosperous railroad corporation for a good many years and in 1916 this company while raising a loan for its purpose from the sale of bonds, advertised in all the newspapers how wonderfully prosperous it was. It pointed out that for many years it had been paying high dividends to its stockholders. In fact the year in question it was paying a 16 per cent dividend on its common stock. Those were the days when the company was prosperous, but instead of dividing its prosperity with the public, instead of reducing the rates of fare which it was then charging for transportation on passengers, it chose to distribute its surplus earnings among its stockholders and as a result thereof, when the purchasing power of the dollar fell, it had no reserve funds with which to meet the deficit. I am speaking of a deficit although I do not believe the Interborough Rapid Transit Co. has a deficit in its operations. The company, however, saw fit to create an artificial deficit in this manner: The Interborough Rapid Transit Co. operates in New York City what is known as the "subway system," as well as four elevated lines. The four elevated lines are technically owned by the Manhattan Elevated Railroad Co. This company has leased its elevated system to the Interborough. The Interborough agreed to pay as a rental a fixed 7 per cent on the capital stock of the Manhattan Elevated Railroad Co. The stock of the Manhattan Elevated Railroad Co. is not an honest stock. It is what is known in common parlance as "watered" stock. This railroad company is seemingly capitalized at $30,000,000. It is not worth it. It is not even worth $5,000,000, and yet the dividends to be paid on its stock amounts to 7 per cent of $30,000,000. Of course, it can not be paid and, of course, if the Interborough is to pay it, it must have a deficit. True, the Manhattan Elevated Railroad has a lease, but what is the worth of the lease if the rental paid for it is far above its value? As a matter of fact, a good many stockholders in the Manhattan Railroad Co. realizing the hopelessness of their position, voluntarily agreed to a reduction of the rent from 7 per cent to 3 per cent. This in itself shows how little real value there is in the stock of the Manhattan Elevated Railroad Co.

The city of New York contends right along that it would be making money if not for the Interborough's unprofitable lease with the Elevated Railroad, but the managers of the Interborough are likewise the managers of the Elevated Railroad Co. and the stockholders of the Interborough are the stockholders of the Elevated. In this way the gentlemen pay each other dividends out of the moneys which they should really use for betterments and improvements.

Any member of this body who had occasion to visit the city of New York will not hesitate to testify with me that the subway service is scandalous; that the cars are overcrowded; that particularly during the rush hours, conditions are so indecent that any self-respecting woman would not use this means of conveyance from place to place. No attempt has been made by the management of the Interborough to improve conditions and whenever our public supervisory body, the transit commission, issues an order for more cars or the lengthening of platforms, the railroad company does everything to obstruct and delay compliance for as long as possible.

The city of New York made a contract with the Interborough Rapid Transit Co. whereby it, the city of New York, built the new subway lines and turned them over to the Interborough for management. The agreement was that the city and the Interborough were ultimately to become partners in the operation of the subway and the city was to retain 2 cents out of every nickel collected and the Interborough was to retain 3 cents out of every nickel collected. In 1913 when the contract was made the fare of 5 cents was not only satisfactory to the company but was very munificent. As I stated before, the company was able to pay as much as 16 per cent dividends on the 5-cent fare. If the Interborough did not want to take advantage of this contract with the city, the city could have very easily obtained another transportation company to run its subway lines and in fact, could very easily run its subway itself. The contract with the Interborough was largely in favor of the Interborough and hardly in favor of the city.

When the contract was made between the city and the Interborough Rapid Transit Co. it was provided in the first place that before the city can share in any profits or in any income from the operations of the subway, the Interborough should first be entitled to a so-called "preferential" in the sum of $6,000,000, and until this "preferential" has been earned by the Interborough, the city was not to have any part of the fare paid by the passengers. You can see at once how unfair this contract was to the city and how the company was really the sole beneficiary under this contract. The fare is made high, at least it was high in 1913 when the company was able to pay 16 per cent dividends and notwithstanding this high fare, the city is not to share in any of the profits until $6,000,000 has passed into the company's treasury. Observe also the fact, gentlemen, that this $6,000,000 is net and not gross. In other words, all operating expenses and all charges will be deducted before the company will charge itself with the profit of $6,000,000.

Needless to say that owing to the existing conditions the company has not yet been able of its own volition to obtain the $6,000,000 surplus or "preferential" and the city of New York has not yet seen a cent out of this investment from the subway.

The city of New York has built the subway at its own cost and expense and spent $300,000,000 out of its own moneys and has paid interest on the bonds issued for the purpose of completing this subway. The railroad company had no expenses in connection therewith. It is the city's money which built the railroad and it is the city's money that is paying interest on the bonds and yet, not the city but the railroad company is getting this "preferential" before any money is turned into the treasury of the city.

Along came 1917—the war—and the cost of living went up. The company thinks it will have a loss, and in fact is unable to operate the subway at a profit as long as it has to pay high dividends on the elevated. So what does the company do? It suddenly discovers that the contract it made with the city of New York is no contract at all. The company does not say the contract is not valid where it favors the company. It does not say that it should not collect the $6,000,000 "preferential" which the contract gives to it. It does not say that it should give up all the great advantages which it derived from its contract, but it does say that when the 5-cent fare was written into the contract it did not mean anything. It reminds one very much of Kipling's story about the baby elephant. The baby elephant does not like to get spanked, but it enjoys very much spanking other baby elephants. The railroad company does not like to give up provisions in the contract which it deems beneficial to itself. Oh, no. As to that, why, a contract is a sacred thing, and you knew what the Constitution of the United States says about a contract: "No law should be passed impairing the obligations of a contract." Oh, no. No law should be passed impairing the obligations of a contract. That is, in so far as it does us good; but when a contract gets to be onerous, when its provisions get to be unpleasant, why, gentlemen, then it is a different story altogether. Along come fine

counsel for the Interborough and tell the story to the New York court that when the contracts were made between the Interborough and the city they did not really mean what they said. Why, gentlemen, we have a public service law in the State of New York which permits our regulatory body to fix the rate of fare to be charged by public utilities for their services. Now, if we have such a body, why should not such a body fix such a rate of fare? To be sure there is a contract, but what is a contract, my dear friends?

The Public Service Commission of the State of New York took the stand that a contract meant what it said, and when the railroad company decided to charge a 5-cent fare, in fact insisted, and the city permitted the charge of this fare, which, as I said before, was a high fare in 1913 when the contract was made, then certainly if the fare gets to be low it should have no cause to complain. Contracts are made not to be broken but to be upheld. Our entire civilization is based on the sanctity of contracts, and if we permit a body engaged in public service to break its contract it will spell an end to all human civilization.

Do you see, gentlemen, the danger in which we let ourselves into? If a railroad company can break its contract, why not a coal company or a company manufacturing a commodity or any business organization? Suppose you had a contract for the supply of coal at $15 a ton and suppose the price of coal went up and the company was unable to supply you with coal except at a loss, would any court relieve the company of its contract simply because it may not be profitable? I can not see whether a utility company differs in that respect from a coal company. A contract is a contract, and the sooner we learn to respect the sanctity of our obligations the better.

Somehow or other our local Federal courts have been very lenient with public-service corporations. When the New York Telephone Co. wanted to increase its rates it went to the United States district court and obtained its increase. When the gas companies wanted to obtain an increase, they went to the United States district court and obtained an increase. Now the Interborough is doing the same and is using the machinery of the local Federal court to obtain an increase in its fare against all law of justice and against their own solemn and sacred contract.

As I am saying these words, the United States Supreme Court is considering the application of the city of New York for reversal of the lower court which granted a temporary increase of the fare. The decision of the United States Supreme Court is not yet known. I do not doubt that the city of New York will win and the company will be told to respect a contract solemnly entered into, but until the decision of the United States Supreme Court is handed down our local Federal court is giving the railroad company an increase in the fare.

My bill aims to overcome this local Federal jurisdiction so inimical to the public and so precious to the railroad company. I do not want any local Federal court to pass on our local transit affairs. I believe that our State courts are fully competent to discharge their duty and to interpret the law applicable to the management of our public utilities. The Interborough has a perfect right to go to the State courts and if the State courts were against it, it had a right ultimately to go to the United States Supreme Court, but until it exhausted its remedies in the New York State court it should not have invoked the jurisdiction of our local Federal courts. This thing ought to stop, and the passage of my bill will put an end to such activities. Let us once for all limit the right of transportation and public utilities companies to go to our State courts before they proceed in inventing excuses for Federal jurisdiction. If my bill passes, this will be the last attempt of a public-utility company to use the machinery of the Federal courts for a purely local affair. Let us hope, gentlemen, that the Committee on the Judiciary, to which this bill was referred, will report it favorably and when this bill comes up on the floor of the House you and each of you will vote for it.

PULASKI AND KOSCIUSKO

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution (H. J. Res. 304) introduced by the gentleman from Indiana [Mr. HICKEY].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MEAD. Mr. Speaker, my colleague the Hon. ANDREW J. HICKEY has introduced a resolution known as House Joint Resolution 304, which provides for the commemoration and observance of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and for the establishment of a commission to be known as the United States Pulaski Sesquicentennial Commission. The resolution was very properly referred to the Committee on the Library of the House, and after careful consideration and deliberation that committee through its chairman, the Hon. ROBERT LUCE, reported the same to the House with a favorable recommendation. A copy of the report accompanying House Joint Resolution 304 follows:

(Report to accompany H. J. Res. 304)

The Committee on the Library, having had under consideration House Joint Resolution 304, providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission, report thereon favorably with the recommendation that the resolution do pass without amendment.

General Pulaski was born in Podolia, Poland, March 4, 1748. He became interested in military affairs before he reached his majority and served in the guard of Duke Charles of Courland before he reached the age of 20. In 1768 he joined his father, Joseph Pulaski, in Poland as one of the eight original associates of the Confederation of Barr. He and his father pledged their time and fortunes and lives to accomplishing the redemption of Poland. He carried on a partisan warfare after his father's death, and in 1769 raised a revolt in Lithuania. He finally forced the Russians to withdraw from the fortified monastery of Czenstochova to which he had been driven, and took an active part in forcing them across the Vistula.

Subsequent unfortunate events caused Pulaski to leave his native land. He went to Turkey, but when the Sultan refused to aid him he removed to Paris in 1775. It was in the French capital that he made the acquaintance of Benjamin Franklin. After his talks with Franklin he became interested in the American struggle for independence and came to this country in March, 1777, immediately joining General Washington's staff in Philadelphia. In the Battle of Brandywine, in company with Greene, Wayne, Sullivan, and La Fayette, he struck his first blow in behalf of the American cause. His great service in this engagement was to defeat the attempt of the enemy to cut off the line of retreat. He executed his task so successfully and promptly that, upon the recommendation of Washington, he was commissioned as brigadier general by Congress and assigned to command the Cavalry. General Washington, in his letter to Congress recommending Pulaski for this place, said:

"This gentleman has been, like us, engaged in defending the liberty and independence of his country and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit."

Pulaski later saved the Army from a surprise at Warren Tavern, near Philadelphia, and took part in the battle of Germantown. In the winter of 1777–78 he took part in the operations of Gen. Anthony Wayne and helped defeat a division of British troops at Haddonfield, N. J. Subsequently, he was assigned to special duty at Valley Forge.

Congress, upon General Pulaski's suggestion and upon the recommendation of General Washington, authorized the formation of a corps of lancers and light infantry to be commanded by Pulaski. This corps, which was recruited mostly in Baltimore, later became famous under the name of Pulaski's Legion.

When he was stationed at Minisink, N. J., during the following winter, under a petty command which he did not like, he expressed himself as wishing to return to Europe, but Washington persuaded him to remain. On the 8th of May, 1779, he entered Charleston, S. C., and three days later, May 11, the city was invested by 900 British troops from General Prevost's army. Pulaski's assault was unsuccessful, but he held the city until the arrival of reinforcements on May 13.

In the siege of Savannah, which resulted in his death, he rendered distinguished service. In the assault of October 8 he commanded the entire cavalry, both French and American. In the course of the battle he received a wound in his right thigh which proved fatal. He was taken from the battle field after the conflict to the brig *Wasp* for transfer to Charleston. Head winds delayed the ship for several days and Pulaski died as the ship was leaving the river. He was buried at sea, but funeral services were held afterwards in the city of Charleston.

The citizens of Savannah erected a monument to the memory of Count Pulaski. It was completed on January 6, 1855.

For the past few years Polish-Americans have been urging that General Pulaski and his services in the Revolutionary War be recognized by the erection of a suitable memorial; South Bend, Ind., having been suggested as a suitable site for such a monument. They now desire to follow the plan adopted by Swedish-Americans in connection with the erection of the monument to John Ericsson, raising by private subscription such amount as may be possible for this purpose. In order to institute a campaign for such subscriptions and to provide for commemoration of Pulaski's death, it has been thought desirable to establish a commission for the purpose of having a central body around which suitable arrangements can be made. The commission is also intended to represent the Federal Government in connection with any exercises that may be arranged for commemorative purposes in October, 1929.

In connection with our consideration of this meritorious resolution I desire to call the attention of the House to the ceremonies in connection with the unveiling of the statues of Brig. Gen. Count Casimir Pulaski and Brig. Gen. Thaddeus Kosciusko, which were held in the Nation's Capital on Wednesday, May 11, 1910. On that auspicious occasion and amid impressive patriotic ceremonies which included a parade of all the Regular Army and National Guard troops in the District, the high school cadet regiment, several thousand members of the Polish National Alliance and other Polish societies, these statues of the two great Polish-American heroes, Pulaski and Kosciusko, were unveiled.

The names of these two splendid Polish patriots who offered their services to General Washington when they were most sorely needed are inseparably associated with the terrific struggle that gave birth to this glorious Republic of ours.

It was eminently fitting that the monuments erected to these two heroes should be unveiled in the city of Washington on the same day. Their lives were given in furtherance of the same sacred cause. Prior to their departure for America they both fought for Poland and for the liberty of their own land in which a brave and loyal people were struggling to overthrow the rule of a foreign monarch. Here they found a congenial feeling of effort for the same principles for which they fought at home.

Brigadier General Pulaski, the ideal dashing cavalryman, intrepid, unafraid, the idol of his followers, an invaluable officer in assisting the morale of a fighting army, he gave his life for the American cause. In an effort to serve the flag before Savannah, he was mortally wounded, and no better American ever fell in the cause of this new Republic than this heroic youthful Polish soldier. The American Congress in recognition of his superb ability and his splendid services consummated the movement that resulted in the erection of a suitable memorial to commemorate his military accomplishments and his immortal fame in America.

General Kosciuszko not only differed from Pulaski in temperament, but differed as well in his services and in the circumstances associated with his life. His ability as an engineer of the first rank stood the Continental forces in good stead, and on many an occasion his services brought forth the commendation of the commander in chief of the American forces. History has termed him "the scientist of the Revolution."

The designer of fortifications, he proved an invaluable officer in the administrative and constructive work of our armies. When the call to battle sounded this dashing soldier displayed the same fiery temperament under the enemy's fire as did his patriot companion Pulaski. Kosciuszko survived the Revolution and returned to Europe in the hope that he could once again enter the military forces of his native land to fight for its freedom, but this fond desire, so near to the heart of this heroic figure, never was fulfilled. He never forgot the United States, but ever referred to it as his adopted mother country and held it in the highest reverence. In company with his fellow countryman, Pulaski, the name of Kosciuszko is enshrined in the hearts of a grateful people made free by reason of the services they helped to render to the American cause under the leadership of their friend and commander, George Washington.

So it is that these two monuments, "America's tribute to its Polish friends in its hour of need," attest to more than the services of Pulaski and Kosciuszko. They are also tributes to the rich contributions that have been made by the Polish people to American progress and American civilization. The Polish people of our Nation have proven themselves a most valuable addition to our population. In the World War thousands upon thousands of the Polish youth of the land journeyed across the sea, imbued with the indomitable spirit of Pulaski and Kosciuszko to fight for the same cause and in the same Army as did these two pioneer patriots. Their contribution to the progress and prosperity of America is among the jewels of the race and the admiration of the world.

I include in my remarks a copy of the program and order of exercises on the occasion of the unveiling of the statues of General Pulaski and General Kosciuszko, together with a short biographical sketch of their lives and services:

PROGRAM OF THE UNVEILING OF THE STATUES OF BRIG. GEN. COUNT CASIMIR PULASKI AND BRIG. GEN. THADDEUS KOSCIUSKO, AT WASHINGTON, WEDNESDAY, MAY 11, 1910

Pulaski and Kosciusko Statue Commissions: Jacob M. Dickinson, Secretary of War, chairman; George P. Wetmore, chairman of the Committee on the Library of the Senate; James T. McCleary, chairman of the Committee on the Library of the House of Representatives of the Fifty-seventh and Fifty-eighth Congresses; T. M. Helinski, president of the Polish Monument Central Committee; Col. Spencer Cosby, United States Army, executive and disbursing officer; W. R. Pedigo, secretary.

ORDER OF EXERCISES AT THE PULASKI STATUE

Hon. Jacob M. Dickinson, presiding.
Invocation, Rt. Rev. Paul P. Rhode, D. D.
Address, Mr. John F. Smulski.
Unveiling of statue, Mr. T. M. Helinski.
Salute, Battery D, Third Field Artillery.
Star-Spangled Banner, United States Marine Band.
Address, the President of the United States.
Parade, troops and Polish-American societies.
Sculptor of the Pulaski statue, Kasimiriez Chodzinski.
Sculptor of the Kosciusko statue, Anton Popiel.

RECEPTION COMMITTEE FOR THE UNVEILING CEREMONIES

Frederick D. Owen, chairman; Dr. Wm. W. Ayres, Edward T. Bates, James Berrall, Sidney I. Besselievre, Philander Betts, Dr. Frank L. Biscoe, Paul Brockett, Frederick C. Bryan, John D. Carmody, Lewis P. Clephane, John C. Dalphin, P. L. Dougherty, F. G. Eiker, John E. Fenwick, John H. Finney, H. C. Gauss, Francis F. Gillen, Albert J. Gore, F. W. Graham, Harry O. Hall, Samuel Herrick, Dr. Edwin A. Hill, W. R. Hollisbee, Frederick B. Hyde, John G. Johnson, Myron J. Jones, J. Jerome Lightfoot, H. S. McAllister, Caleb G. Magruder, jr., Earl G. Marsh, James Henry Moser, Henry W. Samson, Philip Walker, William P. Van Wickle, Dr. W. D. Wirt, John L. Wirt.

ORDER OF EXERCISES AT THE KOSCIUSKO STATUE

Music, United States Marine Band.
Address (in Polish), Mr. M. B. Steczynski.
Presentation of the statue to the United States, Mr. Anthony Schreiber, on behalf of the Polish-American organizations.
Unveiling of the statue, Mr. Julian Szajnert.
Salute, Battery D, Third Field Artillery.
Star-spangled Banner, United States Marine Band, accompanied by Polish singing societies.
Acceptance of the statue, the Secretary of War, on behalf of the United States.
Benediction, Rt. Rev. Alfred Harding, Bishop of Washington.
Music, United States Marine Band.

COUNT CASIMIR PULASKI

Born in Lithuania, March 4, 1748, the son of Count Joseph Pulaski. Joined in the movement to liberate his country in 1769. Was accused, unjustly, of complication in the plot to abduct King Stanislas Poniatowski from Warsaw in 1771, and was outlawed and deprived of his estates. Escaping to Turkey, he passed thence to France, where he met Franklin and was induced to offer his services to the cause of American independence. He arrived in Philadelphia in 1777; served first as a volunteer, and for his gallantry at the Battle of Brandywine was appointed chief of dragoons with the rank of brigadier general. He took part in the Battle of Germantown, and then resigned his command. In March, 1778, with the consent of Congress, he organized an independent corps called "Pulaski's Legion," composed principally of foreigners. With this force he took part in various engagements in the North and then went South and participated in the operations around Charleston. He was later placed in command of the American and French Cavalry engaged in the siege of Savannah, where he was mortally wounded during the attack of October 9. He was taken on board the U. S. S. *Wasp*, and died October 11, 1779, being buried at sea.

GEN. THADDEUS KOSCIUSZKO

Born in Lithuania, February 12, 1745. Received a military education at Warsaw and Versailles and became a captain in the Polish Army. He came to America in 1776, and, through letters from Franklin, obtained a colonel's commission and was attached to General Gates's army operating in northern New York. The excellent strategic position taken by the American Army at Bemis Heights, near Saratoga, was largely planned by Kosciuszko. He was later engaged, as chief engineer, in the construction of the fortifications of West Point, and afterwards became adjutant to General Washington. At the conclusion of the war he received the thanks of Congress and the brevet of brigadier general. He returned to his native country in 1786, and three years later was made a major general in the Polish Army. Later, as a lieutenant general, he distinguished himself in the war with Russia. After the second partition of Poland he was made dictator and defeated the Russians at the Battle of Raclawice. He was finally, however, defeated by an allied army of Russians and Prussians at the Battle of Macieowice and taken prisoner. He was confined at St. Petersburg for three years, being released by the Emperor Paul in 1796. He returned to the United States and was given a pension and a grant of land; but after the passage of the alien act by Congress he returned to Europe, living for a time in France and later moving to Switzerland, where he died at Soleure, October 17. 1817.

EXPERIMENT AND DEMONSTRATION STATION AT LEWISBURG, TENN.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 901, the bill (H. R. 13447) authorizing and directing the Secretary of Agriculture to establish and maintain a

dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn. The gentleman who objected, I think, has some information he did not have then and is now satisfied.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, the gentleman from Tennessee has a favorable report from the Department of Agriculture which does not appear in the committee report and which I understand he will put in the RECORD.

Then what can the gentleman from Tennessee advise us with reference to the purchase of land necessary as a site for this institution?

Mr. DAVIS. Mr. Speaker, I will state that this bill, unlike all previous bills of this kind, not only does not authorize the purchase of land, but it is provided that this station shall be established upon the condition that sufficient lands are furnished by the State or local authorities. The Secretary of Agriculture indicated they would like to have 480 acres for this purpose. I took it up with the local organizations, the Chamber of Commerce, and various other people, and they authorized me to state that they will meet all the requirements in that particular.

Mr. CRAMTON. As I understand, this means that they will buy 480 acres of land which the gentleman estimates will cost from $50,000 to $60,000.

Mr. DAVIS. Yes.

Mr. CRAMTON. In view of that situation I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., that the Secretary of Agriculture is authorized and directed to establish at or near Lewisburg, Tenn., a dairying station for investigations, experiments, and demonstrations in the dairy industry, and the problems pertaining to the development of such industry in the South, and for investigations, demonstrations, assistance, and service in dairy livestock breeding, growing, and feeding, and dairy products manufacture.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to carry out the provisions of this act, including the construction of buildings, the acquirement of equipment and apparatus, the purchase of livestock, and the employment of necessary persons; and each fiscal year thereafter necessary appropriations for the maintenance of said station as contemplated by this act: *Provided*, That suitable lands are furnished by the State or other interests.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS. Mr. Speaker, some time ago the gentleman from Kansas [Mr. HOCH] spoke of the dairy development in his State, and the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Mississippi [Mr. BUSBY] made interesting and illuminative speeches in the House on the great dairy development in the South, with particular reference to their own State.

These gentlemen are to be congratulated upon the showing made, and I rejoice with them on the strides being made in Dixie toward diversification.

Undoubtedly there is a great development of the dairy industry in Mississippi. There is likewise a successful dairy development in various other Southern States.

However, the greatest and most rapid dairy development in this country is taking place in Tennessee, especially in middle Tennessee; in fact, the largest dairy development that has ever taken place in the same length of time in any section of this country.

The establishment and maintenance of a dairy and livestock experiment and demonstration station for the South, as provided in the bill under consideration, will prove of great value to this rapidly developing dairy industry in Tennessee and other Southern States; it will encourage, instruct, and direct dairymen and farmers to conduct their dairying activities along scientific, sanitary, and economic lines. There is no Government dairy station in Tennessee or any of the eight adjoining States.

Lewisburg, which is the county seat of Marshall County, is the center of this rapidly growing dairy industry.

Marshall County and the surrounding counties of Rutherford, Bedford, Lincoln, Giles, Maury, and Williamson, as well as most of the other counties in middle Tennessee, produce a large amount of blooded livestock of all kinds.

For many years Marshall County has been noted for its fine dairy cattle, which are shipped all over the country. Marshall County Jerseys have taken the highest rank, have won prizes throughout the country, and have won many championships. The same is true with respect to many of the surrounding counties.

This entire section is well watered, enjoys an adequate and equable rainfall, is free from destructive droughts, has a mild climate, and grazing is good during most of the year. Blue grass is indigenous to this region and grows luxuriantly. In fact, all the grasses, hays, legumes, grain, cotton, and practically every crop that can be produced in a temperate climate, is produced commercially and successfully in this section.

Marshall County was the first county in the South to be officially declared free of bovine tuberculosis. Other counties in that section have since attained that standard. The counties are making appropriations to wholly eliminate bovine tuberculosis, and work along this line is rapidly progressing.

Recognizing the various superior advantages of Marshall County and this section from a dairying standpoint, the Borden Milk Co. last year constructed a large milk plant at Lewisburg, and also other plants in four adjoining counties, at Fayetteville, Pulaski, Columbia, and Shelbyville. This company has expended on these plants upward of $2,000,000, this being the largest single development made at the same time by this company. These plants have been in operation only 11 months, and yet they are now receiving milk at the rate of about 6,000,000 pounds per month, or the large amount of about 72,000,000 pounds per annum; and the business is rapidly increasing. Some of the national officials of the Borden Co. were present at the opening of their plants and predicted that this would become one of the great dairy sections of this country. One of their officials stated that the "Borden Co. investigated conditions all over the United States and found the conditions for dairying to be better in middle Tennessee than anywhere else." Officials of this company also stated that "this dairy experiment and demonstration station is one of the main things that the farmers need more than anything else, that it would raise the production of milk, lessen the cost of production, and elevate the type of cattle."

The Carnation Milk Products Co., after a thorough investigation, likewise constructed a large milk plant last year at Murfreesboro, in a county adjoining Marshall County; they have since had to increase their facilities, and have expended $600,000 or $700,000 on their Murfreesboro plant. This plant has broken all records of the Carnation Co. After being in operation for less than 11 months, this plant is receiving more milk than any of the 42 condensaries of the Carnation Co. It is now receiving milk at the rate of about 4,500,000 pounds per month or 54,000,000 pounds per annum. The Carnation Co. has branch plants at Bellbuckle and Watertown, in adjoining counties. The business of these plants has doubled since the first of the year, and the business is still experiencing a phenomenal growth. There are now 25,000 dairy cows in Rutherford County alone.

The Carnation Co. likewise has a large condensary at Greeneville, Tenn.

Officials of the Carnation Co. state that they consider this an ideal dairy section, and predict that it will become one of the greatest dairy sections in the country.

There is also located at Murfreesboro, in a county adjoining Marshall County, the Rutherford County Cooperative Creamery Association, which has experienced a most substantial growth. During 1927 this creamery received 1,882,247 pounds of butter fat, for which they paid the dairymen and farmers $727,857.70; this was an increase of 416,119 pounds over the previous year. This creamery has broken all previous records for each month during the present year. It is now the largest cooperative creamery in the entire country.

There are numerous cheese factories, creameries, and dairy associations in middle Tennessee. In other sections of Tennessee are numerous condensaries, cheese factories, and large dairy developments. A rapid development of the dairy industry is also taking place in surrounding States. In connection with this very large and rapid development those already in

the dairy industry have rapidly expanded their herds and production, and thousands of farmers have gone and are going into the dairy industry without previous experience or knowledge of the subject. Naturally they need advice, instructions, and demonstrations upon all phases pertaining to the dairy industry, to the end that they may conduct dairy husbandry along the most scientific, economical, and sanitary lines.

Dr. C. W. Larson, Chief of the Bureau of Dairy Industry, in his last annual report told of the results obtained by the employment of approved, modern methods through 837 groups of about 25 farmers each in dairy herd-improvement associations. Doctor Larson reported that "360,000 cows in these associations during 1926 produced as much milk as 584,000 average cows and returned as much income over cost of feed as 640,000 average cows.

The National Dairy Association held its annual meeting at Memphis, Tenn., last year, and will hold its annual meeting this year at the same place.

Upon the suggestion of the gentleman from Michigan [Mr. CRAMTON] and with the consent of the House I hereby insert in the RECORD a letter from the Secretary of Agriculture to the chairman of the Committee on Agriculture of the House with respect to the bill under consideration:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 12, 1928.

Hon. G. N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR MR. HAUGEN: Receipt is acknowledged of your letter transmitting copy of H. R. 13447, authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.

This section of Tennessee is one of the finest livestock and dairy sections of the South and is representative of the conditions favorable to the highest development of the dairy and livestock interests in the South. The State has a general livestock station at Columbia, so that it would not be necessary to emphasize that feature at Lewisburg. Lewisburg does, however, offer an opportunity to conduct work in a rapidly developing dairy section, typical of the best in the South, and where there is also a rapidly developing dairy products manufacturing interest.

The Borden Milk Co. has constructed one of its large plants at Lewisburg, investing, we understand, nearly $2,000,000. Such a location would give us an opportunity to conduct dairy work that would be of value to such regions in the South generally.

This station would therefore fall in the regional group, which is the only type we can approve under our established policy of not taking up strictly local problems that are or can be handled by the States.

The promotion of the dairy industry in the South is a matter of such great importance to the health and welfare of southern people that I feel I should approve this bill, subject, of course, to the approval of the Bureau of the Budget. I understand that the proposal has the hearty approval of the University of Tennessee and the State Department of Agriculture of Tennessee.

Very truly yours,

W. M. JARDINE, *Secretary.*

Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of May 10, 1928, with the advice that the legislation contained in H. R. 13447 would be in conflict with the financial program of the President.

In further explanation of the need of such a station and of the hearty assurance of cooperation on the part of the authorities of Tennessee, and likewise under the consent granted by the House, I insert herewith a letter from the commissioner of agriculture of Tennessee, a letter from the president of the University of Tennessee to the Secretary of Agriculture, and another letter from him to the chairman of the Committee on Agriculture of the House:

DEPARTMENT OF AGRICULTURE, STATE OF TENNESSEE,
Nashville, February 17, 1928.

Hon. EWIN L. DAVIS,
Washington, D. C.

DEAR MR. DAVIS: Your letter of February 8 relative to the establishment of a dairy demonstration station at or near Lewisburg, Tenn., has gone unanswered while I was attempting to secure an audience with the governor in reference thereto. It was my privilege to have a short talk with the governor this morning, and I find that he is very much interested in this bill you have introduced going through.

I personally am in hearty sympathy with your effort in this direction and trust that you will be able to push this bill through. With our unprecedented dairy expansion in Tennessee and with our natural adaptability to dairying, we should by all means have an educational institution that will aid our farmers in making a success of dairying.

It goes without saying that this proposed experimental station will have the unqualified support of the department of agriculture so long as I am head of it. I wish to congratulate you because of your activity in this respect. I further wish to assure you of my active support in any way that will aid you in securing the passage of this bill providing for the station. Any time you need my assistance, command me.

Yours very truly,

HOMER HANCOCK, *Commissioner.*

THE UNIVERSITY OF TENNESSEE,
Knoxville, March 21, 1928.

Secretary W. M. JARDINE,
Department of Agriculture, Washington, D. C.

MY DEAR SECRETARY JARDINE: The Hon. EWIN L. DAVIS has brought to my attention his bill to establish a regional dairy and livestock experiment station at Lewisburg, in Marshall County, Tenn.

The proposed bill has our hearty approval. The dairy industry in the South as compared to its development in the upper Mississippi Valley is in its infancy. No phase of agriculture in the South is enlisting equal interest.

Should this station be established the University of Tennessee would cooperate with the Federal department in every way and would take very great pleasure in the promotion of its program.

We very much appreciate the interest of Mr. DAVIS in the agricultural development of our State and the South. We would heartily approve an additional dairy and livestock station similar to that at Beltsville in Marshall County, Tenn., to serve the South not only because of the existing development of dairy husbandry in the county but because it is the center of an extensive section especially adapted to dairy farming. This county is easily accessible to Alabama, Mississippi, and Georgia. We believe that such a station would serve a most useful purpose in this region of great dairy possibilities. We hope that through the contacts of your department with this great region and its possibilities for dairy development that you will heartily approve Mr. DAVIS's bill.

Very truly yours,

H. A. MORGAN.

THE UNIVERSITY OF TENNESSEE,
Knoxville, April 12, 1928.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR MR. HAUGEN: I am writing you in the interest of a regional dairy and livestock experiment station for the South, this station to be under the United States Department of Agriculture.

There has been forced on this great southern area conditions for which no one is responsible. The boll weevil, plant diseases, and economic conditions growing out of the World War have so materially affected agricultural procedure in the South that a transition very vital to the welfare of the Nation is taking place. If a permanent program of agriculture is to be established in this region at least 50 per cent of the income of the farms must eventually come from livestock. We believe that the honorable Secretary of Agriculture will agree with this conclusion if we are to maintain our position as a Nation in cotton production.

The people of the South are turning their attention to dairying and livestock as logical under conditions of forced readjustment and in their effort to discover and adopt an economic and permanent agricultural program.

A regional station under the Federal Department of Agriculture seems very essential to the future agricultural interests of the South. Your committee has made significant analyses of our national agricultural problems, and, we are sure, will give serious consideration to the request for a southern dairy and livestock station.

Congressman DAVIS, of Tennessee, has foreseen the situation growing out of this transition in agricultural conditions and has introduced a bill (H. R. 13489) looking to the establishment of a livestock and dairy station at Lewisburg, Tenn. This bill is most meritorious and should it pass, this institution, with its research and teaching agencies, would give its fullest cooperation.

Yours very truly,

H. A. MORGAN, *President.*

EMPLOYEES OF THE BETHLEHEM STEEL CO.

Mr. BUSHONG. Mr. Speaker, I ask unanimous consent to return to Calendar No. 827, the bill (H. R. 5780) to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, if the gentleman will turn to page 3, lines 23 and 24, the amendment to the bill provides that the provisions of previous acts "are hereby extended to include the claims for additional

compensation for work performed as employees of the Bethlehem Steel Co," and the Director of the Budget says, "It seems that the observation of the Secretary of the Navy that the law should not be opened to permit any new claims to be filed is well founded." How does the gentleman reconcile these statements?

Mr. UNDERHILL. There are no new claims in this. They have all been approved, every one of them.

Mr. LAGUARDIA. And this does not open the door to any new claims?

Mr. UNDERHILL. The chairman of the committee absolutely refused to open up any more claims.

Mr. LAGUARDIA. Therefore it is not the intent of the bill, as stated now by the chairman of the committee which reported this bill and the introducer of the bill, to open the door to any new claims?

Mr. BUSHONG. Absolutely not.

Mr. LAGUARDIA. All right; I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unexpended balance, or so much thereof as may be necessary, of the amount appropriated in the act of March 4, 1925, entitled "An act to provide for the carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.," as amended by the act of April 6, 1926, entitled "An act amending the act of March 4, 1925, for the relief of employees of the Bethlehem Steel Co., Bethlehem, Pa.," is hereby made available to pay and discharge the claims of machine-shop workers and employees of other departments and crafts (or the legal representatives of such persons) of the Bethlehem Steel Co., Bethlehem, Pa., for additional compensation for work performed as employees of such company from or after August 1, 1918, to February 28, 1919, inclusive, in the execution of contracts made by such company and the United States for the manufacture of war materials for the use of the Navy Department or the naval forces of the United States: *Provided*, That such payments shall be based upon the principles laid down in the award of the National War Labor Board, of July 31, 1918, and shall be in accordance with the interpretations and the classifications and adjustments made under the direction of the board in pursuance of such award, which shall not exceed in the aggregate the findings of the War Department Claims Board of 24.993 per cent as the Navy Department's share: *Provided further*, That with respect to any claimants to whom classifications and adjustments have not been made in pursuance of such award and interpretations thereof, the Secretary of War shall make the classifications and adjustments necessary for the payment and discharge of their claims: *And provided further*, That no payment shall be made after the expiration of two years from the date of the passage of this act, unless prior to the expiration of such time a claim therefor is presented to the Secretary of the Navy in such manner as he shall by regulation prescribe, and no claim arising under the provisions of this act shall be paid until it shall have been settled and adjusted by the General Accounting Office.

SEC. 2. That the provisions of section 1 of this act shall not apply to any employees of the Bethlehem Steel Co. with reference to whom the award of the National War Labor Board was carried out nor be construed to prejudice any claims which the employees receiving the benefits thereof may have in respect of contracts made by the said Bethlehem Steel Co. and the United States for the manufacture of materials for the use of any departments or service of the Government other than the Navy Department or the naval forces of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the provisions of the act entitled 'An act to provide for carrying out the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.,' approved March 4, 1925, and amended March 3 and April 6, 1926, are hereby extended to include the claims for additional compensation for work performed as employees of the Bethlehem Steel Co. on contracts made by or under the authority of the Secretary of the Navy. For the purpose of this award, the findings of the War Department Claims Board reporting the Navy's share as 24.99 per cent is approved to be paid to such claimants as have filed claims in accordance with the act of March 4, 1925. All provisions contained in the said act of March 4, 1925, as amended, not in conflict with this act, are continued in full force and effect.

"The unexpended balance of the appropriation carried by the act of March 4, 1925, as amended, or so much thereof as may be necessary for the purpose, is hereby made available for the payment of the claims herein referred to and for the payment of the incidental and necessary administrative expenses."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSFER OF CERTAIN LIGHTHOUSE RESERVATIONS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 864, H. R. 12533, and vacate the proceedings of the House by which the bill was amended and passed. An amendment was adopted which should not have been made.

The SPEAKER. The gentleman from Michigan asks unanimous consent to return to Calendar No. 864, H. R. 12533, and vacate the proceedings by which the bill was passed. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, if the gentleman will give the information, which the report does not, concerning the purpose or desirability of transferring property from the Government to the Ann Arbor Railroad, I shall not object.

Mr. SCHAFER. If the gentleman will undertake to give the approximate value of the property which is to be transferred and which the report does not contain, I shall not object.

Mr. HUDSON. Neither did the report contain information regarding other sections of the bill except the first section. The gentleman from Virginia drew the report, and he only mentioned the first item.

Mr. SCHAFER. There is a great deal of difference between transferring property from one department of the Government to another and transferring it to a railroad company. I shall object to returning to this bill unless we have an explanation.

Mr. LAGUARDIA. The other provision of the bill was for transferring land from one department of the Government to another. We do not need to have any information in the report on that, for the title to the property remains in the Government.

Mr. HUDSON. That may be true, but you insisted on information.

Mr. LAGUARDIA. I am not a mind reader.

Mr. McLAUGHLIN. The land in question is in my district. A new harbor is being constructed and it is necessary to change the location of the life-saving station. The Coast Guard Service and the Light House Service are interested and both have considered the matter and approved it. One of these pieces of land is 150 feet square and the other piece contains a half acre. They are practically of no value except for the purposes for which they are to be used. I am very familiar with the location and the new construction and the purpose of the bill and the purpose that the bill has in mind.

Mr. LAGUARDIA. If the gentleman had given this information either in the report or in the bill as called up there would have been no objection. The gentleman ought not to blame the objectors to the bill.

Mr. McLAUGHLIN. I am blaming nobody except myself for not giving earlier attention to it.

Mr. SCHAFER. Mr. Speaker, in view of the gentleman's explanation, I shall not object.

Mr. McLAUGHLIN. Mr. Speaker, I move that the bill be passed without amendment.

The SPEAKER. Is there objection to returning to Calendar No. 864?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to transfer to the Colonial Dames of America in Virginia the following-described portion of the Dutch Gap Lighthouse Reservation, Va.: Beginning at a stone marked "A" on blue print No. 5624, on file in the office of the superintendent of lighthouses, Baltimore, Md., which is designated as the point of beginning in deed dated November 12, 1889, from the city of Richmond to the United States, and recorded among the land records of Henrico County, Va., in deed book No. 128–A, page 301, etc., running thence south 40° west 122.98 feet to B, thence south 50° east 228 feet to C, thence north 40° east 160 feet to D, thence north 50° west 60 feet to E, thence north 40° east 162.98 feet to F, thence north 50° west 118 feet to G, thence south 80° west 78 feet to H, thence south 40° west 140 feet to A, the point of beginning, containing 1.43 acres, which includes all of the land conveyed from the city of Richmond to the United States by aforementioned deed, and all of first parcel described in deed of May 30, 1873, from city of Richmond, Va.,

to the United States recorded in deed book No. 92, page 72, etc., except plots D, E, F, J, which is retained by the Lighthouse Service. The property shall be used and maintained by the Colonial Dames of America in Virginia for historical purposes only. If at any time for a period of one year it should not be so used and maintained, it shall revert to the United States without notice, demand, or other suit or proceeding. The United States reserves the right to locate and maintain upon the property so transferred any aids to navigation and in any locations thereon the Secretary of Commerce may deem necessary, and to enter and leave the property by the most convenient routes for this purpose.

SEC. 2. The Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Ann Arbor Railroad Co., having its principal place of business at Toledo, Ohio, a tract of land lying south of the harbor entrance connecting Lake Michigan and Lake Aux Bocs Sucs, at Frankfort, Mich., deeded to the United States by warranty deed on August 1, 1908, from Charles T. Parker, administrator de bonis non cum testamento annexo of Henry Day, deceased, said deed being recorded February 23, 1909, in the register's office of Benzie County, Mich., in Liber 39 of Deeds, pages 57 and 58, described therein by metes and bounds, as follows:

"Beginning at a point on the fence situated on the west side of the buildings of the life-saving station 70 feet measured on said fence from the southerly boundary of the life-saving station reservation; running westerly 150 feet parallel with the south boundary of the reservation; thence true north 150 feet, more or less, to the face of the revetment; thence easterly along the face of the revetment to its intersection with the fence aforesaid; thence in a southerly direction along the line of said fence 150 feet, more or less, to the place of beginning, being an area of land approximately 150 feet square, which land is situated in the southeast quarter northeast quarter section 28, township 26 north, range 16 west, Benzie County, Mich.; excepting perpetual easements for life-saving purposes granted to the United States of America in certain conveyances bearing dates, respectively, November 4, 1883, and June 3, 1889."

The said tract of land to be given in exchange for and dependent upon the Ann Arbor Railroad Co. conveying to the United States the fee-simple title, as evidenced by a warranty deed and abstracts acceptable to the Attorney General of the United States, to the following tract of land lying northerly of the said harbor entrance and described by metes and bounds, as follows:

"Starting at the common corner between sections 21, 22, 27, and 28, township 26 north, range 16 west, State of Michigan, running due west along the section line a distance of 690 feet; thence running due south a distance of 1,160.38 feet to a stake; thence north 86° 36' west a distance of 291 feet at the place of beginning.

"Thence running south 3° 24' west, a distance of 80 feet to a stake; thence north 86° 36' west, for a distance of 281 feet to a stake; thence north 3° 24' east, for a distance of 80 feet to a stake; thence south 86° 36' east, for a distance of 281 feet to the place of beginning of the land hereby conveyed, containing one-half acre, more or less."

SEC. 3. The Secretary of Commerce is hereby authorized to transfer to the control of the Secretary of the Navy the parcels of land hereinafter described and forming portions of the Parris Island Lighthouse Reservation, S. C.:

Parcel No. 1. The tract of land, together with all buildings and appurtenances, which was formerly the site of the Parris Island Range Front Light, described as follows in a deed of July 26, 1878, from James C. Snyder to the United States, recorded June 12, 1879, in book No. 11, page 511, of Beaufort County register's office:

"All that piece or parcel of land being a part of a tract of land formerly known as the Means Plantation and numbered according to a map of a survey on file in the office of Commissioners of Internal Revenue, Washington, D. C., as lot 23, section 20, township 2 south of Beaufort base line and 1 west of the St. Helena meridian in the count of Beaufort and State of South Carolina, to wit:

"'Commencing at a point on the shore of a creek known as Means Creek north 28° 41' west, 206 feet from the southeast corner of lot 23 of the aforesaid map and running thence north 77° 30' west 558 feet; thence north 72° 15' east, 710 feet to Means Creek; thence southerly along the shores of Means Creek to the place of beginning, the whole containing 2¼ acres, more or less, and including the water privileges of the front on Means Creek, and * * * a right of way of sufficient width for the construction of an earthen causeway and for the procuring of the material to construct and keep in repair the same across the land lying between the aforesaid piece or parcel of land and an earthen causeway across the marsh to the southerly end of Parris Island.'"

Parcel No. 2. The tract of land, on which the Parris Island range rear beacon is now located, described as follows in a deed of February 28, 1879, from Silas E. Taylor to the United States, recorded November 14, 1879, in book No. 11, page 576, of Beaufort County register's office:

"All that piece and parcel of land situated, lying, and being on Parris (or Parry) Island in the county of Beaufort and State of South Carolina, to wit:

"'All of the northeast quarter northeast quarter southeast quarter section 18, township 2 south, range 1 west, of Beaufort principal meridian, according to a plat of the United States survey on file in the office of Commissioner of Internal Revenue, Washington, D. C., and numbered according to the said plat, lot 33, of the aforesaid section, containing 10 acres, more or less.'"

The Parris Island range rear beacon shall be allowed to remain in its present position until removed or relocated by or with the permission of the Department of Commerce Lighthouse Service. The Department of Commerce Lighthouse Service shall also retain the right of ingress and egress by the most convenient route across the above-described parcel No. 2, for maintenance, relocation, or removal of the said rear beacon of this range.

SEC. 4. The Secretary of the Treasury is hereby authorized and directed to transfer to the Department of Commerce for lighthouse purposes an additional strip of land 6 feet in width, extending in a southerly direction from Jefferson Avenue a distance of 150 feet, parallel and contiguous to the easterly line of the portion of the old Marine Hospital reservation, Detroit, Mich., which was transferred to the Department of Commerce by authority of the act of Congress approved May 18, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INLAND WATERWAYS CORPORATION

Mr. DENISON. Mr. Speaker, I ask unanimous consent to have until midnight to-night to file a conference report upon the bill (H. R. 13512), the Inland Waterways Corporation bill, for printing under the rules.

The SPEAKER. The gentleman from Illinois asks unanimous consent to have until midnight to-night to file a conference report on the bill H. R. 13512. Is there objection?

Mr. EDWARDS. Mr. Speaker, I object.

UVALDA BOOSTER CLUB

Mr. DENISON. Mr. Speaker, I call up the bill (S. 4487) authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga., and ask for its present consideration, a substantially similar House bill having been reported and now on the Calendar.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of S. 4487. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Uvalda Booster Club, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Altamaha River, at a point suitable to the interests of navigation, at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Georgia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Georgia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reason-

able interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Uvalda Booster Club, its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of Georgia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of Georgia shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Uvalda Booster Club, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Uvalda Booster Club, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

RUSHMORE NATIONAL MEMORIAL

Mr. WILLIAMSON. Mr. Speaker, I believe that H. R. 12521, creating the Mount Rushmore National Memorial Commission, was objected to under a misapprehension. I ask unanimous consent to extend my remarks with reference to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Speaker, the proposal to carve a great national memorial on Mount Rushmore in South Dakota was the outcome of a number of conferences between Gutzon Borglum, Senator PETER NORBECK, Doane Robinson, for many years State historian for South Dakota, and a number of other prominent citizens of my State.

By the act of March 3, 1925, Congress authorized the Mount Harney Memorial Association, created by the Legislature of South Dakota (ch. 232, session laws of South Dakota, 1925), "to carve a memorial in heroic figures commemorative of our national history and progress upon a suitable exposure of the Harney Mountain Range, located within the boundaries of the Harney National Forest in the State of South Dakota," and further authorized the association "to select the name, location, and design of such memorial." Since the creation of the association I have had the honor of being a member of the national advisory committee of that body and as such have been consulted from time to time with reference to the subjects and design of such memorial. A report to the effect that the association contemplated including in such memorial the figure or portrait of a man now living seems to have gained some circulation in this body. There is absolutely no foundation for such report. The possibility of a man now living being included in the group has never been discussed or considered by the association. I was personally present at a number of conferences with the sculptor and members of the association when the characters to be included in the group were discussed. After much historical research and consideration it was decided that the characters named in section 3 of the bill would come nearer symbolizing the history and progress of the Nation than any other that could be chosen. Such a thing as party or political significance was never thought of by anyone who has had anything to do with the project. I hope, therefore, that the memorial will be considered strictly on its merits by Members of this body.

In the daring of its conception, the magnitude of its proportions, and the magnificence of its setting it is in a class by itself. The Sphinx of Egypt and the Lion of Lucerne would be mere pygmies at the base of this revolutionary colossus. As already indicated, the memorial will consist of the figures of Washington, Jefferson, Lincoln, and Roosevelt and is intended to depict the history and progress of our country from the prerevolutionary period to the present time. Gutzon Borglum, the sculptor under whose directing genius the memorial will be created, was born in the West under the shadow of giant snow-capped mountains. Their massive grandeur made a deep impression upon him during the formative period of his career and has caused him to dream of and envisage memorials on a scale quite beyond the vision of any of his contemporaries. The struggle for independence and the romance of that constant progress of our people toward the setting of the sun have gripped his imagination and fired his zeal to construct, in the very heart of the continent, a memorial in keeping with the high ideals and great accomplishments of our people.

The figures scale to the proportions of men 465 feet in height. The head of Washington will be 60 feet from chin to top of forehead and in exact proportion to the living man. So with all the other subjects. As set out in the brief report of Senator FESS:

> The purpose of the memorial is to commemorate the founding, expansion, preservation, and unification of the United States with colossal statues of Washington, Jefferson, Lincoln, and Roosevelt, and a vast entablature 80 feet wide and 120 feet high, bearing deeply incised the story of America written by President Coolidge.

It does more than that. It idealizes our progress, stimulates our patriotism, and adds luster to our achievements. Of our generation, thousands will come to see it annually and millions in the years to come. It will forever remain an inspiration to youth, the pride and hope of full maturity, and the solace of old age. Who can measure its value and influence upon our future citizenship! We spend untold millions upon internal improvements and to advance the material progress of our people, why not spend just a little to advance the spiritual ideals of our great Nation?

Rushmore Mountain is a striking feature of the Harney Range and towers to a height of about 7,000 feet above sea level. It is a sheer upthrust of solid, flawless granite of more than 300 feet upon which the figures will be carved. The heads will stand out against the horizon and the bodies shade off into the ledge at the waist line.

The area in which the mountain is located is a part of the Harney National Forest and well within the outer boundaries of the Custer State Park. For rugged attractiveness and sheer beauty this region has few equals in the United States. Its location within the State park on Government land will prevent the project ever becoming commercialized and insure free access to the people. As an investment in loyalty and love of country it will bring rich returns, and as a sculptural achievement it will attract the artists of all climes and countries.

It is planned to erect, entirely from private donations, a small museum and studio in the vicinity which will be available to art students and others who may desire to make a special study of the memorial or the region round about. Indeed, the proposal is wholly altruistic and patriotic and entirely apart from any possible benefit to any town or locality.

The whole project is symbolical and allegorical. Washington symbolizes the founding of our country and the stability of our institutions; Jefferson our idealism, expansion, and love of liberty; Lincoln our altruism and sense of inseparable unity; while Roosevelt typifies the soul of America—its restless energy, rugged morality, and progressive spirit. The memorial, as a whole, will idealize all that is best in our national traditions, principles, and form of government. It will symbolize maturity, stability, noble purpose, and liberty of thought and action.

The State of South Dakota has agreed to advance $200,000 in building a highway to the memorial, of which about $45,000 has already been expended. The memorial itself and landscaping will cost nearly $500,000, of which it is proposed that the Federal Government shall pay not to exceed one half. The other half has already, in part, been contributed by popular subscription and the balance must be raised in advance of a corresponding contribution by the Treasury.

WHAT THE FOUNDING FATHERS SAID AND WROTE ON THE SUBJECT OF IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by printing

some digests of statements made by the founders of the Republic on the question of immigration.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, under leave given me to extend my remarks in the RECORD, I desire to present for the information of Members of the House and students of national problems generally the wise assertions of the statesmen living at the time of the formation of our Government touching on the subject of immigration.

The compilation of quotations here presented was edited by Hon. Madison Grant and Hon. Charles Stewart Davison, of New York, both of whom have stood for years in the forefront among those who believe that our great country should build its future greatness on the capacities and the qualities of the children of America, without thought of reliance upon human contributions from the Old World.

In the words of the founding fathers will be found many references to problems peculiar to the times of a century and a half ago, which have but slight, if any, bearing on the problems of to-day. Yet in touching on the great question of population increase, on the assimiliation of foreign-born peoples, on the peculiarities of race, the wisdom of colonial and early national times is the soundest of doctrine to-day.

With the permission of the compilers and of the publishers, Charles Scribner's Sons, I incorporate in my remarks the following extracts from the work entitled "The Founders of the Republic on Immigration, Naturalization, and Aliens":

THE FOUNDERS OF THE REPUBLIC ON IMMIGRATION, NATURALIZATION, AND ALIENS

"Every society from a great nation down to a club has the right of declaring the conditions on which new members should be admitted." (Gouverneur Morris.)

(Collected for and edited by Madison Grant and Charles Stewart Davison. Research work by Ogden A. Kelley)

FOREWORD

The conviction grows that this Republic will perish, if at all, from internal, not external, cause. The assaults upon the Republic, upon its traditions and institutions, are from within and are constant and progressive. One major danger lies in the influx of alien races, unfitted, by habit of mind and inheritance, to uphold a form of government, traditions, and institutions which their mentality ignores. To call it merely a major danger is to minimize. It is the foundation of substantially all the serious dangers which threaten the preservation of constitutional liberty in America. Bear in mind that constitutional liberty means merely liberty under law, coupled with a capacity for self-government and an inherent recognition of the safety embodied in a representative form of government, which is the great, but to almost all unknown, distinction between a republic and that form of alternate, individual absolutism and of the tyranny of the mob, called a democracy. Our Government is and always has been a Republic. Our danger lies in our steady and increasing degeneration into a democracy, and thereupon will follow chaos, and the formation thereafter of a number of separate political entities of various sorts (see Fisher Ames, p. 23). Were people from these other races—alien as they are in mind, in outlook, and in instinct—actually needed for any purpose, or to the extent to which they were ever needed, excuse in whole or in part might be proffered for introducing the seeds of fatal discase into the body politic. The questions then arise, Were they needed? and Has there been any counterbalancing gain? It would seem not. The best authorities agree that the introduction of aliens into this country has not increased its population by a single unit during the last 150 years, that the population of the United States would have reached approximately its present figure had all immigration ceased with the Declaration of Independence. A vivid example is found in the fact that the population of the United States increased during the period of 70 years, from 1776 to 1846, from approximately 3,000,000 to approximately 21,000,000, and that during that entire time the total immigration into this country did not exceed 1,500,000 persons (see Stoddard, "Reforging America," Chap. III). The truth of the general proposition has been long known. In articles 21 to 23 of his "Observations concerning the increase of mankind, etc." (see p. 24 et seq.), Franklin sets it forth with his customary clear thought and concise expression. So also Jefferson, making his calculations for Virginia alone (see p. 58 et seq.), pointed out as well the lack of need as the dangers to arise to the body politic from the immigration of other races (see p. 39 et seq.). The demonstration of what they said has followed upon the precept. The preempting of the less desirable occupations by the newcomers, willing to work for a lesser wage and under harder conditions, has been a continuous process. As that has occurred those occupations have been removed as possible employments for descendants of the older, more homogeneous stock (see Jefferson, pp. 65, 69). We have then been merely substituting new and alien stocks for the earlier stock. That the process of introducing discordant elements into the body politic is fraught with danger has been the opinion of the thoughtful for many years (see Hamilton, pp. 49, 50; Jefferson, p. 68; Washington, pp. 89–92). The founders of this Republic were not unadvised on the subject. These pages contain, without comment, extracts taken from the writings and sayings of a number of our early leaders. They will repay study.

MADISON GRANT.
CHAS. STEWART DAVISON.

FEBRUARY 18, 1928.

JOHN ADAMS, JUNE 29, 1780

In a letter to the President of Congress, written from Paris June 29, 1780, he wrote:

"I would, therefore, beg leave to propose to appoint a consul without loss of time to reside at Nantes, and to him consign all vessels from the United States. I think it should be an American, some merchant of known character, abilities, and industry, who would consent to serve his country for moderate emoluments. Such persons are to be found in great numbers in the United States. There are many applications from French gentlemen. But I think that from a want of knowledge of our language, our laws, customs, and even the humors of our people, for even these must be considered, they never would be able to give satisfaction or to do justice. Besides, if it is an honor, a profit, or only an opportunity to travel and see the world for improvement, I think the native Americans have a right to expect it; and further, that the public have a right to expect that whatever advantages are honestly to be made in this way should return some time or other to America, together with the knowledge and experience gained at the same time." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 7, p. 209.)

JOHN ADAMS, SEPTEMBER 5, 1783

In a letter to the President of Congress, written from Paris September 5, 1783, he says:

"Our country has but lately been a dependent one, and our people, although enlightened and virtuous, have had their minds and hearts habitually filled with all the passions of a dependent and subordinate people; that is to say, with fear, with diffidence, and distrust of themselves, with admiration of foreigners, etc. Now, I say that it is one of the most necessary and one of the most difficult branches of the policy of Congress to eradicate from the American mind every remaining fiber of this fear and self-diffidence on one hand and of this excessive admiration of foreigners on the other." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 8, p. 144.)

JOHN ADAMS, MARCH 4, 1797

In his inaugural speech to both Houses of Congress, March 4, 1797, he said:

"* * * if a love of science and letters and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledges, virtue, and religion among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments * * * can enable me in any degree to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 108.)

JOHN ADAMS, MAY 16, 1797

In his speech to both Houses of Congress on May 16, 1797, he said: "It must not be permitted to be doubted, whether the people of the United States will support the Government established by their voluntary consent, and appointed by their free choice; or whether, by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honorable station they have hitherto maintained." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 118.)

JOHN ADAMS, MAY 2, 1798

In his address to the citizens of Baltimore and Baltimore County, Md., of May 2, 1798, he says:

"Republics are always divided in opinion concerning forms of governments and plans and details of administration. These divisions are generally harmless, often salutary, and seldom very hurtful, except when foreign nations interfere, and by their arts and agents excite and ferment them into parties and factions. Such interference and influence must be resisted and exterminated or it will end in America, as it did anciently in Greece and in our own time in Europe, in our total

destruction as a republican Government and independent power." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 186.)

JOHN ADAMS, JUNE 25, 1798

In his address to the inhabitants of Arlington and Sandgate, Vt., June 25, 1798, he said:

"If you have long seen foreign influence prevailing and endangering the peace and independence of our country, so have I. * * * If you have no attachments or exclusive friendship for any foreign nation, you possess the genuine character of true Americans." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 202.)

JOHN ADAMS, AUGUST 13, 1799

In a letter to T. Pickering, Secretary of State, written from Quincy, August 13, 1799, he says:

"At the time when we were inquiring for an agent to conduct the affairs of the United States before the commissioners at Philadelphia, Mr. Cooper wrote to me a solicitation for that appointment, and Doctor Priestly wrote me a letter strongly recommending him. Both made apologies for his reputation as a Democrat and gave intimation of a reformation. I wondered that either could think it possible that the people of the United States could be satisfied or contented to intrust interests of such magnitude to an Englishman, or any other foreigner. I wondered that either should think it compatible with my duty to prefer a stranger to the great number of able natives who wished for this trust. But so it was. * * *

"Having long possessed evidence the most satisfactory to my mind that Collot is a pernicious and malicious intriguer, I have been always ready and willing to execute the alien law upon him. We are now about to enter on a negotiation with France, but this is no objection against expelling from this country such an alien as he is. On the contrary, it is more necessary to remove such an instrument of mischief from among our people, for his whole time will be employed in exciting corrupt divisions, whether he can succeed or not. As to Letombe, if you can prove 'that he paid the bribes ordered by the French Minister, Adet,' or anything like it, he ought to be sent away, too. But perhaps it would be better to signify that it is expected that he go than to order him out at first by proclamation. There is a respect due to public commissions which I should wish to preserve as far as may be consistent with safety.

"The alien law, I fear, will upon trial be found inadequate to the object intended, but I am willing to try it in the case of Collot." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 13.)

JOHN ADAMS, AUGUST 14, 1800

In a letter to J. Marshall, Secretary of State, written from Quincy, August 14, 1800, he wrote:

"* * * relative to the consulate of Madeira. If there is a necessity of removing Mr. John Marsden Pintard, a native American and an old consul, why should we appoint a foreigner in his stead? Among the number of applications for consulates can not we find an American capable and worthy of the trust? Mr. Lamar is a partner in a respectable house, but it is said to be an English, or, rather, a Scotch house. Why should we take the bread out of the mouths of our own children and give it to strangers? We do so much of this in the Army, Navy, and especially in the consulships abroad, that it frequently gives me great anxiety." The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 77.)

JOHN ADAMS, JULY 25, 1800

In a letter to S. Dexter, Secretary of War, written from Quincy, July 25, 1800, he wrote:

"I am very much pleased with your plan for executing the existing laws for the instruction of the artillerists and engineers. * * *

"I wish you may easily find teachers. What think you of Captain Barron for one? Everyone speaks well of Mr. Bureau de Pusy. But I have an invincible aversion to the appointment of foreigners, if it can be avoided. It mortifies the honest pride of our officers and damps their ardor and ambition. I had rather appoint the teachers and form the schools and take time to consider of an engineer." (This is the foundation of the Military Academy at West Point.) (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 65.)

JOHN ADAMS, MARCH 31, 1801

In a letter to Benjamin Stoddert, written from Quincy, March 31, 1801, he says:

"A group of foreign liars, encouraged by a few ambitious native gentlemen, have discomfited the education, the talents, the virtues, and the property of the country." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 582.)

[NOTE.—The reference is to Mr. Jefferson having been elected President by the foreign vote. (See pp. 33, 34, and 45.)]

JOHN ADAMS, 1809

In "letter 12" of his correspondence originally published in the Boston Patriot in 1809 he says:

"My worthy fellow citizens, our form of government, inestimable as it is, exposes us, more than any other, to the insidious intrigues and pestilent influence of foreign nations. Nothing but our inflexible neutrality can preserve us." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 277.)

JOHN ADAMS, JANUARY 22, 1825

In a letter to Thomas Jefferson written from Quincy, January 22, 1825, he says:

"Your university is a noble employment in your old age, and your ardor for its success does you honor; but I do not approve of your sending to Europe for tutors and professors. I do believe there are sufficient scholars in America to fill your professorships and tutorships with more active ingenuity and independent minds than you can bring from Europe. The Europeans are all deeply tainted with prejudices, both ecclesiastical and temporal, which they can never get rid of." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 10, page 414.)

JOHN ADAMS, APRIL 16, 1801

In a letter to Christopher Gadsden, written from Quincy, Mass., April 16, 1801, he wrote:

"'Foreign meddlers,' as you properly denominate them, have a strange, a mysterious influence in this country. Is there no pride in American bosoms? Can their hearts endure that Callendar, Duane, Cooper, and Lyon should be the most influential men in the country, all foreigners and all degraded characters? * * * The plan of our worthy friends, John Rutledge, relative to the admission of strangers to the privileges of citizens, as you explain it, was certainly prudent, Americans will find that their own experience will coincide with the experience of all other nations, and foreigners must be received with caution, or they will destroy all confidence in Government." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol 9, p. 584.)

JOHN QUINCY ADAMS, JANUARY 14, 1797

In a letter written from The Hague to John Adams, he wrote:

"The President, indeed, has told us, and I am profoundly convinced of the justice and importance of the advice, that we ought not to involve ourselves at all in the political systems of Europe, but to keep ourselves always distinct and separate from it. But even to effect this, constant and early information of the current events and of the political projects in contemplation is no less necessary than if we were directly concerned in them. It is necessary for the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. From one of the quotations in this letter, it is observable that France very formally considers the United States as forming a weight in the balance of Europe. France must, therefore, necessarily conduct itself toward us upon this supposition. Britain will with equal certainty do the same. It behooves us to be the more cautious and vigilant to counteract all their intrigues and exertions on either side to make us the instruments or the victims of their conquering or plundering ambition." (The Writings of John Quincy Adams, edited by Worthington C. Ford, vol. 2, p. 88.)

JOHN QUINCY ADAMS, APRIL 9, 1799

In a letter to William Vans Murray, he wrote:

"I have likewise, in a paper of February 5, an excellent address from the minority in the Virginia House of Delegates to the people of the State, upon the resolutions of the majority against the alien and sedition laws. A sober, temperate, and unanswerable argument, signed by 58 members, which proves that good sense and honesty have not wholly abandoned the ancient dominion, however they may be out of favor." (The Writings of John Quincy Adams, edited by Worthington C. Ford, vol. 2, p. 403.)

JOHN QUINCY ADAMS, FEBRUARY 8, 1816

In a letter to James Monroe, Secretary of State, written from London, he wrote:

"Copies have been transmitted to you of the note I have addressed to Lord Castlereagh concerning a discrimination made in the ports of Ireland between British and American vessels in regard to the number of passengers which they are allowed to take in proportion to their tonnage upon voyages to the United States, of his answer, and of my reply. As no answer to this has been returned and no determination of the Government upon my application had been known to me, I spoke of these papers, but he avoided any explicit assurance concerning it. He said that the regulation had perhaps been made before the convention had been concluded. 'But,' said he, 'we might question the application of it to the case, as the convention was not intended to

interfere in any restrictions under which we may think proper to prevent emigration from Ireland.' I assured him that my intention has not been to object to the regulation as a restriction upon emigration; that, I was aware, must be exclusively the consideration of this Government. We had nothing to say about it. It was the discrimination between the shipping of the two countries of which I had complained. I presumed that an order to the port office would remove the distinction. He said he did not know that. It might be by act of Parliament, and they might question our right to consider passengers as articles of merchandise. They might regard the discrimination itself as a mode of restriction upon emigration. 'You do not want our people,' said he, to which I readily assented, observing that our increase of native population was sufficiently rapid so far as mere public policy was concerned. We invited no foreigners. We left all to individual option. 'No,' he repeated, 'our people and our seamen—you really do not want them.' I observed that if that were the case, this country should rather be under obligation to us for relieving it of such unprofitable subjects. He did not assent to this conclusion and left me uncertain whether the regulation in question would be removed or retained." (The Writings of John Quincy Adams, edited by Worthington C. Ford, vol. 5, p. 509.)

JOHN QUINCY ADAMS, JUNE 19, 1823

In a letter written from Washington to Charles Jared Ingersoll, he wrote:

"There is, however, a philosophical point of view in which this comparative state of things may be exhibited, which might present very interesting results, but which you or I could scarcely treat in a popular discourse without being liable to the charge of partiality, and which would be closely proximate to and perhaps inseparable from considerations of a character somewhat invidious. All our institutions partake of the nature of our Government. All have a tendency to the level. Our average of intellect and intellectual power is higher than in any part of Europe, but the range above and below the horizontal line is not so great. In the physical and mathematical sciences, in the fine arts, and in the literature of imagination we are far below the standards of England, France, Germany, and perhaps Italy, and very disadvantageously so, inasmuch as speaking the language of England we can not contribute a tolerable proportion to her literature. Our great superiority is in political science, government, and political morality. The European and South American nations which have received and are acting under the impulse given by us seem destined only to illustrate that superiority. They have all caught from us the infection of making constitutions, and not one of them has yet been able to make a constitution which will work to secure the enjoyment of liberty, property, and peace. Their constitutions result in nothing but civil war. In 40 years we have not had one execution for treason, with a population multiplied from three to ten millions. The Europeans improve upon our theories until they become impracticable. In 1793 France set herself and the world on fire for a legislature in a single assembly. In 1823 Spain is doing the same thing. They are unable to form the conception of a legislature in two branches without privileged orders. We have reduced it universally to practice. The influence of our example has unsettled all the ancient governments of Europe. It will overthrow them all without a single exception. I hold this revolution to be as infallible as that the earth will perform a revolution around the sun in a year. But whether Europe will ever establish governments capable of securing to individuals all the benefits of good government, almost without use of force, and altogether without violence, is doubtful. If ever, certainly not within half a century." (The Writings of John Quincy Adams, edited by Worthington C. Ford, vol. 7, p. 487.)

FISHER AMES, DECEMBER 18, 1798

In a letter to Christopher Gore on the alien law he says:

"The salus Reipub. so plainly requires the power of expelling or refusing admission to aliens, and the rebel Irish and negroes of the West Indies so much augment the danger, that reason, one would think, was disregarded by the Jacobins, too much even to be perverted." (Works of Fisher Ames, edited by his son, Seth Ames (1856), vol. 1, p. 247.)

FISHER AMES, OCTOBER 31, 1803

In a letter on the purchase of Louisiana to Thomas Dwight, from Dedham, Mass., says incidentally:

"* * * as to principles, the otters would as soon obey and give them effect, as the * * * omnium gatherum of savages and adventurers, whose pure morals are expected to sustain and glorify our Republic." (Works of Fisher Ames, edited by his son, Seth Ames (1856), vol. 1, p. 329.)

FISHER AMES, JANUARY 12, 1807

In a letter to Timothy Pickering, on the dangers of popular licentiousness, from Dedham, Mass., he says:

"You describe our dangers and disgraces with so just a discernment of their causes, and with so much feeling for the public evils that will be their consequences, that I am ready to acquit former Republics from a good deal of the reproach that has survived their ruin—the reproach of wanting sense to see it, when it was obvious and near. Probably, however, we shall yet find evidence enough in the works of their great writers to prove that the wise and good among their citizens did foresee their fate, and would have resisted it if they could; but that a republic tends, experience says, irresistibly toward licentiousness, and that a licentious republic or democracy is of all governments that very one in which the wise and good are most completely reduced to impotence." (Works of Fisher Ames, edited by his son, Seth Ames (1856), vol. 1, p. 385.)

[NOTE.—Aristotle's "Politikon" (Books III and IV) are illuminating on the above thoughts.]

FRANKLIN, 1751

In his paper entitled "Observations Concerning the Increase of Mankind and the Peopling of Countries," we being then still colonists of Great Britain, he wrote:

"21. The importation of foreigners into a country that has as many inhabitants as the present employments and provisions for subsistence will bear, will be in the end no increase of people, unless the new comers have more industry and frugality than the natives, and then they will provide more subsistence and increase in the country; but they will gradually eat the natives out. Nor is it necessary to bring in foreigners to fill up any occasional vacancy in a country for such vacancy (if the laws are good, see secs. 14, 16) will soon be filled by natural generation. Who can now find the vacancy made in Sweden, France, or other warlike nations, by a plague of heroism 40 years ago; in France, by the expulsion of the Protestants; in England, by the settlement of her colonies; or in Guinea, by 100 years' exportation of slaves, that has blackened half America? The thinness of inhabitants in Spain is owing to national pride and idleness and other causes, rather than to the expulsion of the Moors or to the making of new settlements.

"22. There is, in short, no bound to the prolific nature of plants or animals, but what is made by their crowding and interfering with each other's means of subsistence. Were the face of the earth vacant of other plants it might be gradually sowed and overspread with one kind only, as, for instance, with fennel; and were it empty of other inhabitants it might in a few ages be replenished from one nation only, as for instance, with Englishmen. Thus, there are supposed to be now upwards of 1,000,000 English souls in North America (though it is thought scarce 80,000 has been brought over sea), and yet perhaps there is not one the fewer in Britain, but rather many more, on account of the employment the colonies afford to manufacturers at home. This million doubling, suppose but once in 25 years, will in another century be more than the people of England, and the greatest number of Englishmen will be on this side the water. What an accession of power to the British Empire by sea as well as land! What increase of trade and navigation! What numbers of ships and seamen! We have been here but little more than 100 years, and yet the force of our privateers in the late war, united, was greater both in men and guns than that of the whole British Navy in Queen Elizabeth's time. How important an affair then to Britain is the present treaty for settling the bounds between her colonies and the French, and how careful should she be to secure room enough since on the room depends so much the increase of her people.

"23. In fine, a nation well regulated is like a polypus. Take away a limb, its place is soon supplied; cut it in two, and each deficient part shall speedily grow out of the part remaining. Thus, if you have room and subsistence enough, as you may, by dividing, make 10 polypuses out of 1, you may of 1 make 10 nations, equally populous and powerful, or rather increase a nation tenfold in numbers and strength.

"And since detachments of English from Britain sent to America will have their places at home so soon supplied and increase so largely here, why should the Palatine boors be suffered to swarm into our settlements and, by herding together, establish their language and manners, to the exclusion of ours? Why should Pennsylvania, founded by the English, become a colony of aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our language or customs any more than they can acquire our complexion?

"24. Which leads us to add one remark, that the number of purely white people in the world is proportionably very small. All Africa is black or tawny, Asia chiefly tawny, America (i. e., aboriginal America; the reference is to the Indians, exclusive of the newcomers) wholly so. And in Europe the Spaniards, Italians, French, Russians are generally of what we call a swarthy complexion, as are the Germans also, the Saxons only excepted, who, with the English, make the principal body of white people on the face of the earth. I could wish their numbers were increased. And while we are, as I may call it, scouring our planet by clearing America of woods and so making this side of our globe reflect a brighter light to the eyes of inhabitants of Mars or Venus, why should we, in the sight of superior beings, darken its people? Why increase the sons of Africa by planting them in America, where we have so fair an opportunity, by excluding all blacks and tawnys, of increasing the lovely white and red? But perhaps I am

partial to the complexion of my country, for such kind of partiality is natural to mankind?" (The Complete Works of Benjamin Franklin, compiled and edited by John Bigelow, Letterpress Edition, 1887, vol. 2, p. 231.)

FRANKLIN, MAY 9, 1753

In a letter to Peter Collinson, written from Philadelphia, he says:

* * * * * * *

"I am perfectly of your mind that measures of great temper are necessary with the Germans; and am not without apprehensions that through their indiscretion or ours, or both, great disorders may one day arise among us. Those who come hither are generally the most stupid of their own nation, and as ignorance is often attended with credulity when knavery would mislead it and with suspicion when honesty would set it right, and as few of the English understand the German language, and so can not address them either from the press or the pulpit, it is almost impossible to remove any prejudices they may entertain. Their clergy have very little influence on the people, who seem to take a pleasure in abusing and discharging the minister on every trivial occasion. Not being used to liberty, they know not how to make a modest use of it. And as Holben says of the young Hottentots, that they are not esteemed men until they have shown their manhood by beating their mothers, so these seem not to think themselves free till they can feel their liberty in abusing and insulting their teachers. Thus they are under no restraint from ecclesiastical government; they behave, however, submissively enough at present to the civil government, which I wish they may continue to do, for I remember when they modestly declined intermeddling in our elections, but now they come in droves and carry all before them, except in one or two countries. [He is writing of Pennsylvania.]

"Few of their children in the country know English. They import many books from Germany, and of the 6 printing houses in the Province 2 are entirely German, 2 half German half English, and but 2 entirely English. They have one German newspaper and one half German. Advertisements, intended to be general, are now printed in Dutch and English. The signs in our streets have inscriptions in both languages and in some places only German. They begin of late to make all their bonds and other legal instruments in their own language, which—though I think it ought not to be—are allowed good in our courts, where the German business so increases that there is continued need of interpreters; and I suppose in a few years they will also be necessary in the assembly to tell one-half our legislators what the other half say.

"In short, unless the stream of their importation could be turned from this to other colonies, as you very judiciously propose, they will soon so outnumber us that all the advantages we have will, in my opinion, be not able to preserve our language, and even our Government will become precarious. The French, who watch all advantages, are now themselves making a German settlement back of us, in the Illinois country, and by means of these Germans they may in time come to an understanding with ours; and, indeed, in the last war (the French-Indian War) our Germans showed a general disposition that seemed to bode us no good. For, when the English (i. e., English colonists), who were not Quakers, alarmed by the danger arising from the defenseless state of our country, entered unanimously into an association, and within this Government and the lower counties raised, armed, and disciplined near 10,000 men, the Germans, except a very few in proportion to their number, refused to engage in it, giving out, one amongst another, and even in print, that if they were quiet the French, should they take the country, would not molest them; at the same time abusing the Philadelphians for fitting out privateers against the enemy and representing the trouble, hazard, and expense of defending the Province, as a greater inconvenience than any that might be expected from a change of government. Yet I am not for refusing to admit them entirely into our colonies. All that seems to me necessary is to distribute them more equally, mix them with the English, establish English schools where they are now too thickly settled, and take some care to prevent the practice, lately fallen into by some of the shipowners, of sweeping the German gaols to make up the number of their passengers. I say I am not against the admission of Germans in general, for they have their virtues. Their industry and frugality are exemplary. They are excellent husbandmen, and contribute greatly to the improvement of a country." (The Complete Works of Benjamin Franklin, compiled and edited by John Bigelow, Letterpress Edition, 1887, vol. 2, p. 291.)

FRANKLIN, 1789

In an article on "On sending felons to America," from the Pennsylvania Gazette, written in 1789, he said:

"We may all remember the time when our mother country, as a mark of her parental tenderness, emptied her gaols into our habitations 'for the better peopling,' as she expressed it, 'of the Colonies.' It is certain that no due returns have yet been made for these valuable consignments. We are therefore much in her debt on that account; and as she is of late clamorous for the payment of all we owe her, and some of our debts are of a kind not so easily discharged, I am for doing, however, what is in our power. It will show our good will as to the rest. The felons she planted among us have produced such an amazing increase that we are now enabled to make ample remittance in the same commodity. And since the wheelbarrow law is not found effectually to reform them, and many of our vessels are idle through her restraints on our trade, why should we not employ those vessels in transporting the felons to Britain?

"I was led into this thought by perusing the copy of a petition to Parliament, which fell lately by accident into my hands. It has no date, but I conjecture from some circumstances that it must have been about the year 1767 or 1768. (It seems, if presented, it had no effect, since the act passed.)

* * * * * * *

"On second thoughts I am of opinion that besides employing our own vessels as above proposed every English ship arriving in our ports with goods for sale should be obliged to give bond before she is permitted to trade, engaging that she will carry back to Britain at least one felon for every 50 tons of her burthen. Thus we shall not only discharge sooner our debts but furnish our old friends with the means of 'better peopling,' and with more expedition, their promising new colony of Botany Bay." (The Complete Works of Benjamin Franklin, compiled and edited by John Bigelow, Letterpress Edition, vol. 10, p. 119.)

FRANKLIN, JANUARY 4, 1793

In his reply to Messrs. Henry Royle, Thomas Helt, Joseph Heathcote, John Rowbotham, and John Schofield, manufacturers at Hatherton, near Stockport (England), writing from Passy (France), he said:

"There is no doubt but that a body of sober, industrious, and ingenious artisans (English), men of honest and religious principles, such as you and your friends are described to be, would be a valuable acquisition to any country; and I am certain you would meet with a kind and friendly reception in Pennsylvania and be put into possession of all the rights and privileges of free citizens; but neither that government nor any other in America that I know of has ever been at any public expense to augment the number of its inhabitants. All who are established there have come at their own charge. The country affords to strangers a good climate, fine, wholesome air, plenty of provisions, good laws, just and cheap government, with all the liberties, civil and religious, that reasonable men can wish for. These inducements are so great, and the number of people in all nations of Europe who wish to partake of them is so considerable, that if the States were to undertake transporting people at the expense of the public, no revenues that they have would be sufficient. Having therefore no orders or authority either from the Congress or the State of Pennsylvania to procure settlers or manufacturers by engaging to defray them [sic], I can not enter into the contract proposed in your second article. The other articles would meet with no difficulty. Men are not forced there [America—he was writing in France] into the public service, and a special law might easily be obtained to give you a property for seven years in the useful inventions you may introduce." (The Complete Works of Benjamin Franklin, compiled and edited by John Bigelow, Letterpress Edition, 1887, vol. 7, p. 345.)

CHRISTOPHER GADSDEN, MARCH 11, 1801

In a letter to John Adams, written from Charleston, March 11, 1801, he wrote:

"God grant that the recollection of your ungrateful treatment may not deter truly firm, virtuous men from venturing their names to be held up to the public on such elections! I am not without my suspicions that foreign meddlers must have had this deep political slyness in view.

"Many of our newcomers, cajoled and imposed upon by emissaries from without and egged on by a numerous or rather innumerable tribe of young law followers amongst ourselves, especially in the circuits, have brought on a strange renversement in our State. Our old-standers and independent men of long, well-tried patriotism, sound understanding, and good property, have now in general very little influence in our public matters. Our too easy admittance of strangers has entangled us in this evil, and when or where it will end God only knows!

"But here, my dear sir, I must confess my own credulity and shortsightedness, who was amongst the most zealous in that overhasty and not sufficiently guarded step, which we now have good reason to lament as big, with innumerable mischiefs. Our worthy deceased friend, John Rutledge, looking further, was for giving them every reasonable protection and encouragement, but for admitting only their sons born amongst us into such complete citizenship as to vote either at State or Congress elections; and when unsuccessful in this point, was then for extending the time to 10 years at least. Had even this been carried, it would have given newcomers full time to look so deliberately about them as greatly to have deterred and hindered all designing tamperers and deceivers in most of their infernal views and mischievous suggestions, and, much better, in all probability this would have been for

the peace, safety, and lasting political security of both." (The Works of John Adams, by his grandson, Charles Francis Adams, 1856, vol. 9, p. 578.)

[NOTE.—The references of this letter are to Mr. Jefferson's election to the Presidency by the foreign vote. (See pp. 22, 33, 34, and 45.)]

GENERAL GREENE, MAY 28, 1777

In a letter among Washington's papers written on the 28th of May, 1777, General Greene wrote:

"A good nursery of officers, nursed by experience, firmly attached to the interest of the country, is a great security against foreign invaders. The only tie that we have upon foreigners is the sentiment of honor, too slender for the happiness of a country to depend upon, while officers created among the people are bound not only by the ties of honor but by that of interest and family connection." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 5, p. 406.)

[NOTE.—Presumably this letter was written to Washington, though this does not affirmatively appear.]

HAMILTON, FEBRUARY 5, 1775

In his paper entitled "The farmer refuted" he wrote:

"Is there no difference between one system of laws and another? Are not some more favorable and beneficial to the subject, better calculated to preserve his life and personal liberty than others? It is evident they are. Suppose, instead of the present system established among us, the French laws were to be introduced for the good of all the Colonies, should we have the same security for our lives which we now have? I presume we should not. I presume, also, that a revolution in our laws might and would gradually take place." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, vol. 1, p. 119.)

HAMILTON, FEBRUARY 5, 1775

In the paper entitled "The farmer refuted" he wrote:

"It (Great Britain) is rather overstocked with inhabitants; and were it not for its extensive commerce it could not maintain near the number it does at present. This is acknowledged on all hands. None but yourself would hazard the absurdity of a denial. The emigrations from Great Britain, particularly from the north part of it, as well as the most authentic accounts, prove the contrary of your presentations. Men are generally too much attached to their native country to leave it and dissolve all their connections, unless they are driven to it by necessity. The swarms that every year come over to America will never suffer any reasonable man to believe, upon the strength of your word, that the people in Scotland or Ireland are even in tolerable circumstances." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, vol. 1, p. 150.)

HAMILTON, JULY 17, 1793

In an article from the Gazette of the United States, "Pacificus," No. VI, he wrote:

"The information which the address of the convention contains ought to serve as an instructive lesson to the people of this country. It ought to teach us not to overrate foreign friendships and to be upon our guard against foreign attachments. The former will generally be found hollow and delusive; the latter will have a natural tendency to lead us aside from our own true interest and to make us the dupes of foreign influence. Both serve to introduce a principle of action which, in its effects, if the expression may be allowed, is antinational. Foreign influence is truly the Grecian horse to a republic. We can not be too careful to exclude its entrance. Nor ought we to imagine that it can only make its approaches in the gross form of direct bribery. It is then most dangerous when it comes under the patronage of our passions, under the auspices of national prejudice and partiality." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, 1904, vol. 4, p. 481.)

HAMILTON, DECEMBER 7, 1796

In his first draft of Washington's speech to Congress he wrote:

"To render the people of this country as homogeneous as possible must tend as much as any other circumstance to the permanency of their union and prosperity." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, 1904, vol. 8, p. 217.)

HAMILTON, OCTOBER 6, 1799

In a letter to Colonel Moore he says:

"Particular attachment to any foreign nation is an exotic sentiment which, where it exists, must derogate from the exclusive affection due to our own country." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, 1904, vol. 7, p. 148.)

HAMILTON, JANUARY 7, 1802

In the seventh of his papers entitled "Examination of Jefferson's message to Congress of December 7, 1801," he wrote:

"The next most exceptional feature in the message is the proposal to abolish all restriction on naturalization arising from a previous residence. In this the President is not more at variance with the concurrent maxims of all commentators on popular governments than he is with himself. The 'Notes on Virginia' are in direct contradiction to the message, and furnish us with strong reasons against the policy now recommended. The passage alluded to is here presented. Speaking of the population of America, Mr. Jefferson says: 'Here I will beg leave to propose a doubt. The present desire of America is to produce rapid population by as great importations of foreigners as possible. But is this founded in good policy? Are there no inconveniences to be thrown into the scale against the advantage expected from a multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours, perhaps, are more peculiar than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others, derived from natural right and reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of emigrants.

"'They will bring with them the principles of the governments they leave, imbibed in their early youth; or if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. Their principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us in the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience during the present contest for a verification of these conjectures, but if they be not certain in event, are they not possible, are they not probable? Is it not safer to wait with patience for the attainment of any degree of population desired or expected? May not our Government be more homogeneous, more peaceable, more durable? Suppose 20,000,000 of republican Americans, thrown all of a sudden into France, what would be the condition of that Kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a million of foreigners to our present numbers would produce a similar effect here.' Thus wrote Mr. Jefferson in 1781. Behold the reverse of the medal. The message of the President contains the following sentiments: 'A denial of citizenship under a residence of 14 years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? Might not the general character and capabilities of a citizen be safely communicated to everyone manifesting a bona fide purpose of embarking his life and fortune permanently with us?'

"But if gratitude can be allowed to form an excuse for inconsistency in a public character—in the man of the people—a strong plea of this sort may be urged in behalf of our President. It is certain that had the late election been decided entirely by native citizens, had foreign auxiliaries been rejected on both sides, the man who ostentatiously vaunts that the doors of public honor and confidence have been burst open to him, would not now have been at the head of the American Nation. (See pp. 22, 33, and 34.) Such a proof, then, of virtuous discernment in the oppressed fugitives had an imperious claim on him to a grateful return, and without supposing any very uncommon share of self-love would naturally be a strong reason for a revolution in his opinions.

"The pathetic and plaintive exclamations by which the sentiment is enforced might be liable to much criticism, if we are to consider it in any other light than as a flourish of rhetoric. It might be asked in return, Does the right to asylum or hospitality carry with it the right to suffrage and sovereignty? And what, indeed, was the courteous reception which was given to our forefathers by the savages of the wilderness?

"When did these humane and philanthropic savages exercise the policy of incorporating strangers among themselves on their first arrival in this country? When did they admit them into their huts, to make part of their families, and when did they distinguish them by making them their sachems? Our histories and traditions have been more than apocryphal, if any thing like this kind and gentle treatment was really lavished by the much-belied savages upon our thankless forefathers. But the remark obtrudes itself. Had it all been true, prudence requires us to trace the history further and ask what has become of the nations

of savages who exercised this policy and who now occupies the territory which they then inhabited? Perhaps a lesson is here taught which ought not to be despised.

"But we may venture to ask, What does the President really mean by insinuating that we treat aliens coming to this country with inhospitality? Do we not permit them quietly to land on our shores? Do we not protect them, equally with our own citizens, in their persons and reputation, in the acquisition and enjoyment of property? Are not our courts of justice open for them to seek redress of injuries, and are they not permitted peaceably to return to their own country whenever they please and to carry with them all their effects? What, then, means this worse than idle declamation?

"The impolicy of admitting foreigners to an immediate and unreserved participation in the right of suffrage, or in the sovereignty of a republic, is as much a received axiom as anything in the science of politics, and is verified by the experience of all ages. Among other instances, it is known that hardly anything contributed more to the downfall of Rome than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large. And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of foreigners were suddenly admitted to the rights of citizenship. Not only does ancient, but modern, and even domestic, story furnish evidence of what may be expected from the dispositions of foreigners when they get too early a footing in a country. Who wields the sceptre of France, and has erected a despotism on the ruins of her former government? A foreigner. Who rules the councils of our own ill-fated, unhappy country? and who stimulates persecution on the heads of its citizens for daring to maintain an opinion, and for daring to exercise the rights of suffrage? A foreigner! (This would seem to refer to Mr. Gallatin, Secretary of the Treasury, and yet the latter part of the question is so unlike Mr. Gallatin that we are almost forced to suppose that it is a fling at some one else who can not be now identified.) Where, then, is the virtuous pride that once distinguished Americans? where the indignant spirit, which, in defense of principle, hazarded a revolution to attain that independence now insiduously attacked?" (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, vol. 8, pages 284–288.)

HAMILTON, JANUARY 12, 1802

In his "Examinations of Jefferson's message to Congress of December 7, 1801," he says in Paper VIII:

"Resuming the subject of our last paper, we proceed to trace still further the consequences that must result from a too unqualified admission of foreigners to an equal participation in our civil and political rights.

"The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias and prejudice; and on that love of country which will almost invariably be found to be closely connected with birth, education, and family.

"The opinion advanced in the 'Notes on Virginia' (Jefferson's 'Notes on Virginia') is undoubtedly correct, that foreigners will generally be apt to bring with them attachments to the persons they have left behind, to the country of their nativity, and to its particular customs and manners. They will also entertain opinions on government congenial with those under which they have lived; or, if they should be led hither from a preference to ours, how extremely unlikely is it that they will bring with them that temperate love of liberty so essential to real republicanism? There may, as to particular individuals, and at particular times, be occasional exceptions to these remarks, yet such is the general rule. The influx of foreigners must, therefore, tend to produce a heterogeneous compound; to change and corrupt the national spirit; to complicate and confound public opinion; to introduce foreign propensities. In the composition of society the harmony of the ingredients is all important, and whatever tends to a discordant intermixture must have an injurious tendency.

"The United States have already felt the evils of incorporating a large number of foreigners into their national mass by promoting in different classes different predilections in favor of particular foreign nations, and antipathies against others it has served very much to divide the community and to distract our councils. It has been often likely to compromit the interests of our own country in favor of another. The permanent effect of such a policy will be that in times of great public danger there will be always a numerous body of men of whom there may be just grounds of distrust; the suspicion alone will weaken the strength of the nation, but their force may be actually employed in assisting an invader.

In the infancy of the country, with a boundless waste to people, it was politic to give a facility to naturalization; but our situation is now changed. It appears from the last census that we have increased about one-third in 10 years; after allowing for what we have gained from abroad, it will be quite apparent that the natural progress of our own population is sufficiently rapid for strength, security, and settlement. By what has been said it is not meant to contend for a total prohibition of the right of citizenship to strangers, nor even for the very long residence which is now a prerequisite to naturalization, and which of itself goes far toward a denial of that privilege.

"The present law was merely a temporary measure adopted under peculiar circumstances, and perhaps demands revision. But there is a wide difference between closing the door altogether and throwing it entirely open, between a postponement of 14 years and an immediate admission to all the rights of citizenship. Some reasonable term ought to be allowed to enable aliens to get rid of foreign and acquire American attachments; to learn the principles and imbibe the spirit of our Government; and to admit of a probability, at least of their feeling a real interest in our affairs. A residence of not less than five years ought to be required.

"If the rights of naturalization may be communicated by parts, and it is not perceived why they may not, those peculiar to the conducting of business and the acquisition of property might with propriety be at once conferred upon receiving proof, by certain prescribed solemnities, of the intention of the candidates to become citizens, postponing all political privileges to the ultimate term. To admit foreigners indiscriminately to the rights of citizens, the moment they put foot in our country, as recommended in the message, would be nothing less than to admit the Grecian horse into the citadel of our liberty and sovereignty." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, vol. 8, pp. 288–291.)

HAMILTON, JANUARY 18, 1802

In his "Examination of Jefferson's message to Congress of December 7, 1801," he says in Paper No. IX:

"In the recommendations to admit indiscriminately foreign emigrants to the privileges of American citizens on their first entrance into our country there is an attempt to break down every pale which has been erected for the preservation of a national spirit and a national character, and to let in the most powerful means of perverting and corrupting both the one and the other." (The Works of Alexander Hamilton, edited by Henry Cabot Lodge, Collector's Federal Edition, vol. 8, p. 292.)

PATRICK HENRY, JANUARY 8, 1799

In a letter to Archibald Blair, written from Red Hill, Charlotte, January 8, 1799, he says:

"This virtue, morality, and religion is the armor, my friend, and this alone, that renders us invincible. These are the tactics we should study. If we lose them we are conquered, fallen indeed * * * so long as our manners and principles remain sound, there is no danger. But believing, as I do, that these are in danger, that infidelity in its broadest sense, under the name of philosophy, is fast spreading, and that * * * everything that ought to be dear to man is covertly but successfully assailed, I feel the value of those men amongst us who hold out to the world the idea that our continent is to exhibit an originality of character; and that instead of that imitation and inferiority which the countries of the Old World have been in the habit of exacting from the new we shall maintain that high ground upon which nature has placed us, and that Europe will alike cease to rule us and give us modes of thinking." (Patrick Henry; Life, Correspondence, and Speeches, by William Wirt Henry, 1891, vol 2, p. 591.)

JOHN JAY, JULY 25, 1787

In a letter to George Washington, written from New York, he wrote:

"Permit me to hint whether it would not be wise and reasonable to provide a strong check to the admission of foreigners into the administration of our National Government and to declare expressly that the command in chief of the American Army shall not be given to nor devolve on any but a natural-born citizen." (The Correspondence and Public Papers of John Jay, edited by Henry P. Johnston, Letterpress Edition, 1891, vol. 3, p. 250.)

JOHN JAY, JANUARY 19, 1796

In a letter to Robert Goodloe Harper (a Member of Congress), written from New York January 19, 1796, he says:

"It certainly is chiefly owing to institutions, laws, and principles of policy and government, originally derived to us as British colonists, that, with the favor of Heaven, the people of this country are what they are." (The Correspondence and Public Papers of John Jay, edited by Henry P. Johnston, Letterpress edition, 1890, vol. 4, p. 200.)

JOHN JAY, MAY 13, 1798

In a letter to Timothy Pickering, written May 13, 1798, he wrote:

"It is said that the naturalization act is to be revised and amended. Permit me to suggest an idea which I have for many years deemed important. We doubtless may grant to a foreigner just such a portion of our rights and privileges as we may think proper. In my opinion, it would be wise to declare explicitly that the right and privilege of being elected or appointed to or of holding and exercising any office or place of trust or power under the United States, or under any of them, shall

not hereafter be granted to any foreigner, but that the President of the United States, with the consent of the Senate, be nevertheless at liberty to appoint a foreigner to a military office." (The Correspondence and Public Papers of John Jay, edited by Henry J. Johnston, Letterpress edition, 1890, vol. 4, p. 241.)

JEFFERSON, JUNE, 1776

In his proposed Virginia Constitution he wrote: "The administrator (governor) * * * shall not possess the prerogative * * * of making denizens (citizens)." (The Writings of Thomas Jefferson, Ford Edition, vol. 2, pp. 18–19.)

JEFFERSON, 1782

In his "Notes on Virginia" (query 8) he writes:

"During the infancy of the Colony, while numbers were small, wars, importations, and other accidental circumstances render the progression (of population) fluctuating and irregular. By the year 1654, however, it becomes tolerably uniform, importations having in a great measure ceased from the dissolution of the company, and the inhabitants became too numerous to be sensibly affected by Indian wars. Beginning at that period, therefore, we find that from thence to the year 1772 our tythes had increased from 7,209 to 153,000. The whole term being 118 years, yields a duplication once in every 27¼ years. The intermediate enumeration taken in 1700, 1748, and 1759 furnish proofs of the uniformity of this progression. Should this rate of increase continue, we shall have between six and seven millions of inhabitants within 95 years. If we suppose our country to be bounded at some future day by the meridian of the mouth of the great Kanhaway (within which it has been before conjectured, are 64,491 square miles) there will then be 100 inhabitants for every square mile, which is nearly the State population of the British islands.

"Here I will beg leave to propose a doubt. The present desire of America is to produce rapid population by as great importations of foreigners as possible. But is this founded in good policy? The advantage proposed is the multiplication of numbers. Now let us suppose (for example only) that, in this state, we could double our numbers in one year by the importation of foreigners, and this is a greater accession than the most sanguine advocate for immigration has a right to expect. Then I say, beginning with a double stock, we shall attain any given degree of population only 27 years and 3 months sooner than if we proceed on our single stock. If we propose four millions and a half as a competent population for this State, we should be 54½ years attaining it, could we at once double our numbers, and 81¼ years if we rely on natural propagation, as may be seen by the following table:

	Proceeding on our present stock	Proceeding on a double stock
1781	567, 614	1, 135, 228
1808¼	1, 135, 228	2, 270, 456
1835½	2, 270, 456	4, 540, 912
1862¾	4, 540, 912	----------

"In the first column are stated periods of 27¼ years; in the second are our numbers at each period, as they will be if we proceed on our actual stock; and in the third are what they would be at the same periods were we to set out from the double of our present stock. I have taken the term of four million and a half of inhabitants for example's sake only. Yet I am persuaded it is a greater number than the country spoken of, considering how much inarable land it contains, can clothe and feed without a material change in the quality of their diet. But are there no inconveniences to be thrown into the scale against the advantage expected from a multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours perhaps are more peculiar than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of emigrants. They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its directions, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience during the present contest for a verification of these conjectures. But, if they be not certain in event, are they not possible, are they not probable? Is it not safer to wait with patience 27 years and 3 months longer for the attainment of any degree of population desired or expected? May not our Government be more homogeneous, more peaceable, more durable?

"Suppose 20,000,000 of republican Americans thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a million of foreigners to our present numbers would produce a similar effect here. If they come of themselves they are entitled to all of the rights of citizenship; but I doubt the expediency of inviting them by extraordinary encouragements. I mean not that these doubts should be extended to the importation of useful artificers. The policy of that measure depends on very different considerations. Spare no expense in obtaining them. They will after a while go to the plough and the hoe; but, in the meantime, they will teach us something we do not know. It is not so in agriculture. The indifferent state of that among us does not proceed from a want of knowledge merely; it is from our having such quantities of land to waste as we please. In Europe the object is to make the most of their land, labor being abundant; here it is to make the most of our labor, land being abundant." (The Writings of Thomas Jefferson, Ford Edition, vol. 3, p. 188.)

JEFFERSON, 1782

In his Notes on Virginia, in query 19, he wrote:

"The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution." (The Writings of Thomas Jefferson, Washington Edition, vol. 8, p. 406; The Writings of Thomas Jefferson, Ford Edition, vol. 3, p. 269.)

JEFFERSON, JANUARY 24, 1786

Writing from Paris in answer to questions propounded by M. de Meunier, he says:

"By the close of the year 1785 there had probably passed over about 50,000 emigrants. Most of these were Irish. The greatest number of the residue were Germans. Philadelphia receives most of them, and next to that, Baltimore and New York." (The Writings of Thomas Jefferson, Washington edition, vol. 9, pp. 284. The Writings of Thomas Jefferson, Ford edition, vol. 4, p. 140.)

JEFFERSON, JUNE 20, 1791

In writing to Washington (then President) from Philadelphia, he says:

"The papers from the free people of color in Grenada * * * I apprehend it will be best to take no notice of. They are parties in a domestic quarrel, which, I think, we should leave to be settled among themselves. Nor should I think it desirable, were it justifiable, to draw a body of 60,000 free blacks and mulattoes into our country." (The Writings of Thomas Jefferson, Ford edition, vol. 5, p. 342.)

JEFFERSON, APRIL 29, 1795

In a letter to M. de Meunier from Monticello, showing that all employments were then still open to Americans, he writes:

"Our public economy also is such as to offer drudgery and subsistence only to those intrusted with its administration, a wise and necessary precaution against the degeneracy of the public servants. In our private pursuits it is a great advantage that every honest employment is deemed honorable. I am myself a nail maker. * * * My new trade of nail making is to me in this country what an additional title of nobility or the ensigns of a new order are in Europe. * * * But I think I have observed that your countrymen who have been obliged to work out their own fortunes here, have succeeded best with a small farm. Labor indeed is dear here, and rents are low, and on the whole a reasonable profit and comfortable subsistence results. It is at the same time the most tranquil, healthy, and independent." (The Writings of Thomas Jefferson, Ford Edition, vol. 7, p. 13.)

JEFFERSON, MAY, 1797

In a letter to Elbridge Gerry written from Philadelphia, he wrote:

"I do sincerely wish that we could take our stand on a ground perfectly neutral and independent toward all nations. It has been my constant object through my public life, and with respect to the English and French, particularly, I have too often expressed to the former my wishes, and made to them propositions, verbally and in writing, officially and privately, to official and private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written and formal proofs, in my own handwriting. But they have wished a monopoly of commerce and influence with us; and they have in fact obtained it. When we take notice that theirs is the workship to which we go for all we want; that with them center either immediately or ultimately all the labors of our

hands and lands; that to them belongs, either openly or secretly, the great mass of our navigation; that even the factorage of their affairs here is kept to themselves by fictitious citizenships, that these foreign and false citizens now constitute the great body of what are called our merchants, fill our seaports, are planted in every little town and district of the interior country, sway everything in the former places, by their own votes, and those of their dependents, in the latter, by their insinuations and the influence of their ledgers; that they are advancing rapidly to a monopoly of our banks and public funds, and thereby placing our public finances under their control; that they have in their alliance the most influential characters in and out of office; when they have shown that by all these bearings on the different branches of the Government, they can force it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to it is impossible for us to say we stand on independent ground, impossible for a free mind not to see and to groan under the bondage in which it is bound.

"If anything after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens as to fix on those who wish merely to recover self-government the charge of serving one foreign influence because they resist submission to another. But they possess our printing presses, a powerful engine in their government of us. At this very moment they would have drawn us into a war on the side of England had it not been for the failure of her bank. Such was their open and loud cry, and that of their gazettes, till this event. After plunging us into all the broils of the European nations, there would remain but one act to close our tragedy—that is, to break up our Union—and even this they have ventured seriously and solemnly to propose and maintain by arguments in a Connecticut paper. I have been happy, however, in believing, from the stifling of this effort, that that dose was found too strong and excited as much repugnance there as it did horror in other parts of our country, and that, whatever follies we may be led into as to foreign nations, we shall never give up our Union, the last anchor of our hope, and that alone which is to prevent this heavenly country from becoming an arena of gladiators. Much as I abhor war and view it as the greatest scourge of mankind, and anxiously as I wish to keep out of the broils of Europe, I would yet go with my brethren into these rather than separate from them. But I hope we may still keep clear of them, notwithstanding our present thraldom, and that time may be given us to reflect on the awful crisis we have passed through, and to find some means of shielding ourselves in future from foreign influence, political, commercial, or in whatever other form it may be attempted. I can scarcely withhold myself from joining in the wish of Silas Deane, that there were an ocean of fire between us and the Old World." (In the draft of the letter this paragraph was changed to the form above printed. Before the alteration it read: "I shall never forget the prediction of the Count de Vergennes, that we shall exhibit the singular phenomenon of a fruit rotten before it is ripe, nor cease to join in the wish of Silas Deane, that there were an ocean of fire between us and the Old World. Indeed, my dear friend, I am disgusted with this entire subjection to a foreign power, that if it were in the end to appear to be the wish of the body of my countrymen to remain in that vassalage, I should feel my unfitness to be an agent in their affairs and seek in retirement that personal independence without which this world has nothing I value. I am confident you set the same store by it which I do; but perhaps your situation may not give you the same conviction of its existence.") (Ford Edition, vol. 7, p. 123.) (The Writings of Thomas Jefferson, Washington Edition, vol. 4, p. 172; The Writings of Thomas Jefferson, Ford Edition, vol. 7, p. 121.)

JEFFERSON, NOVEMBER 24, 1801

In a letter to James Monroe (then Governor of Virginia) from Washington, he wrote:

"The same question to ourselves would recur here also as did in the first case: Should we be willing to have such a colony in contact with us? However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times when our rapid multiplication will expand itself beyond those limits and cover the whole northern, if not the southern, continent with a people speaking the same language, governed in similar forms, and by similar laws; nor can we contemplate with satisfaction either blot or mixture on that surface." (The Writings of Thomas Jefferson, Ford Edition, vol. 8, p. 104.)

JEFFERSON, SEPTEMBER 12, 1817

In a letter to George Flower from Popular Forest, Va., he wrote:

"I sincerely wish that your proposition to 'purchase a tract of land in the Illinois on favorable terms for introducing a colony of English farmers' may encounter no difficulties from the established rules of our land department. * * * For although as to other foreigners it is thought better to discourage their settling together in large masses wherein, as in our German settlements, they preserve for a long time their own languages, habits, and principles of government, and that they should distribute themselves sparsely among the natives for quicker amalgamation. Yet English emigrants are without this inconvenience. They differ from us little but in their principles of government, and most of those (merchants excepted) who come here are sufficiently disposed to adopt ours. What the issue, however, of your proposition may probably be, I am less able to advise you than many others; for during the last 8 or 10 years I have no knowledge of the administration of the land office or the principles of its government. Even the persons on whom it will depend are all changed within that interval, so as to leave me small means of being useful to you. Whatever they may be, however, they shall be freely exercised for your advantage, and that not on the selfish principle of increasing our own population at the expense of other nations, for the additions to that from emigration are but as a drop in the bucket to those by natural procreation * * *." (The Writings of Thomas Jefferson, Washington Edition, vol. 7, p. 83.)

RUFUS KING, JANUARY 20, 1797

In a letter to General Pinckney, written from London, January 20, 1797, he says:

"Principles more and more national appear in every quarter of the Union; strong marks of displeasure on the subject of foreign influence and foreign interferences in our affairs are likewise seen in the different newspapers; so that I think it will be soon perceived that we are neither Greeks nor Trojans but truly Americans." (The Life and Correspondence of Rufus King, edited by his grandson, Charles R. King, M. D., 1894–1900, vol. 2, p. 134.)

RUFUS KING, JUNE 14, 1798

In a letter to the Secretary of State (No. 78) written from London, England, June 14, 1798, he said:

"In case the rebellion is suppressed * * * thousands of the fugitives will seek an asylum in our country. Their principles and habits would be pernicious to the order and industry of our people, and I can not persuade myself that the malcontents of any character or country will ever become useful citizens of ours. It is my duty seasonably to apprize you of the probability of this emigration; but it belongs to others to decide what the safety and welfare of the country may require to be done, should it actually take place." (The Life and Correspondence of Rufus King, edited by his grandson, Charles R. King, M. D., 1894–1900, vol. 2, p. 348.)

RUFUS KING, JULY 19, 1798

In a letter to Colonel Pickering, written from London, England, July 19, 1798, he wrote:

"As I have intimated to you would probably be the case, I perceive that numbers of the disaffected * * * will be expelled and that they will be disposed to plant themselves among us. It was the practice of the emigrants from Scotland to bring with them certificates from the religious societies to which they belonged, of their honesty, sobriety, and generally of their good character. Why should we not require some such document from all emigrants, and it would be well to add to the testimonial that the person to whom it was granted was not expelled from his country and had not been convicted of any crime. I am, I confess, very anxious upon this subject. The contrast between New England and some other parts of the United States is in my view a powerful admonition to us to observe greater caution in the admission of foreigners among us. If from the emigrations of past time we have suffered inconvenience and our true national character has been disfigured, what are we to expect from the emigrants of the present day? * * *" (The Life and Correspondence of Rufus King, edited by his grandson, Charles R. King, M. D., 1894–1900, vol. 2, p. 371.)

RUFUS KING, JULY 28, 1798

In a letter to the Secretary of State (No. 87), written from Margate, England, July 28, 1798, he wrote:

"* * * the rebellion is at an end, a general amnesty with a few exceptions will soon be proclaimed; many of the inferior chiefs will be permitted to go into exile. I have before intimated the probability of such a measure, and hope the President will have power to exclude from our country all such foreigners whose residence among us would be dangerous." (The Life and Correspondence of Rufus King, edited by his grandson, Charles R. King, M. D., 1894–1900, vol. 2, p. 373.)

MADISON, AUGUST 27, 1782

In a letter to Edmund Randolph (from the Madison Papers (1840)), written from Philadelphia, he wrote:

"Your favor of the 16th came duly to hand yesterday. The hints which it gives with regard to merchandise imported in returning flags, and the intrusion of obnoxious aliens through other States, merit attention. The latter subject has, on several occasions, been men-

tioned in Congress, but I believe no committee has ever reported a remedy for the abuse." (The Writings of James Madison, edited by Gaillard Hunt, Letterpress Edition, 1900, vol. 1, p. 226.)

MADISON, FEBRUARY 22, 1819

In a letter to Richard Peters, he says:

"Our kind reception of emigrants is very proper, but it is dictated more by benevolent than by interested considerations, though some of them seem to be very far from regarding the obligations as lying on their side. * * * According to the general laws of Europe, no emigrant ceases to be a subject. With this double aspect, I believe it can not be doubted that naturalized citizens among us have found it more easy than native ones to practice certain frauds. I have been led to think it worthy of consideration whether our law of naturalization might not be so varied as to communicate the rights of citizens by degrees, and in that way preclude or abridge the abuses committed by naturalized merchants, particularly shipowners. The restrictions would be felt it is true by meritorious individuals, of whom I could name some and you doubtless more, but this always happens in precautionary regulations for the general good." (Mad. MSS.) (The Writings of James Madison, edited by Gaillard Hunt, Letterpress Edition, 1904, vol. 8, p. 424.)

GOUVERNEUR MORRIS

From Madison's notes at the Constitution Convention of the addresses made by Gouverneur Morris and others:

He said that "the lesson we are taught is that we should be governed as much by our reason and as little by our feelings as possible. What is the language of reason on this subject? That we should not be polite at the expense of prudence. * * * He ran over the privileges which emigrants would enjoy among us, though they should be deprived of that of being eligible to the great offices of government; observing that they exceeded the privileges allowed to foreigners in any part of the world; and said that, as every society from a great nation down to a club had the right of declaring the conditions on which new members should be admitted, there could be no room for complaint." (The Writings of James Madison, edited by Gaillard Hunt, Letterpress Edition, 1904.)

WASHINGTON, JULY 7, 1775

General order to the Army of the above date:

"The general has great reason (to be); and is highly displeased with the negligence and inattention of those officers who have placed as sentries at the outposts men with whose characters they are not acquainted. He therefore orders that for the future no man shall be appointed to those important stations who is not a native of this country, or has a wife, or family in it, to whom he is known to be attached. This order is to be considered as a standing one and the officers are to pay obedience to it at their peril." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1899, vol. 3, p. 6.)

WASHINGTON, JULY 10, 1775

In the Gaines Mercury of July 24, 1775, there appears the following:

"On July 10 (1775) General Gates issued an order to be observed by the recruiting officers, who were immediately sent upon that service: '* * * You are not to enlist any person who is not an American born unless such person has a wife and family and is a settled resident in this country.'" (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 3, p. 17.)

[NOTE: Professor Garis in his recent work Immigration Restriction (p. 22) ascribes this order to Washington, and Ford supplies it as a footnote to a letter written by Washington to the President of Congress from the camp at Cambridge of the same date as the order. (See Ford, 1889, vol. 3, p. 8.)

[From the tenor of the letter to the President of Congress it would appear that Washington was responsible for the order.]

WASHINGTON, APRIL 30, 1777

In a letter to Col. Alexander Spotswood, written from Morristown, April 30, 1777, he says:

"I want to form a company for my guard. In doing this I wish to be extremely cautious, because it is more than probable that in the course of the campaign my baggage, papers, and others matters of great public import may be committed to the sole care of these men. This being premised, in order to impress you with proper attention in the choice, I have to request that you will immediately furnish me with four men of your regiments; * * * I think it (fidelity) most likely to be found in those who have family connections in the country. You will therefore send me none but natives, and men of some property, if you have them." (The same letter was sent to various other colonels.) (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, Letterpress Edition, 1889, vol. 5, p. 349.)

[NOTE: Doubtless the origin of the legendary phrase: "Put none but Americans on guard to-night."]

WASHINGTON, MAY 31, 1777

In a letter to the President of Congress, written from Middlebrook, he wrote:

"I would only observe, without insinuating the most distant shadow of distrust of Monsieur Ducoudray's honor, candor, or integrity, that, on the general maxims of prudence and policy, it may be questioned with much propriety, whether so important a command as that of the artillery should be vested in any but a native, or one attached by the ties of interest to these States." (Read in Congress June 2. Referred to the Board of War.) (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 5, p. 402.)

WASHINGTON, JUNE 19, 1777

In a letter to Colonel Baylor, written June 19, 1777, he wrote:

"You should be extremely cautious in your inquiries into the character of those who are not natives who offer to enlist. Desertions among men of that class have been so frequent that unless you find 'em on examination to be of good and unsuspicious conduct, they should not be taken by any means. Otherwise, most probably, they will deceive you—add no strength to our arms, but much expense to the public account and upon first opportunity will join the enemy." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 5, p. 441.)

WASHINGTON, JULY 24, 1778

In a letter to Henry Laurens, written from camp, near White Plains, July 24, 1778, he wrote:

"I will further add, that we have already a full proportion of foreign officers in our general councils; and, should their number be increased, it may happen upon many occasions, that their voices may be equal if not exceed the rest. I trust you think me so much a citizen of the world, as to believe I am not easily warped or led away by attachments merely local or American; yet I confess I am not entirely without 'em, nor does it appear to me that they are unwarrantable, if confined within proper limits. Fewer promotions in the foreign line would have been productive of more harmony, and made our warfare more agreeable to all parties. The frequency of them is the source of jealousy and of disunion." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, Letterpress Edition, 1889, vol. 7, p. 121).

WASHINGTON, JULY 24, 1778

In a letter to Gouverneur Morris, written from White Plains, July 24, 1778, he says:

"Baron Steuben, I now find, is wanting to quit his inspectorship for a command in the line. This will be productive of much discontent to the brigadiers. In a word, although I think the baron an excellent officer, I do most devoutly wish, that we had not a single foreigner among us, except the Marquis de Lafayette, who acts upon very different principles from those which govern the rest." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 7, p. 116.)

WASHINGTON, NOVEMBER 22, 1789

In a letter to Alexander Spotswood, written from Philadelphia, he wrote:

"But I will take the liberty of advising such as are not 'thoroughly convinced,' and whose minds are yet open to conviction, to read the pieces and hear the arguments which have been adduced in favor of as well as those against the constitutionality and expediency of those laws (the alien and sedition laws) before they decide, and consider to what lengths a certain description of men in our country have already driven, and seem resolved further to drive matters, and then ask themselves if it is not time and expedient to resort to protecting laws against aliens (for citizens you certainly know are not affected by that law), who acknowledge no allegiance to this country, and in many instances are sent among us (as there is the best circumstantial evidence to prove) for the express purpose of poisoning the minds of our people and to sow dissensions among them, in order to alienate their affections from the Government of their choice, thereby endeavoring to dissolve the Union, and, of course, the fair and happy prospects which were unfolding to our view from the Revolution." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 14, p. 122.)

WASHINGTON, NOVEMBER 15, 1794

In a letter to John Adams, written Saturday, 15th, 1794, he wrote:

"My opinion, with respect to emigration, is that except of useful mechanics and some particular descriptions of men or professions, there is no need of encouragement while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much question, for by so doing they retain the language, habits, and principles (good or bad) which they bring with them." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 12, p. 489.)

WASHINGTON, SEPTEMBER 17, 1796

From the Farewell Address to the people of the United States (September 17, 1796) he said:

"Against the insidious wiles of foreign influence, I conjure you to believe me, fellow citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 12, p. 315.)

WASHINGTON, JANUARY 15, 1799

In a letter to Patrick Henry (confidential), written from Mount Vernon, he wrote:

"Vain will it be to look for peace and happiness, or for the security of liberty or property, if civil discord should ensue. And what else can result from the policy of those among us, who, by all the measures in their power, are driving matters to extremity, if they can not be counteracted effectually? The views of men can only be known, or guessed at, by their words or actions. Can those of the leaders of opposition be mistaken, then, if judged by this rule? That they are followed by numbers, who are unacquainted with their designs, and suspect as little the tendency of their principles, I am fully persuaded. But, if their conduct is viewed with indifference, if there is activity and misrepresentation on one side and supineness on the other, their numbers accumulated by intriguing and discontented foreigners under proscription, who were at war with their own governments, and the greater part of them, all governments, they will increase, and nothing short of omniscience can foretell the consequences." (The Writings of George Washington, collected and edited by Worthington Chauncey Ford, 1889, vol. 14, p. 139.)

EXTENDING BENEFITS OF HATCH ACT AND SMITH-LEVER ACT TO ALASKA

The next business on the Consent Calendar was the bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following acts, to wit, an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and known as the Hatch Act; and an act entitled "An act to provide for cooperative and extension work between the agricultural colleges in the United States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and known as the Smith-Lever Act, be, and the same are hereby, extended to the Territory of Alaska: *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture; the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds.

With the approval of the Secretary of Agriculture, agricultural experiment substations, to the number of not more than two, may be maintained under the provisions of the Hatch Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STABILIZATION OF PRICE LEVEL OF COMMODITIES

Mr. BEERS. Mr. Speaker, I present a privileged report from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 37

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act, approved March 1, 1907 (U. S. C., title 44, 154), the Committee on Banking and Currency of the House of Representatives is empowered to have printed for its use 3,000 additional copies of the hearings held before such committee during the Sixty-ninth Congress, first session, on the bill (H. R. 7895), relating to the stabilization of the price level of commodities.

The resolution was agreed to.

INTER-AMERICAN HIGHWAY

Mr. BEERS. Mr. Speaker, I present the following privileged report from the Committee on Printing, which I send to the desk.

The Clerk read as follows:

House Resolution 229

Resolved, That there shall be printed 5,000 additional copies of House Report No. 1124, Seventieth Congress, first session, entitled "Inter-American highway," accompanied by a translation of such document into the Spanish language as prepared under direction of the Director General of the Pan American Union for distribution through the Committee on Foreign Affairs in cooperation with the Pan American Union.

With the following committee amendments:

Line 1, after the word "that," strike out "there shall be printed 5,000 copies of"; and in line 4, strike out "of such documents" and insert in lieu thereof the word "thereof"; and in line 6, strike out "for distribution through the committee," and after the word "affairs" insert "for distribution"; and after the word "Union," in line 8, and insert "be printed as a House document and that 5,000 copies be printed for the House committee," so that it will read:

"That House report No. 1124, Seventieth Congress, first session, entitled 'Inter-American Highway,' accompanied by a translation thereof into the Spanish language as prepared under direction of the Director General of the Pan American Union be printed as a House document and that 5,000 additional copies be printed for the House Committee on Foreign Affairs for distribution in cooperation with the Pan American Union."

Mr. SNELL. Mr. Speaker, will the gentleman give us some explanation of this resolution?

Mr. BEERS. Mr. Speaker, I yield to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Speaker, this resolution comes from the Committee on Foreign Affairs. It is a report on the Pan American automobile highway. The Pan American Union has requested a reprint of it in the Spanish language for circulation in the South American countries, and the translation has been made without expense. The publication of these additional reports can be made at an expense of about $145.

Mr. SNELL. What is the Pan American highway?

Mr. COLE of Iowa. It is for the building of an automobile road through the United States, through Mexico, through Central America, and the South American countries. The proposition comes from the Latin-American countries and not from us.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to and the resolution as amended was agreed to.

BATTLES OF COWPENS AND KINGS MOUNTAIN

Mr. KIESS. Mr. Speaker, I present the following privileged report from the Committee on Printing, which I send to the desk.

The Clerk read as follows:

House Resolution 230

Resolved, That the historical statements concerning the Battle of the Cowpens, S. C., of January 17, 1781, and the Battle of Kings Mountain, S. C., October 7, 1780, both prepared by the historical section of the Army War College, be printed, with illustrations, as a document.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 311) to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment to suggest. This resolution provides for the payment of $250 as the quota of the United States for the maintenance of the committee. I believe it ought to be amended providing that the payment of the quota shall not be construed as accepting or agreeing to any of the findings of the committee unless approved by the Congress.

Mr. PORTER. I have no objection to the amendment.

Mr. LAGUARDIA. With that understanding I shall not object.

The Clerk read the resolution, as follows:

House Joint Resolution 311

Resolved, etc., That a sum not to exceed $250 is hereby authorized to be appropriated annually to pay the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, beginning with the calendar year 1928.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

Amendment offered by Mr. LAGUARDIA: Page 1, line 7, strike out the period and insert a colon and add the following:

"*Provided*, That the payment of said quota shall not be construed as accepting or agreeing to any of the findings or recommendations of the said committee unless approved by Congress."

The amendment was agreed to, and the resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13512) entitled "An act to amend the act entitled 'An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes,' approved June 3, 1924."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 164. Joint resolution to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 13512) entitled "An act to amend the act entitled 'An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes,' approved June 3, 1924," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. JOHNSON, Mr. SACKETT, Mr. FLETCHER, and Mr. RANSDELL to be the conferees on the part of the Senate.

THE CONSENT CALENDAR

RELIEF OF THE STATE OF NORTH CAROLINA

The next business on the Consent Calendar was the bill (S. 3097) for the relief of the State of North Carolina.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the balance due the State of North Carolina of $118,035.69, as certified by the Comptroller General of the United States as of February 29, 1928.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3116) providing for half holidays for certain Government employees.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

Mr. DALLINGER. Mr. Speaker, will the gentleman reserve his objection?

Mr. CRAMTON. I will reserve it; but I will object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

CONSTRUCTION AT THE UNITED STATES MILITARY ACADEMY, WEST POINT

The next business on the Consent Calendar was the bill (H. R. 11469) to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $609,000 to be expended for the construction and installation at the United States Military Academy, West Point, N. Y., of such buildings, utilities, and appurtenances as may be necessary as follows: For officers' quarters, $384,000; for noncommissioned officers' quarters, $150,000; for veterinary hospital, $25,000; for alterations to the West Academic Building, $50,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF NEWSPAPERS ADVERTISING FOR PUBLIC HEALTH SERVICE

The next business on the Consent Calendar was the bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, and I am going to object——

The SPEAKER. Objection is heard. The Clerk will report the next bill.

ASSAY OFFICE AT DAHLONEGA, LUMPKIN COUNTY, GA.

The next business on the Consent Calendar was the bill (H. R. 12451) to establish an assay office at Dahlonega, Lumpkin County, Ga.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER. Objection is heard.

Mr. BELL. Mr. Speaker, will the gentleman withhold his objection for four or five minutes in order that I may have an opportunity to explain something about this legislation and the necessity for it?

Mr. LAGUARDIA. Certainly.

Mr. BELL. Mr. Speaker, this is not merely a local proposition but it is of general interest. I have no doubt it will affect the district of the gentleman from New York [Mr. LAGUARDIA] as much as it will affect my district in Georgia.

The decrease in the output of gold in the United States is alarming. I wish the gentleman had made some inquiry of the Treasury Department with reference to this matter. However, I have figures here supplied to me by the Director of the Mint. I learn from him that the output of gold in the United States in the year 1900 was $79,171,000. In the year 1910 the output was $96,269,100. In the year 1920 it was $51,186,300. In the year 1927, just last year, the output had decreased to $45,027,300.

There are companies operating in and around Dahlonega, and these operators want an assay office established at Dahlonega, in Lumpkin County, Ga. They recently shipped 2,000 pounds of gold-bearing ore to Canada to have it assayed. The nearest assay office to the Dahlonega gold field is New Orleans, about 600 miles away.

Mr. LAGUARDIA. Why did they ship it to Canada?

Mr. BELL. This is a Canadian company, and probably that is the reason why they shipped it to Canada. They have been shipping gold also to Philadelphia.

Mr. LAGUARDIA. How much gold was mined in Georgia last year?

Mr. BELL. Very little. And that is the reason for the establishment of an assay office at Dahlonega.

Does the gentleman know how much a pound of gold is worth? May I say to the gentleman that prior to the year 1861 there was $17,000,000 worth of gold mined at Dahlonega, Ga.

Mr. LAGUARDIA. That is a long time ago.

Mr. BELL. Yes; that is a long time ago, and the decrease in mining requires some sort of activity.

Mr. LAGUARDIA. The Treasury Department does not recommend it.

Mr. BELL. That is no doubt true; but the Treasury Department knows very little about the reasons for the establishment of the assay office. They say "no" without giving any figures with reference to it at all.

Mr. HOWARD of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. BELL. Certainly.

Mr. HOWARD of Nebraska. I am quite sure, if the gentleman from New York had been before our Committee on Coinage, Weights, and Measures, and had heard the arguments in behalf of this bill, showing the need for greater production of gold in our country and the certainty of production down there in Georgia if these miners could get a chance to have their ore assayed without sending it so far away at great expense—I say, I am sure the gentleman from New York would withdraw his objection.

Mr. BELL. The need for an assay office at Dahlonega, Ga., is self-evident. There is gold to be found in abundance in nearly every county in north and northeast Georgia, western North Carolina, and east Tennessee; all these sections are in close proximity to Dahlonega and our gold fields. There is gold in large quantities in Lumpkin, White, Dawson, Cherokee, Union, Towns, Rabun, Gilber, Pickens, Gwinnett, Hall, and Fannin Counties in northeast Georgia, Dahlonega being the center of present activities. Gold is to be found in Milton, Walker, Cobb, Catoosa, and Murray in north Georgia. Lately gold has been found in Wilkes County. The oldest gold mine in continuous operation is the Creighton Mines in Cherokee County, having been operated for more than 70 years. We have in our section other mineral products which may prove valuable if proper attention is given to appropriate investigation, and in this way an assay office will be invaluable to our section. We have silver, copper, and iron ore which may prove of interest to people who would be glad to prospect and invest in such properties. Asbestos is to be found in Habersham, Rabun, and White Counties. The finest gold ore in the South is found in quantities in Union County, known as the "Coosa gold," which has the highest coinage value of any gold to be found anywhere.

I want to discuss for a few moments the adverse report received from the Treasury Department and the Director of the Mint. The strongest point they make in their reports is that there is very little gold mined in Georgia now, which is true. That is one of the reasons I have introduced this bill, which would, in my opinion, very much stimulate the mining of gold in the State of Georgia, because we all know that there is plenty of gold in the State of Georgia, and in 15 or 20 counties of the State especially. Moreover, we all know that there is gold in South Carolina, North Carolina, east Tennessee, and portions of Alabama, and that it is very difficult for those people who are interested in mining there to get samples of their ores analyzed. There is no near-by assay office down there. There was an assay office at Charlotte, N. C., you will remember, but it was discontinued because there was very little gold mined in and around Charlotte or in that section of the country.

Mr. Speaker, I ask unanimous consent to insert in the RECORD as part of my remarks a letter from Dr. Craig Arnold, one from Hon. John H. Moore, one from Hon. T. F. Christian, and one from Mr. L. R. Johnson, president of the Saprolite Gold Mining Co., Dahlonega, Ga., each of which gives important data bearing upon the necessity of the establishment of an assay office at Dahlonega. Also an editorial from the Atlanta Georgian.

The matter referred to is as follows:

GEORGIA HIGHWAYS,
Atlanta, April 23, 1928.

Hon. THOMAS M. BELL,
Member of Congress, Washington, D. C.

MY DEAR CONGRESSMAN: Your telegram of the 20th is before me.

The gold deposits of the Appalachian Mountains, especially in north Georgia, produced the first gold discovered in America in the early part of the nineteenth century, and so important became this discovery that the Federal Government erected its first mint there for the exclusive coinage of that metal.

In the early fifties the exodus to California began, due to the discovery of gold in that State, and when the deposits there began to wane, the miners returned to Georgia to take up the fields they foresook.

But the Civil War devastated the State to such an extent that mining took a spasmodic course only, money not being available for necessary equipment to operate the harder veins, and mining was limited to the easier placer or surface diggings.

However, up to the outbreak of the War of 1861 there was coined in the United States mint at Dahlonega over $6,000,000 in gold coins, and the United States mint record places the additional gold obtained from this locality at nearly $23,000,000.

No doubt that the greater part of this enormous wealth was procured by the negro slaves who worked the deposits during the winter months and were then transferred to the cotton fields during the summer months.

The early seventies saw the advent of the stamp or pounding mill; this made amendable the harder quartz ores, but was limited to such ores that held the gold in a free or oxidized state. These surface ores were soon exhausted, although new ones are being discovered from time to time.

With depth were encountered the auriferous sulphides, and the old stamp mill was found wanting in recovering the values contained therein, although this method was kept in operation for well nigh thirty-odd years.

Many of the western mines have become exhausted; labor conditions have mitigated against the handling of lower grade ores there as well as in other mining districts.

In the Georgia gold fields, at a time when the old-time miners had actually discovered pay ore, they were compelled to suspend operations for the simple and single reason they were without capital to erect a modern mill and the necessary knowledge of the metallurgy of the ores.

To the trained mind the question has now resolved itself into purely a metallurgical one, science has advanced to a well-nigh perfected state regarding the treatment of rebellious ores, because all ores that are not simple and free milling are classed as rebellious ores.

Large interests with which capital is no object are now investigating this Dahlonega field, and the prospects are very promising that this problem is going to be solved commercially and large investments will be made.

Within the past few months a testing mill has been erected by interests associated with the Hollinger Gold Mines, of Timmons, Canada, for the sole purpose of determining upon the ground the method that will be enlarged upon in a mill to be built based upon these tests.

Another corporation, of Washington, D. C., has just placed in operation a new plant testing out another method of extracting the gold, and a third company, from Ohio, is erecting a plant to test out its method of recovery of values.

To sum up the numerous gold-bearing deposits is to state that an area of some 5 miles in width and upward of 50 miles in length is auriferous; an attempt at estimating either the amount in tonnage or the value in gold would prove futile. It is no exaggeration to state that it passes the comprehension of man.

Probably the greatest boon that the renewal of gold mining in this district could crave would be the establishment by the United States Government of an assay office, for the reasons that none is available in the South and samples must be sent afar for testing, and, as these assay offices are operated commercially, the prospector is compelled to pay for the work done. This is a hardship to the man who locates a gold vein on his property and is generally without means and knowledge how to proceed.

Then, if the Government owned and operated an assay office for the free testing of ores and the purchase of gold, as was done prior to the war, the stimulating effect of this office would encourage many natives as well as others to prospect, knowing that they will be rewarded by a report under Government supervision that is correct and secretive. It goes without saying that while Dahlonega is the center of gold activity at this time, an assay office would be useful to those States in which gold is also found, namely, Alabama, Tennessee, North and South Carolina, so it appears that this office would enjoy a wide range of usefulness.

All the large properties of which I had charge for several years were suspended when auriferous sulphides were encountered, and at that time no economical method was known to science, but in the last twenty-odd years the commercial extraction is now an exact science.

The celebrated Barlow mine, from which the late Samuel J. Tilden amassed a fortune of several million dollars, the Consolidated, the Findley, and others that were under my charge for several years are now in the hands of new owners, who are testing them preparatory to erecting large and suitable mills for handling large quantities of ore.

Yours truly,

CRAIG R. ARNOLD.

DAHLONEGA, GA., *April 24, 1928.*

The Hon. THOS. M. BELL,
House of Representatives, Washington, D. C.

DEAR SIR: This is in reply to your telegram requesting information regarding the mining situation in this district at the present time. Your telegram requested further, I believe, an expression of opinion as to the advisability of establishing a Government assay office at Dahlonega.

There is at the present time quite a pronounced revival of interest in gold mining in north Georgia and elsewhere along the gold belt. Personal observation and information otherwise available would seem to indicate that gold-mining operations now in progress and others in various stages of preparation will be more permanent and successful than many such ventures in the past.

New types of mining and milling machinery capable of handling large tonnage at a small cost per unit for mining and milling appear to be the basis of present and proposed operations. This would seem to be the ideal arrangement for the low-grade gold ores of this belt.

Since the lands containing these gold deposits are owned by individuals or groups of individuals who, in most instances, understand agriculture better than prospecting and developing mineral deposits, there has been very little done in the way of locating and ascertaining the extent and value of the low-grade gold deposits in the Carolinas, Alabama, and Georgia.

It is my belief that the people owning land in the above-named States and the mineral industry in general would derive considerable benefit from the establishment of a Federal assay office here.

Trusting that this complies with your request, and with best wishes to you personally, I am

Very truly yours,

JOHN H. MOORE & SON.

BANK OF DAHLONEGA,
Dahlonega, Ga., April 21, 1928.

Hon. TOM BELL,
Member of Congress, Washington, D. C.

MY DEAR SIR: The business interests of the Dahlonega gold belt are greatly interested in your bill recently introduced in the House of Representatives to have a Government assay office established at Dahlonega. As a banker of the district numerous representatives of the gold and other business organizations have appealed to me to write to you urging you to press for favorable action on the bill.

Of course, it is a matter of record that a Government mint with its assay service was in operation at Dahlonega, the accepted center of the Dahlonega gold belt, from 1838 to 1861, when the War between the States began. That mint while in operation coined $6,106,569 in gold, according to the records of the United States Treasury Department. The records of the United States Department of the Interior show that approximately $17,000,000 in gold has been recovered from the belt.

The discovery of free gold in California, Canada, and Alaska in great quantities drew attention away from the Dahlonega gold belt. The placer gold miners went to places where gold mining in the engineering sense was not necessary.

Recently, with the advent of more scientific and economical engineering methods for the extraction of gold from the gold-bearing ores, the Dahlonega gold belt had again become an important field for operations. Proof of this statement is found in the fact that within the last year three gold-mining corporations of reputable financial responsibility and earnest business intentions have started keen, competitive operations in the belt. In order these corporations are: The Hollinger Mining Co., of Timmens, Ontario, Canada; the Saprolite Gold Mining Corporation; and the Dugas Mining Corporation. Two of these have plants in operation and the third is almost ready to start.

A Government assay office in Dahlonega would greatly facilitate the work of these companies, two of which are within a mile of the heart of the city and the other about 6 miles from it. These companies, considering their scale of operations, need this service. The Hollinger Mining Co. has made one single shipment of 2,000 pounds of gold-bearing ore from here to its assay office at Timmens, Ontario, Canada, and many lesser shipments. The company conducted extensive assay tests before it would establish the plant it now has in operation at Dahlonega. Another company, during its test work, made similar shipments to a private assay office in Nevada.

It is important that the Government give this initial, basic encouragement in furtherance of the production of gold in the United States.

Then, considering the situation locally, we here need this stimulus to better living conditions. The agricultural activity of the section, such as is possible in such a rocky, mountainous region, is greatly hindered and retarded by the mineral rights of the land being held by foreign capitalists, who demand the protection of their legal interests in the disposition of all property. The growth of the community has been restricted by the previous stagnation in gold operations. It desires that the companies holding mineral rights be encouraged in order that the land may be equalized in value with other sections where the land rights were not optioned away years ago.

Assuring you that I am personally grateful for past favors, I am

Very cordially yours,

T. F. CHRISTIAN.

SAPROLITE GOLD MINING CO. (INC.),
Auraria, Lumpkin County, Ga., April 24, 1928.

Hon. THOMAS M. BELL,
House of Representatives Office Building,
Washington, D. C.

DEAR MR. BELL: We are very much interested in your efforts to have an assay office established at Dahlonega, Ga. We have sent many samples for assay to Salt Lake City, and the delay has been somewhat disconcerting at times. We feel sure that with the new developments that are taking place in the district around Dahlonega that an assay office will be more than self-sustaining.

If there is anything that we can do to aid in the matter, please call on us.

Very truly yours,

SAPROLITE GOLD MINING CO.,
By L. R. JOHNSON, *President.*

[From the Atlanta Georgian]

MR. BELL'S BILL SHOULD PASS CONGRESS PROMPTLY

Representative THOMAS M. BELL, of the ninth congressional district of Georgia, has introduced a bill in the national House which seeks to establish an assay office at Dahlonega under the Treasury Department.

The bill should pass without doubt, and it is to be hoped that the entire Georgia delegation, both in the Senate and the House, as well as southern Congressmen in general, will give it very wholehearted and ungrudging support.

As a matter of fact, it has seemed to the Georgian for many years that there should be an assay office somewhere in this part of the country, and we can think of no more appropriate place than Dahlonega.

There was for a number of years a mint at Dahlonega, where gold was mined over a long period of time. There is gold to be mined in paying quantities in Lumpkin County and vicinity to-day; back in the old days a mint was established there largely by way of encouraging mining of gold and it did a thriving business.

Just why this mint was discontinued no one seems to know, unless it be that the South in those days was so poverty stricken in one way and another that diminishing attention was given to mining.

To establish an assay office in Dahlonega now would give a new interest and impetus to mining in general.

Congressman BELL is the dean of the Georgia delegation; he is a man who enjoys the wholehearted and even the affectionate respect and esteem of his colleagues.

We know of no Congressman better equipped to get through the House a measure of such vital importance to the South than he.

We hope this bill may be passed without necessary delay; it may mean a great deal to our section of the country and be developed to the great advantage of the entire Nation.

Mr. LAGUARDIA. It is not so far to send 15 ounces of gold from Georgia to the nearest United States assay office, and an assay office does not develop gold.

Mr. HOWARD of Nebraska. That is true, but an assay office gives these poor miners encouragement to go ahead.

Mr. LAGUARDIA. There is no pressing need for this bill, I am sure.

Mr. HOWARD of Nebraska. Indeed, there is pressing need for it.

The regular order was demanded.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

THE MOTOR-VEHICLE SERVICE

The next business on the Consent Calendar was the bill (H. R. 13449) to provide for the promotion of clerks and general mechanics in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

Mr. RAMSEYER. Will the gentleman withhold his objection?

Mr. COLLINS. Yes.

Mr. RAMSEYER. What is the gentleman's objection to this bill? There is absolutely nothing to it except——

Mr. COLLINS. I have read the bill.

Mr. RAMSEYER. Has the gentleman read the report?

Mr. COLLINS. Yes; I have read both.

Mr. RAMSEYER. What objection has the gentleman to the bill?

Mr. COLLINS. Well, I have an objection to the bill because I do not think it ought to pass. I did not yield to the gentleman for the purpose of permitting him to ply me with questions, so under the circumstances I object.

The next business on the Consent Calendar was the bill (H. R. 13450) to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

VETERANS' PREFERENCE IN CIVIL-SERVICE EXAMINATIONS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 238) providing for the granting of veterans' preference in civil-service examinations.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia government, honorably discharged soldiers, sailors, and marines, of all our wars, and widows of such, and wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified for appointment shall have 5 points added to their earned ratings; and in such examinations 10 points shall be added to the earned ratings of applicants who, because of disability, are entitled either to a pension under the pension laws or to compensation or training under the World War veterans' act, 1924. Whenever a minimum earned rating in an individual examination subject is required for further consideration in the examination, these additional points shall apply to determine whether veteran applicants of the above-named classes are entitled to such consideration, and in case of separate examinations these additional points shall be added to each examination.

SEC. 2. This resolution shall take effect as of May 1, 1927, and shall apply to all civil-service examinations given since that date.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

CONSTRUCTION OF CERTAIN PUBLIC WORKS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to address the House for one-half of one minute.

The SPEAKER. Without objection it is so ordered.

Mr. BRITTEN. Mr. Speaker and gentleman, the next bill to be considered was the last bill introduced in this House by our dear old friend, Tom Butler. It has but one committee amendment in it. It is a bill that was very largely before the last Congress, but failed of passage because of the parliamentary jam. It has been very carefully considered by the committee, and out of respect for our good old friend I hope no one will object to the immediate consideration of this next bill.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCLINTIC. Mr. Speaker and Members of the House, I have objected to the consideration of several bills reported by the naval committee for the reason the same were of vital importance and covered many subjects. This particular bill is an omnibus measure that contains many kinds of items; for instance, there is one section which appropriates $35,000 for the construction of a house for a naval officer in Panama. Several other sections deal with the transfer and purchase of property, and one provides for the letting of a contract without the submitting of bids.

One of the bills to which I have objected to-day would appropriate $14,800,000 to be used in elevating guns on the battleships *Pennsylvania* and *Arizona*. Some time ago a similar bill was considered by the House for the purpose of appropriating money to be used for this purpose, and two days' time was consumed in arguing this question.

Another bill to which I have objected can be called the equalization bill, introduced for the purpose of correcting certain alleged faults contained in a law passed by Congress last year. When this bill was considered by the naval committee, the sponsors of the same stated that it was necessary to pass such a measure in order to equalize the different pay and grades and that the measure was so worded as to be fair to all concerned. Now, the Navy Department comes to the committee with the statement that the information given to the committee last year was erroneous and that a certain class of officers was being discriminated against. If the so-called naval experts who gave the committee the wrong information in the first instance are no better posted than those who advised the committee on this bill, then it is reasonable to deduce that as soon as the pay scale is raised affecting any one class there will be others in the service who will claim that this equalization bill has again thrown the entire subject out of balance, and the naval committee will be called on every year to pass some kind of legislation to keep the see-saw going up and down for the purpose of equalizing salaries. The only fair solution that I see to this matter is for Congress to appoint a joint committee consisting of five Members of the Senate and five Members of the House, to be selected by the President of the Senate and the Speaker of the House, to work out a readjustment plan of all pay and promotion schedules in the Navy, and in addition instruct said committee to give careful consideration to the advisability of providing a separate promotion status for all enlisted men and officers in the aviation branch of the service, thereby keeping pace with what is proposed to be done in the bill affecting those connected with the aviation service in the War Department.

I estimate that the bills sought to be passed under the unanimous-consent rule calls for appropriations amounting to approximately $30,000,000. Under normal conditions it would probably have taken the House a week to give careful consideration to the items in the subjects proposed. Therefore much as I regret to have to object to a measure of this kind, I feel it my duty to call the attention of the House to why I have assumed this attitude.

I want to say to the gentleman from Illinois [Mr. BRITTEN] that I have as much respect as any person in this House for the late distinguished chairman of the Naval Affairs Committee who departed from this life on last Saturday, and as far as the statement that he has made to this House is concerned, calling attention to this being the last bill reported by the chairman, I want to say that he never at any time saw this measure. It was not reported until the 19th of May, and our distinguished chairman had been sick for over 30 days; therefore it would seem that the gentleman's statement in this connection is rather far-fetched and out of line.

I do not believe that it is good form to use this kind of excuse in trying to get a bill considered; therefore in the interest of order and proper procedure I shall have to object.

As a last thought, I want to say to the Members of this House that I have never served under any chairman that has treated me any more courteously than our late distinguished colleague, and I take a lot of pleasure in saying that notwithstanding we differed on some questions of policy he always accorded to me the kind of respect that showed he had no animosity in his heart because we could not view a question alike.

To me it is very significant that the last speech he made in the House was in support of an amendment providing for the purchase of a picture that hangs in the Naval Committee room, known as the White Peace Fleet, and in this connection he used the language:

> The picture I refer to, I know my friend will agree, is the most beautiful thing we have there. Its influence is good, is it not?

Continuing, he said to me:

> I want to assure my good friend that this is the last appeal I am going to make for any picture. I am not buying pictures and I am not going to ask the Government to buy them. My friend and I agree upon many things, and I know the gentleman will agree with me that the influence of that picture is a good one.

I replied, using this language:

> I am not going to object to this. A committee on naval affairs needs more peace pictures. We would be a whole lot better off if we could adhere to policies of that kind rather than have the war scare thrown into us all the time for the purpose of building up a gigantic Navy.

Then the chairman concluded his speech, calling attention to the fact that the artist who painted this picture died about 12 years ago, and the money would have been helpful to him just as it will now be helpful to his daughter.

I think it is very significant that his last speech on the floor of the Congress related to the subject of peace. He apparently knew that the end was in sight, for he made the statement that this was his last appeal of this kind; therefore it should be an inspiration to those who follow him to keep in mind the lovely example that he set during his long, honorable service, and that his last public appeal to the House of Representatives was in the interest of the subject that went hand in hand with "Peace on earth and good will to men."

The SPEAKER. The bill has not yet been reported. The Clerk will report the bill.

The next business on the Consent Calendar was the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLINTIC. Reserving the right to object, Mr. Speaker, I want to say that I have just as much respect for our deceased

chairman as the gentleman from Illinois or anybody else, but our late chairman had nothing to do with this legislation, as I remember.

Mr. BRITTEN. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BRITTEN. Our dear old friend Tom Butler personally had this bill introduced while he was still here on the floor of the House, I will say to the gentleman. It comprises many items that were considered in the last Congress but failed because of the parliamentary jam. The committee amended the bill only in one instance. It has been passed upon by the Director of the Budget and is not in conflict with the President's financial policy. The bill provides for various improvements at Panama, at Guam, at Honolulu, at Cavite, and at Pearl Harbor, and is a very, very important authorization. It does not carry any appropriations but merely authorizes various things.

Mr. SCHAFER. Regular order, Mr. Speaker.

Mr. McCLINTIC. Mr. Speaker, I regret exceedingly that this important measure has been brought up here at the last moment and I object.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. McCLINTIC. I object, Mr. Speaker.

FORT THOMAS, KY.

The next business on the Consent Calendar was the bill (H. R. 13406) to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor.

Mr. LaGUARDIA. Mr. Speaker, I raise the point of order on this bill and all subsequent bills on the calendar.

The SPEAKER. The Chair thinks the gentleman is in error.

Mr. LaGUARDIA. Is to-day counted?

The SPEAKER. To-day is included.

Mr. LaGUARDIA. I thought the rule was three days exclusive of to-day.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the authorities of the city of Fort Thomas, Ky., are hereby authorized to widen, improve, reconstruct, and resurface Fort Thomas Avenue with concrete curbing and paving, including sidewalks, under the supervision and subject to the approval of the Secretary of War, and are authorized to assess and apportion the cost thereof against the United States according to the number of front and abutting feet of ground of the United States Military Reservation in the same proportion and to the same extent that the cost is assessed and apportioned against other owners of private property fronting and abutting on said street, and the sum of $15,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to pay for said improvements abutting approximately 1,500 feet on said street when the same are completed, and same to be paid on approval of the Secretary of War.

With the following committee amendment:

Page 2, line 6, strike out "$15,000" and insert in lieu thereof "$11,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MEMORIAL AT NASHVILLE, TENN.

The next business on the Consent Calendar was the bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 as a part contribution to the establishment of a Presidents' plaza in the city of Nashville, State of Tennessee, and for the erection thereon of a proper memorial, or monuments, or statues, in honor and to the memory of Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States: *Provided, however*, That said sums shall not be payable until there has been raised, by private subscription, and/or by public appropriations by the State of Tennessee, and/or Davidson County, and/or the city of Nashville, sums aggregating an additional $300,000: *And provided further*, That said moneys shall not be paid for the erection of any memorial, monuments, or statues, plans for which shall not have been approved by the Secretary of War of the United States and the Governor of the State of Tennessee; and the said money shall be expended under the supervision of a commission composed of the Secretary of War as a member ex officio and six members to be appointed by the Governor of the State of Tennessee.

With the following committee amendments:

On page 1, in line 5, strike out the word "part," and after the word "contribution," insert "on the part of the United States"; and in line 8 strike out the comma after the word "memorial" and the words "or monuments, or statues"; and on page 2, beginning with line 2, strike out the colon and the remainder of line 2 and all the remainder of the bill and insert in lieu thereof the following:

"SEC. 2. There is hereby established a commission, to be known as the Nashville Presidents' Plaza Commission (hereinafter referred to as the commission), and to be composed of 15 commissioners, as follows: Three persons to be appointed by the President of the United States; three Senators by the President of the Senate; three Members of the House of Representatives by the Speaker of the House; the Governor of the State of Tennessee; the judge of the county court of Davidson County, Tenn.; the mayor of the city of Nashville, Tenn.; and three persons to be appointed by the Governor of the State of Tennessee. The commissioners shall serve without compensation, select a chairman from among their number, and appoint a secretary at such salary as the commission may fix.

"SEC. 3. No part of the contribution on the part of the United States shall be appropriated until there has been raised within the State of Tennessee by private subscription and/or by public appropriation an additional sum of $300,000 as a contribution to the payment of cost of said memorial, and plans and specifications for the location and design of said memorial shall have been approved by the Joint Committee on the Library, with the advice of the National Commission of Fine Arts."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INLAND WATERWAYS CORPORATION

Mr. DENISON. Mr. Speaker, I present a conference report on the bill (H. R. 13512) and ask unanimous consent for its immediate consideration.

Mr. SCHAFER. Reserving the right to object, what is the bill?

Mr. EDWARDS. What is the bill?

Mr. DYER. The Inland Waterways Barge Line bill.

Mr. EDWARDS. I object for the present.

THE MOTOR-VEHICLE SERVICE

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 947, the bill (H. R. 13449) to provide for the promotion of clerks and general mechanics in the motor-vehicle service, which was objected to. The gentleman has kindly agreed to withdraw his objection.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act of February 28, 1925 (43 Stat. 1060, 1061, U. S. C., title 39, sec. 116), is amended by adding the following:

"Clerks and general mechanics in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade, to the next higher grade, until they receive the maximum pay prescribed for clerks and general mechanics in the reclassification act of February 28, 1925. In computing one year's satisfactory service, employees shall receive credit for time served in the grades established by the Postmaster General prior to January 1, 1925, as well as the grades created by the act of February 28, 1925, and the compensation of employees in the motor-vehicle service on January 1, 1925, shall be adjusted accordingly."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROMOTION OF CLERKS, ETC., IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 13450) to provide for the promotion of clerks, general me-

chanics, driver mechanics, and garagemen drivers in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act of February 28, 1925 (43 Stat. 1060, 1061, U. S. C., title 39, sec. 116), is amended by adding the following:

"In making promotions after one year's satisfactory service since the last promotion, clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service, who have been transferred from one post office to another and who have not reached the maximum grade to which they are entitled to progress automatically, shall be given credit for previous service in the same capacity at other post offices, the same as if all service had been performed at one post office. This provision of law shall be effective as of January 1, 1925, and thereafter."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent that the bill (S. 3116) providing for half holidays for certain Government employees, objected to, may remain on the calendar.

The SPEAKER. Is there objection?

There was no objection.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 917, a bill creating the Mount Rushmore National Memorial Commission and defining its purpose and powers.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. LaGUARDIA. Reserving the right to object, I have several amendments I wish to offer.

Mr. CRAMTON. I have some amendments I wish to offer.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that S. 3848, an identical Senate bill, be considered in place of the House bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ROMJUE. I object.

The SPEAKER. Objection is heard.

INLAND WATERWAYS

Mr. DENISON. Mr. Speaker, I renew my request for the immediate consideration of the conference report on the bill H. R. 13512, the inland waterways bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and after the word "*Provided*," in line 25, insert the following related matter: "That for the purpose of this paragraph the facilities of the corporation on the Mississippi River and its tributaries shall be considered one unit, and those on the Warrior River and its tributaries as one unit: *Provided further*"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable."

And the Senate agree to the same.

JAMES S. PARKER,
E. E. DENISON,
SAM RAYBURN,
Managers on the part of the House.

CHAS. L. MCNARY,
FREDERIC M. SACKETT,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13512, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments namely:

On No. 1: The House bill, as it passed the House, provided that under certain conditions stated in the bill the Secretary of War would be authorized to sell or lease the facilities of the Inland Waterways Corporation, or any unit thereof, to private persons, companies, or corporations. The word "unit" was not defined, but it was used in the House bill as meaning the facilities of the corporation operated on the Mississippi River and its tributaries separate from the facilities of the corporation operated on the Warrior River, or vice versa. Senate amendment No. 1 struck out the words "or any unit thereof." The effect of the Senate amendment was to limit the power of the Secretary of War to sell or lease the facilities of the corporation so that he could only sell or lease them as a whole. The agreement reached by the conferees on the part of both Houses is to restore the language of the House bill and insert explanatory words defining the meaning of the word "unit." It was agreed to insert language stating that within the meaning of the act the facilities of the corporation operated on the Mississippi River and its tributaries should be one unit, and the facilities operated on the Warrior River and its tributaries should be another unit. So that the bill as agreed upon provides that under the conditions named therein the Secretary of War is authorized to lease or sell the facilities of the corporation operated on the Mississippi River and its tributaries as one unit, and those operated on the Warrior River as another unit.

On No. 2: Senate amendment No. 2 consisted of a new paragraph which authorized and ordered the Secretary of War to make a survey of the Coastwise Canal from Boston to Beaufort, N. C., to ascertain what traffic and terminals would be available with a view to future authorization for operations of the corporation on the Coastwise Canal. The Senate amendment also provided that the expenses for making such survey should be paid out of the capital stock of the corporation. The conferees on the part of the House receded from its disagreement to that agreement and agreed to the same with an amendment which strikes out the provision for paying the expenses of the survey out of the capital stock of the corporation. The effect of the action of the conferees on that amendment is to leave it as a mere authorization to the Secretary of War to cause a survey of the Coastwise Canal to be made to ascertain the traffic and terminals that would be available thereof.

JAMES S. PARKER,
E. E. DENISON,
SAM RAYBURN,
Managers on the part of the Senate.

The conference report was agreed to.

THE OUACHITA NATIONAL FOREST, ARK.

Mr. REED of Arkansas. Mr. Speaker, I ask unanimous consent to return to Calendar No. 804, H. R. 8130, authorizing the creation of the Ouachita National Forest in the State of Arkansas.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, I have an amendment to the bill; and if the gentleman will accept that, I will not object.

Mr. REED of Arkansas. With reluctance, I will agree to the amendment of the gentleman from New York.

Mr. LAGUARDIA. And it is with some reluctance I shall offer it. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such national forest lands within the Ouachita National Forest, within the counties of Garland and Saline, in the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, of fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame, bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both.

With the following committee amendments:

Page 1, line 5, strike out the word "and"; line 6, after the word "saline," insert "Perry and Yell"; line 8, strike out "of" and insert "or."

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, strike out lines 1 and 2.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS RIO GRANDE, AT YSLETA, TEX.

The next business on the Consent Calendar was the bill (H. R. 13778) authorizing Alex Gonzales, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The following committee amendments were agreed to:

Page 1, line 5, after the word "his," insert "heirs"; and in line 6 strike out the word "are" and insert the word "is."

Page 2, line 20, after the word "his," insert "heirs"; line 22, strike out the word "are" and insert "is."

Page 3, line 5, after the word "his," insert "heirs."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill authorizing Alex Gonzales, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS COLUMBIA RIVER, ARLINGTON, OREG.

The next business on the Consent Calendar was the bill (H. R. 13824) authorizing L. L. Montague, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The following committee amendments were agreed to:

Page 2, line 12, after the word "or," insert the word "other."

Page 3, line 20, strike out the word "interest" and insert "interests."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, AT UNION, NEBR.

The next business on the Consent Calendar was the bill (H. R. 13826) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is Mr. Elliott connected with the Interstate Bridge Co.?

Mr. MOREHEAD. No; he is not. This is a State concern.

Mr. DYER. To whom does the gentleman refer?

Mr. SCHAFER. I refer to the Mr. Elliott, the bridge speculator, whose activities with regard to bridges has been brought to the attention of this House by the gentleman from Missouri [Mr. COCHRAN] on a number of occasions.

Mr. MOREHEAD. He is not connected with this company.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The following committee amendments were agreed to:

Page 3, strike out the word "or" and insert the word "by."

Page 5, line 16, after the word "thereof," add the following:

"The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Interstate Bridge Co., its successors and assigns, and any corporation to which, or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLASSIFICATION OF CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

YANKTON SIOUX TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

FORT APACHE INDIAN RESERVATION, ARIZ.

The next business on the Consent Calendar was the bill (S. 4346) to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of $6,200, or as much thereof as might be required, from the tribal fund "Indian moneys proceeds of labor" on deposit in the Treasury of the United States to the credit of the Indians of the Fort Apache Reservation, Ariz., for the purchase of the land and appurtenances thereof located within the exterior boundaries of that reservation and belonging to the Aztec Land & Cattle Co., title thereto to be taken in the name of the United States in trust for said Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. LAGUARDIA. Mr. Speaker, I make the point of order against the consideration of all subsequent bills on the Consent Calendar.

The SPEAKER. The Chair sustains the point of order.

EVENING SESSION

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at a session to be held this evening, to begin at 8 o'clock, it may be in order to consider bills on the Private Calendar, beginning with the star.

Mr. GARNER of Texas. Unobjected to?

Mr. TILSON. Bills unobjected to.

Mr. GARNER of Texas. And nothing else except private matters?

Mr. TILSON. I would rather not limit my request. Something may come up that should be considered, so I hope that the gentleman will not exact such a promise.

Mr. GARNER of Texas. None of the bills that have been passed to-day will be brought up again this evening?

Mr. TILSON. No; none that are on the Consent Calendar.

Mr. COOPER of Wisconsin. Does the gentleman from Connecticut say bills on the Private Calendar only?

Mr. TILSON. No; I omitted the word "only" purposely, but it is not the intention, I will say to the gentleman, to bring up any general bills, except those on the Private Calendar.

Mr. COOPER of Wisconsin. But anything could be brought up by unanimous consent.

Mr. TILSON. I think the gentleman can trust the House not to abuse the confidence of the Members.

Mr. UNDERHILL. After completing bills on the Private Calendar succeeding the star, will it be then in order to return to those bills which have been passed over previously?

Mr. TILSON. My present request includes only those below where we stopped the other evening. If we have time this evening I should like to go back and call again those bills that have been called previously.

Mr. GARNER of Texas. But we will go through the calendar first?

Mr. TILSON. Yes; and then go through the others if we have time.

Mr. CRAMTON. Would it be in expectation that it would be in order to-night to send to conference, perhaps, bills on the Private Calendar?

Mr. TILSON. I think so.

Mr. CRAMTON. Then you would require my presence here.

Mr. TILSON. I think at this stage of the session, or so late, we hope, in the session, we should reserve this right.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. Is it proposed to take up the consideration of the Private Calendar to-night?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. Will the gentleman in making his motion put the Private Calendar on the same basis as the Consent Calendar, providing that bills that have been objected to heretofore shall not be passed over unless there are three objections to-night?

Mr. TILSON. I think we should first consider bills that have not been objected to on the calendar. If there is any time left, then we shall be in the House and can make a different arrangement. The arrangement that the gentleman suggests is fair, and I should be glad to do it that way.

Mr. GARNER of Texas. The gentleman wants unanimous consent to meet to-night at 8 o'clock and asks that bills on the Private Calendar, beginning at the star, shall be taken up and the calendar gone through?

Mr. TILSON. Yes.

Mr. GARNER of Texas. After that time no bills will be called on the Consent Calendar that have been objected to to-day?

Mr. TILSON. That is right.

Mr. GARNER of Texas. Then do you expect to take up bills that require three objections?

Mr. TILSON. We might then enter into a new arrangement by which the bills on the Private Calendar heretofore objected to may have another chance, requiring three objections, as is the rule on the Consent Calendar.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, there are some rules pending before the House, and one of them refers to the clerk's retirement bill. Is there any possibility, if we have the time to-night, to take up the rule with reference to that measure?

Mr. TILSON. I do not think we should take that up at an evening session.

Mr. O'CONNOR of New York. Is it possible to take it up in a day session?

Mr. TILSON. We can not know what a day may bring forth.

Mr. O'CONNOR of New York. I understood the gentleman to say that in addition to the Private Calendar there was a possibility of taking up other matters.

Mr. TILSON. Not other bills by unanimous consent.

Mr. GARNER of Texas. In other words, nothing will be called except the Private Calendar?

Mr. TILSON. And possibly privileged matters.

Mr. LEATHERWOOD. Would it be possible to take up to-night any bills on the Consent Calendar which have been passed over without prejudice to-day?

Mr. TILSON. No. It is not contemplated that we again go over the Consent Calendar that has been called once to-day. It could be done, however, by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

CERTAIN CONTRACTS BY THE WAR DEPARTMENT TO BE IN WRITING

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent to take from the Speaker's table the bill H. R. 12352, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 12352, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. May I ask the gentleman from Pennsylvania whether he has consulted the members of his committee on this side of the House in regard to the matter?

Mr. MORIN. Yes. There has been no objection.

Mr. GARNER of Texas. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. JAMES, Mr. FROTHINGHAM, and Mr. WRIGHT.

ADDRESS BY MRS. EDITH NOURSE ROGERS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a radio address delivered by the lady from Massachusetts [Mrs. ROGERS].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Mrs. EDITH NOURSE ROGERS, April 17, 1928:

DEVELOPMENT OF OUR FOREIGN AND DOMESTIC TRADE

I doubt if any President in the history of this country ever has had the faith of the people of this country as has President Coolidge.

Democrats and Republicans believe in his integrity—in his ability. He can differ with the Democrats and differ with those of his own party; veto their bills. In spite of that, perhaps because of it, he still holds their respect and he has their confidence.

He is sane and safe, honest and able, and all America appreciates him. But he has said, "I do not choose," and we must turn elsewhere for a presidential candidate.

It is not my purpose this evening to indorse any Republican candidate for the White House or for any other office, but to preach the Republican doctrine far and wide, to keep the Republican Party in power in order to protect this country. The Republican Party stands for protection of every kind and intelligent assistance.

I am going to speak of only one achievement of the Coolidge administration for the welfare of our country, and that is the great development of our foreign and domestic trade.

In 1913, under the Wilson administration, retrenchment in business activities began under the revision of the tariff downward. In 1914 during the Democratic administration labor was walking the streets. The World War came with all its horrors, but as a result our industries were kept busy making supplies of all kinds for foreign countries. Then came our own entry into the war in 1917, with a further expansion of our trade. After the war came hard times again, which lasted until the Democratic Party was defeated and the Republican Party placed business back on its feet by the enactment of a Republican tariff law that enabled the United States by the tariff wall to stem the flood of foreign materials made by cheap foreign labor which without a tariff could be sold so cheap we could not possibly compete with our own products made by a higher paid labor.

Probably few of you realize what a tremendous work has been done by the Department of Commerce under Mr. Herbert Hoover. Mr. Hoover has done everything well that he has ever undertaken, and the Department of Commerce has grown by leaps and bounds since he has been at the helm. You may remember in 1921 the people of the country thought he would make an excellent Cabinet chief of any or all departments. That year, when we had the Republican President again in office, the Bureau of Foreign and Domestic Commerce rendered 1,000 services daily. To-day the bureau performs 10,000 services daily.

I have very good reason to know what an extremely helpful work the Department of Commerce is doing, as I have constantly asked the assistance from that department for my own constituents.

The Democrats talk about free trade, which means lack of tariff, lack of protection to our American industries. The tariff wall which the Republicans have erected prevents our country being flooded with materials made by cheap foreign labor, which without the tariff could be sold in this country so cheap that we could not possibly compete with our own goods made in our own country by American labor much better paid.

Remember if hard times should ever come during a Republican administration times would have been even harder during a Democratic administration.

We might as well face the facts that in some industries we are having difficulties in certain parts of the country. For instance, in the textile industry. We are not selling as much as we should to prosper. In Massachusetts we are not competing on even terms in wages or in hours of labor, and many of our cotton mills will have to move South. Women are always blamed for everything. We are blamed because we wear fewer cotton dresses and because there is less cotton in the dresses we do wear. Also because many women prefer to buy textiles manufactured in other countries rather than those made in the United States of America. They do not even take the trouble to find out what is made in the United States of America.

Owing to our overexpansion during the war, with too many products for the demand, we are left now that the need for that surplus amount has vanished. We must have something to take up the slack between supply and demand in this country. In order to do that, we must develop our foreign markets and must buy in our own markets more American products whenever we can. As women are the buyers in this country, they can do more than anyone else in assisting the sale of "Made in the U. S. A." goods.

"Buy in the United States" is not just a Republican slogan—it is a loyal all-United-States-of-America slogan.

To serve business—to work in intimate cooperation with the commercial interests of the country and under their counsel and advice, rather than to "police" or dictate—thus has been summarized the so-called Hoover formula for the Department of Commerce in promoting American trade both at home and abroad.

In 1921, under the newly elected Republican administration, the Secretary of Commerce inaugurated a new system in accordance with which the relations of the department to business were based on an understanding with the business community. He changed the department's attitude toward business to one of complete cooperation.

Carrying out this idea, with particular reference to the promotion of foreign trade, a series of commodity and technical divisions were established in the Bureau of Foreign and Domestic Commerce. The chiefs of these divisions were chosen in consultation with each particular trade, and their efforts to assist business have been guided by voluntary committees of practical and successful business men who, as the result of years of experience, know what business needed most from the Government in the way of service.

Turning now to the subject of foreign trade, it may fairly be said at the outset that the average business man—because of the tremendous expense involved—is apt to be very inadequately informed on this subject unless he avails himself of the facilities of his Government's representatives abroad. Fortunately, he has at his very elbow, as it were, a well-geared machine for supplying him with adequate, reliable, and up-to-date information on world economic conditions. You can readily understand of what great value this is to the small manufacturers who can not possibly afford to send their own representatives abroad.

The Bureau of Foreign and Domestic Commerce has been one of the pioneer agencies in developing American trade with foreign countries. For 21 years this foreign commerce service of the Department of Commerce has been searching for markets abroad for the products of American manufacturers and farmers. This bureau is a service agency functioning with the assistance and close cooperation of the industrial community, while specialists recommended by industry are called by the Government to help make its service effective.

Trade scouts, known as commercial attachés and trade commissioners, are stationed in the principal cities of the world. They report to the bureau at Washington on general economic and commercial conditions in the countries where they are stationed. They arrange for American business representatives in all foreign countries. They make special investigations concerning actual and possible markets for American products. They supply lists of foreign importers of particular commodities. They watch foreign tariffs and taxation legislation. In general they keep the bureau at Washington in close and prompt touch with current economic and financial developments abroad and furnish up-to-date statistics of production, exports, and imports.

I will tell you a few of the sales that have been made as a result of these trade scouts.

The services of the bureau and its field agents to American business are so varied that it would be difficult to list even the representative ones. However, here are a few picked out at random.

Thanks to the Berlin office the American maker of lubricating systems was able to secure an agent in Germany, and in three months orders totaling $300,000 were sent in. After unsuccessfully visiting the Dutch East Indies for a period of two years, the traveling representatives of a Detroit automobile manufacturer was enabled, through the efforts of the American trade commissioner, to obtain a local dealer who is now buying cars to the value of $10,000 a month. A San Francisco exporting firm, through a connection established by the Buenos Aires office, was able to do $100,000 worth of business with Argentina in less than six months. The office at Cairo, Egypt, only two months after its establishment, succeeded in preventing discriminatory local practices from destroying the trade of a Detroit motor-car company which had an investment in Egypt of more than $6,000,000.

With the Copenhagen office as intermediary, American rubber concerns secured a good agent, and orders exceeding $10,000 in 10 months were obtained. An American automobile company secured $147,000 worth of business in one year through the efforts of the Halsingfors, Finland, office. The bureau's London office obtained British agencies which brought in $20,000 worth of business to an Ohio manufacturer of car-washing plants, $40,000 to a New York textile importing house, $40,000 to a Connecticut yarn manufacture, $50,000 to a California manufacturer of well-drilling machinery, $50,000 to a Massachusetts specialty manufacturer, and $170,000 to a Detroit automobile concern.

An American oil company, through the efforts of the Madrid office, was relieved of the necessity of depositing an excessive cash guaranty of $1,500,000, while during the same period this office also secured for an American firm an order for electric cars amounting to more than a million dollars.

Our Mexico City office helped an Iowa packing firm to secure orders for $275,000 worth of lard in nine months and also an order for $75,000 worth of canning machinery from a Mexican firm. The bureau's representative in Ottawa secured an exemption from Canadian marking requirements which saved an American fire-brick concern $750,000 in one year. This same office was instrumental in connecting Canadian buying agencies for miscellaneous merchandise with American manufacturers, resulting in orders for more than $175,000. Through prompt action on the part of our commercial attaché in obtaining postponement of a proposed import contingent the total paralysis of the American motion picture in Czechosolvakia, representing an annual return of $600,000 to the producers, was averted.

An American airplane export corporation, with the assistance of the Santiago (Chile) office, carried on negotiations with a native company resulting in a $200,000 order. Through the efforts of this office American automobile manufacturers secured business totaling $128,000.

A Texas firm was successful in obtaining a raw-cotton agency worth at least $100,000 a year as a result of the exertions of the Stockholm office. And we might extend the list indefinitely.

For its part the bureau in Washington also keeps in constant direct touch with American manufacturers and exporters, and guides the foreign offices of the department into these fields of investigation which will be most valuable to American business. The information received from the field is distributed through a number of publications and news releases. The Bureau, moreover, answers every day many hundreds of inquiries from business men on specific subjects.

There are now 51 watchtowers of the Bureau of Foreign and Domestic Commerce in the largest commercial centers of the world, where the bureau's agents perform the threefold duty of (1) reporting on economic conditions to Washington, (2) advising business on contemplating trade with their particular country, and (3) acting as commercial advisors to the American ambassadors or ministers. In 1921 the bureau maintained only 22 offices in foreign countries; the development has thus been a notable one.

As I have already pointed out, in order that the greatest practical value may be given in its trade investigations, the bureau at Washington is organized primarily on the basis of commodities in trade. After consulting with foreign trade groups and industries there have been established divisions dealing with agricultural implements, automotive products, chemicals, electrical equipment, foodstuffs, hides and leather, iron and steel, industrial machinery, lumber, minerals, paper, boots and shoes, rubber, textiles, and transportation equipment.

These so-called commodity divisions are in charge of specialists or experts who are in constant and direct touch with their respective industries and who guide and stimulate the field offices in their investigations designed to help old markets and to develop new ones.

Besides the "commodity divisions" there are also seven "technical divisions." One—known as the division of commercial laws—collects information concerning the commercial laws and judicial procedure of foreign nations and receives and distributes this information concerning domestic, foreign, and international arbitration. Frequently, it assists in the settlement of claims and trade disputes. It performs also highly important services in the protection of American trade-marks and patents abroad.

In order that the closest possible contact may be maintained with manufacturers and shippers, particularly that the latter may receive the commercial information which the bureau gets from its offices

abroad, the work of the headquarters at Washington is supplemented by district offices, in 23 American cities.

In 1921 there were only eight offices of this kind. Manufacturers and shippers receive aid and advice as well as classified information through these offices, which in no case are very far from the businessman's home town. These district offices also serve as centers for the distribution of the bureau publications. Besides the bureau's own district offices there are also at different points throughout the country 42 "cooperative" offices maintained by the local chambers of commerce without expense to the Government; 24 of those offices have been opened.

It is interesting to see the trade scouts before they leave for their foreign posts. They take with them trunks with samples of goods in this country. They are proving enormously helpful to business, to big business, and to the smaller business concerns who could not afford to send men to foreign countries to secure information and advertise their "made in the U. S. A." goods.

EXPORT TRADE

The export trade of the United States in 1927 reached a volume over $1,000,000,000 greater than in 1922 and the quantitative volume of the trade increased during this five-year period by more than 40 per cent. This tremendous growth reflects the ever-increasing efficiency of American industry and the energy and intelligence of our salesmanship in foreign markets. The increased interest of American business men in export trade is indicated by the 2,500,000 commercial services requested from the Department of Commerce during the past year—three times as much as in 1922.

The export trade of the United States showed a substantial growth in volume in 1927 and was larger than in any other recent year, while the volume of imports continued at about the same high level as in 1926.

Agricultural products are much larger in absolute quantity at present than before the war. During the calendar year 1926 the value of agricultural exports was more than 75 per cent greater than the 1910–1914 average. Allowing for the higher price level, the increase was in the neighborhood of 20 per cent.

The value of our exports to Europe in 1926–27 was 77 per cent greater than the pre-war average (1910–1914). Taking account of the change in prices, this represents an increase of perhaps 35 or 40 per cent.

It would have been very easy to talk for a long time about the failures of the Democratic Party, but, instead of attacking it, I have chosen to point out some of the extremely constructive work that has been done by the Republican Party under our great President, Calvin Coolidge.

This statement of facts may have seemed dull, but the benefits derived as a result of these accomplished facts have proved anything but dull to the country that has benefited financially by them.

The SPEAKER. The Chair wishes to state that he always puts the request himself if it involves anything beyond a Member's own remarks. The Chair will be equally careful to announce hereafter if they are anything but the gentleman's own remarks.

PROHIBITION

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 11410.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, the adoption of the eighteenth amendment to the Constitution of the United States was proclaimed by the Secretary of State January 29, 1919. It was to become effective one year from that date.

The purpose of this amendment was to prohibit the manufacture and sale of intoxicating liquors for beverages. It provided that the Congress should have authority to enact legislation for its enforcement. The Volstead law by the Congress followed. We have now had seven or eight years of such constitutional prohibition as could be brought about through the use of the Volstead Act.

The question is whether it is sufficient to secure the purposes of the eighteenth amendment. If it is sufficient for such purposes, then we do not need any changes in the law, nor do we need any additional laws for the enforcement of the eighteenth amendment.

When our original Constitution was adopted, it was impossible for the framers and creators of it to foresee just how satisfactorily it would function. The following years of living under the Constitution demonstrated that, while it was very successful as far as it went, yet it did not go far enough; that it needed changing in different places; that new provisions for more satisfactory government should be made from time to time. Inability to foresee these things with reference to the sufficiency in workability of the Constitution impresses us of the fallibility of our wisest men. Probably, however, it should not have been made stronger because of conditions which existed at that time; but those conditions are very much changed in different ways.

Just as our forefathers were unable to foresee what the Constitution should contain to satisfactorily accomplish its purposes, so the Congress which enacted the Volstead law was unable to foresee just how well and sufficiently it would function in securing the enforcement of the eighteenth amendment. Experience under the Volstead Act shows that it needs some material amendments to properly enforce it and the eighteenth amendment. By the sincere advocates of national prohibition it is thought the Volstead Act should be amended in several particulars; that certain portions of its provisions should be altered. It is also thought that some new law is greatly needed to secure a better enforcement of the eighteenth amendment. No word of criticism we think should be offered of the eighteenth amendment any more than should have been offered against our Constitution before any of the amendments to it were made. The Volstead Act is a good and great law, and much credit is due to the Congress which enacted it; and the fact that now, after it has been tried, amendments are proposed, should not be construed in any sense as a criticism of the act or of those who were instrumental in its passage.

A careful examination of the act, both as to its meaning and its operation, leads many to believe that the following parts of the law should be changed or repealed:

Section 39, page 858, of the Revised Code of Laws, 1925–26, provides that no search warrant shall issue to search any private dwelling occupied as such, unless it is being used for the unlawful sale of intoxicating liquor therein or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house.

So far as this section is concerned, it would seem that an apparatus for the manufacture of home brew could be maintained in the dwelling, and it be protected against the issuance of a search warrant to search the dwelling.

Then section 50, page 859, of the Revised Code of Laws, 1925–26, provides that it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by the owner as his dwelling only; and such liquors need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him. So that it would seem that not only a distillery within a dwelling may be protected against search and seizure, but liquors kept therein for home consumption and for one's bona fide guests.

In sections 39 and 50 of the act, the home distillery can not be molested nor can its products be declared to be unlawful on stated conditions, and homes may not be searched for possession of stills and liquor.

It is believed that these parts of the Volstead Act should be repealed by appropriate amendments, and any buildings, whether dwellings or not, should be subject to search for violations of the Volstead law when proof is set forth under oath showing violation of the prohibition act within the buildings or dwellings. This is the law now in a number of States. Because of the provisions of sections 39 and 50 of the Volstead Act, distilleries and breweries on a small scale are maintained in thousands of dwellings throughout the United States, and their products are likewise maintained in such dwellings and other buildings. The law contained in these two sections enables wildcatters and bootleggers and other venders of intoxicating beverages to engage in the business of violating the law with impunity and the Government is prohibited from molesting them in their flagrant violation of the prohibition act. There are a great many sincere prohibitionists who have despaired of the better enforcement of the eighteenth amendment without any knowledge of the real reasons for unsatisfactory enforcement. Every prohibitionist in the land should be apprised of these particular mountainous impediments to enforcement. Much criticism has been made of the prohibition director, agents, and executive officers for no better enforcement. The eighteenth amendment can not be well enforced with the prohibition act as it now stands. It must be amended to secure better enforcement.

The law should be amended in such way as to make it lawful under proper conditions to search any place, whether dwelling or not, for evidences of violations of the act, and the finding of distilleries or apparatus for manufacturing intoxicating beverages or the finding of intoxicating liquors within any building or other places should be made prima facie evidence of violations of the act, and the burden of showing lawful possession of distilleries or apparatus for manufacturing liquors or the possession of liquors should be placed upon those in whose

possession such materials are found. Such is the law now in Kansas and other prohibition States.

Much prejudice against the national prohibition act is being created throughout the country by certain persons called "dry agents" or other enforcement officers by the methods adopted and used in procuring evidence of violations or apprehension of persons thought to be violators of the act. These criticisms are in many instances just and meritorious. The methods used by the Government are extremely objectionable. They are not the best. H. R. 11410 not only provides proper conditions for searching all buildings and places for evidences of violation of the act but it provides a thoroughly efficient, successful, and economical method of procuring evidence of violations. The method consists in authority being given certain prohibition enforcement officers to issue subpœnas for such persons as are thought to know of violations of the law, commanding them to appear before certain officers or courts and give such testimony as they may possess concerning violations of the prohibition act, and a refusal to appear, to be sworn, to give testimony, and to subscribe their testimony, in accordance with the commands of the subpœna, shall be an offense equal in gravity to a violation of the prohibition act; and also making it perjury for such witness to testify falsely in response to said subpœna. This method of procuring evidence has been tried successfully for a number of years. By its use the Government could procure evidence that would bring about a lawful enforcement of the law when other suitable amendments are made.

It has also been learned from experience that a small fine for a violation of the prohibitory law is little or no deterrent; in fact, fines rather than jail sentences are insufficient to arrest the business of violating the prohibitory law. It is therefore believed that a fine of not less than $100 and not more than $1,000 and a jail sentence of not less than 30 days nor more than 6 months should be imposed for each first prosecution and conviction, together with the costs. It is further believed that for a second or third prosecution and conviction of violations of this law there should be imposed a sentence of not less than $500 nor more than $10,000 and not less than six months in jail nor more than three years in the Federal prison.

The law should provide that where intoxicating liquors are found to be illegally in one's possession, which the individual claims to have purchased, it is believed that such person should be discharged from prosecution upon his furnishing proper evidence, including the description, apprehension, and testifying against the person from whom the illegally possessed liquors were acquired.

It is sincerely believed that to secure the necessary enforcement of the prohibitory law, the Government does not have a sufficient quantity of judicial and executive machinery. There is now approximately only one trial court and retinue of officers for each 1,000,000 population. Considering the number of prosecutions which would result from a vigorous effective campaign for the enforcement of the prohibition act, it is very evident that the court dockets would be congested until the business could not be dispatched satisfactorily. It is therefore proposed, recommended, and urged that petty courts be created, one for each county in each of the States in the Union, and one for each 25,000 population or major portion thereof in each county in each of the States in the Union and the necessary number of additional executive officers.

While H. R. 11410 contains a number of important amendments to the Volstead Act intended to strengthen it in different ways, we desire at this time to call special attention to the more vital and important ones. The most important amendment of all is to provide conditions for searching buildings or places for evidence of violations of the act and make possession of apparatus or material for manufacturing and the possession of intoxicating beverages prima facie evidence of violations of the act. This would make bootleggers and wildcatters accessible to the officers of the law. Amendments of this character are conceded to be necessary by all enforcement officers before even reasonably satisfactory enforcement can be had.

The next amendment in importance is that providing a lawful, reasonable, economical, and successful method of procuring evidence and apprehending offenders. This can be done in the way provided by H. R. 11410. Experience has taught that a small fine amounts to little or no deterrent against repeated violations of the act. A penalty must be imposed which will create fear; therefore, it is proposed in H. R. 11410 to amend the prohibition act by providing a minimum fine of $100 and a maximum fine of $1,000, and a minimum jail sentence of 30 days and a maximum jail sentence of 90 days for each offense, so that the court would be required to impose both a fine and a jail sentence upon each offender. Then H. R. 11410 provides as punishment for persistent violators, those who commit two or more offenses, a sentence to the Federal prison for a number of years. These proposed amendments are all based upon experience in the enforcement of the law. They are all intended for improvement of the law, and we think they are all reasonable. If all these suggested amendments were made to the Federal prohibition act, it would not be so stringent as the Kansas law.

TO AUTHORIZE INDIAN ESTATES

Mr. SPROUL of Kansas. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, H. R. 7204 and S. 4222 are the same bill, entitled "A bill to authorize Indian trust estates."

These bills are intended to authorize the Secretary of the Interior and the Commissioner of Indian Affairs, who have charge, as agents of the Congress, of the estates of restricted dependent Indians, to approve trust estate contracts with banks and trust companies, by the terms of which the Indian's property is to be taken over and invested by the trust companies for a long period of years, even until many years after the Indian's death. In the meantime, the bill seems to limit all power to look after these matters exclusively to the Secretary of the Interior. The bill says he shall be the sole judge of the sufficiency and legality of everything he does concerning Indian estates. He is supposed now to have such general authority at this time anyway.

The bill seeks authority to allow trust companies to make trust agreements with the incompetent, restricted Indians, after which the Secretary shall have power to approve the contracts and to deliver over the funds of the Indians to the trust company in pursuance of the trust agreement. The law says that the property shall remain in the trust company according to the terms of the agreement. In other words, the Secretary of the Interior can not repossess the funds of the Indian unless some court should set aside or nullify the contract, and it seems that under the bill this can not be done unless the Secretary of the Interior wants it done.

No matter how corrupt an agreement may be made between the Indian and the trust company and no matter what becomes of the funds nobody but the Secretary of the Interior may have a look in to see whether the property of the Indian has been stolen or not.

The last paragraph of section 3 of the bill, as drawn by the department, reads as follows:

> The Secretary of the Interior shall at all times have sole authority to require an accounting of the trustee as to the administration thereof.

If some corrupt official should fail to protect the interests and welfare of the Indians, no one could ever find it out lawfully under this bill except through the Secretary of the Interior, and it should be remembered, although these funds amount to many millions of dollars, neither the Secretary of the Interior nor the Commissioner of Indian Affairs, who have charge of the money, are required to give any bond for the safe-keeping of the funds of the Indians, or to make any report to any authority.

This bill, instead of making the books and records of the Indian affairs an open one, available to any department of the Government for inspection, proposes to close the doors against every intruder.

Section 4 provides that during the restriction period for the Indian, when he is a dependent ward of the Government, the Secretary of the Interior can make such period extend to the entire life of the Indian if he wishes to do so, the trust agreement shall not be revoked except with the consent and approval of the Secretary of the Interior.

Under this law no matter how competent and well qualified the Indian may become to properly look after his business affairs, the restrictions over the liberties and power to control his property may not be removed.

But the worst section of all in the bill is section 5, which says, in substance, if a trust agreement has been made between the Indian and the trust company and approved by the Secretary of the Interior, thereafter if the Secretary shall find that he has made a contract in violation of law that he shall submit the facts to the Attorney General, who shall prosecute proceedings to annul the trust agreement, and upon final judgment in favor of the Government, the trustee shall pay back to the Secretary all the funds held by him for the Indian.

It should be noted that the Secretary himself is to find that the contracts which he has approved are unlawful before it shall be his duty to submit them to the Attorney General. Under this section, if the Secretary does not want to find that the contracts were illegal, of course, no action will be brought to nullify the trust agreement and, although it be an unlawful agreement, the trust company can continue to hold the Indian's money.

Under the present statutory law, the Secretary of the Interior is charged with the duty of looking after the welfare of the Indians and their property, just as a guardian is required by law in all the States to protect a dependent, incompetent person, and to care for and protect his property. Everyone is familiar with the duties and requirements of a guardian.

Under the law of Indian affairs, Congress, or rather the Government, is the guardian for the dependent, restricted Indians and their property, and the Secretary and commissioner are its agents.

An act of Congress makes the Secretary of the Interior and the Commissioner of Indian Affairs an agency bureau to carry out the guardianship duties of the Government in protecting and caring for the Indians and protecting and caring for their property, so in this regard the Secretary of the Interior and the Commissioner of Indian Affairs are guardians of the dependent Indians.

Under the present general law the Secretary of the Interior has authority to approve fair and lawful contracts between the Indians and other persons for the investment of the Indians' funds profitably and wisely, of course, to the Indian. There is no necessity for any special authority such as is sought in H. R. 4222 and S. 7204.

It is interesting to note that these bills are sponsored by the Bureau of Indian Affairs and the trust companies.

The Secretary seems to want to prevent the Attorney General or the Senate from looking over the trust agreements or checking up on the estates of the different Indians.

A few years ago the Secretary of the Interior and the Commissioner of Indian Affairs approved the giving away of more than a million dollars of the estate of one of these rich Indians by name Jackson Barnett. Since that time action has been brought to recover back the given-away estate, and the Federal court has held that the gift was unlawful. The Government is now bringing suit in various courts in the United States to recover the entire amount for the Indian. Under the general authority now held by the Secretary and the Commissioner of Indian Affairs they thought they had the right to approve the giving away of the property of the uneducated, inexperienced Indians, even though they were barely 21 years of age or 65 or 70 years of age. Restrictions on Indians do not have to be removed for the Secretary to approve their trust agreements.

Under this general authority which they now have, trust agreements between uneducated, inexperienced, restricted wards of the Government and the management of trust companies have been approved, one of which in particular is a most remarkable instrument—remarkable in this, that there is hardly a fair or equitable provision in the agreement in so far as the Indian is concerned. In this case the Indian is a restricted, uneducated, inexperienced Creek Indian woman, whose signature is by thumb mark.

The trust agreement provides that $30,000, most of which was in Government bonds, 4½ per cent interest, nontaxable, were turned over to the trust company. The estate to be kept for a period of 20 years after the death of the Indian beneficiary. This agreement provides that the trust company shall invest the money, but that it shall have the power to determine whether the principal is income or the income is principal, and that such determination is irrevocable and final. It also provides that the trust companies' annual fee shall be 5 per cent of the income. Bear in mind that the contract says that the trust company may call principal income—also 2 per cent of the principal for distribution fee. Thus, under this agreement under a construction to be given irrevocably by the trust company, it can charge $21,000 per year for administering this Indian's estate.

Another paragraph in the document provides at the end of the trust period the company may pay the principal of the trust to the beneficiary, part in property, and part in money, and shall have the power to fix the value of the property, which power shall be irrevocable. Under this provision of the contract worthless securities may be paid at the end of the trust period to the beneficiaries with no recourse.

Reference is made to this trust agreement as an illustration of the character of trust agreement the Secretary of the Interior has been approving between the Government wards and powerful trust companies.

To illustrate how the Indians' funds may be treated by the Secretary of the Interior if these bills should become a law. The Government of the United States can not escape its responsibility and its liability to the Indians to care for in good faith the dependent Indian wards' property. Even while this legislation might protect the agents against criminal or civil lawsuits, the Government could not escape its responsibility to the Indian and an action would lie on behalf of the Indians against the Government, subject, of course, to authority to bring suit. If suit were brought, sure recovery could be had in any court, because the Government can not hide behind the corrupt acts of its agents.

Special attention is being called to the character of these bills so that the Members of the House may investigate the kind of contracts the Secretary and the commissioner have been approving between the Indians and the trust companies and other parties.

One big estate is now involved in litigation by the Government to recover back the Indian's estate. One court has finally determined the merits of the case in favor of the Government for the return of the property to the Indian. And surely if a suit were brought to invalidate the Mollie Davis trust agreement, it would be set aside without any hesitation whatever.

It would seem to me that this legislation, coming as it does from the Secretary of the Interior and the Commissioner of Indian Affairs for special authority and warrant to exercise discretionary powers and judgment in approving contracts for the investment of Indians' funds, in view of the character of investments which have been made, is an insult to the intelligence of the Congress.

I invite every Member of Congress to look especially into the reasons for this legislation. It is claimed that they want to get more money for the Indians. Yet it is an easy, simple matter to keep the Indians' money invested in interest-bearing, nontaxable Government bonds where the Indians' money will be safe and yet yield them plenty of revenue on which to live. These investments can be and should be made at the expense of the Indians. One fairly good man can look after the entire matter of keeping invested the funds of the Indians, and it would be no trouble to anybody, and their funds would always be safe.

If the funds were invested in trust companies scattered around over the country, it would require a high-salaried, capable man to inspect frequently the funds for each Indian, to determine the character of investment into which his property had been put, and to see that no bad or spurious paper was charged up to the Indian, in order to protect their estates.

We hope every Member will especially look into the real purpose behind these bills before any action whatever is taken on them.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 10487. An act to amend the World War adjusted compensation act, as amended;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes;

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066; U. S. C., title 39), regulating postal rate, and for other purposes;

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes; and

H. R. 14057. An act for the relief of Edmund F. Hubbard.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 19. An act for the relief of Frank Topping and others;

S. 374. An act for the relief of Lulu Chaplin;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 764. An act for the relief of J. F. Nichols;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1434. An act for the relief of Mattie Holcomb;

S. 1448. An act for the relief of Omer D. Lewis;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1637. An act for the relief of Martha Henson;

S. 1691. An act for the relief of William A. Light;

S. 1852. An act to correct the naval record of John Lewis Burns;

S. 2473. An act for the relief of Will J. Allen;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;

S. 2697. An act for the relief of Hattie M. McMahon;

S. 2764. An act for the relief of Nelle McConnell;

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;

S. 2966. An act for the relief of Oliver C. Sell;

S. 3201. An act for the relief of Paul D. Carlisle;

S. 3602. An act to quiet tile and possession with respect to certain lands in Faulkner County, Ark.;

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes;

S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church in the District of Columbia;

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnnesota;

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic aeroplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 82. Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, announced that they presented to the President of the United States, for his approval, bills and joint resolutions of the following titles:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services";

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 13383. An act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 13446. An act to amend the national defense act;

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizen of foreign birth, or parentage, from liability to military service in such nations; and

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405).

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes;

H. R. 10487. An act to amend the World War adjusted compensation act, as amended;

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066; U. S. C., title 39) regulating postal rates, and for other purposes;

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes;

H. R. 6263. An act to provide for the reinstatement of Larry Cardwell in the United States Naval Academy;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage, and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes; and

H. R. 14057. An act for the relief of Edmund F. Hubbard.

THE LATE REPRESENTATIVE THOMAS S. BUTLER

Mr. GRIEST. Mr. Speaker, a duty, unutterably sad, and carrying with it overwhelming personal grief for all of us, devolves upon me of announcing to the House the death of the Hon. THOMAS S. BUTLER, a Member from Pennsylvania, longest in continuous service in the House, and chairman of the Committee on Naval Affairs.

His district, his State, and the Nation have been well served by him through a congressional career that started on March 4, 1897, and ended the day before yesterday, May 26, 1928, covering a period of more than 31 years. And at the recent nominating conventions in Pennsylvania Mr. BUTLER was unanimously tendered a renomination for membership in the Congress which will succeed this one. Few men in the history of the Nation have served here so long and so well.

It can truly be said of THOMAS BUTLER that none knew him but to love him.

At a future time the House will do honor to a faithful public servant by setting aside a suitable day for memorial services on the life and career of our departed friend and colleague. For the present, Mr. Speaker, I submit resolutions for a committee of the Congress to attend the funeral and for a recess of the House in his honor.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 231

Resolved, That the House has heard with profound sorrow of the death of Hon. THOMAS S. BUTLER, a Representative from the State of Pennsylvania.

Resolved, That a committee of 57 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following funeral committee:

WILLIAM W. GRIEST, Pennsylvania; STEPHEN G. PORTER, Pennsylvania; FRED A. BRITTEN, Illinois; GEORGE S. GRAHAM, Pennsylvania; EDGAR R. KIESS, Pennsylvania; JOHN M. MORIN, Pennsylvania; HENRY W. TEMPLE, Pennsylvania; GEORGE P. DARROW, Pennsylvania; LOUIS T. MCFADDEN, Pennsylvania; HENRY W. WATSON, Pennsylvania; CLYDE KELLY, Pennsylvania; GUY E. CAMPBELL, Pennsylvania; ARCHIE D. SANDERS, New York; JOHN F. MILLER, Washington; MILTON W. SHREVE, Pennsylvania; NATHAN L. STRONG, Pennsylvania; CLARK BURDICK, Rhode Island; SAMUEL A. KENDALL, Pennsylvania; HARRY C. RANSLEY, Pennsylvania; ROY O. WOODRUFF, Michigan; A. PIATT ANDREW, Massachusetts; FREDERICK W. MAGRADY, Pennsylvania; FRANKLIN MENGES, Pennsylvania; RALPH E. UPDIKE, Sr., Indiana; JAMES M. BECK, Pennsylvania; ROBERT G. BUSHONG, Pennsylvania; J. MITCHELL CHASE, Pennsylvania; THOMAS C. COCHRAN, Pennsylvania; I. H. DOUTRICH, Pennsylvania; HARRY A. ESTEP, Pennsylvania; W. E. EVANS, California; CLARENCE E. HANCOCK, New York; J. RUSSELL LEECH, Pennsylvania; CYRUS

M. PALMER, Pennsylvania; J. HOWARD SWICK, Pennsylvania; CHARLES TATGENHORST, Ohio; CHARLES A. WOLVERTON, New Jersey; CHARLES R. CRISP, Georgia; CARL VINSON, Georgia; JAMES V. MCCLINTIC, Oklahoma; HERBERT J. DRANE, Florida; PATRICK H. DREWRY, Virginia; JAMES J. CONNOLLY, Pennsylvania; ADAM M. WYANT, Pennsylvania; EDWARD M. BEERS, Pennsylvania; J. BANKS KURTZ, Pennsylvania; LAURENCE H. WATRES, Pennsylvania; GEORGE A. WELSH, Pennsylvania; BENJAMIN M. GOLDER, Pennsylvania; FLETCHER HALE, New Hampshire; JOHN J. CASEY, Pennsylvania; MORGAN G. SANDERS, Texas; JOHN F. QUAYLE, New York; STEPHEN W. GAMBRILL, Maryland; EVERETT KENT, Pennsylvania; CLYDE WILLIAMS, Missouri; VICTOR K. HOUSTON, Hawaii.

The SPEAKER. The Clerk will report the concluding resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House stand in recess until 8 o'clock to-night.

The resolution was agreed to.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SNELL).

Mr. EDWARDS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Georgia rise?

Mr. EDWARDS. Mr. Speaker, I want to call attention to a bill that was passed by the House on Friday and ask to have it stricken from the calendar. It is on the calendar as No. 508, a bill introduced by the gentleman from Georgia, Mr. RUTHERFORD (H. R. 12952). It passed the House on May 25, as shown by the RECORD on page 10018. It was messaged to the Senate as shown by the RECORD of May 26, at page 10048. It should be stricken from this calendar.

The SPEAKER pro tempore. Does the gentleman want the bill laid on the table?

Mr. EDWARDS. No; I ask unanimous consent to have it stricken from the calendar, because it has already passed the House.

The SPEAKER pro tempore. Without objection, the bill will be stricken from the calendar.

There was no objection.

PRIVATE CALENDAR

The SPEAKER pro tempore. By unanimous-consent order, the Clerk will call the Private Calendar beginning at the star.

H. J. HEINZ CO.

The first business on the Private Calendar was the bill (H. R. 10178) for the relief of the H. J. Heinz Co., Atlantic City, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to the H. J. Heinz Co., of Atlantic City, N. J., the sum of $19,971.95, to compensate the said H. J. Heinz Co. for property damages sustained by them to their property in Atlantic City, known as the Heinz Pier, on August 22, 1924, caused by collision with said pier of scow *No. 22*, which was in the service of the War Department in connection with work being done by the U. S. dredge *Corozal* in Absecon Inlet.

With the following committee amendment:

Page 1, line 7, strike out "$19,971.95" and insert in lieu thereof "$5,606."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. C. MAGOON

The next business on the Private Calendar was the bill (S. 444) for the relief of H. C. Magoon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay H. C. Magoon, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement for damages sustained on account of the Coast Guard cutter *AB–19* backing into his yacht *Ornway A–655* while tied up at Baylen Street Wharf, Pensacola, Fla., May 27, 1924.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

UNITED STATES EMPLOYEES' COMPENSATION ACT

The next business on the Private Calendar was the bill (S. 1297) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Alice E. Moore, formerly employed as a dietitian and temporary nurse in the Medical Department at Large, War Department, at General Hospital No. 6, Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Alice E. Moore, formerly employed as a dietitian and temporary nurse in the Medical Department at Large, War Department, who contracted tuberculosis while on duty at United States General Hospital No. 6, Fort McPherson, Ga., during the year 1920; and that said Alice E. Moore shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment."

The committee amendment was agreed to.

Mr. UNDERHILL. Mr. Speaker, the title should be changed to "An act for the relief of Alice E. Moore."

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

FRED ANDLER, JR.

The next business on the Private Calendar was the bill (H. R. 4683) for the relief of Fred Andler, jr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter Fred Andler, jr., late of the Twenty-second Company, Coast Artillery Corps, and Battery F, Sixty-ninth Regiment Coast Artillery Corps, shall be held to have been honorably discharged from service in the military forces of the United States on October 15, 1918, and the Secretary of War is hereby authorized to issue an honorable discharge covering his service.

With the following committee amendment:

In line 9, after the word "service," insert a colon and the following proviso: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES ALOYSIUS MANLEY

The next business on the Private Calendar was the bill (H. R. 13048) for the relief of James Aloysius Manley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon James Aloysius Manley, formerly

captain in the Chaplain Corps of the Regular Army of the United States, before a retiring board, to inquire whether at the time of his honorable discharge, December 15, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether said discharge should have been made; and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said James Aloysius Manley a captain in the Chaplain Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said James Aloysius Manley shall not be entitled to any back pay or allowances.

With the following committee amendment:

Page 2, line 6, strike out all after the word "*Provided*" and insert in lieu thereof the following: "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DRY DOCK NO. 6

The next business on the Private Calendar was the bill (S. 1981) for the relief of the owner of Dry Dock No. 6.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Staten Island Shipbuilding Co., owner of Dry Dock No. 6, against the United States of America for damages alleged to have been caused by a collision on January 6, 1923, between Dry Dock No. 6 and the steamship *Cody*, in Kill von Kull, New York Harbor, while the said steamship was owned by the United States of America and was being operated in the service of the United States Shipping Board, may be sued for by the said Staten Island Shipbuilding Co. in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Staten Island Shipbuilding Co., or against Staten Island Shipbuilding Co. in favor of the United States, upon the same principles and measures of liability and with the same rights of appeal as in cases involving collision within the admiralty jurisdiction between movable floating structures designed for navigation: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM E. ADAMS

The next business on the Private Calendar was the bill (H. R. 1993) to correct the naval record of William E. Adams.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, the proviso is not in the usual form, and I shall offer an amendment putting it in the usual form.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That William E. Adams shall hereafter be held and considered to have been honorably discharged from service in the United States Navy as of the 20th day of October, 1919: *Provided*, That no pension or compensation shall accrue prior to the passage of this act.

Mr. CHINDBLOM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Line 6, after the word "*Provided*," strike out the remainder of the bill and insert:

"No bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third, and passed.

A motion to reconsider was laid on the table.

WILLIAM J. CASEY

The next business on the Private Calendar was the bill (H. R. 10624) for the relief of William J. Casey.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to William J. Casey, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full payment of claims against the United States for disability caused by injuries received while employed in the Quartermaster's Department of the United States Army at Fort Gibbon, Alaska.

With the following committee amendment:

In line 5 strike out the figures "$2,500" and insert in lieu thereof, "$1,440."

The committee amendment was agreed to.

Mr. HOWARD of Oklahoma. Mr. Speaker, I move to strike out the last word. I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen of the House, in the district I have the honor to represent in this Congress is the little city of Claremore, Okla. In the past that city has been famous by reason of the fact that it was the home of Will Rogers, and was close to Tulsa, the oil capital of the world, and boasts the best mineral water served to man.

This week there was added to its fame another laurel, when from that State a 20-year-old high school boy won the greatest marathon race that was ever run in the history of this country. In 575 hours this Cherokee Indian boy from Claremore ran from Los Angeles to New York City. He outdistanced and outclassed 198 competitors.

Being proud of his record, glad he came from my district, I have the young man in the Speaker's gallery, and I want to point out to you the greatest marathon runner, this Cherokee Indian from my district in Oklahoma, Andrew Payne. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARRY C. BRADLEY

The next business on the Private Calendar was the bill (S. 433) for the relief of Harry C. Bradley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the employees' compensation act of September 7, 1916, as amended by the act of February 12, 1927, the Employees' Compensation Commission is authorized and directed, in connection with any application which has been or may be filed by Harry C. Bradley, now a clerk in the United States Land Office at Las Cruces, N. Mex., to consider that he contracted tuberculosis in the service of the United States.

Passed the Senate April 20 (calendar day, April 25), 1928.

With the following committee amendment:

Page 1, line 7, after the word "application," strike out the words "which has been or" and insert the word "that."

The committee amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

G. J. BELL

The next business on the Private Calendar was the bill (H. R. 10191) for the relief of G. J. Bell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the employees' compensation act of September 7, 1916, as amended by the act of February 12, 1927, the Employees' Compensation Commission is authorized and directed, in connection with any application that may be filed by G. J. Bell, of Camden, Benton County, Tenn., a former employee of the War De-

partment, to consider that his injury was sustained while in the performance of his duties in the service of the United States, and that his disability be considered as total and permanent, compensation to commence from and after the date of the passage of this act."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AGNES M'MANUS AND GEORGE J. M'MANUS

The next business on the Private Calendar was the bill (S. 471) for the relief of Agnes McManus and George J. McManus.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $14,400 to Agnes McManus and George J. McManus, covering rental on their building in Ranger, Tex., at a reasonable rental thereof of $1,800 per year from June 5, 1920, to June 5, 1928, the United States Government having occupied the said building as a post office since June 5, 1920, without having paid any rental therefor; and should the Post Office Department desire to use such building after June 5, 1928, the rental therefor shall be at the rate of $1,800 per annum for such time as occupied by the Government."

The committee amendment was agreed to, and the bill as amended was ordered read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARL J. REID DUSSOME

The next business on the Private Calendar was the bill (S. 2076) authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of a trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent containing the usual restrictions against alienation inserted in other trust patents to Indians on the Kiowa Reservation, covering the northwest quarter section 23, township 6, range 16 west, Indian meridian, known as the Rainy Mountain School Reserve, in Kiowa County, Okla., to the said Carl J. Reid Dussome, who has heretofore received no allotment of land from any source: *Provided*, That this shall be in lieu of all claims to any allotment of land or money settlement in lieu of an allotment.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. R. OLBERG

The next business on the Private Calendar was the bill (S. 2738) for the relief of C. R. Olberg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of David Buddrus, cashier and special disbursing agent, Five Civilized Tribes, in the amount of $494, and to credit the accounts of C. R. Olberg, assistant chief irrigation engineer and special disbursing agent, Indian Service, in the amount of $1,253, both amounts representing per diem allowances in lieu of subsistence paid to C. R. Olberg during the period March 5, 1924, to September 30, 1926, while on duty at Sacaton, Ariz., and Los Angeles, Calif.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR N. ASHMORE

The next business on the Private Calendar was the bill (H. R. 12499) for the relief of Arthur N. Ashmore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of —— to Arthur N. Ashmore, who lost his arm and sustained other personal injuries while in the performance of his duties as sergeant, Battery D, One hundred and thirty-second Field Artillery, National Guard of the United States.

With the following committee amendment:

Line 6 after the word "of" insert "$5,000."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEW YORK MARINE CO.

The next business on the Private Calendar was the bill (H. R. 5216) for the relief of the New York Marine Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the claim of the New York Marine Co., incorporated under the laws of the State of Delaware, owner of the barge *Liberty*, against the United States for damages alleged to have been caused by collision between said barge *Liberty* and the Coast Guard cutter *Manhattan*, in or near the harbor of New York on December 1, 1924, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York, sitting as a court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said New York Marine Co. by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL J. B. MARSHALL

The next business on the Private Calendar was the bill (H. R. 11422) for the relief of Samuel J. Marshall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I think a bill that carries as much as $49,000 in the consideration of a calendar by unanimous consent ought to have some explanation from some one on the Military Committee.

Mr. McSWAIN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RANSLEY] reported this bill. He asked me to be present, and if any such question was asked to give as much explanation as I might be able to acquire from the report. If gentlemen will read the report of the Secretary of War upon the facts in the case they will ascertain that this shortage occurred during the war period. This officer was a quartermaster officer in the Air Service.

Mr. LAGUARDIA. Was he serving abroad?

Mr. McSWAIN. No; in America. He was working 18 hours a day, and his excuse was that he thought anybody in America ought to work double time to offset the services that were being rendered by his conferees on the other side. He worked 18 hours a day, and on account of the great rush of war matter some mistakes were made in his department. But they were due to the circumstances surrounding the case. But after close checking and all there was complete satisfaction on the part of the War Department that this man himself had not pocketed one single nickel, nor was he to blame. It was only a case of bookkeeping.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. CHINDBLOM. We have passed some general legislation for the relief of cases of this kind. I do know that Navy cases of this kind have been relieved through general legislation. I have no definite recollection, however, of legislation of that kind having been passed in connection with the Army. They should be on a parity.

Mr. McSWAIN. Yes. They are making no efforts whatever to collect it. They recognize that it is one of the incidents due to the rush of war. But they wish to have the record made clear.

Mr. ROWBOTTOM. For how long was there this shortage?

Mr. McSWAIN. From six to eight months.

Mr. LAGUARDIA. In what—supplies or money?

Mr. McSWAIN. In supplies. In France if it had been half a million dollars, under the war conditions, there would have been no question about it.

Mr. SCHAFER. Why is stress laid on the fact that he worked 18 hours a day? The gentleman knows that men on the other side worked 24 hours a day sometimes.

Mr. McSWAIN. Yes. This gentleman worked as hard as he could. I think we ought to clear his record.

Mr. CHINDBLOM. I have no objection to the bill, but instead of the bill reciting that the "General Accounting Office be authorized to adjust the account," I believe it should be the Comptroller General. I think it is better to place the duty upon the officer in charge of the department. I will offer an amendment to that effect if the gentleman has no objection.

Mr. McSWAIN. I will accept the amendment.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc, That the General Accounting Office be, and it is hereby, authorized and directed to credit the account of Samuel J. D. Marshall, former captain, Quartermaster Corps, United States Army, disbursing officer of the Army at Camp Stewart, Va., and Mitchel Field, Long Island, N. Y., with $49,112.18, this sum being an alleged shortage in the accounts of the said Samuel J. D. Marshall and a balance due the United States while acting as disbursing officer at Camp Stewart, Va., and Mitchel Field, Long Island, N. Y., due to the lack of evidence to support certain disbursements.

Mr. CHINDBLOM. Mr. Speaker, I offer an amendment, as I indicated. In line 3, strike out the "General Accounting Office" and insert "the Comptroller General," and after the word "and" strike out the word "it" and insert the word "he."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Line 3, after the word "that," strike "the General Accounting Office" and insert "the Comptroller General," and after the word "and" strike out the word "it" and insert the word "he."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES SMITH

The next business on the Private Calendar was the bill (H. R. 11772) for the relief of Charles Smith.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be is enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles Smith, who was a member of Company A, Seventh Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of February, 1876: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

PRIVILEGES IN THE LEWIS AND CLARK NATIONAL MONUMENT

The next business on the Private Calendar was the bill (H. R. 4589) to authorize the granting of certain privileges in the Lewis and Clark National Monument, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana [Mr. LEAVITT] if this $5,000 is for full settlement?

Mr. LEAVITT. Yes.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to grant, in his discretion, to any individual, partnership, or corporation, the right to install such improvements as in his judgment may be necessary or desirable, and to exercise the privilege of conducting visitors through the caverns in the Lewis and Clark National Monument, Mont., upon such terms and conditions and under such rules and regulations as he may prescribe for a period of not more than 10 years: *Provided,* That in the event such privileges are granted to any individual other than Dan A. Morrison, of Whitehall, Mont., or to any partnership or corporation, of which said Dan A. Morrison is not a member or interested party, then said rights and privileges may be granted only on condition that there be paid to said Dan A. Morrison by the individual, partnership, or corporation securing such privileges, 5 per cent of the net profits accruing therefrom during his life, but not exceeding the term for which said privileges are granted: *Provided further,* That in the event of the death of said Dan A. Morrison during the term of said privileges the said 5 per cent of the net profits shall be paid to the United States for the remainder of said term.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dan A. Morrison, of Whitehall, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, being in reimbursement of and remuneration for all expenses incurred and services performed in all matters touching the discovery, exploration, and development of the cavern known as the Lewis and Clark Cavern National Monument, embracing lot 12 of section 17, township 1 north, range 2 west, Montana principal meridian, containing 160 acres of land, which said cavern was set aside by proclamation of the President of the United States on May 11, 1908, in conformity with an act of Congress approved June 8, 1906, entitled "An act for the preservation of American antiquities."

With committee amendments, as follows:

Page 1, strike out all of lines 3 to 10, inclusive.

On page 2, strike out all of lines 1 to 13, inclusive.

On page 2, line 14, strike out section 2, and on page 2, line 17, at the end of the line insert the word "full."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended.

NORMAN DOMBRIS

The next business on the Private Calendar was the bill (H. R. 10457) for the relief of Norman Dombris.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Reserving the right to object, Mr. Speaker, I notice that this bill is for an honorably discharged soldier who deserted during the war and later, after the war was over, served again in the Army. I am not going to object to this bill, but I think it is a bad precedent to start.

Mr. McSWAIN. Mr. Speaker, this soldier did not desert. He was tried for disobedience in not obeying a command.

Mr. LAGUARDIA. Was he in action?

Mr. McSWAIN. No; but he had been in action. He was overseas and brought casuals back to this country, and some little fellow ordered him to do some ridiculous thing and he disobeyed. He was court-martialed and discharged. After that he served two enlistments, became a sergeant, and received honorable discharges from both enlistments.

Mr. LAGUARDIA. The gentleman should know that we should have at least half as much discipline in the Army as you would expect in a political party.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Norman Dombris, late of the Medical Corps, Twenty-fourth Aero Squadron, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private on the 17th day of September, 1918: *Provided*, That no pay, allowances, or benefits shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS LEO SHEA

The next business on the Private Calendar was the bill (H. R. 9009) for the relief of Francis Leo Shea.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint Francis Leo Shea, who graduated from the United States Naval Academy in 1909 and served honorably in the various grades and ranks from the grade of ensign up to and including the grade of lieutenant commander, in which grade he was serving on April 16, 1920, the date of his separation from the naval service, a lieutenant commander in the United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant commander with the retired pay of that grade.

With the following committee amendment:

Page 1, line 12, insert a colon and the following: "*Provided*, That a duly constituted naval retiring board finds that the said Francis Leo Shea incurred physical disability incident to active service in line of duty: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMODORE J. M. MOORE

The next business on the Private Calendar was the bill (H. R. 11905) for the relief of Commodore J. M. Moore, United States Coast Guard, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that Senate bill 3632 be substituted for this bill.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Spanish war service of Second Lieut. James M. Moore, United States Revenue Cutter Service (now commodore, retired, United States Coast Guard), attached to the U. S. revenue cutter *Woodbury*, operating as a part of the Navy during the war with Spain, be considered for all purposes as continuing during the period the *Woodbury* operated as part of the Navy in 1898.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11905) was laid on the table.

BERTRAM LEHMAN

The next business on the Private Calendar was the bill (H. R. 6350) for the relief of Bertram Lehman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bertram Lehman, of Tuscaloosa, Ala., the sum of $1,257, as reimbursement for medical, nursing, and hospital expenses paid by him on account of a disability incurred while serving as a private in Company 9, Third Training Battalion, One hundred and fifty-third Depot Brigade, United States Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NORMAN DOMBRIS

Mr. GLYNN. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which H. R. 10457, for the relief of Norman Dombris, was passed, for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to vacate the proceedings by which H. R. 10457 was passed. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is that calendar number?

Mr. GLYNN. Six hundred and fifty-seven.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GLYNN. Mr. Speaker, I offer an amendment, as suggested in the report.

The SPEAKER pro tempore. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. GLYNN: Page 1, line 9, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDRESS OF HON. T. ALAN GOLDSBOROUGH

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that my colleague [Mr. GOLDSBOROUGH] be allowed to extend his remarks in the RECORD by printing the sittings of the Federal court on the Eastern Shore of Maryland, including a speech made by him at its opening January 16, 1928.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that his colleague [Mr. GOLDSBOROUGH] be allowed to extend his remarks in the RECORD by printing the sittings of the Federal court on the Eastern Shore of Maryland, including the speech made by him at its opening January 16, 1928. Is there objection?

There was no objection.

Mr. GOLDSBOROUGH. Mr. Speaker, from 1801 until the 16th of January, 1928, no Federal court ever held sessions on the Eastern Shore of Maryland, which was to the great inconvenience and detriment of our people. I succeeded in having passed legislation requiring the Federal court of the district of Maryland to sit on the Eastern Shore of Maryland.

The first sitting, as above indicated, was on January 16, 1928, and I herewith include the remarks made by me at the opening of this court:

REMARKS AT THE OPENING OF THE FEDERAL COURT AT DENTON, MD.

Since 1801 it has been necessary for citizens of the Eastern Shore to go to Baltimore whenever they had any business in the United States court. This has always been extremely inconvenient for our people, due to the fact that the Chesapeake Bay separated Baltimore from the Eastern Shore. It has been impossible to transact any business with the United States court, except from Cecil County, without being away from home for at least two days, and spending a night in Baltimore. Not only considerable expense was involved in the matter of transportation, food, and lodging, applying to parties and witnesses alike, but parties litigant have found it practically necessary, in addition to their local counsel, to employ an attorney in Baltimore, one familiar with the habit of mind of the jury, largely picked as it was from Baltimore city, and almost entirely from the Western Shore, and who was conversant with the atmosphere of the court, its approach to and method of disposing of legal business.

Going a little more into detail, citizens of the shore sued by residents of other States in the United States District Court of Maryland have been compelled to take their witnesses to Baltimore, employ Baltimore attorneys, and have their controversies determined in an atmosphere almost as alien as if transferred to a distant State. Shore men charged with crime have been placed in the same position.

It was for these reasons that the Committee on the Judiciary of the House of Representatives listened with sympathetic interest to my appeal on behalf of the bill, which, later enacted into law, has resulted in the opening of this court here this morning.

The instinct for justice is basic in the human race. The administration of justice is exceedingly difficult, and in this period of transition

since the World War, when so many traditional landmarks of conduct are being assailed as outworn and as interfering with the individual's highest expression, that administration calls for added tolerance, sympathy, and human understanding, and our people believe that its administration in their behalf in the Federal courts will be greatly facilitated by the operation of this law, and certainly the expense to our people will be greatly lessened.

The reason Denton was fixed in the act for the Eastern Shore sittings is because the map of Maryland indicated Denton to be the most centrally located of the county seats on the shore, the Judiciary Committee having also before it that the draft boards met at Denton during the war as being the point most accessible to the shore as a whole, and the reason why the sittings of the court were fixed for the third Monday in January and the first Monday in July was because these dates did not conflict with any of the jury terms of our State courts.

As the characteristics of any one individual have practically no bearing upon the temper and quality of a large community, I think I can say, your honor, without any implication of personal egotism, that the Eastern Shore is more than a locality, it is a people. A few years ago a very famous man spent a few weeks on the shore, a man who had traveled widely, and with a vast experience of places and people. He has said that, in his opinion, nowhere in this world could be found a people with a higher average of industry, intelligence, and character. Our people are proud, yet with a just humility, they are ambitious, but have a profound understanding of the great moral truth that the world is wide enough for us all to display whatever of virtue, whatever of talent, we have. They are people of conviction, yet with a wide tolerance and sympathy. It is such a people who welcome the advent of the Federal court on the Eastern Shore, and your honor can rely that from them will be accorded to the court a just and abiding respect and the most sympathetic cooperation.

MAY GORDON RODES AND SARA LOUISE RODES

The next business on the Private Calendar was the bill (H. R. 6174) for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I think we ought to have an explanation of this bill. This is a bill that seeks to appropriate $35,000 by unanimous consent.

Mr. LOWREY. Mr. Speaker, I ask permission to discuss this bill for just a few moments as my colleague, the gentleman from Michigan [Mr. HOOPER] did just the other night.

The SPEAKER pro tempore. The gentleman has that right under the reservation of objection.

Mr. LOWREY. This Tyree Rodes bill, briefly, is this: Tyree Rodes held a patent on a method of sawing logs. This patent has been thoroughly examined and is unquestionably legal and all right. He had sold the patent or the right to use the method to a man by the name of Breece in Arkansas City, Ark., and when the Government began its spruce lumber operations out on the Pacific coast to get airplane lumber this Mr. Breece was sent out there as one of the Government force and they had some three or four hundred mills running.

Mr. Breece unquestionably used the Rodes method on which he had bought a personal right and had used it in his own mills in the South. He unquestionably used it in many of the Government mills. Certain parties—Mr. Breece and others—claimed they did not use the method and that Mr. Rodes had admitted they did not use the method; but Mr. Rodes wrote this letter from down in California in another kind of timber where they were evidently not using the method. We have the testimony of not less than eight or ten leading lumber and mill men and a number of them Government officials of this organization, stating that it was the Rodes method that they used. There does not seem to be any question about it. Senator SHORTRIDGE has gone into it thoroughly. The Senate committee, after studying over 200 pages of evidence, reported it unanimously and the Senate passed it. Now, I am sure I went over more than 200 pages of evidence. Nearly all the evidence I went over was given under affidavit. The evidence that was given by Mr. Breece and one or two others was not given under affidavit, but was given in letters.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. LOWREY. I yield.

Mr. SCHAFER. I notice the Senate passed the bill carrying $143,000 and the House amended the bill to carry $35,750.

Mr. LOWREY. I think you will find the Senate adopted an amendment to the amount that was in the Senate bill originally and we accepted the Senate amendment.

Mr. SCHAFER. There is no chance the ante will be raised in conference to $143,000 by the action of the gentleman's committee?

Mr. LOWREY. No; I do not think that will be in conference.

Mr. ROWBOTTOM. Is the gentleman going to substitute the Senate bill for this?

Mr. LOWREY. Yes.

Mr. ROWBOTTOM. Is the Senate bill on the Speaker's table?

Mr. LOWREY. Yes.

Mr. ROWBOTTOM. Then I withdraw my objection.

Mr. SCHAFER. I reserve the right to object until we see what amount is in the Senate bill.

The SPEAKER pro tempore. Thirty-five thousand seven hundred and fifty dollars is the amount carried in the Senate bill.

Mr. SCHAFER. I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill (S. 126), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased, the sum of $35,750, in full compensation for damages sustained by said Tyree Rodes, deceased.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

NORBERT BOUDOUSQUIE

The next business on the Private Calendar was the bill (S. 3954) to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the heirs of Norbert Boudousquie, under cash certificate No. 994, dated December 13, 1849, at New Orleans, La., conveying section 64, township 11 south, range 7 east, and section 64, township 11 south, range 8 east, St. Helena meridian, in the former southeastern land district of Louisiana, notwithstanding any excess in area over the front tract on which the right of entry was based.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES HUNTS ALONG

The next business on the Private Calendar was the bill (H. R. 12312) for the relief of James Hunts Along.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place to the credit of James Hunts Along the sum of $2,000, out of any money in the Treasury not otherwise appropriated, to be expended for his use and benefit under the supervision of the Secretary of the Interior to cover reimbursement and compensation for injuries incurred and resulting from his being attacked and severely beaten by Indians while engaged in the performance of his official duties as Indian policeman on the Fort Berthold Indian Reservation.

With the following committee amendment:

Page 1, line 8, after the word "cover" insert the words "in full."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RUSSELL WHITE BEAR

The next business on the Private Calendar was the bill (H. R. 13606) for the relief of Russell White Bear.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Russell White Bear, Crow allottee No. 822, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

R. E. HANSEN

The next business on the Private Calendar was the bill (S. 3794) for the relief of R. E. Hansen.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,480.65 is hereby authorized to be appropriated out of funds received from the sale of stored water in the Blackfoot Reservoir, Fort Hall irrigation project, Idaho, to the North Side Canal Co., to be expended under the direction of the Secretary of the Interior, to pay R. E. Hansen, Blackfoot, Idaho, for damages incurred in the destruction of his crop of hay and oats by the overflow of his land on account of the operation of said irrigation project.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ATTORNEY FOR THE CHEROKEE NATION

The next business on the Private Calendar was the bill (H. R. 13753) authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be expended, and to be by the Secretary of the Interior paid to Frank J. Boudinot, one of the attorneys for the Cherokee Nation of Indians, employed under the authority of the act of Congress approved March 19, 1924 (43 Stat. L. 27), the sum of $1,180.22, now standing to the credit of the Cherokee Nation in the Treasury of the United States: *Provided*, That before payment is made there be obtained the agreement or consent thereto of the Cherokee representative committee which was elected by the Cherokees under the provisions of section 2 of the above-mentioned act of March 19, 1924: *And provided further*, That, subject to all prior assignments and agreements as to division of fees, the sum so allowed and paid shall be reimbursable to the credit of the Cherokee funds out of any amount or amounts which may hereafter be decreed by the Court of Claims to be paid to the said Frank J. Boudinot, attorney, for his services and expenses rendered or incurred prior to the date of the approval of the act of March 19, 1924, above described, or out of his share of such fee or amount as may be awarded by the Court of Claims to the attorneys employed by the Cherokee Nation under said act of March 19, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to insert at this point a report from the Secretary of the Interior on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, May 24, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Reference is made herein to H. R. 13753, entitled "A bill authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes," and to your letter of May 15, 1928, requesting a report thereon.

The bill authorizes to be expended and to be, by the Secretary of the Interior, paid to Frank J. Boudinot, one of the attorneys for the Cherokee Nation of Indians, employed under authority of the act of Congress approved March 19, 1924 (43 Stat. L. 27), the sum of $1,180.22 of the Cherokee tribal funds in the Treasury of the United States: *Provided*, That before payment is made there be obtained an agreement or consent thereto of the Cherokee representative committee: *And provided further*, That, subject to all prior assignments and agreements as to division of fees, the sum so allowed and paid shall be reimbursable to the credit of the Cherokee funds out of any amount which may hereafter be decreed by the Court of Claims to be paid the above-named Frank J. Boudinot for his services and expenses rendered or incurred prior to the date of the approval of the above-mentioned act of March 19, 1924, or out of his share of such fee or amount as may be awarded by the Court of Claims to the attorneys employed by the Cherokee Nation under the above-mentioned act of March 19, 1924.

The above-mentioned act of March 19, 1924, conferred jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Cherokee Nation or Tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which claims had not theretofore been determined and adjudicated on their merits by the United States Court of Claims or the Supreme Court of the United States.

Section 2 of the act provided for the employment of attorneys for the Cherokee Nation by a committee to be chosen by the Cherokees and for the approval by the Secretary of the Interior and by the Commissioner of Indian Affairs of the contract of employment.

In section 5 of the act it was provided that upon final determination of any suit instituted under the act the Court of Claims should decree such amount or amounts as it might find reasonable to be paid the attorney or attorneys so employed for their services and expenses rendered or incurred prior or subsequent to the date of approval of the act: "*Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment or in excess of a sum equal to 10 per cent of the amount of recovery against the United States."

The committee representing the Cherokee Nation or Tribe made and entered into, on May 24, 1924, a contract with Messrs. Frank J. Boudinot, C. C. Calhoun, Ralph H. Case, Frank K. Nebecker, and Fred G. Coldren, attorneys at law, which contract provides for the employment of the above-named attorneys to represent and act for the Cherokee Nation or Tribe in the prosecution of the tribal claims under the above-mentioned act of March 19, 1924. The contract was approved on July 24, 1924, by the Commissioner of Indian Affairs, and on July 26, 1924, by the First Assistant Secretary of the Interior.

Mr. Coldren has since withdrawn from the contract.

The contract provided that in consideration of the services to be rendered by the attorneys under the terms thereof, the attorneys should receive, upon the final determination of any suit instituted under the above-mentioned act of March 19, 1924, such compensation as should be found reasonable by the Court of Claims under section 5 of the act, but in no case should the fee exceed 10 per cent of the recovery against the United States. The contract further provided that the attorneys should advance all necessary expenses in the preparation and prosecution of any suit under the act, the expenditures to be subject to the approval of the Court of Claims, and that reimbursement to the attorneys should be made only out of the amount of recovery against the United States and not otherwise.

In other words, under the above-mentioned act of March 19, 1924, and the approved contract made thereunder by the Cherokee committee with the above-named attorneys the fee to the attorneys for their services and the reimbursement to them for expenses were contingent upon the recovery from the United States in the suits, and were to be paid only from such recovery.

The enactment of H. R. 13753 would constitute a modification of the act of March 19, 1924, and of the above-mentioned attorneys' contract thereunder.

Mr. Frank J. Boudinot refers, in a letter of March 29, 1928, to the Commissioner of Indian Affairs, to his services to the Cherokee Tribe in connection with the matter of the tribal claims, and to his need for financial assistance to enable him to carry on and complete his part of the work.

The above-mentioned approved contract of May 24, 1924, was made with the above-named attorneys as a group associated together for the purpose of the contract and no reference is made therein as to the respective shares of the individual attorneys in such fees as may become due the attorneys under the contract nor as to the division of such fee among them. The department has no information as to what agreement or arrangement the attorneys may have among themselves as to the division of fees nor as to the matter of expenses.

In connection with the above-mentioned matter, reference is herein made to H. R. 12450, a bill having a similar purpose to the present bill, H. R. 13753, and to my letter of May 8, 1928, to you relative thereto. For certain reasons indicated therein, the enactment of H. R. 12450 was not recommended.

From a letter of May 12, 1928, of Messrs. C. C. Calhoun, Ralph H. Case, and Frank K. Nebeker, the attorneys associated with Mr. Boudinot under the above-mentioned contract in the prosecution of the Cherokee tribal claims, appear to have no objection to the payment provided for in H. R. 13753 being made to Mr. Boudinot. They express the opinion that the best interests of the Cherokees would be served by the advancement to Mr. Boudinot of the above-mentioned amount to the credit of the Cherokees in the Treasury.

The present bill (H. R. 13753) provides that before payment of the $1,180.22 is made to Mr. Boudinot there be obtained the agreement or consent thereto of the Cherokee representative committee which was elected by the Cherokees under the provisions of section 2 of the

above-mentioned act of March 19, 1924. In view thereof and of the provision in the bill that the sum so allowed and paid to Mr. Boudinot shall be reimbursable to the credit of the Cherokee funds out of any fee which may be hereafter decreed by the Court of Claims to be paid the above-named Frank J. Boudinot under the above-mentioned act of March 19, 1924, or out of his share of such fee or amount as may be awarded by the Court of Claims to the attorneys employed by the Cherokee Nation under said act of March 19, 1924, I have no objection to the payment being authorized.

In view of the above, the enactment of H. R. 13753 is recommended.

The Director of the Bureau of the Budget advises, by letter of May 18, 1928, that this report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

ELIZABETH HUNT

The next business on the Private Calendar was the bill (H. R. 3202) for the relief of Elizabeth Hunt.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George W. Hunt, who was a member of Captain Rodgers's company (subsequently Company I), Fourth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 8th day of August, 1863: *Provided,* That no bounty back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

JOHN F. FLEMING

The next business on the Private Calendar was the bill (H. R. 12650) granting an honorable discharge to John F. Fleming.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant an honorable discharge to John F. Fleming, Army serial No. 1310102, a member of Company A, One hundred and eighteenth Infantry, Thirtieth Division, United States Army, and that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers the said John F. Fleming shall be deemed to have been honorably discharged from the date of the approval of this act: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

JENNIE BRUCE GALLAHAN

The next business on the Private Calendar was the bill (H. R. 8388) for the relief of Jennie Bruce Gallahan.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. I object.

Mr. GAMBRILL. Will the gentleman withhold his objection?

Mr. SIMMONS. I will withhold it.

Mr. GAMBRILL. This bill is for the relief of Jennie Bruce Gallahan, a widow of Lieutenant Gallahan, a member of the fire department of the District of Columbia, who was killed in a collision while going to a fire in July, 1927. The bill was considered by a subcommittee of the District of Columbia, reported favorably to the full committee, and by that committee reported to this House.

The amount allowed is $10,000. The lieutenant was killed in an accident which involved a collision between the fire truck and an automobile in charge of an alleged bootlegger, who was being pursued by prohibition agents. It seems to me that this is an entirely meritorious case. The bill went to the Committee on Claims and was referred by that committee to the Committee on the District of Columbia and came out of that committee with a favorable report. I hope the gentleman from Nebraska will not raise any objection to the consideration of this bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. GAMBRILL. Yes.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Reserving the right to object, in the event that consent should be given for the consideration of the bill, is it agreeable to the gentleman to have the expenditure charged as other expenses of the District of Columbia during the year when the death occurred.

Mr. GAMBRILL. I have no objection to that.

Mr. CRAMTON. It is a proper charge against the District of Columbia, and not against the Federal Treasury.

Mr. GAMBRILL. I have no objection to that.

Mr. LAGUARDIA. Did the gentleman say that this bill came out of the Committee on the Judiciary?

Mr. GAMBRILL. The subcommittee on the judiciary of the Committee on the District of Columbia.

Mr. LAGUARDIA. There is only one Judiciary Committee in this House.

Mr. SIMMONS. Mr. Speaker, further reserving the right to object, the bill recites that Lieutenant Gallahan was killed while engaged in the performance of his duty. If that is true, his beneficiary should receive the same amount from the policemen's and firemen's fund as anyone else receives who is killed or wounded in the performance of duty, no more and no less. If the recital in the bill is true, the beneficiaries should accept that which the law gives them. If he was not killed in the performance of his duty, then the bill is improperly before us, coming from this committee. I object.

CHARLES A. MOORE

The next business on the Private Calendar was the bill (H. R. 9085) for the relief of Charles A. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Moore the sum of $375 to reimburse him for legation funds stolen from one of the safes of the United States Legation at Port au Prince, Haiti.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWIN D. MORGAN

The next business on the Private Calendar was the bill (H. R. 12359) for the relief of the widow of Edwin D. Morgan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edwin D. Morgan, deceased, who was a member of Company B, Eighty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of December, 1863: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ETTA B. LEACH JOHNSON

The next business on the Private Calendar was the bill (H. R. 12995) for the relief of Etta B. Leach Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Etta B. Leach Johnson, widow of Felix S. S. Johnson, late American consul at Kingston, Ontario, Canada, the sum of $3,500, equal to one year's salary of her deceased husband.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMANDER EDWARD ELLSBERG, LIEUT. HENRY HARTLEY, AND BOATSWAIN RICHARD E. HAWES

The next business on the Private Calendar was the bill (H. R. 13795) for recognition of meritorious service performed

by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. Mr. Speaker, I reserve the right to object. In view of the report of the Secretary of the Navy, and considering the fact that this legislation if passed will advance one of the beneficiaries 35 numbers in rank in the Navy, I think the House is entitled to a full explanation of the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, if the House will bear with me for a moment I shall be glad to explain this bill. Soon after I was first elected to Congress, 20 years ago this fall, there were two vacancies in my district in appointments to the Navy. I held a competitive examination in Denver, Colo. There were some 35 applicants that appeared in that competitive examination. A young man named Edward Ellsberg won the competitive examination, and I appointed him to Annapolis. At the end of the first year he was the top man. At the end of the second year he was the top man. At the end of the third year he was the top man, and at the end of the fourth year he graduated at the head of his class. I went over there and saw President Woodrow Wilson call him up as the honor student of the class of 1914 and present him with his diploma. He not only graduated at the head of his class but he won the silver cup donated by the Daughters of the American Revolution for the highest proficiency in seamanship and international law. He won the prize of Colonel Thompson, president of the Navy League of the United States, and he won nearly all of the other prizes. At that time Colorado had only 1 per cent of the students of that academy, and this boy won 30 per cent of all of the honors of Annapolis at that time. [Applause.]

He went from there into the Navy. He was so proficient in the Navy that they sent him to the Boston Institute of Technology and he came out with a master's degree. Then he commenced a wonderfully efficient career in engineering construction work in the Navy. He remodeled quite a number of our greatest ships. He was the outside superintendent of construction of the battleship *Tennessee*, the largest one ever built in New York Navy Yard. When the *S–51* was sunk they sent for him to come and raise it. He is the only officer in the American Navy who has become an expert diver himself. He went down to the bottom of the ocean and investigated that matter and stuck to it until he raised the *S–51*. He was rewarded by the Navy with a distinguished-service medal for that. He was promoted one rank and given some very important other assignments. As a matter of fact he is looked upon to-day as one of the brightest engineers in the United States Navy, for submarine construction especially. I wish you would all read his record as it appears in the CONGRESSIONAL RECORD of May 16, 1928, at pages 8900 to 8908.

He has invented quite a number of submarine appliances. He invented the pontoon system with which to raise these boats. When the *S–4* was sunk recently he at once volunteered and put on his diving togs and went down and found the condition of that ship, and came up and told the world and the Navy people how to raise it. He has shown throughout his whole life that he is not only wonderfully efficient but superior in everything he has undertaken.

We ask that he simply be awarded a promotion of one grade. We had two other officers, Hartley and Hawes, who went down to the bottom of the ocean with him practically every day for months and they raised the *S–51*, and we ask that these three officers be given one grade of raise in this bill as an inspiration to the youth of our country and encouragement to the American Navy. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to appoint Edward Ellsberg, now a naval constructor with the rank of lieutenant commander in the Naval Reserve, a naval constructor with the rank of commander in the Naval Reserve; and Chief Boatswain R. E. Hawes, United States Navy, an ensign in the Navy; and to advance Lieut. Henry Hartley, United States Navy, 35 numbers on the list of lieutenants of the Navy, in recognition of their services in the salvage of the U. S. S. *S–51*.

SEC. 2. That these officers shall be additional numbers in the grades to which or in which they are hereby advanced and in any to which they may hereafter be promoted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ROBERT MICHAEL WHITE

The next business on the Private Calendar was the bill (H. R. 5952) for the relief of Robert Michael White.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reconvey to Robert Michael White by the usual quitclaim deed the title to that certain tract of land which he donated to the United States as a boarding station for the United States customs service, situate, lying, and being in the parish of Plaquemines, State of Louisiana, on the right bank of the Mississippi River, about 90 miles below the city of New Orleans, in township 21 south, range 31 east, measuring 1,000 feet front on the said Mississippi River by 1,000 feet in depth and front on Wilders Bayou and 1,000 feet in depth on the opposite side line and the like width in the rear, the title to which was conveyed to the United States of America by the said Robert Michael White by deed executed on the 20th day of April, 1883.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LOUISE M. CAMBOURI

The next business on the Private Calendar was the bill (S. 363) for the relief of Louise M. Cambouri.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Louise M. Cambouri, out of any money in the Treasury not otherwise appropriated, the sum of $251.26, in full satisfaction of all claims against the United States on account of services rendered in the translation and verification of letters and documents for the United States Veterans' Bureau, prior to the cancellation of a contract dated May 13, 1926, claim for payment having been disallowed by the General Accounting Office on April 20, 1927.

SEC. 2. That no part of the amount appropriated in this bill in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LARRY M. TEMPLE

The next business on the Private Calendar was the bill (S. 443) for the relief of Larry M. Temple.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Larry M. Temple, out of any money in the Treasury not otherwise appropriated, the sum of $1,174.66, as reimbursement in full for hospital and other expenses incurred on account of injuries sustained June 11, 1926, at Miami Beach, Fla., by reason of being struck by a bullet fired from a Coast Guard vessel which was at the time pursuing an alleged violator of the prohibition laws of the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HOTTUM-KENNEDY DRY DOCK CO.

The next business on the Private Calendar was the bill (S. 513) for the relief of Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Hottum-Kennedy Dry Dock Co., owner of the Hottum-Kennedy Dry Docks, out of any money in the Treasury not otherwise appropriated, the sum of $1,231.50 in full settlement to reimburse such owner for loss sustained as a result of damages caused to such docks and appurtenant property through collision with the U. S. S. *Inspector* on January 30, 1920.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

W. H. TALBERT

The next business on the Private Calendar was the bill (S. 1645) for reimbursement of W. H. Talbert.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay W. H. Talbert, out of any money in the Treasury not otherwise appropriated, as reimbursement, the sum of $135 for money expended for repair of automobile wrecked in service of the Indian department in transporting Indian children from one school to another.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

M. L. WILLIS

The next business on the Private Calendar was the bill (H. R. 4609) for the relief of M. L. Willis.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. L. Willis, Richmond, Va., out of any money in the Treasury not otherwise appropriated, the sum of $437.52, in full settlement for personal damage caused by the Postal Service in Richmond, Va., on December 19, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

JOHN I. FITZGERALD

The next business on the Private Calendar was the bill (H. R. 7392) for the relief of John I. Fitzgerald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, a brief examination of this bill will show that it is rather inadequately drawn. For instance, in line 6, it refers to two $500 bonds. They were Liberty bonds which were deposited as collateral for appearances. I have amendments which I wish to offer and I have no doubt they will be satisfactory. I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John I. Fitzgerald the sum of $1,000, out of any money in the Treasury not otherwise appropriated, in lieu of two $500 bonds executed by him as bail bonds for the appearance of two certain aliens, which bonds have been breached and the aforesaid bonds turned over to the Secretary of the Treasury by the Department of Labor authorities and covered into the Treasury, after which the aliens were surrendered to the immigration authorities, deported, and subsequently legally admitted to the United States as permanent residents under the provisions of the law governing admission of aliens under the immigration quotas.

Mr. CHINDBLOM. Mr. Speaker, I offer the amendments which I have sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. CHINDBLOM: In line 6, on page 1, after the figures "$500," insert "Liberty," and strike out, after the word "bonds," the word "executed" and insert the word "deposited."

In line 7, after the word "him," strike out the word "as" and insert the word "two."

In line 8, after the word "which," insert the word "appearance," and after the word "bonds," strike out the words "have been" and insert "were," and after the word "aforesaid," insert the word "Liberty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES H. SALLEY

The next business on the Private Calendar was the bill (H. R. 9716) to pay Charles H. Salley, of Salley, S. C., for costs, disbursements, and commission as administrator of the estate of Jim Woodward, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Charles H. Salley, of Salley, S. C., the sum of $167.72 in full compensation for costs, disbursements, and commission as administrator of the estate of Jim Woodward, deceased.

With the following committee amendments:

In line 7, strike out the sign and figures "$167.72" and insert the sign and figures "$67."

In the same line, strike out the word "costs," and insert "costs and."

In line 8, after the word "disbursements," strike out the comma and the words "and commission."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

M. T. NILAN

The next business on the Private Calendar was the bill (H. R. 9862) for the relief of M. T. Nilan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized, and hereby directed, to pay out of any money in the Treasury not otherwise appropriated, to M. T. Nilan, of Eggleston, Minn., the sum of $121.10, with 6 per cent per annum interest from January 1, 1925. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the issuance of a check by the Department of the Interior on December 9, 1924, to Charles Wells, an Indian, which check was cashed by said M. T. Nilan and presented by him for payment, at which time the department refused to pay said check, claiming error on the part of its agent.

With the following committee amendment:

In line 6, after the figures "$121.10," strike out the comma and the words "with 6 per cent per annum interest from January 1, 1925."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT S. AMENT

The next business on the Private Calendar was the bill (H. R. 10045), for the relief of Robert S. Ament.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert S. Ament, of New York, N. Y., the sum of $13,091.73, in full compensation for damage to a pier at Provincetown, Mass. (of which he is lessee and which he has improved

and decorated to the value of this claim), by the U. S. Coast Guard cutter *Morrill*, on November 16, 1926.

With the following committee amendment:

In line 6, strike out the sign and figures "$13,091.73" and insert in lieu thereof the sign and figures "$6,301.33."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELLA MAE RINKS

The next business on the Private Calendar was the bill (H. R. 11500) for the relief of Ella Mae Rinks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury *not* otherwise appropriated, and in full settlement against the Government, the sum of $772.35 to Ella Mae Rinks for personal injury resulting from being run down by a truck belonging to the Sequoyah Orphan Training School.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to place in the RECORD at this point a letter from the Secretary of the Interior recommending this bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1928.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: There are inclosed a draft of proposed legislation and accompanying papers to compensate Ella Mae Rinks for personal injury resulting from being run down by a Government-owned truck.

It appears that on April 28, 1926, in the city of Tahlequah, Okla., the claimant was struck, knocked down, and seriously injured by a truck belonging to the Sequoyah Orphan Training School, bruising and otherwise injuring her to the extent that she was confined to her bed for about six weeks and compelled to use crutches for about four weeks longer, and that as the result of said injury she was unable to follow her profession, that of teacher, for a long time afterwards, and that ever since the accident she has been troubled with rheumatism.

Under date of June 5, 1926, the superintendent reported that the driver of the truck, Frank Swake, was a student of the Sequoyah Training School detailed to drive a Ford truck to Tahlequah for supplies.

The accident is explained in an affidavit, dated April 28, 1926, by Frank Swake, the student who was driving the truck when the accident occurred.

The important facts and surrounding circumstances are set forth in the inspector's report of January 25, 1927, who was detailed to investigate the case.

The claimant seeks to recover damages resulting from the injury in the sum of $772.35.

Under the circumstances it is recommended that the bill be enacted.

The Director of the Bureau of the Budget advises that the proposed legislation is not in conflict with the President's financial program.

Very truly yours,

HUBERT WORK.

MONTANA STATE COLLEGE

The next business on the Private Calendar was the bill (H. R. 11510) for the relief of Montana State College.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I note that the bill is not in accord with the report. I am sure the gentleman from Montana will have no objection to amendments making the bill conform to the report.

Mr. LEAVITT. I have amendments prepared to make the bill agree with the report. This is in agreement with the chairman of the committee and the gentleman from New York [Mr. CELLER], who reported the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,833.11 to reimburse the Montana State College at Bozeman, Mont., for services rendered in providing and supervising special field instruction of project trainees under the vocational rehabilitation act, during the period from March 24, 1927, to June 30, 1927.

With the following committee amendment:

In line 5, after the word "appropriated" insert "and in full settlement against the Government."

Amendment offered by Mr. LEAVITT: On page 1, line 6, after the word "of" strike out "$4,833.11" and insert in lieu thereof "$8,535.87."

The committee amendment was agreed to.

The amendment of the gentleman from Montana [Mr. LEAVITT] was agreed to.

Mr. WARREN. Mr. Speaker, I think there is a further amendment.

Mr. LEAVITT. Yes; I offer another amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: On page 1, line 10, after the number 24, strike out "1927" and insert in lieu thereof, "1923."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. W. GILLESPIE

The next business on the Private Calendar was the bill (H. R. 12612) for the relief of E. W. Gillespie.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of E. W. Gillespie, former postmaster at Rock River, Wyo., in the sum of $118.57, such sum representing the loss in the account of the said E. W. Gillespie caused by the failure of the First National Bank of Rock River, Wyo., where the post-office funds were deposited by the said E. W. Gillespie.

With the following committee amendment:

In line 5, strike out "$118.57" and insert in lieu thereof "$116.07."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLARENCE P. SMITH

The next business on the Private Calendar was the bill (H. R. 13498) for the relief of Clarence P. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence P. Smith, postmaster, Eden, Idaho, the sum of $140 to reimburse him for damage to the post-office safe by burglars July 1, 1927, and ruination of the safe by burglars September 5, 1927.

With the following committee amendment:

In line 5, after the word "appropriated" insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN J. FITZGERALD

The next business on the Private Calendar was the bill (S. 3314) for the relief of John J. Fitzgerald.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to John J. Fitzgerald, a former employee of the Merchant Fleet Corporation, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Fitzgerald, during his natural life, the sum of $50 per month, to date from the passage of this act, as compensation in contracting tuberculosis while in line of duty as an employee of the United States Shipping Board Emergency Fleet Corporation, said monthly payments to be paid through the United States Employees' Compensation Commission; and that said John J. Fitzgerald shall be admitted to a Government hospital as may be directed by the United States Employees' Compensation Commission for necessary care and treatment."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AUGUSTA CORNOG

The next business on the Private Calendar was the bill (S. 3931) for the relief of Augusta Cornog.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Augusta Cornog, a former employee of the United States Public Health Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause, and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog, a former employee of the United States Public Health Service, who contracted tuberculosis while employed at the Atlanta Veterans' Bureau Hospital; and that said Augusta Cornog shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN L. JENIFER

The next business on the Private Calendar was the bill (H. R. 2492) to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT. Reserving the right to object, I would like some information on this bill.

Mr. IRWIN. This man has worked in the Printing Office for 18 years. He was a laborer and had to work under a very bright light. He was working cleaning switches. His eyes became affected. Doctor Manning, who was physician at the Printing Office, on many occasions took pieces of cinders and dirt and little filings of carbon out of his eyes. It became necessary finally to remove one eye. He was off duty about three weeks, and then went back to work again. They changed his work and gave him other employment. He worked 16 or 18 years in the employ of the Government. We had him examined some few days ago. He is totally blind, can not see a thing. We went into the merits of his case very thoroughly.

Mr. GIBSON. He does not come under the act of 1916 that covers those cases?

Mr. UNDERHILL. The first injury started previous to the act of 1916. It is through a technicality, a real strict interpretation of the law, that the Compensation Board has refused to place him under the act of 1916. As the injury continued to develop as time passed by he has been doing work for 10 or 15 years since the passage of the act. Consequently, the committee thinks he is entitled to come under the provision, and in order to meet the objection of the Compensation Board we have reported this bill.

Mr. VINSON of Kentucky. When did he lose his eye?

Mr. IRWIN. In 1917, after 10 years' service.

Mr. GILBERT. My purpose in reserving the objection was to call the attention of the House to the arbitrary position taken by this board, which I thought applied to the gentleman's case as well as to one I have pending before that board. The Supreme Court of the United States has recently held that a person was entitled to the benefits of the act for a reasonable length of time just before and just after being engaged in actual employment.

This board has declined to extend the benefits of this act to this constituent of mine, although admitting that had the Supreme Court jurisdiction of this particular case they would have held that the act applied.

Mr. UNDERHILL. It is because of the decision that the committee took action in this case, and two or three others that are pending on the calendar. We felt that we were justified in taking that position because we were following the decision of the greatest court in the land. The committee is fortunate in having as one of its Members one of the best surgeons and physicians in the United States, and we are largely guided by his opinion in these matters.

Mr. GILBERT. I congratulate the committee, but I deplore the fact that it is necessary to come to the House to get action when the board admits that had the Supreme Court of the United States been passing on it they would have granted the compensation. I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to John L. Jenifer a former employee in the Government Printing Office, Washington, D. C., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

With the following committee amendment:

Line 6, page 1, correct the spelling in the word "Office."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

LEASE OF LAND, STANLEY COUNTY, S. DAK., TO HENRY A. O'NEIL

The next business on the Private Calendar was the bill (S. 4022) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from entry and to lease to Henry A. O'Neil, of Fort Pierre, S. Dak., for a period of 10 years, at an annual rental of not less than $75, under rules and regulations to be by him prescribed, the following described public lands in the county of Stanley and State of South Dakota: Sections 26 and 27, the north half southeast quarter, and the north half section 34, the north half northeast quarter, the north half northwest quarter, and the north half southwest quarter of section 35, and lot 4, and the south half northwest quarter and the west half southwest quarter of section 25, all in township 6 north, range 30 east, Black Hills meridian; said lands to be used exclusively for the pasturing of native buffalo, and for no other purpose: *Provided*, That the Secretary of the Interior may at any time cancel any lease which may hereafter be made under the provisions hereof and restore said land to the public domain: *Provided further*, That the lease authorized hereunder may be assigned with the approval of the Secretary of the Interior.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 238, joint resolution providing for the granting of veterans' preference in civil-service examinations.

The message further announced that the Senate insists upon its amendment to the bill (H. R. 12352) entitled "An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon and appoints Mr. REED of Pennsylvania, Mr. GREEN, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the joint resolution (S. J. Res. 5) entitled "Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas."

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13039) entitled "An act to amend the World War veterans' act, 1924."

PRIVATE CALENDAR

FORT BROWN MILITARY RESERVATION

The next business on the Private Calendar was the bill (H. R. 13458) authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to substitute for this Senate bill 4315.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to sell, or cause to be sold, to the Gateway Bridge Co., a corporation organized under the laws of Delaware, at the appraised value as determined by the Secretary of War, approximately 3,304.8 square feet of ground of the Fort Brown Military Reservation, Brownsville, Tex., particularly described as follows, to wit: Beginning at an unmarked point in the north line of the Fort Brown Military Reservation, said point bearing south 66° 12′ west 22.2 feet from a 10 inch by 10 inch concrete Government monument set at intersection of north line of Levee Street with north reservation line; thence north 66° 12′ east 149.94 feet along the said north reservation line to its point of intersection with the south line of a 20-foot alley between Levee and Elizabeth Streets; thence south 43° 51′ east 21.3 feet along the south line of said alley produced to its point of intersection with a line 10 feet distant from and parallel to the quartermaster's brick wall; thence south 66° 12′ west 180.54 feet along said line 10 feet from and parallel to the quartermaster's brick wall to its point of intersection with the northeast line of the present triangular leased parcel of the Gateway Bridge Co. from the Fort Brown Reservation; thence north 25° 34′ east along said lease line 30.7 feet to the place of beginning; containing, in all, 3,304.8 square feet of ground, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and to prevent the erection and maintenance of an unsightly structure or structures upon the said area.

SEC. 2. The net proceeds derived from the sale of such land shall be covered into the Treasury to the credit of the military post construction fund.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PREFERENCE IN IMMIGRATION VISAS—CONFERENCE REPORT

Mr. JENKINS. Mr. Speaker, I present a conference report for printing under the rule on the Senate Joint Resolution 5, to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

DAVID F. RICHARDS, ALIAS DAVID RICHARDS

The next business on the Private Calendar was the bill (H. R. 2651) for the relief of David F. Richards, alias David Richards.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, David F. Richards, alias David Richards, who was a member of Company K, Twenty-sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 30th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT O. EDWARDS

The next business on the Private Calendar was the bill (S. 2894) for the relief of Robert O. Edwards.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Robert O. Edwards, late major in the Coast Artillery Corps of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty; that if the findings of such board are in the affirmative the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Robert O. Edwards a major in the Coast Artillery Corps and to place him immediately thereafter upon the retired list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Robert O. Edwards shall not be entitled to any back pay or allowance by the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

H. A. RUSSELL

The next business on the Private Calendar was the bill (H. R. 11749) for the relief of H. A. Russell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of his claim against the Government, $400 to H. A. Russell, money taken and forfeited to the United States as bond money deposited by said H. A. Russell for one R. L. Barber for his appearance at the Federal court in Rock Hill, S. C., though said Barber did comply with all the terms of said bond; and there is hereby authorized to be appropriated said sum for the payment of said claim.

With the following committee amendment:

Line 11, after the word "bond," strike out the semicolon and the remainder of lines 11 and 12.

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DONALD M. DAVIDSON

The next business on the Private Calendar was the bill (H. R. 10812) for the relief of Donald M. Davidson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to substitute S. 3088.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Donald M. Davidson, formerly second lieutenant of the Field Artillery, unassigned, of the Army of the United

States, before a retiring board to inquire whether at the time of his honorable discharge March 12, 1920, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether such discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Donald M. Davidson a second lieutenant in the Army of the United States and place him immediately thereafter upon the retired list of the Army as a first lieutenant with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That said Donald M. Davidson shall not be entitled to any back pay or allowances.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

WILLIAM PARISH

The next business on the Private Calendar was the bill (H. R. 11181) for the relief of William Parish.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Parish, who was a member of Company L, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 12th day of February, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 9, strike out "12th" and insert "15th," and line 10, strike out "February" and insert "January."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAND CLAIM OF SETH DEAN, WASHINGTON COUNTY, ALA.

The next business on the Private Calendar was the bill (S. 4327) to relinquish the title of the United States to land in the claim of Seth Dean, situated in the county of Washington, State of Alabama.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to section 41, all in township 3 north, range 1 east, St. Stephens meridian, Washington County, Ala., containing 640 acres, as shown on a plat of survey made by Thomas Freeman, surveyor, of United States land south of Tennessee, approved January 26, 1849, and segregated thereon as the claim of Seth Dean be, and the same is hereby, released, relinquished, and confirmed by the United States to the equitable owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided*, That this act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the equitable owners of said lands by reason of long continuous possession under color of title with claim of ownership, or otherwise, under the laws of the State of Alabama, including the laws of prescription and limitation, in the absence of the said interest, title, and estate of the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

H. P. MILLIGAN

The next business on the Private Calendar was the bill (H. R. 13440) for the relief of H. P. Milligan.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, H. P. Milligan, a graduate of West Point and an honorably discharged former major of Infantry, a major of Infantry in the Regular Army to fill the next vacancy after the passage of this act: *Provided*, That no pay or allowances antedating an acceptance of an appointment pursuant to this act shall accrue thereunder.

With committee amendments as follows:

Page 1, line 5, strike out the initial "H" and insert in lieu thereof the word "Howard," Page 1, line 7, strike out after the word "Infantry" all of lines 7, 8, 9, and 10, and insert in lieu thereof the following: "A major of Infantry in the United States Army in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Howard P. Milligan shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended.

CONGRESSIONAL MEDAL TO HONOR LINCOLN ELLSWORTH

The next business on the Private Calendar was the bill (H. R. 12456) awarding a Congressional Medal of Honor to Lincoln Ellsworth.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACON. Reserving the right to object, Mr. Speaker, I want to ask the proponent of this bill if he will insist on the House amendment?

Mr. LUCE. Mr. Speaker, That is the understanding. I am glad of this chance to explain that it is my purpose to amend the title so as to strike out the word "congressional" and make the title conform to the body of the bill as reported by the House committee. That was the intention of the House.

Mr. BACON. I do not favor the granting of the congressional medal of honor to anyone except in accordance with the intention expressed by Congress when the original act providing for the congressional medal of honor was passed.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, a medal in this case is contemplated in honor of the achievements of Mr. Lincoln Ellsworth, made famous by his polar flight in 1925. That was a three-man expedition. The two other men were the Norwegian Roald Amundsen, who contributed his experience and scientific knowledge, and General Nobile, who constructed the dirigible and navigated the ship. It has always been the practice in this country that when there is a joint venture all the participants are honored equally. At this very moment the fate of General Nobile is unknown, and Amundsen, his companion in the flight of 1925, is now speeding to his rescue. I think the handsome thing to do would be to link both of these gentlemen with Lincoln Ellsworth in this bill.

I think my amendment is perhaps subject to a point of order, but when I offer the amendment I would like to have a gentleman's agreement to the effect that no point of order will be made and that the amendment will be accepted.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. I had something to say about this when it was called up before, because I felt then that this question ought to have consideration by a committee of the House. The bill has had such consideration, and there is a report before us.

As I understand from that report from that committee, Lincoln Ellsworth is the one American citizen who was involved in this flight. The others, who are not American citizens, but whose courage and resource we admire just the same, have been recognized by their respective governments, and very properly, and also very properly without recognition of Ellsworth.

It is quite in accord with the proprieties and the precedents for us to give this recognition to our fellow citizen. It seems to me that the gentleman from New York [Mr. LAGUARDIA] ought not to insist on his amendment. In fact it would seem to me, if I might be permitted to suggest it to the gentleman from

New York, that it would be a little weakening of the honor that he professes to desire to pay to the other two, to feel obliged to force it through in this way. I am sure that if the gentleman introduced a bill to honor the others in the way that is customary and a way that appeals to Congress, there would be no question about its favorable consideration, and that would be a real honor.

Mr. LAGUARDIA. If the gentleman will permit, it is quite true that the countries of the other two explorers honored these men. That is the difference between a kingdom and a republic. Let us do our honoring in our own way. I do not care what the Kingdom of Norway does nor what the Kingdom of Italy might have done. This is a Republic and we, as the Representatives of the people, will be carrying out the wishes of the American people by treating the three of them equally.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. It would seem to me that if we are to do it as a republic, it would be much more in keeping with the spirit of a republic to have it done freely and spontaneously as the real expression of the Congress rather than to do it under compulsion and to force honor to others in order that we may carry out our desire to honor Ellsworth.

Mr. LAGUARDIA. I think our action is deliberate, spontaneous, and free.

Mr. ALLEN. I call for the regular order.

The SPEAKER. The regular order is: Is there objection?

Mr. LAGUARDIA. If there is a gentleman's understanding that there will be no point of order raised to the amendment I shall offer, I will not object.

Mr. CRAMTON. I will have a gentleman's understanding that I will make the point of order.

Mr. LAGUARDIA. Then I will have the gentleman understand that I will object.

Mr. BOYLAN. I hope the gentleman will not object.

Mr. LAGUARDIA. But I have objected.

Mr. BOYLAN. The gentleman should withdraw his objection because Mr. Ellsworth is a distinguished citizen of the gentleman's city. The gentleman knows if it had not been for Mr. Ellsworth we would have had no flight at all.

Mr. LAGUARDIA. Yes; he contributed the money. I will concede that. However, the regular order was called for and I object.

The SPEAKER. The regular order is called for and the Clerk will report the next bill.

MARTIN G. SCHENCK

The next business on the Private Calendar was the bill (H. R. 13633) for the relief of Martin G. Schenck, alias Martin G. Schanck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Martin G. Schenck, alias Martin G. Schanck, who was a member of Company K, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of June, 1871: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM S. SHACKLETTE

The next business on the Private Calendar was the bill (H. R. 12666) for the relief of William S. Shacklette.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter William S. Shacklette, who was retired for physical disabilities, incurred in line of duty at the time of the explosion of the boilers of the U. S. S. *Bennington* at San Diego, Calif., July 21, 1905, and was awarded the Congressional Medal of Honor for "extraordinary heroism displayed at the time of the accident," shall receive the retired pay of chief pharmacist, equivalent to the maximum pay and allowance of that grade provided by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIS A. YORKE

The next business on the Private Calendar was the bill (H. R. 9072) for the relief of Louis A. Yorke.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Louis A. Yorke a paymaster in the Navy of the United States, and to place him on the retired list with three-fourths of the pay of that grade: *Provided*, That the said Louis A. Yorke shall not, by the passage of this act, be entitled to back pay or allowances.

Mr. CHINDBLOM. Mr. Speaker, I move to amend by striking out the proviso and inserting the usual language:

Provided, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 1, line 8, strike out the proviso and insert: "*Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN FOREIGN TRADE CORPORATION

The next business on the Private Calendar was the bill (H. R. 8511) for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the American Foreign Trade Corporation and Fils d'Aslan Fresco, the sum of $138,886.25, in full compensation for losses sustained by consequences resulting from acts of the Government of United States in the requisitioning of the ship *Navahoe*, under United States registry, at Odessa, Russia, on February 5, 1920.

With the following committee amendment:

Page 1, line 7, strike out "$138,886.25" and insert "$54,810."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS IN FAULKNER COUNTY, ARK.

Mr. RAGON. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill (H. R. 12322) to quiet title and possession with respect to certain lands in Faulkner County, Ark., was laid on the table, and I ask that the House bill may be reinstated.

The fact is there was a mistake made in substituting the Senate bill (S. 3602) for the House bill which I have just mentioned. They are two separate bills, and the Senate bill has already passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Clerk will report the bill H. R. 12322.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all right, title, and interest of the United States in and to the lands situated in Faulkner County, Ark., described

as follows: The northwest quarter of the northwest quarter, section 11, township 5 north of the base line, range 11 west, Fifth Principal Meridian, containing 40 acres, more or less, be, and the same are hereby, granted, released, and relinquished by the United States in fee simple to their respective owner or owners of the equitable title and to their heirs and assigns forever, as freely and completely in every respect whatever, as could be done by patents issued therefor according to law.

SEC. 2. Nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Arkansas, including the laws of prescription in the absence of the said interest and estate of the United States.

With the following committee amendment:

Page 1, line 8, strike out all of section 1 after the word "hereby" and insert in lieu thereof "released and relinquished by the United States to the respective owner or owners of the requitable title and to their heirs and assigns."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IMMIGRATION VISAS

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a conference report, which the Clerk will report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 5) entitled "Joint resolution to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That section 4 of the immigration act of 1924 is amended by striking out the word 'or' at the end of subdivision (d) and by striking out the period at the end of subdivision (e) and inserting in lieu thereof a semicolon and the word 'or' and by adding after subdivision (e) a new subdivision to read as follows:

"(f) A woman who was a citizen of the United States and who prior to September 22, 1922, lost her citizenship by reason of her marriage to an alien, but at the time of her application for an immigration visa is unmarried."

SEC. 2. Subdivision (a) of section 4 of the immigration act of 1924 is amended to read as follows:

"(a) An immigrant who is the unmarried child under 21 years of age, or the wife, of a citizen of the United States, or the husband of a citizen of the United States by a marriage occurring prior to June 1, 1928."

SEC. 3. Section 6 of the immigration act of 1924 is amended, to take effect July 1, 1928, to read as follows:

"SEC. 6. (a) Immigration visas to quota immigrants shall be issued in each fiscal year as follows:

"(1) Fifty per cent of the quota of each nationality for such year shall be made available in such year for the issuance of immigration visas to the following classes of immigrants, without priority of preference as between such classes: (A) Quota immigrants who are the fathers or the mothers, or the husbands by marriage occurring after May 31, 1928, of citizens of the United States who are 21 years of age or over; and (B) in the case of any nationality the quota for which is 300 or more, quota immigrants who are skilled in agriculture, and the wives, and the dependent children under the age of 18 years, of such immigrants skilled in agriculture, if accompanying or following to join them.

"(2) The remainder of the quota of each nationality for such year, plus any portion of the 50 per cent referred to in paragraph (1) not required in such year for the issuance of immigration visas to the classes specified in such paragraph, shall be made available in such year for the issuance of immigration visas to quota immigrants of such nationality who are the unmarried children under 21 years of age, or the wives, of alien residents of the United States who were lawfully admitted to the United States for permanent residence.

"(3) Any portion of the quota of each nationality for such year not required for the issuance of immigration visas to the classes specified in paragraphs (1) and (2) shall be made available in such year for the issuance of immigration visas to other quota immigrants of such nationality.

"(b) The preference provided in paragraphs (1) and (2) of subdivision (a) shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise, in the next calendar month."

Amend the title so as to read: "Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States."

And the House agree to the same.

THOMAS A. JENKINS,
ALBERT JOHNSON,
JOHN C. BOX,
Managers on the part of the House.

DAVID A. REED,
HENRY W. KEYES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The joint resolution as agreed upon in conference is substantially the same as the House amendment with only the following modifications:

"(1) Under the House amendment nonquota status was accorded to a woman who was a citizen of the United States and who prior to the passage of the Cable Act lost her citizenship by marriage to an alien. The conferees inserted the additional requirement that at the time of her application for immigration visa she must be unmarried.

"(2) The House amendment accorded nonquota status to a husband of a citizen of the United States. The conferees limited the privilege to the husband of a citizen by a marriage occurring prior to June 1, 1928, and gave preference within the quota to husbands of citizens of the United States who are 21 years of age or over if the marriage occurs after May 31, 1928.

"(3) The House amendment gave preference within the quota to the unmarried children under 21, the husbands, and the wives, of aliens, lawfully admitted to the United States for permanent residence. The conferees removed this preference to husbands, and limited the preference to the unmarried children under 21, and the wives, of alien residents of the United States who were lawfully admitted to the United States for permanent residence.

"The conferees amended the title so as more adequately to describe the contents of the joint resolution."

ALBERT JOHNSON,
THOMAS A. JENKINS,
JOHN C. BOX,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MR. AND MRS. PETER J. EGAN

The next business on the Private Calendar was the bill (H. R. 12007) for the relief of Mr. and Mrs. Peter J. Egan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,500 to Mr. and Mrs. Peter J. Egan, for the loss of their child, Martin Egan, who was struck by a United States mail truck, owned by the Post Office Department, on October 25, 1927, in New York City, N. Y., and died as a result of injuries received.

With the following committee amendment:

In line 6, strike out "$2,500" and insert in lieu thereof "$200."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SOUTHERN SHIPYARD CORPORATION

The next business on the Private Calendar was the bill (S. 3030) for the relief of Southern Shipyard Corporation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims is hereby given jurisdiction to hear and determine the claim of Southern Shipyard Corporation, a corporation organized and existing under the laws of the State of Virginia, of Newport News, Va., for any service, material, or labor furnished or supplied the United States in connection with the reconditioning of the U. S. Coast Guard cutter *Manning* or on account of which it sustained a loss and for which it was not adequately paid, and also to determine whether and to what extent if any said Southern Shipyard Corporation furnished service, material, or labor beyond the requirements of its contract to recondition, and also to determine whether Southern Shipyard Corporation furnished any service, material, or labor or was caused loss through no fault of its own in excess of the amount paid by the United States, and the extent to which the United States benefited thereby or through its officers or agents was responsible therefor.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES W. PRINGLE

The next business on the Private Calendar was the bill (H. R. 1320) for the relief of James W. Pringle.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James W. Pringle shall hereafter be held and considered to have been mustered in and mustered out of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to have been honorably discharged as a member of said company and regiment after having served therein more than 90 days.

With the following committee amendment:

Page 1, line 10, after the word "days," change the period to a colon and insert the following proviso: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SQUIRE J. HOLLY

The next business on the Private Calendar was the bill (H. R. 2069) to correct the military record of Squire J. Holly.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Squire J. Holly, who was a member of Company C, Second Regiment United States Infantry shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of November, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Squire J. Holly."

A motion to reconsider was laid on the table.

FRANK Z. PIRKEY

The next business on the Private Calendar was the bill (H. R. 3460) for the relief of First Lieut. Frank Z. Pirkey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to credit First Lieut. Frank Z. Pirkey, Corps of Engineers, United States Army, with a leave of two months in addition to any other credits allowed by law, such leave to be effective as of July 1, 1922, and to refund to said Lieutenant Pirkey any payments refunded by him to the Government on account of excess leave taken by him.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN MARKS

The next business on the Private Calendar was the bill (H. R. 6907) for the relief of John Marks, alias John Bell.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, John Marks, alias John Bell, shall be held and considered to have been honorably discharged from the naval service: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 6, after the word "pension" insert the words "back pay."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

OREN W. RYNEARSON

The next business on the Private Calendar was the bill (H. R. 8974) authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Oren W. Rynearson, late second lieutenant, United States Army, before a retiring board for the purpose of a hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Oren W. Rynearson, a second lieutenant, the grade which he had at the time of his resignation, and to place him on the retired list of the Army: *Provided*, That no pay, bounty, or other allowance during the period between the time that he resigned and the time of the passage of this act shall become due and payable by virtue of this act.

With the following committee amendment:

Page 2, line 10, strike out the proviso and substitute in lieu thereof the following: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SIMON A. RICHARDSON

The next business on the Private Calendar was the bill (H. R. 9168) for the relief of Simon A. Richardson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Simon A. Richardson, who enlisted in the Navy July 26, 1898, shall hereafter be held and considered to have enlisted on the 26th day of May, 1898: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. CHINDBLOM. Mr. Speaker, I move the usual amendment.
The Clerk read as follows:

Line 6, strike out the remainder of the line and insert: "No back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

HERSCHEL PAUL COOK

The next business on the Private Calendar was the bill (H. R. 10015) authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant (junior grade).
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to promote to the rank of lieutenant, senior grade (retired), Herschel Paul Cook, now lieutenant, junior grade (retired). That the pay of this officer while on the retired list shall be computed as if he had been retired in the rank of lieutenant, senior grade, June 3, 1922.

Mr. WHITE of Colorado. Mr. Speaker, I offer the following amendment.
The Clerk read as follows:

Strike out all after the enacting clause and insert:
"That the Secretary of the Navy be and is hereby authorized and directed to promote as of June 3, 1922, to the rank of lieutenant (retired) Herschel Paul Cook now lieutenant, junior grade (retired), without any deduction of pay made such officer while on the active list subsequent to that date. That hereafter the pay of this officer while on the retired list shall be computed as if he had been retired in the rank of lieutenant, senior grade, June 3, 1922: *Provided*, That no back pay or allowance shall accrue prior to the passage of this act."

Mr. WHITE of Colorado. The situation is this——
Mr. CHINDBLOM. Has the Committee on Naval Affairs passed on the amendment proposed by the gentleman, and has that committee accepted it?
Mr. WHITE of Colorado. Yes; that is the situation. And the amendment was prepared by me at their suggestion.
Mr. CHINDBLOM. I have no further objection.
The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

RICHINGS J. SHAND

The next business on the Private Calendar was the bill (H. R. 10244) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to allow credit in the accounts of Col. Richings J. Shand, United States property and disbursing officer, Illinois National Guard, in the sum of $330 now standing as disallowance in said accounts on the books of the General Accounting Office, representing payments made by him in good faith for the rental of two automobiles with drivers for the use of the National Guard of Illinois during their annual encampment from July 30 to August 15, 1926, which rental and payments therefor had been previously authorized by the War Department but which were held by the Comptroller General to be prohibited as coming within the provisions of act of July 16, 1914 (38 Stat. 508).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK C. RUSSELL

The next business on the Private Calendar was the bill (H. R. 11343) to correct the military record of Frank C. Russell.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frank C. Russell, who was a member of Eighth Battery Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 3d day of October, 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
The title was amended to read: "A bill for the relief of Frank C. Russell."
A motion to reconsider the vote by which the bill was passed was laid on the table.

EDGAR TRAVIS, SR.

The next business on the Private Calendar was the bill (S. 652) for the relief of Edgar Travis, sr.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edgar Travis, sr., late of Company I, Sixth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have enlisted in said company on April 1, 1863, and to have been honorably discharged from the military service of the United States as a private of said company on December 26, 1864: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment, which I send to the desk.
The Clerk read as follows:

Line 10, page 1, strike out the last word "pay" and the comma and insert "back pay, bounties."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

PARKER-I-SEE-O POST

The next business on the Private Calendar was the bill (H. R. 13744) to provide for the acquisition by Parker I-See-O Post, No. 12, All American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to cause a patent to issue to Edward Clark, Charles Apekaum, Calvin Atchavit, Frank Methvin, and William Tracypokendooah as trustees of Parker I-See-O Post, No. 12, of the All-American Indian Legion, Lawton, Okla., and to their successors, for the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west of the Indian meridian, situate in Comanche County, Okla.: *Provided, however*, That said patent shall be issued upon the express condition that Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., shall erect a post building upon said tract within five years after the approval of this act: *Provided further*, That whenever said tract shall no longer be used as the site for a post building for said Parker I-See-O Post that title shall revert to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS OHIO RIVER, ASHLAND, KY.

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13976)

granting the consent of Congress to the International Bridge Co. (Inc.), its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky. This is an emergency measure. It is a bridge very urgently needed in an industrial center.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill and the committee amendments.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PEARL RIVER, MISS.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13996) granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi.

Mr. TILSON. Mr. Speaker, did this come with the unanimous support of the committee?

Mr. COLLINS. Yes.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Clerk now call the bills on the calendar that have not been called to-night.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed with the calendar from the beginning of it down to the star. Is there objection?

Mr. SCHAFER. Reserving the right to object, is it the understanding that one objection will carry a bill over?

Mr. TILSON. Yes. I ask that unobjected bills only be considered.

Mr. CHINDBLOM. Those take but one objection.

The SPEAKER. The gentleman from Connecticut makes his request with the understanding that only unobjected bills be considered. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call the calendar from the beginning.

MICHAEL PATRICK SULLIVAN

The first business in order on the Private Calendar was the bill (H. R. 929) for the relief of Michael Patrick Sullivan.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

GEORGE CALDWELL

The next business on the Private Calendar was the bill (H. R. 3724) for the relief of George Caldwell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard.

J. H. S. MORISON

The next business on the Private Calendar was the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard.

MAJ. HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 8806) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps in the United States Army.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard.

WILLIAM HENRY JUDSON

The next business on the Private Calendar was the bill (H. R. 2525) for the relief of William Henry Judson.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard.

WIDOW OF ALBERT F. SMITH

The next business on the Private Calendar was the bill (H. R. 9213) granting relief to the widow of Albert F. Smith.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER. Objection is heard.

J. W. ANDERSON

The next business on the Private Calendar was the bill (S. 1387) for the relief of J. W. Anderson.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. SIMMONS. I object.

The SPEAKER. Objection is heard.

RELIEF OF RUSSELL & TUCKER ET AL.

The next business on the Private Calendar was the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

PORTER BROS. & BIFFLE ET AL.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the bill S. 620 and the next one on the calendar, Calendar No. 537, the bill H. R. 4083, be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill S. 620 and the bill H. R. 4083 be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CLAIM OF CLARA PERCY

The next business on the Private Calendar was the bill (H. R. 11045) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BOX. I object.

The SPEAKER. Objection is heard.

RELIEF OF SALLIE STAPLEFORD ET AL.

The next business on the Private Calendar was the bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebraud, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sallie Stapleford, $100.54; Mrs. J. C. Stuckert, $331.74; Mary E. Hildebrand, $266.45; Kate Wright, $362; Mary M. Janvier, $87.85; Harry L. Gray, $212.83; Frank D. Carrow, $121; Harry V. Buckson, $333.31; George H. Swain, $51.65; Claude N. Jester, $341.64; and Charles H. Jamison, $200.15, out of any money in the Treasury not otherwise appropriated by reason of the losses and damages caused, respectively, to the said Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake & Delaware Canal at the town of St. Georges, in New Castle County, in the State of Delaware.

Mr. WARREN. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. WARREN: After the word "appropriated," in line 10, page 1, insert "and in full settlement."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

NINA MACDONALD ET AL.

The next business on the Private Calendar was the bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Nina MacDonald, late postmaster at Sunland, Calif., in the sum of $40.46, due the United States on account of loss of postal funds resulting from loss of registered parcel containing $166.46, which loss occurred February 14, 1925; Zenas V. Johnston, late postmaster at Atwater, Minn., in the sum of $351.35, due the United States on account of loss of postal funds resulting from the failure of First National Bank of Atwater, Minn.; Margaret E. Thompson, late postmaster at Grey Eagle, Minn., in the sum of $47.52, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Grey Eagle, Minn.; Arthur L. Beaman, late postmaster at Snow Hill, N. C., in the sum of $268.50, due the United States on account of loss of postal funds resulting from the failure of the Snow Hill Banking & Trust Co.; May Fee, late postmaster at Charbonneau, N. Dak., in the sum of $299.43, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank at Fairview, Mont.: *Provided*, That the said late postmasters who have suffered loss through said bank failures shall assign to the United States any and all claims they may have to dividends arising from the liquidation of said banks.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

M. LEVIN & SONS

The next business on the Private Calendar was the bill (S. 2438) for the relief of M. Levin & Sons.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the firm of M. Levin & Sons, San Francisco, Calif., out of any money in the Treasury not otherwise appropriated, the sum of $269.70, in full satisfaction of their claim against the United States on account of shortage in number of shoes purchased in January, 1921, from the Quartermaster Corps of the Army at Fort Douglas, Utah.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLIE M'DONALD

The next business on the Private Calendar was the bill (S. 2788) for the relief of Charlie McDonald.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charlie McDonald, former postmaster at Lovington, N. Mex., in the sum of $242.05, due the United States on account of the loss of postal funds resulting from the failure of the National Bank of Lovington, Lovington, N. Mex.: *Provided*, That the said Charlie McDonald shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN MEMBERS OF A TRAIL CREW EMPLOYED BY THE FOREST SERVICE

The next business on the Private Calendar was the bill (H. R. 12711), for the relief of certain members of a trail crew employed by the Forest Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, to W. A. Coleman, $50; Robert T. Hardin, $59; Roy McGregor, $25; James Innis, $46; Frank Eaton, $56; William Ward, $43; William Kane, $59; and Lowell Palmerton, $45, these respective amounts on account of losses sustained by them when called from their regular duty as members of a trail crew by order of the Forest Service to fight forest fires during July, 1926, in the Coeur d'Alene National Forest.

With the following committee amendment:

Page 1, line 4, after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MAJ. CHARLES F. EDDY

The next business on the Private Calendar was the bill (H. R. 12871) for the relief of Maj. Charles F. Eddy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HICKEY. Mr. Speaker, I object.

MAJ. WALTER REED

The next business on the Private Calendar was the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

KATHERINA KAUTZ

The next business on the Private Calendar was the bill (H. R. 11289) for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased, three United States certificates of indebtedness, series G, 1921, issued February 15, 1921, and matured July 15, 1921, serial Nos. 12823, 12824, and 12825, of the denomination of $1,000 each, with interest at the rate of 5½ per cent per annum from February 15, 1921, to July 15, 1921, without presentation of the said certificates or the coupons representing interest thereon from February 15, 1921, to July 15, 1921, the certificates having been lost or stolen: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Katherina Kautz and Fred G. Kautz as heirs shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on

account of the lost or stolen certificates of indebtedness herein described or the coupons belonging thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT—WORLD WAR VETERANS' ACT, 1924

Mr. LUCE. Mr. Speaker, I call up the conference report on H. R. 13039, an act to amend the World War veterans' act, 1924, and move the adoption of the conference report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13039) to amend the World War veterans' act, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 17, 19, 23, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "(3)," and on page 5, line 12, of the House bill after "(1)" insert a comma and "(2)" and a comma; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Strike out the quotation marks at the end of the Senate amendment; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate insert the following:

"(3) The payment of compensation to or for a child shall continue until such child reaches the age of 18 years or marries, or if such child be permanently incapable of self-support by reason of mental or physical defect, then during such incapacity: *Provided*, That the payment of compensation shall be further continued after the age of 18 years and until completion of education or training (but not after such child reaches the age of 21 years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the director, which shall have agreed to report to the director the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 10. That section 206 of the World War veterans' act, 1924, as amended (sec. 495, title 38, U. S. C.), is amended to read as follows:

"'SEC. 206. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except as provided in section 200 of this act, and except where there is an official record of the injury during service or at the time of separation from active service, or where prior to April 6, 1930, satisfactory evidence is furnished the bureau to establish that the injury was suffered or aggravated during active service. Where there is official record of injury during service compensation shall be payable in accordance with the provisions of this title, for death or disability whenever occurring, proximately resulting from such injury.'"

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 11. That the second paragraph of section 209 of the World War veterans' act, 1924, as amended (sec. 498, title 38, U. S. C.), is amended to read as follows:

"'The time herein provided may be extended by the director up to April 6, 1930, for good cause shown. If at the time that any right accrues to any person under the provisions of this title such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.'"

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "12"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "13"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "14"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In the matter proposed to be inserted by the Senate amendment strike out the comma after "made"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "15"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ": *Provided further*, That no person who has surrendered his United States Government life (converted) insurance for its cash surrender value shall be entitled to apply for insurance under this section to the extent of the amount of the insurance so surrendered: *Provided further*, That the provisions of this section shall not apply to any person who did not serve in the military or naval forces of the United States in the course of the World War"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "16"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SEC. 17. That section 305 of the World War veterans' act, 1924, as amended (sec. 516, title 38, U. S. C.), is amended by striking out the period at the end thereof and inserting a colon and the following: '*Provided further*, That compensation which is uncollectible by reason of the provisions of section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, 1924, as amended, shall be considered as uncollected compensation for the purposes of this section.'"

And the Senate agree to the same.

ROYAL C. JOHNSON,
ROBERT LUCE,
GORDON BROWNING,
Managers on the part of the House.

DAVID A. REED,
REED SMOOT,
WALTER F. GEORGE,
Managers on the part of the Senate.

Mr. TILSON. Mr. Speaker, I wish it to appear that this is by unanimous consent, because it is clearly not in order under the rules.

The SPEAKER. Is there objection to the present consideration of the conference report?

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the conferees' statement at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement is as follows:

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13039) to amend the World War veterans' act, 1924, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendments Nos. 2, 3, 11, and 19: These amendments make a clerical change; and the House recedes.

On amendments Nos. 4, 14, 15, 16, 20, and 22: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendment No. 1: The Senate amendment provides authority for payment by the bureau of medical examinations and inspections in connection with the reinstatement of insurance or the determination of permanent total disability under such contracts. The expense of such examination is to be borne out of the appropriations for the bureau; and the House recedes.

On amendment No. 5: The Senate amendment is for the purpose of requiring proof of dependency on the part of parents of deceased ex-service men who file claim for compensation. Under this amendment it is no longer required that the dependency arise within five years from the date of death of the veteran, but it is provided that in the event the dependency ceases the parents shall no longer receive compensation. By the use of the term "dependency" is meant inability to support one's self; and the House recedes.

On amendment No. 6: The Senate amendment provides that in connection with burial claims no deduction shall be made from the sum allowed because of contributions made by any State, county, or municipality. The purpose of this amendment is to obviate the necessity, under recent rulings of the Comptroller General, of taking into consideration in making burial awards small amounts provided by local governments; and the House recedes.

On amendment No. 7: The Senate amendment strikes out of the existing law the provision to the effect that if dependency compensation is awarded a parent, such compensation shall continue until the death of the parent. This amendment is for the purpose of restricting the payment of compensation during the period of actual dependency; and the House recedes.

On amendment No. 8: The House bill provided for the payment of compensation to or for a child between the ages of 18 years and 21 years if such child during such period is attending school. The Senate amendment eliminated this provision from the bill. The House recedes with an amendment to the effect that compensation shall be payable to such children between the ages of 18 years and 21 years if and while in attendance at school but clarifies the provision so that there may be no question but that a child permanently incapable in self-support by reason of mental or physical defect, will continue to draw compensation beyond the age of 21 years.

On amendment No. 9: The House bill provided for an increase in the amount of compensation payable to insane veterans who had been maintained by the Government in institutions for more than six months from $20 per month to $30 per month. The Senate amendment struck this provision from the bill. The House recedes.

On amendment No. 10: The Senate amendment provides that disability compensation payable to a veteran on behalf of a mother or father shall only be payable during dependency and that the status of dependency shall be determined as of the first day of each year. The director is granted discretion as to the extent of proof he will require from time to time upon which to make his determination. The House recedes.

On amendment No. 12: The House bill provided for the repeal of section 206 of the World War veterans' act, 1924, as amended, which requires the submission of proof of service origin of disability within three years of June 7, 1924, where no disability existed within one year of discharge. The Senate amendment eliminated this repealing section from the bill. The House recedes with an amendment extending the time during which proof of service connection for compensation may be filed to April 6, 1930.

On amendment No. 13: The House bill provided for the repeal of section 209 of the World War veterans' act, 1924, as amended, which requires that a claim for compensation be filed within five years of date of discharge or the date the disability arose or the death occurred. The section as repealed also granted to the director discretionary power to extend the time for filing a claim not to exceed five years for good cause shown. The Senate amendment struck this repealing section from the bill. The House recedes with an amendment extending the time during which the director might exercise his discretion to April 6, 1930.

On amendment No. 17: The Senate amendment added a provision to section 13 of the bill as passed by the House granting the right to policyholders of Government life insurance to reconvert such policies to policies carrying a lower premium rate provided the applicant is in good health. The House recedes.

On amendment No. 18: The Senate amendment provides that no reconversion shall be made to the five-year level premium form of policy. This amendment is merely for the purpose of restricting amendment No. 17 so that reconversion shall not be made to the five-year level premium policy, which is a temporary form of insurance at an extremely low rate and to which no permanent form of policy should ever be converted. The House recedes.

On amendment No. 21: The Senate amendment adds a proviso prohibiting persons who have surrendered United States Government life insurance for its cash surrender value from applying for insurance under section 14 of the bill as it passed the House to the extent of the amount of the insurance so surrendered. This limitation on the right to apply for Government insurance granted under section 14 of the House bill is for the purpose of protecting the United States Government life-insurance fund from adverse selection. The House recedes with an amendment to the effect that the entire section as amended should apply only to persons who served in the military or naval forces of the United States in the course of the World War.

On amendment No. 23: The House bill provided that where an insured under a Government life-insurance contract was totally disabled for a period of 12 months, the insurance should mature as though the insured were permanently or totally disabled. Certain limitations were contained as to retroactive payments. The Senate amendment provides that persons now holding United States Government life insurance and who are in good health, may apply for the insertion in their contracts of a disability clause providing for the payment of disability benefits where total disability has existed for 12 months. The director, under this amendment, is required to fix a rate of premium for this added feature to the insurance to cover the necessary cost of same; and the House recedes.

On amendment No. 24: The Senate amendment places the legislative stamp of approval on the interpretation of section 305 of the World War veterans' act, 1924, as amended, heretofore made by the bureau, but which has recently been overruled by the Comptroller General. The purpose of the amendment is to make available for the purposes of section 305 compensation the payment of which is barred under section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, 1924, as amended.

ROYAL C. JOHNSON,
ROBERT LUCE,
GORDON BROWNING,
Managers on the part of the House.

JOSE J. JIMENEZ

Mr. MORIN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 155, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of Senate Joint Resolution 155. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Jose J. Jimenez to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Jose J. Jimenez shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Jose J. Jimenez shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended

by the academic board: *Provided further*, That in the case of said Jose J. Jimenez the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

A similar House resolution was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will report the next bill on the Private Calendar.

W. H. KAUFMAN

The next business on the Private Calendar was the bill (S. 2061) for the relief of W. H. Kaufman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to W. H. Kaufman, out of any money in the Treasury not otherwise appropriated, the sum of $25, in full satisfaction of all claims against the United States for damage to his crops caused by the landing of a United States Forest Service airplane engaged in forest-fire patrol.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES E. TRUSSELL

The next business on the Private Calendar was the bill (S. 2673) for the relief of James E. Trussell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James E. Trussell, who was a private in Company K, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH M. M'ALEER

The next business on the Private Calendar was the bill (H. R. 13476) for the relief of Joseph M. McAleer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Joseph McAleer, who enlisted under the name of Joseph M. Mejair, foot service, white, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private, on the 11th day of December, 1901: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

With a committee amendment striking out the proviso on page 1, line 9, and inserting in lieu thereof the following:

That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN F. O'NEIL

The next business on the Private Calendar was the bill (H. R. 5995) for the relief of John F. O'Neil.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to appoint John F. O'Neil a carpenter in the United States Naval Reserve Force, and place him upon the retired list with three-quarters pay of his grade: *Provided*, That the said John F. O'Neil shall not, by the passage of this act, be entitled to back pay or allowances.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE SCHOONER "ADDISON E. BULLARD"

The next business on the Private Calendar was the bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Horace Turner, managing owner of the American schooner *Addison E. Bullard*, for and on behalf of the owners of the schooner, the sum of $80,000, with interest at 4 per cent from May 6, 1920, such sum representing losses sustained by the owners of the schooner because of the interruption of a voyage by reason of the proclamation of the President, effective September 28, 1917, forbidding sailing vessels from entering the war zone. The acceptance of such sum by the owners of the schooner shall be in full satisfaction of all claims of the owners in respect of such losses.

With the following committee amendment:

Page 1, line 7, strike out "$80,000 with interest at 4 per cent from May 6, 1920," and insert "$83,215."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act;

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 3097. An act for the relief of the State of North Carolina;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3917. An act for the relief of the State of Florida;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west, would intersect the Missouri River;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; and

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga.

RECESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the House now stand in recess until 12 o'clock noon to-morrow.

Mr. SPEAKER. The gentleman from Connecticut asks unanimous consent that the House now stand in recess until 12 o'clock noon to-morrow. Is there objection?

There was no objection.

Accordingly, at 10.50 o'clock p. m., the House took a recess until Tuesday, May 29, 1928, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

545. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1928, for the War Department for the construction of nurses' quarters at Walter Reed General Hospital, District of Columbia, $300,000 (H. Doc. No. 326); to the Committee on Appropriations and ordered to be printed.

546. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Chuckatuck River, counties of Isle of Wight and Nansemond, Va.; to the Committee on Rivers and Harbors.

547. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of J. A. Smith (H. Doc. No. 327); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on Irrigation and Reclamation. H. R. 306. A bill to provide for the protection and development of the Umatilla Rapids in the Columbia River; with amendment (Rept. No. 1909). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 14066. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 1910). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; with amendment (Rept. No. 1912). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 13936. A bill to amend the second paragraph of section 4 of the Federal farm loan act, as amended; with amendment (Rept. No. 1913). Referred to the House Calendar.

Mr. KIESS: Committee on Printing. S. 3092. An act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans; with amendment (Rept. 1915). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. Res. 230. A resolution to provide for the printing of certain historical statements relative to the Battle of Cowpens and the Battle of Kings Mountain, S. C. (Rept. No. 1916). Ordered printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 3728. A bill for the relief of Rossetta Laws; without amendment (Rept. No. 1906). Referred to the Committee of the Whole House.

Mr. HUGHES: Committee on Military Affairs. H. R. 8079. A bill for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased; with amendment (Rept. No. 1907). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 11854. A bill for the relief of John W. Leich, alias John Leach; with amendment (Rept. No. 1908). Referred to the Committee of the Whole House.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. S. 3944. An act authorizing the President to present in the name of Congress gold medals of appropriate design to Clarence D. Chamberlain and Charles A. Levine; without amendment (Rept. No. 1911). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. J. Res. 300. A joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela; without amendment (Rept. No. 1914). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 14066) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. DRIVER: A bill (H. R. 14067) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Agriculture.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 14068) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on the Judiciary.

By Mr. KIESS: A bill (H. R. 14069) to authorize Members of Congress to exchange with the Public Printer Government publications for public distribution; to the Committee on Printing.

By Mr. NEWTON: A bill (H. R. 14070) to provide a child welfare extension service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: A bill (H. R. 14071) to provide for preparation of a design or designs and estimates of the cost of a bridge to supplant the Chain Bridge; to the Committee on the District of Columbia.

By Mr. DEAL: A bill (H. R. 14072) to authorize the sale and removal of surplus sand from the military reservation, Fort Story, Va.; to the Committee on Military Affairs.

By Mr. HILL of Washington: A bill (H. R. 14073) to authorize the Secretary of the Interior to extend the date of payments of accrued obligations under contracts with purchasers of Indian lands within the boundaries of the West Okanogan Valley irrigation district, Washington, and for other purposes; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 14074) granting the consent of Congress to compacts or agreements between the States of Colorado, Utah, and Wyoming with respect to the division and apportionment of the waters of the Green River, and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 14075) granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, and Nebraska with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 14076) granting the consent of Congress to compacts or agreements between the States of Colorado, Kansas, and Oklahoma with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 14077) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico and Texas with respect to the division and apportionment of the waters of the Rio Grande and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. McLEOD: A bill (H. R. 14078) to provide for the issuance of suitable insignia to certain wounded war veterans, and for other purposes; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 14115) to direct The Adjutant General of the Army; the Bureau of Navigation, Navy Department; the major general commandant, United States Marine Corps; and the commandant, United States Coast Guard, in certain cases to transfer the statements of World War service to the State, Territory, District of Columbia, or the insular possessions of the United States wherein true legal residence is shown, and to credit the service accordingly in the record and statistics of the World War; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 14116) to provide for the making of loans to drainage or levee districts on alluvial or swamp lands, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LOWREY: Joint resolution (H. J. Res. 320) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HILL of Washington: Joint resolution (H. J. Res. 321) to permit the Cascade Tunnel Association to enter upon lands belonging to the United States for the purpose of surveying and locating a site for the construction of a tunnel under the Cascade Range, in the State of Washington, and to provide for the withdrawal of such lands as may be necessary for the construction and operation of such tunnel, and for other purposes; to the Committee on the Public Lands.

By Mr. COHEN: Resolution (H. Res. 239) for the appointment of a committee of seven Members of the House of Representatives to investigate and report to the House concerning the best use of Governors Island to the entire Nation, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McLEOD: A bill (H. R. 14079) to provide for a survey and estimate of cost of enlargement of the Weitzel Lock, St. Mary's Falls, Sault Ste. Marie, Mich.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 14080) to provide for a survey and estimate of cost of construction of an all-American ship channel in the Detroit River from its mouth at Lake Erie to the head of Grosse Isle in said river; to the Committee on Rivers and Harbors.

By Mr. AYRES: A bill (H. R. 14081) granting an increase of pension to Sarah A. Williams; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 14082) granting a pension to Amelia B. Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14083) granting a pension to Martin A. Van Buren; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 14084) granting an increase of pension to Harriet E. Reed; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 14085) granting a pension to John P. Litzenburg; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 14086) granting an increase of pension to Mary Parker; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 14087) granting pensions to Richard B. Brooks, George L. Brooks, Park M. Brooks, and Albert M. Brooks; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 14088) for the relief of Ivan H. McCormack; to the Committee on the Public Lands.

By Mr. HILL of Washington: A bill (H. R. 14089) for the relief of Dale S. Rice; to the Committee on the Public Lands.

By Mr. HOGG: A bill (H. R. 14090) granting a pension to Susan A. Snowberger; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 14091) granting a pension to Jennie Spohn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14092) granting a pension to Henry Spohn; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 14093) granting an increase of pension to Elizabeth Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14094) granting an increase of pension to Eliza D. Hughes; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 14095) for the relief of John W. Arntson; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 14096) for the relief of the Brookhill Corporation; to the Committee on Ways and Means.

By Mr. MOREHEAD: A bill (H. R. 14097) granting a pension to Frances Du Frane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14098) granting a pension to Harriet J. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14099) granting an increase of pension to Katie Randall; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 14100) granting an increase of pension to William W. Cooper; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 14101) granting an increase of pension to Laura J. Barkis; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 14102) granting a pension to Rebecca A. Jordan; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 14103) for the relief of John H. Cathcart; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 14104) for the relief of Gustave Hoffman; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 14105) granting an increase of pension to Aria A. Underwood; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 14106) granting a pension to Lovisa Pierce; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 14107) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens; to the Committee on Naval Affairs.

By Mr. SPEAKS: A bill (H. R. 14108) granting an increase of pension to Sarah Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14109) granting an increase of pension to Sarah A. Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14110) for the relief of Capt. Philip A. Scholl, Finance Department, United States Army; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 14111) for the relief of James L. Barry, Lawrence L. Barry, Andrew E. Barry, and Patrick H. Barry; to the Committee on the Public Lands.

Also, a bill (H. R. 14112) for the relief of Stella Sims Cartwright; to the Committee on the Public Lands.

Also, a bill (H. R. 14113) for the relief of Cynthia Coontz and others; to the Committee on the Public Lands.

By Mr. WEAVER: A bill (H. R. 14114) granting a pension to Elizabeth Penland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7810. Petition of Massachusetts Catholic Order of Foresters, Boston, Mass, representing 60,000 Catholics, opposed to the Curtis-Reed education bill; to the Committee on Education.

7811. By Mr. PARKS: Petition of citizens of Arkansas, protesting against Ashley County being put into the eastern district of Arkansas, but are pleased with the action of Congress in placing Ashley County in the Federal court district of El Dorado, Ark.; to the Committee on the Judiciary.

7812. By Mr. AYRES: Petition of citizens of Little River and Windom, Kans., in behalf of legislation favoring Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7813. By Mr. JACOBSTEIN: Petition of Polish organizations of Rochester, N. Y., urging the passage of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Casimir Pulaski; to the Committee on the Library.

7814. By Mr. McLEOD: Petition of common council of the city of Detroit, Mich., memoralizing Congress to commemorate the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; to the Committee on the Library.

7815. By Mr. MARTIN of Massachusetts: Petition of the Boston Central Labor Union, urging a revision of the tariff on leather goods; to the Committee on Ways and Means.

SENATE

TUESDAY, *May 29, 1928*

(Continuation of proceedings from midnight on Monday, May 28, 1928)

BOULDER DAM

The Senate had under consideration the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. ASHURST continued his speech in opposition to the bill. After having spoken for some time—

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. THOMAS S. BUTLER, a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message announced that the Speaker had appointed, pursuant to the above-mentioned resolutions, a committee of 57 Members of the House, with such Members of the Senate as may be joined, to attend the funeral of Representative BUTLER,

as follows: Representatives WILLIAM W. GRIEST, of Pennsylvania; STEPHEN G. PORTER, of Pennsylvania; FRED A. BRITTEN, Illinois; GEORGE S. GRAHAM, of Pennsylvania; EDGAR R. KIESS, of Pennsylvania; JOHN M. MORIN, of Pennsylvania; HENRY W. TEMPLE, of Pennsylvania; GEORGE P. DARROW, of Pennsylvania; LOUIS T. MCFADDEN, of Pennsylvania; HENRY W. WATSON, of Pennsylvania; CLYDE KELLY, of Pennsylvania; GUY E. CAMPBELL, of Pennsylvania; ARCHIE D. SANDERS, of New York; NATHAN L. STRONG, of Pennsylvania; JOHN F. MILLER, of Washington; MILTON W. SHREVE, of Pennsylvania; CLARK BURDICK, of Rhode Island; SAMUEL A. KENDALL, of Pennsylvania; HARRY C. RANSLEY, of Pennsylvania; ROY O. WOODRUFF, of Michigan; A. PIATT ANDREW, of Massachusetts; JAMES J. CONNOLLY, of Pennsylvania; ADAM M. WYANT, of Pennsylvania; Edward M. BEERS, of Pennsylvania; J. BANKS KURTZ, of Pennsylvania; LAURENCE H. WATRES, of Pennsylvania; GEORGE A. WELSH, of Pennsylvania; BENJAMIN M. GOLDER, of Pennsylvania; FLETCHER HALE, of New Hampshire; FREDERICK W. MAGRADY, of Pennsylvania; FRANKLIN MENGES, of Pennsylvania; RALPH E. UPDIKE, Sr., of Indiana; JAMES M. BECK, of Pennsylvania; ROBERT G. BUSHONG, of Pennsylvania; J. MITCHELL CHASE, of Pennsylvania; THOMAS C. COCHRAN, of Pennsylvania; I. H. DOUTRICH, of Pennsylvania; HARRY A. ESTEP, of Pennsylvania; W. E. EVANS, of California; CLARENCE E. HANCOCK, of New York; J. RUSSELL LEECH, of Pennsylvania; CYRUS M. PALMER, of Pennsylvania; J. HOWARD SWICK, of Pennsylvania; CHARLES TATGENHORST, of Ohio; CHARLES A. WOLVERTON, of New Jersey; CHARLES R. CRISP, of Georgia; CARL VINSON, of Georgia; JAMES V. MCCLINTIC, of Oklahoma; HERBERT J. DRANE, of Florida; PATRICK H. DREWRY, of Virginia; JOHN J. CASEY, of Pennsylvania; MORGAN G. SANDERS, of Texas; JOHN F. QUAYLE, of New York; STEPHEN W. GAMBRILL, of Maryland; EVERETT KENT, of Pennsylvania; CLYDE WILLIAMS, of Missouri; and VICTOR S. K. HOUSTON, of Hawaii.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 126. An act for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased;

S. 363. An act for the relief of Louise M. Cambouri;

S. 443. An act for the relief of Larry M. Temple;

S. 444. An act for the relief of H. C. Magoon;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 1645. An act for the reimbursement of W. H. Talbert;

S. 1981. An act for the relief of the owner of Dry Dock No. 6;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2076. An act authorizing the enrollment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.;

S. 2336. An act for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2673. An act for the relief of James E. Trussell;

S. 2738. An act for the relief of C. R. Olberg;

S. 2788. An act for the relief of Charlie McDonald;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3794. An act for the relief of R. E. Hansen;

S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana;

S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama; and

S. J. Res. 155. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Jose J. Jimenez, a citizen of Venezuela.

The message further announced that the House had passed the following bills, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;* and

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 5) to grant a preference to the wives and minor children of alien declarants in the issuance of immigration visas.

The message further announced that the House had passed the bill (S. 3171) providing for a President's plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13039) to amend the World War veterans' act, 1924.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 310. An act authorizing an addition to the Cache National Forest, Idaho;

H. R. 5837. An act to increase the salaries of certain postmasters of the first class;

H. R. 6655. An act to authorize the transfer of surplus materials for construction of buildings at West Point;

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 8109. An act authorizing the Secretary of the Interior to erect a monument on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles;

H. R. 9055. An act to detach Hardeman County from the Fort Worth division of the northern judicial district of the State of Texas and attach the same to the Wichita Falls division of said district;

H. R. 10431. An act to amend the act establishing the eastern judicial district of Oklahoma;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 11800. An act to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island;

H. R. 12036. An act to amend section 71 of the Judicial Code, as amended by Public, No. 21, Seventieth Congress, approved February 7, 1928;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 12351. An act amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division;

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes;

H. R. 12695. An act to authorize the licensing of patents owned by the United States;

H. R. 12697. An act to amend the Code of Laws of the District of Columbia relating to interest and usury;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public park purposes;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama*;

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana*;

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13593. An act granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.;

H. R. 13791. An act relating to the naturalization of certain aliens;

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.;

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds; and

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission.

SCHOONER "ADDISON E. BULLARD"

Mr. BLACK. Mr. President, will the Senator from Arizona yield for a matter which I understand is privileged?

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator yield?

Mr. ASHURST. If it is privileged, I do not have to yield.

Mr. JOHNSON. May I inquire the nature of it, please?

Mr. BLACK. It is a Senate bill which the House passed with an amendment, in which I desire to have the Senate concur. It is my bill. I understand that it is a privileged matter.

The PRESIDING OFFICER. The motion is privileged and may be made.

Mr. BLACK. I ask that it be laid before the Senate, that I may move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 1486) for the relief of the owners of the schooner *Addison E. Bullard*, which was, on page 1, to strike out all after the word "of" where it appears the third time, in line 7, down to and including the numerals "1920," and insert "$83,215."

Mr. BLACK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. BLACK. I thank the Senator very much.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. ASHURST resumed his speech. After having spoken for some time—

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	McMaster	Shipstead
Barkley	Edwards	McNary	Shortridge
Bayard	George	Moses	Steiwer
Bingham	Hale	Norris	Stephens
Black	Heflin	Nye	Vandenberg
Blease	Howell	Oddie	Walsh, Mass.
Bratton	Johnson	Phipps	Warren
Brookhart	Kendrick	Pittman	Wheeler
Broussard	King	Reed, Pa.	
Curtis	La Follette	Robinson, Ind.	
Dale	Locher	Sheppard	

The PRESIDING OFFICER. Forty-one Senators having answered to their names, a quorum is not present. The clerk will call the roll of absentees.

The Chief Clerk called the names of the absent Senators, and Mr. KEYES answered to his name when called.

The PRESIDING OFFICER. Forty-two Senators having answered to their names, a quorum is not present.

At 12.15 o'clock a. m., Tuesday—

Mr. JOHNSON. I move under subdivision 3 of Rule V that the Sergeant at Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

At 12 o'clock and 20 minutes a. m. Mr. COPELAND and Mr. BLAINE entered the Chamber and answered to their names.

Mr. BLEASE. I move that the Senate adjourn until 10 o'clock a. m.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. JOHNSON and Mr. PHIPPS asked for the yeas and nays, and they were ordered.

The Chief Clerk called the roll, which resulted—yeas 6, nays 35, as follows:

YEAS—6

Ashurst	Bingham	Broussard	Edwards
Bayard	Blease		

NAYS—35

Barkley	George	McMaster	Sheppard
Black	Hale	McNary	Shipstead
Blaine	Heflin	Moses	Shortridge
Bratton	Howell	Norris	Steiwer
Brookhart	Johnson	Oddie	Stephens
Copeland	Kendrick	Phipps	Vandenberg
Curtis	Keyes	Pittman	Walsh, Mass.
Dale	La Follette	Reed, Pa.	Wheeler
Deneen	Locher	Robinson, Ind.	

NOT VOTING—53

Borah	Glass	Metcalf	Steck
Bruce	Goff	Neely	Swanson
Capper	Gooding	Norbeck	Thomas
Caraway	Gould	Nye	Trammell
Couzens	Greene	Overman	Tydings
Cutting	Harris	Pine	Tyson
Dill	Harrison	Ransdell	Wagner
du Pont	Hawes	Reed, Mo.	Walsh, Mont.
Edge	Hayden	Robinson, Ark.	Warren
Fess	Jones	Sackett	Waterman
Fletcher	King	Schall	Watson
Frazier	McKellar	Simmons	
Gerry	McLean	Smith	
Gillett	Mayfield	Smoot	

So the Senate refused to adjourn.

Mr. JOHNSON. Mr. President, I ask that the Sergeant at Arms be requested to report his proceedings.

The VICE PRESIDENT. It is so ordered. The Senate will receive the report of the Sergeant at Arms.

The SERGEANT AT ARMS (David S. Barry) at 1.05 o'clock a. m. Under the order of the Senate that the Sergeant at Arms be directed to request the attendance of absent Senators, I submit the following report:

The following Senators are ill: JONES, NORBECK, RANSDELL, MCLEAN, GREENE, and SMITH.

No answer was obtained from Senators BORAH, CAPPER, COUZENS, CUTTING, DILL, EDGE, GILLETT, METCALF, REED of Missouri, ROBINSON of Arkansas, HARRISON, FESS, GERRY, TYDINGS, TYSON, FLETCHER, HAWES, MCKELLAR, WAGNER, WALSH of Montana, WATERMAN, and WATSON.

The following Senators are out of town: CARAWAY, DU PONT, FRAZIER, GOFF, GOODING, GOULD, NEELY, MAYFIELD, and TRAMMELL.

One telephone was reported as having been disconnected, that of Senator BRUCE.

In response to the call for Senator SWANSON, the answer was that the message would be given to him.

Senators HAYDEN, HARRIS, STECK, and THOMAS were reported as on their way.

Senators SACKETT, SMOOT, and GLASS say they will come.

The PRESIDING OFFICER (Mr. COPELAND in the chair). What is the pleasure of the Senate?

Mr. JOHNSON. Mr. President, for a very brief period we will wait for those who have announced they will come. I understand that 45 have answered to the roll call. If, within a very brief period they do not come, I shall move under the rule.

At 1 o'clock and 6 minutes a. m. Mr. THOMAS entered the Chamber and answered to his name.

At 1 o'clock and 10 minutes a. m. Mr. HARRIS entered the Chamber and answered to his name.

Mr. JOHNSON (at 1.25 a. m.). I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The question is on the motion of the Senator from California.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. BLEASE. Mr. President, I move that the Senate adjourn until 10 o'clock a. m.

Mr. LA FOLLETTE. I make the point of order that the motion is not in order, no business having intervened since the previous motion to adjourn was made.

The PRESIDING OFFICER. The motion of the Senator from South Carolina is out of order because it states a time. The only motion which would be in order would be a motion to adjourn.

Mr. BLEASE. Then I move that the Senate adjourn.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry: What is the ruling of the Chair?

The PRESIDING OFFICER. The motion of the Senator from South Carolina is in order, as the Chair understands.

Mr. BROUSSARD. Is not a motion to adjourn always in order?

The PRESIDING OFFICER. It is.

Mr. BROUSSARD. Then why can we not vote on it?

The PRESIDING OFFICER. The motion as now stated is in order.

Mr. ASHURST. I call for the yeas and nays on the motion.

Mr. BRATTON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STEPHENS (when his name was called). On this question I am paired with the Senator from Connecticut [Mr. BINGHAM]. For that reason I withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the negative). I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote on this question. I transfer that pair to the Senator from Vermont [Mr. GREENE], and will allow my vote to stand.

The result was announced—yeas 6, nays 32, as follows:

YEAS—6

Ashurst	Broussard	Hayden	Thomas
Blease	Edwards		

NAYS—32

Barkley	Hale	McMaster	Reed, Pa.
Blaine	Harris	McNary	Robinson, Ind.
Bratton	Heflin	Moses	Sheppard
Brookhart	Howell	Norris	Shipstead
Copeland	Johnson	Nye	Shortridge
Curtis	Kendrick	Oddie	Steiwer
Dale	La Follette	Phipps	Vandenberg
Deneen	Locher	Pittman	Wheeler

NOT VOTING—56

Bayard	Frazier	McKellar	Smith
Bingham	George	McLean	Smoot
Black	Gerry	Mayfield	Steck
Borah	Gillett	Metcalf	Stephens
Bruce	Glass	Neely	Swanson
Capper	Goff	Norbeck	Trammell
Caraway	Gooding	Overman	Tydings
Couzens	Gould	Pine	Tyson
Cutting	Greene	Ransdell	Wagner
Dill	Harrison	Reed, Mo.	Walsh, Mass.
du Pont	Hawes	Robinson, Ark.	Walsh, Mont.
Edge	Jones	Sackett	Warren
Fess	Keyes	Schall	Waterman
Fletcher	King	Simmons	Watson

So the Senate refused to adjourn.

Mr. HEFLIN. Mr. President, what progress is our brave and daring Sergeant at Arms making toward bringing in the absentee Members?

Mr. NORRIS. I understand that there is a quorum present.

The PRESIDING OFFICER. No debate is in order in the absence of a quorum.

Mr. HEFLIN. Let us hear from the Sergeant at Arms, Mr. President.

The PRESIDING OFFICER. The Sergeant at Arms reports that other Senators are on the way.

Mr. HEFLIN. On their way where? [Laughter.]

Mr. BLEASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BLEASE. Some Senators have answered to their names and gone. Will they be considered as counting for the purposes of a quorum?

The PRESIDING OFFICER. They will. We lack only two of a quorum, as the Chair understands.

Mr. BLEASE. I know; but on the vote we just had, a quorum was not present. Are the Senators who have answered to their names and left, with this roll call intervening, to be still counted as being present?

The PRESIDING OFFICER. Of course, the Chair does not know whether they have actually left the Chamber or not. We assume that they are present.

Mr. BLEASE. A motion to adjourn is business, is it not? I suggest the absence of a quorum now.

The PRESIDING OFFICER. The Chair thinks that motion is not in order.

Mr. ASHURST. Why not, Mr. President? What rule prevents a Senator from suggesting the absence of a quorum?

The PRESIDING OFFICER. A quorum is not present. Therefore the business before the Senate is to get a quorum.

Mr. ASHURST. But a motion to adjourn was voted on. Is not that business?

The PRESIDING OFFICER. The Chair rules that that is not business in the true sense.

At 1.55 o'clock a. m. Mr. SACKETT entered the Chamber and answered to his name.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Forty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the first committee amendment.

Mr. ASHURST resumed his speech. After having spoken for some time, he said:

The senior Senator from California after much labor secured a favorable report on his bill, S. 1762, granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State.

That bill, Mr. President, has my warm and hearty support. I received a dispatch from a very distinguished citizen of San Francisco the other day asking if I would support that bill. I promptly replied that I would take pleasure in cooperating with the Senator from California in trying to pass that bill. I also wired the mayor of San Francisco to the effect that I would take pleasure in cooperating with the Senator. I therefore move now that the Senate proceed to the consideration of Senate bill 1762, which has been favorably reported by the Senator from California [Mr. JOHNSON], a bill granting consent to the city and county of San Francisco to build a bridge. On that motion I ask for the yeas and nays.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. Yes. The motion is debatable.

Mr. JOHNSON. The Senator from Arizona made a motion that I do not think the Chair heard.

The PRESIDING OFFICER. The Chair begs the Senator's pardon.

Mr. ASHURST. The pardon is granted. The Chair does not wish to listen to what I have to say, but I have a way of forcing the Chair to listen. The Chair is freely pardoned; but I would suggest that the Chair listen to the motions, for then the Chair will be able to rule promptly. My motion is, Mr. President—and the motion, of course, is debatable—that the Senate proceed to the consideration of Senate bill 1762, a bill reported by the Senator from California [Mr. JOHNSON] and now on the calendar, which proposes to construct a bridge across San Francisco Bay. I think we could pass that bill and thereby do something of real service to the people of the Senator's State. On that motion I ask the yeas and nays.

Mr. JOHNSON. I make the point of order that the motion is out of order and is a dilatory motion.

Mr. ASHURST. I wish to be heard on that. Under the rules of the Senate there is no such thing as a dilatory motion, except when——

The PRESIDING OFFICER. The Chair is ready to rule. The point of order is not well taken. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona.

The motion was not agreed to.

Mr. EDWARDS. Mr. President, I make the point of order that there is no quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McMaster	Robinson, Ind.
Black	Hale	McNary	Sackett
Blaine	Hayden	Moses	Sheppard
Bratton	Heflin	Norris	Shortridge
Brookhart	Howell	Nye	Stephens
Broussard	Johnson	Oddie	Thomas
Curtis	Kendrick	Phipps	Vandenberg
Cutting	La Follette	Pittman	Wheeler
Dale	Locher	Reed, Pa.	

The PRESIDING OFFICER. Thirty-five Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absentees.

The Chief Clerk called the names of the absent Senators, and Mr. SHIPSTEAD and Mr. STEIWER answered to their names when called.

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, a quorum is not present.

Mr. JOHNSON. I move that the Sergeant at Arms be directed to request the attendance of the absent Senators.

Mr. SHIPSTEAD. The Sergeant at Arms has already been requested to do that. Are there no other measures which can be taken to bring in absent Senators?

The PRESIDING OFFICER. The order standing, and not having been revoked, the Chair directs the Sergeant at Arms to request the attendance of absent Senators.

At 2 o'clock and 40 minutes a. m. Mr. BARKLEY entered the Chamber and answered to his name.

At 2 o'clock and 43 minutes a. m. Mr. DENEEN entered the Chamber and answered to his name.

At 2 o'clock and 50 minutes a. m. Mr. BLEASE entered the Chamber and answered to his name.

At 2 o'clock and 52 minutes a. m. Mr. COPELAND entered the Chamber and answered to his name.

Mr. LA FOLLETTE (at 3.18 a. m.). I move that it be ordered that the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of illness.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The question is on the motion of the Senator from Wisconsin.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

At 3.21 a. m. Mr. GEORGE entered the Chamber and answered to his name.

At 3.25 a. m. Mr. STECK entered the Chamber and aswered to his name.

At 5 o'clock and 25 minutes a. m. Mr. PINE entered the Chamber and answered to his name.

At 5 o'clock and 52 minutes a. m. Mr. MCKELLAR entered the Chamber and answered to his name.

At 5 o'clock and 55 minutes a. m. Mr. GILLETT entered the Chamber and answered to his name.

At 6.25 a. m. Mr. ROBINSON of Arkansas entered the Chamber and answered to his name.

At 6 o'clock and 35 minutes a. m. Mr. BORAH entered the Chamber and answered to his name.

Subsequently Mr. FESS, Mr. WALSH of Montana, Mr. CAPPER, Mr. SMITH, and Mr. BAYARD entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Fifty-four Senators having responded to their names, a quorum is present.

The question is on the first committee amendment.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. ASHURST. I offer the amendment which I send to the desk to the committee amendment and ask that it be read.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The LEGISLATIVE CLERK. On page 1, line 4, it is proposed to strike out the word "navigation" and insert in lieu thereof the words "interstate commerce," so as to read:

That for the purpose of controlling the floods, improving interstate commerce, and regulating the flow of the lower Colorado River—

And so forth.

Mr. ASHURST resumed his speech. After having spoken for some time—

HARRY C. BRADLEY

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 433) for the relief of Harry C. Bradley, which was, on page 1, line 7, to strike out "which has been or" and insert "that."

Mr. BRATTON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AMENDMENT OF FEDERAL RESERVE ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act, which was, on page 1, line 4, after the word "act," to insert "(title 12, section 343, U. S. C.)."

Mr. SHEPPARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

SALLIE STAPLEFORD AND OTHERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 343) for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison, which was, on page 2, line 1, after the word "appropriated," to insert "and in full settlement."

Mr. BAYARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AGNES M'MANUS AND GEORGE J. M'MANUS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 471) for the relief of Agnes McManus and George J. McManus, which was, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out if any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $14,400 to Agnes McManus and George J. McManus, covering rental on their building in Ranger, Tex., at a reasonable rental thereof of $1,800 per year from June 5, 1920, to June 5, 1928, the United States Government having occupied the said building as a post office since June 5, 1920, without having paid any rental therefor; and should the Post Office Department desire to use such building after June 5, 1928, the rental therefor shall be at the rate of $1,800 per annum for such time as occupied by the Government.

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WHITE RIVER BRIDGE, ARKANSAS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4344) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark., which was, on page 2, line 13, to strike out "25" and insert "20."

Mr. ROBINSON of Arkansas. I move that the Senate concur in the amendment made by the House.

The motion was agreed to.

BRIDGES ON SAN CARLOS INDIAN RESERVATION, ARIZ.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4321) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes, which was, on page 1, line 12, after the word "Arizona," to insert ", the proceeds from such sale to be deposited in the Treasury to the credit of the San Carlos Indians and draw interest at 4 per cent per annum."

Mr. HAYDEN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE NOMINATIONS REFERRED

Mr. CURTIS. I ask unanimous consent that, as in open executive session, all the executive nominations be referred to the appropriate committees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations will be appropriately referred.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 5837. An act to increase the salaries of certain postmasters of the first class; ordered to be placed on the calendar.

H. R. 12695. An act to authorize the licensing of patents owned by the United States; to the Committee on Patents.

H. R. 12697. An act to amend the Code of Laws of the District of Columbia relating to interest and usury; to the Committee on the District of Columbia.

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.; to the Committee on Agriculture and Forestry.

H. R. 13791. An act relating to the naturalization of certain aliens; to the Committee on Immigration.

H. R. 13929. An act to provide for the enlarging of the Capitol Grounds; to the Committee on Public Buildings and Grounds.

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails; and

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service; to the Committee on Post Offices and Post Roads.

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama*;

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine; and

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana*; to the Committee on Naval Affairs.

H. R. 9055. An act to detach Hardeman County from the Fort Worth division of the northern judicial district of the State of Texas and attach the same to the Wichita Falls division of said district;

H. R. 10431. An act to amend the act establishing the eastern judicial district of Oklahoma;

H. R. 12036. An act to amend section 71 of the Judicial Code as amended by Public, No. 21, Seventieth Congress, approved February 7, 1928; and

H. R. 12351. An act amending section 72 of the Judicial Code as amended (U. S. C., title 28, sec. 145) by changing the boundaries of the divisions of the southern district of California and terms of court for each division; to the Committee on the Judiciary.

H. R. 6655. An act to authorize the transfer of surplus materials for construction of buildings at West Point;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; and

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street; to the Committee on Military Affairs.

H. R. 310. An act authorizing an addition to the Cache National Forest, Idaho;

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.; and

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; to the Committee on Public Lands and Surveys.

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13593. An act granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a foot bridge across the Fox River between East Dundee and West Dundee, Ill.;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.; and

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; to the Committee on Commerce.

H. R. 8109. An act authorizing the Secretary of the Interior to erect a monument on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles;

H. R. 11800. An act to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island; and

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; to the Committee on the Library.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. ASHURST resumed his speech; and after speaking for some time, he said:

Mr. President, the vigor and the remarkable ability with which the proponents of the bill have urged it have given to the Senators from Arizona and Utah very little of what may be called fair chance or fair play. Of that we do not complain; such are the fortunes of war, and I presume such is one of the burdens of parliamentary government.

It is suggested that this bill shall be whipped through under cloture. I read the last paragraph of Rule XXII, which provides for cloture—

> Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close unless the same has been presented and read prior to that time.

Practically, the cloture rule works out in this way: After the petition is filed, no opportunity is ever given to read an amendment, no Senator may know what it is. I therefore must at this time out of abundance of caution, so that if, unfortunately, as I hope will not happen, the Senate will so far degrade itself as to apply cloture, have the amendmets read. They are numbered, and I ask the clerk to read them. The rule requires them to be read, and I ask that they be read in full by the Secretary.

The PRESIDING OFFICER (Mr. PINE in the chair). The clerk will read, as requested.

The legislative clerk read as follows:

> Mr. ASHURST submits the following amendments intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.
>
> Amendment No. 1: On page 2, line 24, after the word "purposes," insert the following:
>
> "*Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States of Wyoming, Colorado, Utah, New Mexico, Nevada, California, and Arizona, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Arizona or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Colorado River Boulder Dam project."
>
> Amendment No. 2: On page 2, line 5, after the word "compact," insert the following: "and the supplementary compact."
>
> Amendment No. 3: On page 2, line 7, after the word "dam," insert the following: "which shall not exceed 550 feet in height."

Amendment No. 4: On page 2, line 8, after the word "at," strike out "Black Canyon or Boulder Canyon" and insert in lieu thereof the following: "at a site to be selected by a board of competent engineers to be appointed by the President, provided that none of such engineers shall have been previously employed by the Department of the Interior."

Amendment No. 5: On page 2, line 10, after the word "water," insert the following: "and which shall be operated as a unit in a comprehensive plan of development of the Colorado River which will insure the maximum water for domestic and irrigation use and for the development of the maximum amount of power."

Amendment No. 6: On page 2, line 13, after the comma, insert the following: "to utilize waters apportioned to California by said compacts, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law: *Provided*, That in the event of a treaty between the United States of America and the United States of Mexico said canal and structures may be partially located in Mexico."

Amendment No. 7: On page 2, line 16, strike out the words "water or for use," and after the word "storage," in said line 16, strike out the word "or."

On page 2, line 17, strike out the word "delivery."

Amendment No. 8: On page 2, line 17, strike out the words "or water for potable purposes."

Amendment No. 9: On page 3, line 14, after the numerals "$125,000,000," strike out the period and insert the following: ": *Provided*, That the sum of $30,000,000 thereof shall be allocated to flood control, and shall not be reimbursable to the United States."

Amendment No. 10: On page 3, line 21, after the word "and," insert the following: "for."

Page 3, line 21, after the word "upon," insert the following: "such of."

Page 3, line 22, after the word "advanced," insert the following: "as are subject to an interest charge."

Amendment No. 11: On page 4, line 3, after the word "interest," insert the following: "authorized by this act."

Page 4, line 5, after the word "advanced," insert the following: "which by the terms of this act, are made subject to the payment of interest."

Amendment No. 12: On page 4, line 15, after the word "interest," insert the following: "and other payments required by this act."

Amendment No. 13: On page 4, line 25, after the figures "$125,000,000," insert the following: ", of which the sum of $30,000,000 shall be assigned to flood control, and shall not be reimbursable to the United States."

Amendment No. 14: On page 5, line 1, after the word "Sec. 4 (a)," strike out all down to and including line 18, and insert the following:

"SEC. 4. (a) This act shall take effect, and be in full force, when the Colorado River compact referred to and ratified in section 12 of this act shall have been unconditionally ratified by the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and the President, by public proclamation, shall have so declared, and the States of California, Nevada, and Arizona shall have approved a supplemental compact apportioning among said States the waters of the Colorado River system allocated to the States of the lower basin by said Colorado River compact, or otherwise available for use in said States.

"No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by any others to initiate or perfect any claims to the use of water pertinent to such works or structures except as herein expressly provided in section 17 until said Colorado River compact and the supplementary compact shall have been ratified and such ratification proclaimed as provided in this act."

Amendment No. 15: On page 5, line 19, strike out all down to and including line 25, and down to and including line 4, on page 6, and insert the following:

"(b) Before any money is appropriated for the dam at Black Canyon or Boulder Canyon, or for the hydroelectric plant at or near said dam authorized by this act, or any construction work thereon done or contracted for, the Secretary of the Interior shall make provision by contract, in accordance with the provisions of this act, for the right to the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, and/or for the sale of a sufficient amount of the electrical energy to be developed at the plant aforesaid, and for the storage of water for irrigation and domestic purposes, adequate in his judgment to insure payment of all expenses of operation and maintenance of said dam and power plant and incidental works incurred by the United States and the repayment within 50 years from the date of the completion of such works of all amounts advanced for such purposes to the fund under subdivision (b) of section 2, together with interest thereon reimbursable under this act; and before any money is appropriated for the canals and appurtenant structures authorized by this act or any construction work thereon done or contracted for the said Secretary shall make provision for revenues, by contracts conforming to the provisions of the reclamation law, adequate in his judgment to insure payment of all expenses of operation and maintenance of said canal and appurtenant structures incurred by the United States and the repayment, under the terms and provisions of the reclamation law, of all amounts advanced for such purposes to the fund under said subdivision (b) of section 2. If the Secretary of the Interior shall receive revenues during the period of amortization in excess of the amount necessary to meet the periodical payments to the United States, as provided in the contract or contracts, executed in accordance with the requirements of this act, then he shall, immediately after the settlement of such periodical payments, divide and pay any excess revenues as follows, to wit: To the State of Arizona, 40 per cent; to the State of Nevada, 40 per cent; and the remaining 20 per cent of such excess revenues shall be held by the Secretary as a reserve fund to meet emergencies or to be applied on successive contractual payments to the United States as in his discretion may be considered proper. After the United States has been fully paid in accordance with this act, and the contracts executed thereunder, then all net revenues shall be divided as follows, to wit: To Arizona, 45 per cent; to Nevada, 45 per cent; and to the contractee or contractees, 10 per cent."

Amendment No. 16: On page 6, line 12, after the word "revenue," insert the following: "*Provided, however*, That after investments made by the Government shall have been returned, the plants for the generation of electric power, if constructed by the United States, together with appurtenant water rights, equipment, and structures, exclusive of the dam, shall pass to the States of Arizona and Nevada jointly, to be managed and controlled by them as they may decide at the time of transfer; operations to be conducted subject to the provisions of the Colorado River compact.

Amendment No. 17: Amend, page 7, line 2, after the words "section 4," strike out all down to and including the word "service" on line 4.

Amendment No. 18: On page 7, line 14, after the word "stored," insert the following: "behind said dam at Black or Boulder Canyon."

On page 7, line 14, after the word "except," insert the following: "upon compliance with the water laws of the States wherein such water is made available, nor except."

On page 7, line 15, after the word "stated," insert the following: "and no such contract shall provide for the delivery or permit the diversion of said stored water in any State in excess of the respective amounts set forth in this act or as may be agreed upon in any compact entered into and ratified as provided by this act."

Amendment No. 19: On page 7, line 15, after the word "stated," insert the following:

"*Provided*, That the Secretary of the Interior in the delivery of water shall limit the amounts used in Arizona and California so that neither of said States shall use in excess of one-half of the water available in the lower basin out of the main Colorado River after 300,000 acre-feet has been deducted for use within the State of Nevada."

Amendment No. 20: On page 7, line 17, after the word "interest," strike out all down to and including the word "Congress," in line 19, and insert the following: "Shall have been made, the plants for the generation of electric power if constructed by the United States, together with appurtenant water rights, equipment and structures, exclusive of the dam, shall pass to the States of Arizona and Nevada, jointly, to be managed and controlled by them as they may decide at the time of transfer; operations to be conducted subject to the provisions of the Colorado River compact."

Amendment No. 21: On page 7, strike out lines 16 to 19, inclusive.

Amendment No. 22: On page 8, at the end of line 15, insert a new paragraph, as follows:

"Each of the States of Arizona, California, and Nevada may designate a commissioner by legislative enactment who shall act in an advisory capacity to the Secretary of the Interior in the exercise of any authority conferred upon him by this act, and each of such commissions shall have at all times access to records of all Federal agencies empowered to act under this act and shall be entitled to have copies of said records on request."

Amendment No. 23: On page 8, line 18, after the word "conditions," insert the following: "as are authorized by the Federal power act or."

Page 8, line 19, after the word "regulations," insert the following: "," and strike out all down to and including line 25.

Amendment No. 24: On page 9, line 12, after the word "license" insert the following:

"That preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State; second, to a political subdivision of a State; third, to citizens of the United States or any association of such citizens, or any corporation organized under the laws of the United States or any State thereof. The States of Arizona, California, and Nevada shall have preference, and upon an equality with regard to such preferential rights, and shall be given equal opportunity as such applicants."

Amendment No. 25: On page 10, between lines 10 and 11, insert the following:

"In the event that any such States shall waive the priorities granted to it in this section, then any contract entered into with any other contractee with regard to the rights, privileges, and benefits provided in this section shall contain an express provision that such State so waiving its priority shall have the right to purchase from said contractee from time to time, at the switchboard, hydroelectric energy for use in such State in the aggregate equivalent to 15 per cent of the power so generated or contracted for by said contractee and at the switchboard price, such price to be determined by deducting from the wholesale market price of such power in the principal competitive market the cost of transporting such power from the switchboard to such competitive market. Said State shall give written notice to the contractee of the quantity of the power it intends to so purchase at any time and at least one year in advance of the time of purchase. Said contractee shall be required to sell and deliver to said State such electrical energy in accordance with the terms of this section."

Amendment No. 26: On page 10, after line 26, insert the following:

"(e) when a dam or reservoir is located between or within two or more States and because of engineering or other reasons the power plant or plants may be located in one or both States, the dam and power plants and the appurtenant works shall be considered a single project for the purposes of regulation, taxation, and operation."

Amendment No. 27: On page 11, line 9, strike out the words "irrigation and domestic uses and" and insert the following: "the"; line 11, after the word "compact," insert the following: "and for domestic and irrigation uses"; line 12, insert at the beginning of the line the following: "and"; strike out the words "plant and incidental works."

Amendment No. 28: On page 11, line 11, after the word "power," insert the following:

"*Provided, however,* That the construction of such dams and reservoirs shall not give any superior right to the use of the flow of the river for power purposes, but the dams and reservoirs shall be so operated as to permit of the development of the maximum power possibilities of the Colorado River."

Amendment No. 29: On page 13, line 15, after the words "Sec. 8. (a)," strike out all down to and including line 20 and insert the following:

"SEC. 8 (a). All appropriations of water from the Colorado River, incident to or resulting from the construction, use, and operation of the works herein authorized, shall be made and perfected in and in conformity with the laws of the States wherein water is made available."

Amendment No. 30: On page 13, line 25, after the word "compact," insert the following: "and the division of water to the States of Arizona, California, and Nevada, as provided in this act."

Amendment No. 31: On page 14, line 7, strike out all down to and including line 25, all of page 15, and down to and including line 4 on page 16.

Amendment No. 32: On page 16, line 5, strike out all of line 5 down to and including line 14.

Amendment No. 33: On page 17, line 15, strike out the words "so far as practicable"; line 16, after the word "to," insert the following: "and at least 50 per cent of."

Amendment No. 34: On page 17, line 16, after the word "persons," insert "in employment of labor."

Amendment No. 35: On page 18, line 7, after the word "district," insert the following: "and the express consent of the Yuma County Water Users' Association."

Amendment No. 36: On page 19, line 20, after the word "purposes," insert the following: "in so far as it relates to the waters of the Colorado River system entering the Colorado River above the Laguna Dam, and the provisions of Article II, paragraph (a) of the said Colorado compact are hereby modified to conform to this proviso"; on page 20, line 3, strike out the words "such waiver" and insert "waive the provisions as herein modified and provided."

Amendment No. 37: On page 19, line 21, after the word "states," strike out all down to and including the word "waived," in line 25.

Amendment No. 38: On page 20, line 1, strike out all down to and including the word "provided," in line 4, and insert the following: "said Colorado River compact shall have been approved by the legislatures of each of the signatory States, and a supplementary compact shall have been made and approved by each of the States in the 'lower basin' and the President, by public proclamation, shall have declared the same."

Amendment No. 39: On page 20, line 1, strike out down to and including the word "provided," in line 4, and insert the following:

"Said Colorado River compact shall have been approved by the legislature of each of the signatory States, and the President, by public proclamation, shall have declared the same.

"Until a division of the waters of the Colorado River system available for use in the States of Arizona, California, and Nevada shall have been agreed upon by compact between said States and approved by the Congress of the United States, such waters shall be, and hereby are, divided as follows: Of the 7,500,000 acre-feet annually, allocated by paragraph (A) of Article III of the Colorado River compact to the lower basin, 3,000,000 acre-feet to the State of Arizona, 4,200,000 acre-feet to the State of California, 300,000 acre-feet to the State of Nevada, the said apportionment in each instance to be for exclusive beneficial consumptive use and in perpetuity.

"(2) The said States shall each have the exclusive beneficial consumptive use of the tributaries of the Colorado River within their respective boundaries before the same enter into the main stream, and the waters of such tributaries shall never be subject, except as hereinafter provided, to any diminution whatever by any allowance of water which may be made by treaty, or otherwise, to the United States of Mexico: *Provided,* That the division of the waters of such tributaries as are situated in more than one State shall be left to adjudication or apportionment between said States in such manner as may be determined upon by the States affected thereby.

"(3) The 1,000,000 acre-feet of water allocated to the lower basin by paragraph (B) of article 3 of the Colorado River compact shall be deemed to attach exclusively to the Arizona tributaries of the Colorado River and to be included in the waters of such tributaries hereinbefore allocated to the State of Arizona, to be diverted from said tributaries before emptying into the main stream: *Provided,* That said 1,000,000 acre-feet shall bear its proportion of any deficiency which the States of the lower basin may be called upon to supply by reason of any treaty with the United States of Mexico, in the ratio that 1,000,000 acre-feet bear to 8,500,000 acre-feet.

"(4) The several foregoing apportionments shall include all water necessary for the satisfaction of any rights which may now exist, including water for Indian lands in each of said States.

"(5) The States of Arizona and California each may divert and use one-half of the waters of the Colorado river system, unapportioned by the Colorado River compact, flowing in the main stream of the Colorado River below Lee Ferry, subject to future equitable apportionment between the States of the Colorado River Basin after the year 1963."

Amendment No. 40: On page 20, line 9, after the word "compact," insert the following: "and the division of water hereinbefore made to the States of Arizona, California, and Nevada."

Amendment No. 41: On page 20, line 23, after the word "compact," insert the following: "and said division of water to the States of Arizona, California, and Nevada."

Amendment No. 42: On page 21, line 12, strike out the word "This," and insert the following: "in so far as this"; line 12, after the word "shall," insert the following: "provide for the construction of irrigation canals and appurtenant structures it shall"; line 14, before the word "works," insert the following: "irrigation."

Amendment No. 43: On page 21, after line 15, add the following new section, to be inserted as section 14:

"SEC. 14. That until such time as a treaty between the United States of America and the United States of Mexico providing for an equitable apportionment of the waters of the Colorado River is ratified by the Governments of both nations, it is hereby declared to be the policy and purpose of the Government of the United States of America to reserve for use within the boundaries of the United States of America, all flood waters of the Colorado River which may be stored or impounded therein to the end that the Government of Mexico, the citizens of that Republic, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to the continued use of such waters: *Provided,* That nothing in this act shall be construed as a denial or recognition of existing rights, if any, in Mexico to the use of the waters of the Colorado River, and this act shall be without prejudice to the negotiation of a treaty with Mexico affecting such rights, if any."

Amendment No. 44: On page 22, between lines 7 and 8, insert the folowing new section:

"SEC. 16. Upon the approval of this act the Secretary of the Interior is authorized to enter into a contract or contracts for the construction, in the main stream of the Colorado River at Black Canyon, or Boulder Canyon, at a cost not to exceed $30,000,000, of a retainer dam and incidental works for the purpose of providing adequate protection from flood waters on the lower Colorado River. The foundation work for such flood-control dam shall be adequate to support a dam complying with the requirements of section 1 of this act. Each and every provision of this act necessary to enable the Secretary of the Interior to carry out the authority vested in him by this section, and to hold, control, manage, and operate said dam, reservoir, impounded waters, and other works necessary to the improvement of navigation and flood control, but only to such extent, shall be in full force and effect upon the approval of this act. The enlargement of said dam, the generation and disposal of hydroelectric energy, the building of canals for irrigation projects, for domestic use, and the other purposes of this act, shall not be undertaken, nor shall the other provisions of the act, except those that are essential to the duties and authority of the Secretary of the Interior as provided in this section, come into force and effect until the provisions of ratification required in section 4 of this act have been fully complied with and performed. This section shall not be construed to repeal or modify other provisions of this act, nor to bring them into force and effect, save as in this section expressly provided."

Amendment No. 45: On page 22, between lines 7 and 8, before the last section, insert the following new section:

"SEC. 17. In order to be assured of the financial, economic, and engineering feasibility of the projects herein authorized or planned the President is hereby authorized to appoint a board of five competent engineers, of outstanding reputation, at least one of whom shall be an engineer officer of the Army, which board shall examine into and review the plants and estimates heretofore made by engineers of the Department of the Interior for the control and utilization of the waters of the Colorado River and report thereon within six months after the approval of this act. And no contracts shall be made and no construction work shall be done or contracted for until said board shall have submitted its report to Congress."

Mr. ASHURST resumed and concluded his speech, which is, entire, as follows:

Mr. ASHURST. Mr. President, the region known as the Colorado River Basin, drained by the Colorado River and its tributaries, embraces over 242,000 square miles.

The following table shows an interesting comparison of areas:

COMPARATIVE TABLE

Gross area in Colorado River Basin

	Square miles
Wyoming furnishes to basin	19,000
Colorado furnishes to basin	39,000
Utah furnishes to basin	40,000
New Mexico furnishes to basin	23,000
Nevada furnishes to basin	12,000
California furnishes to basin	6,000
Arizona furnishes to basin	103,000
Total area of Colorado River Basin	242,000

This area compares with the gross area of

Maine	33,040
New Hampshire	9,341
Vermont	9,564
Massachusetts	8,266
Connecticut	4,965
Rhode Island	1,248
New York	49,204
New Jersey	8,224
Pennsylvania	45,126
Delaware	2,370
Maryland	12,327
South Carolina	30,989
West Virginia	24,170
Total	238,834

The Colorado River proper is formed by the junction of the Green and the Grand; the name of the Grand was by act of Congress approved the 25th day of July, 1921, changed to the Colorado, Green River from its source to its junction with the Grand is 700 miles long. The Grand River from its source to its junction with the Green is about 450 miles long.

Green River heads near Fremont Park in the Wind River Mountains, Wyo., in a group of alpine lakes fed by perpetual snows. The source of the Grand is in Colorado. Like the Green, it is fed by small alpine lakes that receive their waters directly from snow banks. Including the Green, the Colorado River is about 1,700 miles long and empties into the Gulf of California in latitude 31° 53′ and longitude 115°.

The Colorado River Basin—that is to say, the region traversed by the Colorado River and drained by its tributaries—is a land which embraces all the various diversities of topography and geology; it is a land of extreme variations in rainfall, in elevation, and in the character of the country. The northerly part of the basin is a land of cold winters, of deep snowfall, a region that stores up the snows of winter and pours them forth in the summer.

The middle section of the Colorado Basin is a territory of low rainfall, of high plateaus, and vast canyons. In no other place in the world are there such deep, marvelously colored, and beautiful gorges and canyons.

The southern portion of the basin is relatively low in elevation, with a scanty rainfall and of tremendous summer heat, 115° to 120° being not unusual temperatures over much of this southern area in the months of June, July, and August. The normal annual flow of the Colorado River is about 17,000,000 acre-feet, extreme years ranging from 9,000,000 to 25,000,000 acre-feet. Storage of water is therefore vitally essential, as irrigation is of tremendous importance to the proper development of the basin.

The Colorado River Basin contains mountains reaching to a height of 13,500 feet, belted at the base by forests of vivid green, and capped with gleaming snow; it contains playas and inland lakes below the level of the sea; it contains vast plateaus of rugged, black scoria; immense forests of pine, cedar, and pinion, and in these forests are hundreds of small parks, bowl-like gems of exquisite scenery; it contains the largest area of recent volcanic actions to be found on the continent, "recent" being employed in its geological sense.

In the southwestern portion of the basin there is a real desert where the raw and scorching sun comes down as a pitiless flail, where the sand reflects the heat and glare and distresses the eye of the traveler, and where little dew or moisture is deposited, but where a wind, hot as a furnace blast, sometimes blows from the south.

Before a railroad was built through it a journey over this desert was at times dangerous and always fraught with discomfort. Day after day nothing was to be seen but an expanse of hot sand, with now and then a cactus lifting its thorny arms into the brazen heat. The loneliness of the pioneer pilgrim there seemed to sever him from human things and to remove him an infinite distance from the world, with its interests and its occupations, but nature, in one of her capricious moods, also placed in this same basin the richest agricultural lands in the Western Hemisphere.

In some parts of this basin, which were populous before the pyramids were built, ancient peoples builded cities not wholly lacking in grandeur. These peoples of antiquity wove and spun cotton and flax into gaudy tapestries before Romulus and Remus were suckled. They melted gold and silver into chieftain's ornaments and queens' girdles before Cæsar's legions brought tribute back to imperial Rome.

Centuries before the Knickerbocker set foot on Manhattan Island tribes of men now vanished irrigated the fertile sands of the lower basin of the Colorado River from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete. The origin of this people is enwrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than speculate and form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization, and whither and why they went.

Within this basin and in Arizona is the Petrified Forest, whose trees lived their green millenniums and put on immortality in Triassic time, 7,000,000 years ago. The trees were of several kinds, most of them being related to the Norfolk Island pines. A small amount of iron oxide is distributed through the logs, which gives them their beautiful yellow, brown, and red tints.

Within the region traversed by the Colorado River and drained by its tributaries is the Painted Desert, in which at a distance you perceive the "sea of jasper" and the face of cliffs that gleam like jewels; you seem to descry fortifications with flags flying on their ramparts, and walled towers on conical hills amidst an admixture of light and shade.

Within this basin and in Arizona is the Grand Canyon, of wondrous colors, of bold escarpments, pyramids, swelling domes, mosques, minarets, and isolated mesas through which rolls and tumbles the Colorado River.

On the 5th day of January, 1886, in the Forty-ninth Congress, the first bill to make the Grand Canyon a national park was introduced in the Senate by Benjamin Harrison, then a Senator from Indiana, and subsequently President of the United States. This bill failed to become a law, and the project was presented to the Congress from time to time.

In the Sixty-fifth Congress I introduced a bill to make the Grand Canyon a national park. The bill was referred to Secretary of the Interior Lane for a statement of the facts relating to the subject, and in the Secretary's report to the committee he states as follows:

It seems to be universally acknowledged that the Grand Canyon is the most stupendous natural phenomenon in the world. Certainly it is the finest example of the power and eccentricity of water erosion, and as a spectacle of sublimity it has no peer.

It would be futile to attempt to describe the Grand Canyon. However, a review of a few facts with relation to the canyon would be pertinent to a report of this character.

The Colorado River, which flows through the gorge, drains a territory of 300,000 square miles, and it is 2,000 miles from the source of its principal tributary to its entrance into the Gulf of California. It is one of America's greatest rivers.

* * * * * * *

The sides of the gorge are wonderfully shelved and terraced, and countless spires rise within the enormous chasm, sometimes almost to the rim's level. The walls and cliffs are carved into a million graceful and fantastic shapes, and the many colored strata of the rocks through which the river has shaped its course have made the canyon a lure for the foremost painters of American landscapes.

* * * * * * *

It seems that the Grand Canyon, therefore, is entitled to the same status and to an equal degree of consideration by Congress as are enjoyed by Yellowstone, Yosemite, and the other great national parks which contain natural phenomena of the first order, and I heartily recommend immediate favorable action looking toward the enactment of this bill.

The bill passed both Houses of Congress and was approved by President Wilson on the 26th day of February, 1919.

The Grand Canyon National Park represents an area of approximately 950 square miles, a greater part of which is within the walls of the canyon.

I am gratified that at this midnight hour I have the attention of so many Senators. Here on my left is the worthy junior Senator from Maryland [Mr. TYDINGS], a recruit, who the other evening delivered a speech distinguished for such power and strength in behalf of State rights that, if I could entertain such a sentiment, I might envy him.

Here, also, giving me his attention, is my worthy friend the Senator from Massachusetts [Mr. WALSH], a real statesman, who has made valuable contributions to the contemporaneous legislation of his country, upon whom the ex-service men have never called in vain for justice, who served them not merely by words but who visited them in the hospitals and on their beds of pain and took their statements. Then his great, warm heart tried to galvanize into law something for the real benefit of the ex-service men.

Along still farther on my left is the young Senator from Alabama [Mr. BLACK]. I predict for him a great career. Then here is the Senator from Oklahoma [Mr. THOMAS], learned, reserved, but every word he utters weighs a ton, because there is a man behind it. Here, also, is the Senator from my neighboring State of New Mexico [Mr. BRATTON], the great lawyer and the great judge in his own State, who had not been here three weeks until his intellect and his learning made itself manifest.

Then here is my dear friend, my "buddy," the Senator from South Carolina [Mr. SMITH]. I tell him everything; he tells me everything. He has made five wonderful speeches in the Senate during the 16 years I have been here.

Here is my worthy friend the Senator from Tennessee [Mr. MCKELLAR], who the other night battled for his State with a gallantry and an ability seldom seen. He and his colleague [Mr. TYSON] exhibited true courage, so rare in this Chamber. The country believes the Senate is honest, but the country does not believe that the Senate is courageous. Courage is a rare virtue, gentlemen of the Senate, especially in the Senate.

Here sits Mr. LOCHER, the new Senator from Ohio, whose diligence and ability vouchsafe for us the fact that he will be a valuable Senator. I can not take the time to name all who are now listening to me, about 40 Senators, which is quite an unusually large attendance at the midnight hour and this comparatively large attendance is eloquent testimony of the interest which this question has aroused.

I see here also—and I hope I am making no parliamentary error because it would grieve me if I were to make a faux pas in the Senate—the great Speaker of the House, Mr. LONGWORTH, who has led his party with consummate ability. I am not indulging in predictions, but if I were to do so I would predict that his party can find no better nominee for President than the Speaker himself, and we Democrats would be hard pressed in a national election to defeat him. I am not permitted under the rules of the Senate to advert to what happened in another body of the Congress, but I warrant the assertion that if the Speaker of the House were required to vote, he never would have voted for this bill—if he were to read it. [Laughter.]

Mr. President and Senators, I have been pressed with my back to the wall during the long months of the past December, January, February, March, April, and thus far in May. Although of superb physical strength, you can take the heart even out of an elephant, the stomach out of an ostrich, and you may finally pierce the hide of a rhinoceros if you keep at him so great a time as the long and weary months that I have been practically on the gridiron, trying to prevent the great injustice this bill would perpetrate upon Arizona.

It is now stated that cloture will be applied to Arizona. Yea, cloture to pass a bill to dwarf and hamper and outrage Arizona and Utah is actually talked of.

Apply your cloture, gentlemen; apply your cloture; and then you will be transforming the Senate of the United States into a refuge of cowards instead of a forum of freedom.

Senators, this is the one place in the United States where there is freedom of speech. You can not say what you think in other places in America. If you do attempt truly to exercise that privilege in other places, you will find yourself paying a fine or in danger of imprisonment. The glory and the dignity and the usefulness of this body come from the fact that it is really a forum of freedom where measures may be discussed in all their details. The Senate of the United States stands, or, until recently did stand, as the impregnable bulwark of American liberty, the strong citadel, and tower of defense for our constantly menaced institutions of self-government. Born with the Nation the Senate has until lately advanced with equal footstep in power, and when the gavel falls to announce the close of the last session of the Senate the liberty of the American people will stand adjourned without day.

If, however, it shall become the habit of the Senate to apply gag rule, although a State is demanding that a bill shall be thoroughly discussed, you will further degrade the Senate and will grind out laws that will lead to protracted and expensive litigation.

I wish the Vice President were in the chair so he could hear this, though it would not be fair, because he could not reply; but then he can take care of himself anywhere.

I mean nothing personal when I thus refer to the Vice President, but in the Vice President's intensive campaign to change the Senate rules he has misconceived a great question, and he proposes a remedy worse than the ills of which he complains. Apply gag rule to the Senate and you will have an eagle whose wings are clipped, a man without a voice, without a purpose, a mere registering machine—not a Senate in the sense that we think of a real Senate.

When I came to the Senate one of the most, if not the most, distinguished Member was the senior Senator from Wisconsin, Mr. La Follette, whose successor is his son. I was enormously impressed by one of his speeches in opposition to cloture. It so impressed me that when I retired that night his argument was on my mind. I later voted for cloture on a bill, and my conscience has never ceased to trouble me over that vote.

I digressed in my description of the Colorado River Basin because there were present so many Senators that I seized this opportunity to appeal to them not to listen to the siren song of cloture, but to listen to the discussions and render judgment on the facts and arguments.

FUTURE OF THE COLORADO RIVER BASIN

What is to be the future of the Colorado River Basin, a country larger in area than the tract of land which Virginia, with princely liberality, ceded to the General Government in 1787, out of which five States were erected?

Of course, its forests will be utilized, its mineral wealth will be sought, its scenic beauties will be unfolded; but its greatest development, however, must come from its water resources, upon which the development of its other resources must largely depend. Without the water afforded by Colorado River and its tributaries, vast tracts of its land would remain unproductive and practically useless; but the Hand that formed this land, cleft its mountains in twain, filled their caverns with precious metals, painted its landscapes in colors warranted never to fade, and that replenishes this river, left it feasible for man not only to construct large irrigation systems and to build towns, cities, and prosperous agricultural communities within this basin, but to generate hydroelectric power for lighting, heating, industrial uses, and the transportation of freight and passengers.

I know the generosity of Senators will pardon me if I now presume to solicit their attention while I make a reference personal to myself. My forebears were members of that bold advance guard of pioneers who 50 years or more ago explored the Colorado River Basin. From the time of my youth to the present day I have wielded ceaselessly what strength was mine, which was modest and small enough, to bring about the development of the potentialities of the Colorado River. If the voice of justice and truth and the accuracies of science instead of greed and partisanship were to control, there would ultimately be brought forth within the United States the inland empire of the Colorado River Basin, an empire wealthier than that which Pizarro added to the dominions of Charles V and more splendid, and more durable than that of the Cæsars. Unfortunately, however, the legislation now proposed by the Senator from California [Mr. JOHNSON] for development of the Colorado River is sectional in character, is wholly in the interest of California, and disregards the rights of Arizona.

In discussing the broader possibilities and problems of the Colorado River Basin there are hundreds, even thousands, of minor yet important possibilities of expansion that I necessarily must leave unmentioned, although these future minor auxiliary developments will have much local importance and in the aggregate true national significance. In general such minor or auxiliary projects do not preclude the larger use of the river, but must be undertaken as part of that larger use.

Irrigation has enriched the American people. Irrigation projects charm the imagination with their wizardry. Their power to transform barren deserts into grain and cotton fields, into orchards and vegetable and flower gardens, makes the lamp of Aladdin and the purse of Fortunatus seem tame and prosaic. The wildest hyperbole would not overestimate the strength, wealth, beauty, comfort, and public order that would be added to this Nation were all the potentialities of the Colorado River scientifically utilized with scrupulous regard for

and observance of the legal rights of each State within the Colorado River Basin.

It is a thousand pities that this bill, so narrow in its conceptions, so devastating to Arizona in its results, so flagrant in its disregard of the Constitution, has failed to rise to the grand opportunity of the hour, but I do not entirely despair; I realize that the active protagonists of this bill have fallen victims to that imponderable which inheres in those public men who surrender the good of the future to the expediency of the hour.

The alluring temptation to bring to existing constituents some temporary advantage; to placate those who can vote to-day; to achieve something immediate and tangible, which apparently is beneficial, although it be at the cost of sacrificing durable benefits and vital rights which could easily be preserved if justice instead of expediency were made the guide, has always been the Circean spell that has, down through the ages, distracted the mind, deflected the purpose, and weakened the fiber of statesmen.

In the discussion of the bill I shall be obliged to use many technical terms, and, therefore, at this juncture it may be helpful to translate some of these technical terms into common expressions.

One second-foot of water is a flow of 1 cubic foot of water per second.

One second-foot of water is approximately 7.5 gallons.

A flow of 1 second-foot for 24 hours would approximate 648,000 gallons. (There are 86,400 seconds in 24 hours.)

A flow of 1,500 second-feet of water daily approximates 3,000 acre-feet.

A flow of 1,500 second-feet daily would approximate 972,000,000 gallons daily.

The city of Los Angeles is now demanding and insists that it requires, 1,500 second-feet daily of the waters of the Colorado River for potable purposes. Fifteen hundred second-feet daily of potable water would supply a city of 2,430,000 persons with 400 gallons daily per capita, or to employ Chicago's consumption of water as a basis of comparison, the 1,500 second-feet ($972,000,000 gallons) would supply a city of 3,400,000 persons with 285 gallons per capita daily, and the highest present daily consumption of any city, so far as I know, is the city of Chicago, which is about 285 gallons per capita daily.

One acre-foot is a volume of water sufficient to cover 1 acre 1 foot deep; 16,400,000 acre-feet of water would submerge the District of Columbia over 400 feet.

A horsepower is a rate of work equal to lifting 33,000 pounds 1 foot per minute. Originally based on observations of dray horses, it greatly exceeds the average performance of an ordinary horse.

The combined peak demand on all power plants in the District of Columbia in 1920 was 95,000 horsepower.

The total development at Niagara in 1916 was 575,000 horsepower.

The installed substation capacity on the Chicago, Milwaukee & St. Paul Railway electrification is 180 horsepower per mile.

At 200 horsepower per mile, 4,800,000 horsepower would serve 24,000 miles of electrified railroad, which roughly approximates the total railroad mileage in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

POWER

A vast amount of power is dissipated in the fall of the Colorado River. Imaginative France calls water power "white coal," and this brilliant characterization suggests a coal free from dust, cheaper, easier handled, a supply inexhaustible, which after used flows on to the projects below and may be used again and yet again.

Thus on the main stream of the Colorado River below the junction of the Green and the Grand known power sites on the river have 6,000,000 potential horsepower, and of this 6,000,000 potential horsepower 4,000,000 thereof would be developed and generated in the State of Arizona.

The percentage of water which the States within the Colorado River Basin contribute, respectively, to the Colorado River is about as follows:

	Per cent
Arizona	28
California	00
Colorado	53.7
Nevada	.3
New Mexico	1
Utah	7
Wyoming	10
Total	100

I now read the following letter, which is self-explanatory:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 2, 1926.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR ASHURST: In response to your letter of March 31, I am inclosing a statement in tabular form which I believe will supply the information you desire respecting the flow of Colorado River at Lees Ferry and points below. Attention is called to the fact that the averages for the stations at Bright Angel Creek and Lees Ferry are based on records extending over but three and four years, respectively, and are probably below a long-time average inasmuch as the years 1924 and 1925 were years of low run-off in Colorado River Basin.

Flow in second-feet may be converted into acre-feet by multiplying by the number of days that the flow existed and that product by 1.98. If the rate of flow of a stream is 15,000 second-feet the run-off in one day will be 29,700 acre-feet; in a 30-day month it will be 891,000 acre-feet; and in one year 10,840,500 acre-feet. The computations may be reduced and results obtained within 1 per cent by using 2 as the factor instead of 1.98.

Yours very cordially,

GEORGE OTIS SMITH, *Director.*

Annual flow of Colorado River at points in Arizona

Gauging station	Years of record [1]	Second-feet			Acre-feet		
		Maximum year	Minimum year	Average	Maximum year	Minimum year	Average
Lees Ferry	1922–1925	22,300	15,800	19,400	16,100,000	11,400,000	14,000,000
Bright Angel Creek	1923–1925	23,500	16,100	19,200	17,000,000	11,700,000	13,900,000
Topock	1918–1925	29,800	16,200	22,900	21,500,000	11,700,000	16,600,000
Yuma	1903–1924	36,000	13,600	23,700	26,100,000	9,870,000	17,200,000

[1] Years ending Sept. 30.

The Colorado River is our most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used, either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such opportunity for the use of waters for both irrigation and generating electrical energy.

In approaching the problems of a river so pregnant with possibilities for development it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore in any plan of developing that river extreme care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

MAGNITUDE OF THE PROPOSED PROJECT

The project authorized by this bill is majestic in its proportions. The figures involved are stupendous.

The proposed dam will be 675 feet high from bedrock to its crest; 125 feet below and 550 feet above the present water level, or nearly twice as high as any other dam in existence.

It is stated in the Twenty-fifth Annual Report of the Bureau of Reclamation that the total capacity of all of the reservoirs at storage dams authorized by Congress to be constructed by the Bureau of Reclamation, and including reservoirs at dams on Federal reclamation projects which were financed and constructed by agencies other than the Reclamation Bureau, when completed will be only 13,863,123 acre-feet of water. The hydroelectric power now installed by the Bureau of Reclamation is 55,000 horsepower.

The Boulder Reservoir, when full, will hold 26,000,000 acre-feet of water and store 20,000,000 acre-feet. It is proposed to install machinery to develop 1,000,000 horsepower, of which 550,000 horsepower will be firm power; in other words, this dam will create a reservoir which will store approximately twice as much water as all the Reclamation Service reservoirs combined and will represent an electrical installation of ten times as much as that now installed by the Bureau of Reclamation.

The total construction cost of all of the projects constructed by that bureau as of June 30, 1916, was $166,532,562.36. The estimated cost of a portion of this project will be $125,000,000. The members of the Federal Power Commission and many engineers who have testified concerning the project state that these cost estimates for the project are too low.

Secretary Work, in submitting to Congress the Weymouth report on the Boulder Dam and this project, said that this project presents "engineering difficulties attractive to ambitious engineers if not to Government or private capital."

ARIZONA

Ninety-three per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 30 per cent of the waters of the Colorado River. The population of Arizona residing within the Colorado River Basin and dependent entirely upon its waters is equal to, and probably exceeds, the combined population furnished to the Colorado River Basin by the other Colorado River Basin States.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin, seven-eighths thereof is in Arizona, but the Boulder Canyon plan of development, as proposed in S. 728, would deprive Arizona of the benefit of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, practically all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows through Arizona on a meandered line 315 miles to the Arizona-Nevada State line, in Iceberg Canyon. From this point the river on a meandered line forms the western boundary line of Arizona for a distance of 400 miles to the point where it intersects the boundary line between Arizona and Old Mexico.

CALIFORNIA

Only 2½ per cent of the Colorado River drainage basin is in California.

California contributes practically no water to the Colorado River.

The Boulder Canyon plan of development allots to California 38 per cent of the estimated constant water supply of the Colorado River.

[At this point some priveleged matters intervened, which appear under the proper heading.]

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of the potential hydroelectric energy, California has 9,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

This bill sedulously and intentionally proposes to sever Arizona's jugular vein.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

TITLE I

STATEMENT OF SPECIFIC OBJECTIONS

I object to this bill for the following reasons:

1. Because the bill authorizes an invasion of the State of Arizona without its consent and over its protest; it is a trespass upon the sovereignty of Arizona and is therefore unconstitutional.

2. Because the bill proposes (sec. 12 (c), p. 20) to deny to Arizona her right to use the public lands within that State (which comprise 63 per cent of the total area of the State) for the purpose of building canals or other works, to enable citizens of that State to use the water which falls upon the soil and which runs in the brooks, creeks, washes, and rivers of Arizona, for domestic and agricultural purposes, and also proposes to deny to Arizona the use of public lands for the building of transmission lines for the purpose of delivering electrical energy developed on streams which are within the State, and also proposes to deny to Arizona the right to obtain a permit from the Federal Power Commission to build dams on streams wholly within Arizona, to utilize water for the development of electrical energy to which the citizens of Arizona have already acquired the right to the exclusive use thereof.

3. Because if the bill (sec. 8 (c)) were passed in its present form it would plunge the State of Arizona into expensive and protracted litigation. Because it denies the authority of Arizona to amend her own constitution.

4. Because Arizona joins with the upper-basin States in asking (quoting Governor Dern, of Utah, Senate hearings on S. 728, p. 132) "that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agencies before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such an agreement between the seven States."

5. Because the construction of any large storage project on the main Colorado River in the absence of a specific allocation of water to Arizona will make water available for use in Mexico and thereby ultimately deprive the lands in Arizona of its use.

6. Because the bill proposes the invasion of the State of Arizona by the Federal Government and the usurpation of the use of the bed of the Colorado River, its banks and the lands within the State, for the construction of a dam for the storage of water and the delivery of this water to another State to the detriment of Arizona. The water in question is a natural resource over which the State of Arizona claims the exclusive right (except as it affects navigation) to control within its own boundaries, and to share the control of its use where the river forms the boundary between Arizona and another State, subject only to the limitation that the water shall not be depleted in such an amount as to deprive a prior and beneficial user in another State, of the water appropriated by him. (Boquillas Cattle Co. *v.* Curtis, 213 U. S. 339, and Colorado *v.* Wyoming, 259 U. S. 419.)

7. Because under the terms of the bill, Arizona will be deprived of the use of water essential for her future growth and prosperity which could be made possible by the development of power and the irrigation of her lands.

8. Because of the misleading language in the bill which, whilst declaring that a large irrigation project in California shall bear the cost of the canal and of appurtenant structures (sec. 1, p. 2, lines 13 to 17; sec. 9, p. 16) necessary to irrigate the lands in California, the provisions of the bill, in truth and in fact, will require the power resources of Arizona and Nevada to underwrite the repayment of the cost "of the main canal and appurtenant structures connecting Laguna Dam with the Imperial and Coachella Valleys in California," including operation and maintenance charges (sec. 2; also lines 13 to 17, p. 2, of the bill).

9. Because the amount of water apportioned to California (sec. 5, p. 7) is not warranted in equity, law, justice, or morals.

10. Because the bill provides that when the canals, power plants, and structures in California are paid for they be turned over and delivered to the districts which use them in that State. (Sec. 7, p. 12.) But the bill does not provide that the dam and power plants be turned over to or inure to the benefit of the States of Arizona and Nevada when the Government is repaid. (Sec. 5, p. 7, line 16.)

11. Because the bill provides that the Imperial irrigation district and other California districts may be given rights in the Laguna Dam which they do not now possess and which are the property of the Yuma County Water Users' Association, for which the Secretary of the Interior is acting as trustee, and an arbitrary action by the Secretary as authorized under this bill (sec. 7, p. 12; sec. 10, p. 18) would force the Yuma County Water Users' Association to engage in costly litigation to protect its interests.

12. Because the bill proposes to authorize the Federal Government to become a party to a conspiracy to impose a boycott upon Arizona and to enforce against her the terms of the Colorado River compact, when approved by six States, as it affects the upper basin States (sec. 12 (a), p. 19, and particularly 12 (c), p. 20) and to impose upon Arizona the conditions of a subsidiary compact to be made by two States (sec. 8 (b), p. 14), affecting the lower basin, and to enforce these compacts against Arizona under terms of the bill (sec. 12 (c), p. 20.)

13. Because the bill authorizes the expenditure of $50,000,000 of Federal funds to irrigate lands owned largely by private land speculators in California in units in excess of 160 acres. The records show that of the 785,400 acres of land in Imperial Valley, one corporation alone owns 47,000 acres of these lands and only 167,100 acres are Government lands. (S. Doc. 142, 67th Cong., 2d sess., p. 80.) This report was made in 1922 and the Government acreage has probably decreased since that time.

14. Because the bill authorizes California, which comprises only 2½ per cent of the Colorado River Basin and contributes no water, to appropriate (sec. 5, p. 7, lines 4 to 13) over 38 per cent of the estimated constant water supply available in the main Colorado River for all seven States in the basin and for Mexico. (House hearings on H. R. 2903, p. 841, sec. 19, report of Herman Stabler; also Senate hearings on S. 320, December 19, 1925, p. 533, E. C. La Rue; also S. Doc. No. 142,

67th Cong., 2d sess., p. 37, table and text; also Water-Supply Paper No. 556, U. S. Geological Survey, 1925, p. 122.)

15. Because the bill fails to provide for a review and approval of the plans of the project by engineers of large ability and experience as to the adequacy of the plans and specifications and the safety of the proposed dam.

There is no remorse so deep, so poignant, and so inveterate as that which will come when we shall some day realize that we omitted to avail ourselves of the opportunity to see to it that, as far as science may do so, it has secured the safety of this dam. Fortune, success, and opportunity soar aloft on high and rapid wing and must be seized as they pass by. It is difficult, if not impossible, to overtake them once they have left us behind or found us asleep or afraid. However, if the dam is to be constructed, it is not yet too late to guarantee its safety.

(At this point Mr. ASHURST moved that the Senate proceed to the consideration of Senate bill 1762, the San Francisco Bay bridge bill; the roll was called on the motion, and no quorum appearing, much time was consumed in securing the attendance of absent Senators.)

Mr. ASHURST. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask that the same be read.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Secretary will state the amendment to the amendment.

The LEGISLATIVE CLERK. On page 1, line 4, strike out the word "navigation" and insert the words "interstate commerce," so as to read:

> That for the purpose of controlling the floods, improving interstate commerce, and regulating the flow of the lower Colorado River—

And so forth.

STATES ARE ENTITLED TO EQUALITY OF RIGHT UNDER THE CONSTITUTION

Mr. ASHURST. Mr. President, the United States Supreme Court has declared that "One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none." (Kansas *v.* Colorado, 206 U. S. 48, 97.)

In another case the court stated: "It (a State) finds itself in possession of what all admit to be a great public good and what it has it may keep and give no one reason for its will." (Hudson Water Co. *v.* McCarter, 209 U. S. 356.)

The latter may be the legal and constitutional right of the State of Arizona, but it is not the policy of the State or of its representatives in offering opposition to the Boulder Canyon project legislation.

Arizona's demand is merely for equality of right with the other States. But Arizona denies the right of other States to impose their will upon her.

The representatives of the State of Arizona recognizes that the Colorado River is an interstate and international stream. The water in the river originates wholly in the United States, but the mouth of the river is in a foreign country. The representatives of the State of Arizona recognize that the strict application of the doctrine laid down by the United States Supreme Court in the case of Wyoming *v.* Colorado (259 U. S. 419) would probably result in the appropriation of the water of the river by the States best able to put it to immediate use and that this would be extremely detrimental to the interests of the upper basin States and it would also probably inspire a race for competitive development of agricultural lands, which economic conditions do not warrant.

The representatives of Arizona have stated repeatedly that they are willing to accept and enter into a compact with the other States in the Colorado River Basin, provided the State of Arizona is given the protection under the new laws equal to that which is given to all the other States. Or, stated in another way, Arizona is asking that if the law of prior appropriation is to be set aside and water is to be apportioned by a compact among the States, that Arizona be given the same protection against Mexico and California that Colorado, Wyoming, Utah, and New Mexico are asking for themselves.

BOULDER DAM IS PRIMARILY FOR POWER

The dam authorized by this bill is primarily for the purpose of obtaining a water power to lease to States, subdivisions of States, or to private individuals (sec. 5, p. 6), and thereby make available certain incidental benefits. In substantiation of this statement, I call attention to the substance of the following provisions of the bill:

> 1. No dam shall be constructed and no work be performed unless power revenues are adequate to pay for the interest and amortization and the operation and maintenance of the entire project. (Sec. 4 (b), p. 5.)
>
> 2. No charges are to be made for the storage, use, or delivery of water for domestic purposes. (Sec. 1, p. 2, lines 15 to 17.)
>
> 3. No charges are to be made for the storage, use, or delivery of water for agricultural purposes. (Sec. 1, p. 2, lines 15 to 17.)
>
> 4. Priorities to the use of water from the reservoir shall be in the following order:
>
> (a) Water for use of lands under "a canal connecting Laguna Dam with Imperial and Coachella Valleys." (Sec. 1, p. 2, lines 10 to 13.)
>
> (b) Domestic use.
>
> (c) Agricultural use.
>
> (d) Power.
>
> (e) Navigation.
>
> Sections 4 (a), 5, 6, 8 (b), 12, and 14 of the bill and Article IV of the Colorado River compact. (See especially sec. 12 (b) of the bill.)
>
> 5. If there be any surplus revenues, Nevada and Arizona are each to receive 18¾ per cent of such excess revenues. (Sec. 4, p. 5.)
>
> 6. Leases on power are not to be for longer than 50 years. (Sec. 5 (a), p. 7.)
>
> 7. Preference to the use of power is given to States, subdivisions of States, and private agencies in the order given. (Sec. 5 (c), p. 9.)
>
> 8. Any agency making a contract for 100,000 horsepower is required to reserve one-fourth of its transmission line for the use of other power contractees. (Sec. 5 (d), p. 10.)

The legislative fiction that one of the primary purposes of the bill is to "improve navigation," is destroyed by the provisions of the bill itself (sec. 16 (b), p. 20), which approves the Colorado River compact which if applied would make this provision of the bill read:

> The rights of the United States in or to waters of the Colorado River and its tributaries * * * for navigation * * * shall be subject to and controlled by the said Colorado River compact, which declares (art. 4) "inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes."

But "with its flow unregulated, the river can not be successfully used as a highway for commerce; in its regulated form it will provide a safe and dependable flow below the dam that can be used by power boats and other small craft. The reservoir created by the dam will be the largest artificial lake in the United States and capable of successful navigation."

To summarize: The bill provides there shall be no dam unless the power revenues are adequate to repay the Government; there shall be no charge for the use of water for domestic or agricultural purposes; water shall be used, first, for domestic use and agricultural purposes; next, for power, and then if these agencies do not divert all of the water and thereby dry up the stream, it may be navigated by motor boats.

"IMPROVING NAVIGATION" ON COLORADO RIVER IS LEGISLATIVE FICTION

The committee inserted, on lines 3 and 4 on page 1, and on line 8 on page 11, the words "improving navigation." These words do not appear in the original bill. The purpose for inserting them was an endeavor to circumvent the Constitution of the United States.

To assert that the primary purpose of this bill is to improve navigation is ridiculous. The purpose of inserting this language is to attempt to have the Congress authorize this legislation under its authority "to regulate commerce with foreign nations and among the several States and with Indian tribes." (Art. I, sec. 8, par. 3.)

There is testimony in the hearings of both the House and the Senate that the Colorado River, in its natural state, was a navigable stream from its mouth to a point above the proposed site for the Black Canyon, or Boulder Canyon Dam; but there is also uncontradicted evidence in the hearings that the Colorado River from its mouth to the site of the proposed dam is not now used for navigation, and there is not on file or in the records a single petition, request, or demand that the Colorado River be improved for the purposes of navigation. On the contrary, the petitions and requests in the hearings and before Congress are for legislation to enable the States further to deplete the flow of the Colorado River and thereby render it wholly nonnavigable.

The bill authorizes the approval of the Colorado River compact, which in article 4 A provides:

> A. Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such water for domestic, agricultural, and power purposes.

There is no evidence in the record that if the river were made navigable there would be a single ton of freight carried on the river as the result of such an improvement.

TREATY OBLIGATIONS DO NOT REQUIRE THE ENACTMENT OF THIS LEGISLATION

International questions do not give authority to Congress to pass this bill.

Unless the United States negotiates a treaty with Mexico in which the United States binds itself to assume some degree of control and management of the river, it would have no authority to pass this legislation under the assumption that it was to carry out treaty obligations. There are no treaty obligations at this time the fulfillment of which requires the passage of this legislation. In the absence of such obligations this legislation can not be predicated upon that authority. There is now no treaty, compact, or agreement requiring the United States to send any of the waters of the Colorado River into Mexico, and all the waters of that river which Mexico now receives are allowed to go into Mexico purely as an act of grace.

THE COLORADO RIVER COMPACT

THE CONGRESS MAY NOT IMPOSE A COMPACT UPON THE STATES

There is no precedent for a bill such as we are now considering, and as was stated by Mr. John L. Gust (hearings on S. 728, p. 105):

If such a bill as the Swing-Johnson bill had been introduced into Congress in the early years of our constitutional history, it would have rocked the very foundation of the Union. If it were offered to-day against one of the old and powerful States it would create considerable commotion even to-day. The fact that it is directed against a young and weak State makes it dangerous. If the principles upon which it is based should become established, Congress could force any State into any kind of compact with another State or with a foreign power—because the power of making compacts is just as broad with respect to foreign powers as it is with States with respect to each other—by providing that until such compact was approved each State should receive no Federal aid for road construction, no forest-reserve funds for roads or schools, no money for harbor improvement, no public buildings, and no water from its own streams. That is the extent to which this bill goes, if I read it aright, and I think I am not mistaken as to its provisions, and I feel confident that such broad powers as that do not exist in Congress under the Constitution under which this Nation exists.

Congress can not impose a compact or the terms thereof upon the States. In Article I, section 10, of the Constitution of the United States, among other provisions there occurs the following language:

No State shall enter into any treaty, alliance, or confederation * * *. No State shall without the consent of Congress * * * enter into any agreement or compact with another State or with a foreign power * * *.

This provision of the Constitution makes it clear that the power in the States to make agreements or compacts not having been delegated to the United States by the Constitution nor prohibited by it to the States is reserved to the States, with the single restriction that the consent of Congress is necessary to the validation thereof.

It therefore must necessarily follow that the Congress can not impose upon a State or States the terms of a compact to which said State or States refuse to give consent. It must also necessarily follow that Congress can not authorize "two" or "six" (sec. 8 (b) and sec. 12 of the bill) States to confederate and enter into an alliance and to apportion among themselves natural resources which are the common heritage of seven States and to do it over the objections of the protesting State or States.

This bill (secs. 4 A, 5, 6, 8 A and B, 12 A, B, C, D, and 14) binds this legislation to the provisions of the Colorado River compact.

The bill is an attempt to apportion water, as it approves the Colorado River compact (secs. 4A and 12), which is a proposed agreement which, if approved by the seven States, parties to it and with the approval of Congress, would repeal the water laws in the Colorado River Basin as they now exist and are defined by the United States Supreme Court. The compact proposes to substitute for the water laws, based upon prior appropriation and beneficial use, the allotment of a definite quantity of water to the "upper basin" and "lower basin" States.

The authority to make such a compact rests in the States and not in the Congress. The States have not ratified the compact, therefore it is not a valid agreement.

This bill attempts to rivet the provisions of the compact onto the seven States. The bill goes further and authorizes the State of California to appropriate and consume a large proportion—estimated to be 38 per cent—of the water available for use in the Colorado River above Laguna Dam. (Sec. 5, p. 7, lines 4 to 12, inclusive.) And it authorizes two States to make a compact to bind three States. (P. 14, line 18.) I deny that the right exists in Congress to apportion this water.

Any attempt on the part of "six States" so far as their actions relate to the entire basin or of "two States," so far as their actions relate to the "lower basin," even with the consent of Congress, to enter into an alliance or confederation to deprive a seventh State of the right to utilize and enjoy the benefits of its natural resources is equivalent to a conspiracy. The States only can make a compact and divide the water; Congress can not do it for them. In this connection I again quote John L. Gust (hearings on S. 728, p. 121):

In our opinion the Colorado River compact, if executed by six but not by seven States, will be wholly void for the following reasons:

First. Considered as a contract it is legally impossible of performance when made.

Second. Considered as a contract it is illegal, because it is a plain attempt on the part of the States that are parties to the agreement to control the property and resources of another State for their own benefit.

Considering the proposition first above stated, it is a principle of the law of contracts that contracts impossible of performance when made are void. The Colorado River compact purports to divide the water of the river between an upper basin and a lower basin which are both included within the boundaries of seven States. Each of those States has a right in the waters of the river. This is established by Kansas *v.* Colorado (206 U. S. 46) and Wyoming *v.* Colorado (259 U. S. 419).

One of the States having a large interest in such waters declines to enter into the compact. Thereupon the remaining six purport to execute the compact and carry it out exactly as written for the seven.

In other words, these six purport to apportion the water just as it was proposed to be apportioned by the act of the seven.

This means that the six undertake to divide the water among the seven without the consent of the seventh. Manifestly this can not be legally done. Arizona can not be bound without its consent, and if Arizona is not bound the agreement simply will not work. The six States are undertaking to do something wholly beyond their power.

Considering the second proposition, it seems plain that any attempted agreement on the part of six States to parcel out the property and rights and prerogatives of seven States without the consent of the seventh State is necessarily illegal. Can the law recognize and uphold an agreement in which certain States undertake to dispose of the property and rights and prerogatives of another State to suit their own pleasure and for their own profit and against the will of the other States? It can not be said that the six-State compact does not undertake to dispose of Arizona's property rights. By its express terms it applies to the property rights of Arizona as well as to the property rights of the other States.

Moreover, the California resolution adopting the six-State compact declares it shall not become binding on California until Arizona is subjected to the compact by the power of the United States. Said resolution is a proposition by the State of California to enter into a conspiracy with the United States for the purpose of depriving Arizona of her constitutional rights.

In connection with this proposal that Congress shall usurp authority, I direct attention to a decision of the Supreme Court of the United States:

Should Congress under the pretext of executing its powers pass laws for the accomplishments of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such decision come before it, to say that such an act was not the law of the land. (McCulloch *v.* Maryland, 4 Wheat. 316, 423.)

PRESENT STATUS AND WHAT THE STATES ARE CONTENDING FOR WITH REFERENCE TO THE COLORADO RIVER COMPACT

The States of Colorado, Wyoming, and New Mexico have ratified and desire ratification of the compact by all seven States. This compact will reserve for the present and future requirements of the upper basin States the water allocated for their use by the Colorado River compact.

Resolved, That it is firm belief of the representatives of the four said upper basin States, as assembled at Denver, Colo., this 19th day of December, 1927, that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress or otherwise authorized by any Federal agency before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States.

W. H. Adams, Governor of Colorado; George H. Dern, Governor of Utah; Frank C. Emerson, Governor of Wyoming; Edward Sargent, Lieutenant Governor of New Mexico; Delph E. Carpenter, interstate river commissioner for Colorado; William L. Boatright, attorney general of Colorado; Francis C. Wilson, interstate river commissioner for New Mexico; L. Ward Bannister, counsel for the city of Denver; M. C. Mechem, representing New Mexico.

(Senate hearings on S. 728.)

Utah: The State of Utah, speaking through its governor (hearings on S. 728, p. 143), defined the demands of that State to be as follows:

1. Seven-State ratification of the Santa Fe compact.

2. A treaty with Mexico preserving to the United States the right to any water of the Colorado River made available through development in the United States, including equitable rights to the natural flow.

3. Acknowledgment that water within the State is the property of the State.

4. Acknowledgment that the State of Utah is the owner of that portion of the bed of the Colorado River which lies within its borders.

5. Full acknowledgment that the States have a right to and receive compensation for the use of their lands and waters.

The qualified ratification of the Santa Fe compact, as adopted by the Legislature of Utah January 26, 1927, was as follows:

Be it enacted by the Legislature of the State of Utah:

SECTION 1. Colorado River in Utah and Green River in Utah declared to be navigable streams: That the State of Utah does hereby declare that the Colorado River in Utah and the Green River in Utah from time immemorial and at the time of the admission of Utah into the Union as one of the States of the United States of America were and ever since have been and now are navigable streams.

SEC. 2. Title to bed of all navigable rivers vested in State of Utah, when—Exceptions: That the title to the beds of said rivers and of each of them, as well as the title to the beds of all other streams and lakes which at the time of said admission of Utah into the Union were navigable in fact, vested in the State of Utah at the time of its said admission into the Union and said title has at all times thereafter been and now is vested in the State of Utah, except such portion or portions thereof as may have been heretofore disposed of by the State of Utah pursuant to law, by express grant.

SEC. 3. Intent with respect to paragraph (a) of Article IV, of the Colorado River compact—Colorado River navigable for intrastate commerce: That the State of Utah does hereby declare that its adherence to paragraph (a) of Article IV of the Colorado River compact as set forth in chapter 5, Laws of Utah, 1923, which paragraph reads as follows:

"(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph the other provisions of this compact shall nevertheless remain binding." (Hearings on S. 728, p. 170.)

Nevada: The State of Nevada desires ratification of the Colorado River compact by the seven States and a supplementary compact which will recognize the right of that State to the use of 300,000 acre-feet of water (Senate hearings on S. 728) and the acceptance of the principles of the Pittman resolution, which is found on page 131 of the 1928 Senate hearings on S. 728.

[Resolution offered by Senator KEY PITTMAN on behalf of the Nevada commission to the conference of governors and the commissioners of the Colorado Basin States in session at Denver, Colo. Adopted at Seven States' Conference on the Colorado River at Denver, October 4, 1927, by affirmative votes of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming—California not voting]

Whereas it is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by navigable waters within the limits of the several States of the Union belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interests of the public in the waters, and subject always to the paramount right of Congress to control the navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States; and

Whereas it is the settled law of this country that subject to the settlement of controversies between them by interstate compact, or decision of the Supreme Court of the United States, and subject always to the paramount right of Congress to control the navigation of navigable streams so far as may be necessary for the regulation of commerce with foreign nations and among the States, the exclusive sovereignty over all of the waters within the limits of the several States belongs to the respective States within which they are found, and the sovereignty over waters constituting the boundary between two States is equal in each of such respective States; and

Whereas it is the sense of this conference that the exercise by the United States Government of the delegated constitutional authority to control navigation for the regulation of interstate and foreign commerce does not confer upon such Government the use of waters for any other purposes which are not plainly adapted to that end, and does not divest the States of their sovereignty over such waters for any other public purpose that will not interfere with navigation: Therefore be it

Resolved, That it is the sense of this conference of governors and the duly authorized and appointed commissioners of the States of Arizona, California, Colorado, New Mexico, Nevada, Utah, and Wyoming, constituting the Colorado River Basin States, assembled at Denver, Colo., this 23d day of September, 1927, that—

The rights of the States under such settled law shall be maintained.

The States have a legal right to demand and receive compensation for the use of their lands and waters, except from the United States, for the use of such lands and waters to regulate interstate and foreign commerce.

The State or States upon whose land a dam and reservoir is built by the United States Government, or whose waters are used in connection with a dam built by the United States Government to generate hydroelectric energy are entitled to the preferred right to acquire the hydroelectric energy so generated or to acquire the use of such dam and reservoir for the generation of hydroelectric energy upon undertaking to pay to the United States Government the charges that may be made for such hydroelectric energy or for the use of such dam and reservoir to amortize the Government investment, together with interest thereon, or in lieu thereof to agree upon any other method of compensation for the use of their waters.

All the interested States agree that, if the compact is approved, Nevada shall be granted the right to take such water as may be beneficially used in that State, which is estimated to be 300,000 acre-feet.

California: The demands of California and her policy concerning the compact are outlined in chapter 33, assembly Joint Resolution No. 15, adopted by the Legislature of California in 1925. This resolution ratifies the Colorado River compact with the following provisos:

Provided, however, That the said Colorado River compact shall not be binding or obligatory upon the State of California, by this or any former approval thereof, or in any event until the President of the United States shall certify and declare—

(a) That the Congress of the United States has duly authorized and directed the construction by the United States of a dam in the main stream of the Colorado River at or below Boulder Canyon, and to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water; and

(b) That the Congress of the United States has exercised the power and jurisdiction of the United States to make the terms of the said Colorado River compact binding and effective as to the water of the Colorado River.

This bill meets and conforms to the full demands of California.

With reference to an allocation of the water available under the Colorado River compact for use in the "lower basin," California demanded as an "irreducible minimum" 4,600,000 acre-feet of the allocated water and one-half of any surplus water unallocated by that compact, available for use in the main stream. (Testimony Charles L. Childers, Senate hearings on S. 728.)

Arizona: The Colorado River Commission of Arizona defined the position of Arizona with reference to the Colorado River compact to be as follows (hearings on S. 728, pp. 19, 46):

(1) Arizona will accept the Santa Fe compact if and when supplemented by a subsidiary compact which will make definite and certain the protection of Arizona's interests, as follows:

(2) That before regulation of the Colorado River is undertaken, Mexico be formally notified that the United States Government reserves for use in the United States all water made available by storage in the United States.

(3) That any compact dividing the water of the Colorado River and its tributaries shall not impair the rights of the States, under the respective water laws, to control the appropriation of water within their boundaries.

(4) That the waters of the streams tributary to the Colorado River below Lees Ferry and which are inadequate to develop the irrigable lands of their own valleys be reserved to the States in which they are located.

(5) That so much of the water of the Colorado River as is physically available to the lower-basin States—but without prejudice to the rights of the upper-basin States—shall be legally available to and divided among Arizona, California, and Nevada, as follows:

(a) To Nevada, 300,000 acre-feet per annum.

(b) The remainder, after such deduction as may be made to care for Mexican lands allotted by treaty, shall be equally divided between Arizona and California. (With reference to par. 5 (b) of the Arizona statement, Arizona agreed to accept a proposal for a division of the water which was suggested by the Governors of Utah, Wyoming, Colorado, and New Mexico that the water available for the use of the lower basin be divided approximately as follows (Senate hearings on S. 728, p. 349), each State to have its tributary waters before they

enter the main stream: To Nevada, 300,000 acre-feet; to California, 4,200,000 acre-feet; to Arizona, 3,000,000 acre-feet. All available surplus water to be divided equally between Arizona and California.)

(6) That the right of the States to secure revenue from and to control the development of hydroelectric power within or upon their boundaries be recognized.

(7) (With reference to pars. (6) and (7), the Arizona representatives insist upon the acceptance of the principle of the Pittman resolution in a compact (Senate hearings on S. 728 and S. 1274, p. 131). That encouragement will be given, subject to the above conditions, to either public or private development of the Colorado River, at any site or sites harmonizing with a comprehensive plan for the maximum development of the river's irrigational and power resources.

(8) That Arizona is prepared to enter in a compact at this time to settle all the questions enumerated herein, or Arizona will agree to forego a settlement of items 6 and 7, and make a compact dividing the water alone, provided it is specified in such compact that no power plants shall be installed in the lower-basin portion of the main Colorado River until the power question is settled by a power compact among the States. (The contention of Arizona, with reference to power revenues, stated briefly and succinctly, as it relates to the development proposed to be made under this act, is that the State expects to derive a revenue from the hydroelectric power developed on the project, equivalent to what it would receive in taxation, if the project was developed by private enterprise.)

CONTROL OF WATER BY WESTERN STATES IS RECOGNIZED BY CONGRESS

In admitting the Western States into the Union "on an equality with all the other States," Congress has conceded that no constitutional right was vested in the Federal Government to retain jurisdiction over appropriations of water for irrigation, domestic, power, or other uses excepting as they might affect navigation. In fact, the United States Supreme Court, in the case of Boquillas Cattle Co. *v.* Curtis (213 U. S. 339), in an opinion sustaining a decision of the Territorial Supreme Court of Arizona, declared "the doctrine of appropriation" was in force in Arizona before it was annexed to the United States.

The Congress of the United States first recognized the necessity for local customs to govern the use and appropriation of water in the semiarid Western States when it adopted section 9 of the act of July 26, 1866 (14 Stats. 266; sec. 2399, Rev. Stats.). This section reads:

That whenever, by priority of possession, right to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed.

Under the terms of both the United States reclamation law and of the Federal water power act, the United States is required to obtain the consent of the States to use the lands and waters of the States before it may proceed with the erection of any dam for the purposes of utilizing the water for domestic, irrigation, or power purposes.

Section 8 of the United States reclamation act (32 Stat. 388, 1902), reads:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to or from any interstate stream of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The Federal water power act, approved June 10, 1920, provides in section 17 thereof as follows:

That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

(At this point Mr. ASHURST made some remarks on the cloture rule and submitted sundry amendments, which were read and which appear in the current copy.)

Mr. ASHURST. Mr. President, I read at this juncture an article from The Nation. No one would accuse The Nation of being a conservative organ. The article was printed on November 9, 1927, and is entitled "The Colorado River controversy," written by Mary Austin, and is, in part, as follows:

THE COLORADO RIVER CONTROVERSY

By Mary Austin

Wyoming, Utah, Colorado, Nevada, New Mexico, Arizona, and California are all involved in the project for converting the rampageous Rio Colorado into irrigation ditches and hydroelectric power. But from the beginning the situation of California was somewhat apart from the other intramontane States. The others are all relatively undeveloped, anxious to restrain development rather than to hurry it. California, on the other hand, is involved in an inflated economic complex which by its own momentum has outrun its own resources. Unless new resources can be found, southern California—it is only the section southwest of the San Bernardino Mountains which is affected—must suffer a serious check to her characteristic expansion. And California's claim on the Colorado is not quite in the same case as the other States. Hers is the smallest fragment of the basin, and she contributes no flow to the waters of the river, her natural right resting on 300 miles of State line along the Colorado. Her chief claim is to the waters already taken out of the river for irrigation in Imperial Valley, and to uncompleted filings for domestic water for coastal cities. And at the original conference California was, of all the seven States, most alive to the possibilities tied up with the river project. At that conference a compact was drawn up which secured to the four upper basin States—Wyoming, Colorado, Utah, and New Mexico—50 per cent of the flow. of the river in perpetuity, leaving the other 50 per cent to be divided among Nevada, California, and Arizona. Nevada, in view of the small amount of land suitable for irrigation, was easily contented with 2 per cent of the lower half of the river, Arizona and California being left to agree on the partition of the remainder; until such agreement had been arrived at Arizona refused to ratify the compact. A little later California withdrew from it altogether. And then Utah. And in August of 1927 a second conference was called to uncover the roots of the situation.

It is always a little difficult to deal with southern California as one deals with other localities. In southern California boosting has become a religious duty; and the divine right of that section to all it can get, by any method whatever, is unquestioned. Naturally, California wanted more than half of the water left by the compact to be shared between her and Arizona, and was hurt because Arizona evidently didn't mean to surrender it. A great many people in the Southwest felt California's way about it; such is the glamor over all the American view of the immediate and the outside enterprise. Even Mr. Hoover called Arizona rebellious, though what she rebelled against was the forced limitations of the development. Arizona has practically all her lands in the basin subject to irrigation, and contributes the major portion of the southern basin flow. Moreover, she has lands that would produce in due time exactly the citrus fruits and subtropical crops that are grown in California. Arizona, therefore, continued to insist that a 50-50 allocation was not only fair but generous. Also, there was the question of power control. Suppose Arizona should continue to insist on the natural logic of natural resources. It was much to California's interest to build a dam at Boulder Lake as soon as possible. This would take care of all southern California's necessities and do very little for Arizona. It would benefit the five other States not at all. But the dam would be on Arizona's soil and subject more or less to her State control. California withdrew from the Santa Fe compact and initiated the Swing-Johnson bill.

Detailed discussion of the Swing-Johnson bill is reserved for all citizens of the United States who have an interest in the question of the Federal control of State resources, for all people who have an interest in power, both present and prospective, and for those who see in any move toward the socialization of natural resources either an advantage or a menace. Also, the six intramontane States, whose chief natural asset is the Colorado River, are intimately concerned. The power to be developed by the proposed Boulder Creek Dam is estimated as about equal to the sum of all the existing power development in the United States. A few of Arizona's reasons for objecting to the Swing-Johnson bill are that irrigation demands are sacrificed to power prospects; that the bill utilizes the natural resources of Arizona and Nevada to develop California; that the bill initiates the taking of natural resources from one State to another without compensation. There are 23 other reasons set forth in the statement of Arizona which can be had by applying to her governor; quite enough to stiffen the resolution of the whole State and quicken the apprehensions of five others. It was to clear up the general situation, baldly and too briefly outlined here, that the Denver conference was called.

One of the omitted items relates to the use of water by landowners in Mexico below the State lines. The general usage of waters for irrigations in our Southwest follows the old Spanish law of prior use. Landowners in Mexico are now entitled to all the water they are using or can put to beneficial use before the United States takes action by advising them that the remaining flow of the Colorado is about to be impounded for use within the United States. This can hardly take

place until an agreement is reached by all the States affected. Thus the flow available for future irrigation north of the international boundary is steadily being diminished by the amount that is increasingly used below the boundary. This makes for urgency in point of time in settling the allocation of interstate waters. But as it is reported that California capital is invested in these Mexican irrigation schemes, the urgency is greater on the six other States than on California. There are also claims of water users in California for flood and silt protection, but, as these are freely conceded by the other States, they do not materially affect the problem. And over the whole situation hangs the Swing-Johnson bill, which California is steadily pressing and all the other States are preparing to resist.

Perhaps this is the time to mention a factor that is definitely operative and singularly unaccounted for: A widespread disposition on the part of the press to minimize and definitely to misrepresent the situation. Even while the present conference was in session many newspapers throughout the country carried reports of its proceedings which were explicitly contradicted by the facts. Such misrepresentative reports reaching citizens of the seven States unable to come into more direct relation to the facts will undoubtedly affect the reaction of those States to their own problems. The general implications of the reports in question were, first of all, that the Swing-Johnson bill is more certain to pass than anyone is at present warranted in assuming; and, secondly, that the responsibility for the failure of agreement rests primarily on Arizona. One never quite knows whether the American press means anything by its freely expressed biases, or whether it is simply not sufficiently interested to form an intelligent opinion. If that is the case, it is much the worse for the American people, for what really transpired at the conference was the swing of the whole subject away from a two-State contest to a national policy.

There was no question that the five States already contented with their allocation of waters had met to hear out the matter of the other two with sympathy and without rancor. The details of the discussion would hardly interest a public unacquainted with "acre-feet" and "miners' inches." At the end of the discussion a committee of the governors of the four upper-basin States was appointed to effect such compromise as was thought advisable. To the compromise thus proposed Arizona finally consented. And in the end California still stood out for a larger share, the exact amount of which would mean nothing to the uninitiated. For possible beneficiaries of either the Arizona or the California contention, there are the printed statements of each side. But for the country at large there are far more serious considerations than the matter of a few hundred thousand acre-feet of water for irrigation. As a matter of executive convenience at the conference, an effort was made to keep these larger factors in the background of the earlier meetings. But when the conference reconvenes on November 7 the real problem of the Colorado must be faced.

To understand it in its national implications, it must be realized that the Colorado Basin is the United States' last large-sized opportunity for peaceable territorial expansion. For a territory the size of the Republic of France all Europe would gladly permit itself to be torn to tatters. It is a goodly land, immensely varied in climate, topography, mineral wealth, and crop possibilities. It has in an unusual degree the new and imperfectly estimated possibility of hydroelectric power. It has the beginnings of a strongly marked regional culture. It beckons from every hill and valley with the last opportunity for the rise of a superior English-speaking culture within the territory of the United States. Should the Swing-Johnson bill pass and California have her way, or even the dominant position in the distribution of benefits, many of these opportunities would pass away forever from the people of the United States. Probably, outside of Arizona, this is only half realized even by the people whose immediate future is at stake.

Let me not be misunderstood as imputing any special iniquity to southern California in making every effort to secure the advantage of her own territory. It is the tradition of American expansions that we should tussle over our natural advantages and the devil take the hindermost. While our resources seemed practically unlimited it was useless to try for a more considered and far-looking method of dealing with them. But this adventure of the Southwest can never happen again. What will happen if she has her way is that southern California will continue for a time her phenomenal material expansion. She will produce more of the same thing in the same limited district of the identical limited type of what goes by the name of "prosperity." And large areas of Arizona capable of producing not only the same thing that southern California produces but other things, and more of them, will remain forever undeveloped. There is practically no agricultural development in the Southwest without water; and owing to factors of climate and soil formation water will go further in Arizona than in the parts of California where it is proposed to use the waters of the Colorado. It can also be done more cheaply in Arizona than by lifting the water out of its natural basin over the divide onto the California coastal plain.

This is the first, but only one item. There are unhappy possibilities among the six remaining States, of other struggles for the remainder of the river's possibilities, of opposing interstate interests, instead of the unified development of an intramontane culture such as is suggested by the natural configuration of the land. And there is the beginning of the usurpation of State control by the Federal Government and the exposing of natural resources unreservedly to political intrigue rather than the checks of private enterprise which have so far regulated such matters in the United States. The beginning is inauspicious for those who favor Federal control of national resources, for no way of arguing the Swing-Johnson bill can make it seem other than the rape of the natural resources of one State against that State's consent for the advantage of another State. There is no manner of doubt that, unanimously as California seems to be fighting for the Swing-Johnson bill, Arizona will fight against it, and on constitutional grounds. So that even the convinced advocate of the Federalization of such control must see that the forcing of Arizona's hand would heavily prejudice the whole project of Federalization.

That the people of the United States must eventually face this possibility, this closing of the doors of individual enterprise, this sharp regional struggle for portable advantages, we have all known. The real question is, Are we ready to face it now and on this layout? It must not be forgotten that there is an international factor involved, and that the Colorado River is not the only source of water for irrigation divided between the United States and Mexico. There is also the Rio Grande, with the two growing States of Texas and New Mexico having somewhat different interests. This international situation has not yet got beyond the reach of reasonably diplomatic control. But it does afford, in the possibility of a protracted struggle among the Southwestern States, an easy loophole of advantage for Mexico.

These are the most salient aspects of the situation being dealt with in the conference of governors and their advisers at Denver. There is probably no one at that conference who does not fully realize the national reach of the problem and its almost fatalistic relation to the American future. The one thing most needed to aid them in coming to decisions which will have the good of the country in full regard is that the country itself should awake to a proper share of its own interest.

Mr. President, I realize how tedious and boresome it is for a speaker here or elsewhere to discuss the law of a case, but I believe an exposition as to the law will be welcome. It may not be listened to by many at this hour; I could not expect it to be; but surely there are those who will read it. I believe that if the Senators from California would read it they would be convinced, because they are lawyers of high attainments, and it becomes my duty to lay before the Senate the law of this controversy as I see it. I would be remiss in my duty if I failed to do so; it is an obligation I owe not only to my State, not only to the country, but to the Senate and no less to myself.

Mr. President, the Colorado River is in law a navigable and an interstate and international stream, although its navigability has been destroyed for reasons which I shall discuss later. The water in the river originates wholly in the United States, but the mouth of the river is in a foreign country. The strict application of the doctrine laid down by the United States Supreme Court in the case of Wyoming *v.* Colorado (259 U. S. 419) would probably result in the appropriation of the water of the river by the States best able to put it to immediate use, and this would be extremely detrimental to the interests of the upper basin States. It would also probably inspire a race for competitive development of agricultural lands which economic conditions do not warrant.

STATES ARE ENTITLED TO EQUALITY OF RIGHT UNDER THE CONSTITUTION

The Constitution of the United States provides and the United States Supreme Court in a long line of decisions has consistently upheld the theory upon which our Union of States is founded—that each of the States is sovereign, is entitled to the use of its natural advantages, and stands on an equality with all of the other States.

The United States Supreme Court has declared in the case of Kansas *v.* Colorado (206 U. S. 97) that—

> One cardinal rule underlying all the relations of the States to each other is that of equality of right. Each State stands on the same level with all the rest. It can impose its own legislation on no one of the others and is bound to yield its own views to none.

In Hudson Water Co. *v.* McCarter (209 U. S. 357), the court stated:

> It (a State) finds itself in possession of what all admit to be a great public good, and what it has it may keep and give no one a reason for its will.

In Trenton *v.* New Jersey (262 U. S. 185) the court stated:

> The State undoubtedly has power and it is its duty to control and conserve the use of its water resources for the benefit of all its inhabitants.

In Coyle *v.* Oklahoma (221 U. S. 559, 573) the Supreme Court stated that—

> Equality of constitutional right and power is the condition of all States of the Union, old and new.

In Kansas *v.* Colorado (206 U. S. 92) the court stated:

> The powers of the National Government within the semiarid States are the same—no greater and no less—as those within the limits of the original thirteen.

In Hammer *v.* Dagenheart (247 U. S. 273) the court stated:

> There is no power vested in Congress to require the States to exercise their police powers.

The cases which have been cited leave no room for doubt that the State of Arizona is entitled to the same protection and to the application of the same principles of law which the other States in the Colorado River Basin are afforded by any legislation authorized by Congress.

If the present and existing laws which govern the appropriation and use of water in the Colorado River Basin—as they are interpreted and enforced by the decision of the courts, and particularly, if the laws as they relate to an interstate stream, as they are defined by the United States Supreme Court in the case of Colorado *v.* Wyoming (259 U. S. 419)—are to be repealed, Arizona's demand is merely for equality of right with the other States. Arizona insists that the other States have no right to determine their own needs, reserve an adequate supply of water to care for their needs, and then to impose their will upon her.

If Arizona unreservedly consented to and ratified article 4 (a) of the Colorado River compact, she would thereby renounce sovereign and valuable rights which she now possesses in the bed and the banks of that river.

Arizona is asked to surrender rights which she now possesses and to enter into a compact with the other six States in the Colorado River Basin.

The Colorado River compact is primarily an instrument to apportion the beneficial consumptive use of the waters of the river among the several States.

Arizona agrees, in the main, with the principles upon which the proposed compact is based, and declares that when an equitable portion of the water is reserved for her use, she will then enter into the compact in so far as it relates to a division of the water.

The compact, however, contains a provision (art. 4 (a)) which is of transcendent importance to Arizona and to which the State can not agree without a reservation.

The article referred to makes a formal declaration in which the States agree—and Congress is asked to ratify the proposal—"that the Colorado River has ceased to be navigable for commerce." This might be construed to be tantamount to a renunciation by Arizona of sovereign and valuable rights which the State now possesses and a declaration that they shall become extinct.

Arizona agrees, in principle, that a higher use can be made of the water of the Colorado River than to require its use for the purpose of navigation. The State, however, desires to retain sovereign and valuable rights which she possesses in this navigable stream, and insists that before Arizona will agree to ratify the provisions of article 4 (a) of the compact the agreement must provide that Arizona's right to retain and control—as a sovereign, for the use and benefit of her citizens—the bed and banks and the use of the waters of the stream, while they are within her borders, for the development of hydroelectric power. One of the sovereign rights which Arizona desires to exercise as a result of her ownership of the bed and banks of the Colorado River and her rights in the waters of the stream is to derive revenue for public purposes from the development of hydroelectric power.

It is contended that Arizona would have no right to tax a power project constructed by the Federal Government. Arizona agrees that if the United States Government, when it constructs the projects, were exercising a strictly governmental function or even a strictly public function and possibly even in promoting its own proprietary interests, it would not be subject to taxation upon its projects, but Arizona insists that the projects authorized in the Swing-Johnson bill do not meet this test.

The authorized representatives of Arizona have stated repeatedly that they are willing to accept and enter into a compact with the other States in the Colorado River Basin, provided the State of Arizona is given the protection under these new laws equal to that which is given to all the other States. Or, stated in another way, Arizona is asking that if the law of prior appropriation is to be set aside and water is to be apportioned by a compact among the States, that Arizona be given the same protection against Mexico and California that Colorado, Wyoming, Utah, and New Mexico are asking for themselves.

THE COLORADO RIVER, AS A MATTER OF LAW, IS A NAVIGABLE RIVER AT BLACK OR BOULDER CANYON

NAVIGATION—EXPLORATIONS—POPULATION

(Information given under this heading is quoted from Water Supply Paper (295 U. S. G. S., 1916) and was obtained largely from Dellenbaugh, F. S., The Romance of the Colorado River, New York, 1902.)

The history of exploration of the basin of the Colorado is replete with accounts of interesting and romatic incidents, with discoveries, starvations, battles, massacres, and lonely, dangerous journeys. A brief outline of the more important events, arranged in chronologic order, is here presented:

1531. As early as 1531 vague rumors were current of a large river, the mouth of which was closed by a cable stretched across from side to side.

1539. Francisco de Ulloa sailed from Acapulco July 8, 1539, with a fleet of three vessels, and after many difficulties reached shallow water at the head of the Sea of Cortes (now known as the Gulf of California). This seems to have been the first visit of Europeans to the mouth of the Colorado. Ulloa did not see the river but surmised that one might be there.

1540. Hernando de Alarcon sailed in May, 1540, to explore the region north of New Spain, and at last reached the head of the Sea of Cortes. He says: "And it pleased God that after this sort we came to the very bottom of the bay, where we found a very mighty river, which ran with so great fury of a stream that we could hardly sail against it" (spelling modernized). Here began the acquaintance of Europeans with the river now known as the Colorado of the West. Alarcon proceeded up the Colorado in small boats to a point about 100 miles above the mouth of Gila River.

1540. Melchior Díaz in the fall of 1540 explored the Colorado and surrounding country in the vicinity of the Chocolate Mountains. At about the same time (1542) Don López de Cárdenas discovered the Grand Canyon. The canyons of the river, however, remained unexplored for 329 years thereafter—until 1869.

1605. Don Juan de Oñate, governor of New Mexico, made a trip from the village of San Juan on the Rio Grande to the Colorado in the vicinity of Williams River and went down the Colorado to the Gulf.

1618. Zalvidar with Padre Jiménez and 47 soldiers went out to Moki and thence to the Rio de Buena Esperanza (Colorado River), but they evidently encountered Marble Canyon and soon returned.

1680 to 1711. Padre Eusibio Francisco Kino (spelled also Kühn, Kühne, Quino, and in several other ways. Dellenbaugh (op. cit., p. 80) says that Kühn or Kühne is probably the correct form, but long usage gives preference to Kino), an Austrian by birth and a member of the Jesuit order, made many journeys over the whole of northern Sonora and the southern half of Arizona, then comprising the Pimeria Alta, the upper land of Pimas, and Papagueria, the land of Papagos. His base of exploration was the mission of Dolores, which he established in Sonora in 1687. For some 30 years Kino labored in this field with tireless energy.

1744. Padre Jacobo Sedelmair went down the Gila from Casa Grande to the great bend and thence across to the Colorado at about the mouth of Williams River, but his journey was no more fruitful than those of his predecessors in the last two centuries.

1768–1776. Francisco Garcés made five expeditions. The first was made in 1768 and the second in 1770, but in these journeys he did not reach the Colorado. In the third, in 1771, he went down the Gila to the Colorado and descended the Colorado along its banks, possibly to the mouth. In the fourth, in 1774, he went with Captain Anza to the Colorado and to the Mission of San Gabriel in California near Los Angeles. In his fifth and most important expedition, in 1775–76, he again accompanied Captain Anza, who was bound for the present site of San Francisco, there to establish a mission. At Yuma Garcés left the Anza party, went down to the mouth of the Colorado, and then up along the river to Mohave, and after another trip out to San Gabriel he started on the most important part of all his journeys, from Mohave to the Moki towns, the objective point of all expeditions eastward from the Colorado. Leaving Mohave June 4, 1776, Garcés struck eastward across Arizona and passed near the rim of the Grand Canyon, though he did not then see it. Garcés found his way down to the Little Colorado by means of a side canyon, and got up again on the other side in the same way. On July 2 he arrived at the pueblo of Oraibi. The natives refused to allow him to remain at Oraibi, and he left on July 4. He reached the Colorado again July 25, his journey having proved absolutely fruitless so far as missionary work was concerned, and he arrived at his mission of Bac September 17, 1776.

1776. On July 29, 1776, another even greater expedition was begun at Santa Fe by the Fray Padre Francisco Silvestre Vélez Escalante in his search for a route to Monterey. Escalante believed a better road existed to Monterey by way of the north than by the middle route, and a

further incentive to journey that way was probably the rumors of large towns in that direction.

The party went by way of Abiquiu and Chama River and reached the San Juan about where it first meets the north line of New Mexico; thence they crossed several tributaries to the head of Dolores River, which they descended for 11 days. The party made its way across Grand River, the Book Plateau, and White River to the Green (called the San Buenaventura), which was forded apparently near the foot of Split Mountain Canyon. Following the course of the river down some 10 leagues, they went up the Uinta (now called Duchesne) and finally crossed the Wasatch Range, coming down the western side, evidently by way of what is now known as Spanish Fork, to Utah Lake, then called by the natives Timpanogos. Here they heard of a greater lake to the north, but instead of seeking it they turned southwesterly in what they considered the direction of Monterey through Sevier River Valley, calling the Sevier the Santa Isabel, and kept down along the western edge of the high plateaus. It was by this time the 7th of October, and Escalante concluded that it would be impossible to reach Monterey before winter set in; he therefore persuaded his companions that it would be best to strike for the Moki towns in Arizona.

Going on southward past what is now Parowan, they came to the headwaters of a branch of the Virgin, in Cedar Valley, and this they followed down to the main stream, which they left flowing southwesterly. The place where they turned from it was probably about at Toquerville. Trying to make their general course southeast, they passed over the country now known as Kanab, Ninemile Valley, Kaibab Plateau, Horse Rock Valley, and Vermilion Cliffs, and at length struck the Colorado at Marble Canyon. Twice they succeeded in descending to the river, but were unable to cross. On November 8, 1776, they reached the ford now known as the Crossing of the Fathers, about 35 miles north of Lee Ferry, a few miles north of the Utah-Arizona State line. From this crossing to the Moki towns Escalante had a plain trail, and on reaching Santa Fe he and his party had completed a circuit of more than 1,500 miles, mainly through unknown country. This is one of the most remarkable explorations ever carried out in the West.

1779–1781. The authorities, importuned by Captain Palma, the Yuma chief whose devotions and piety had so delighted Garcés, had decided to establish on the Lower Colorado two nondescript settlements, a sort of cross between mission, pueblo, and presidio. Garcés therefore went to Yuma again in 1779 to prepare the way, and in 1780 two of the hybrid affairs were started. One, at what is now Fort Yuma, was called Puerto de la Purísima Concepción, after the little canyon near by which had been so named by Garcés, a canyon 50 feet deep and 1,000 feet long; the other, about 8 miles down, was called San Pedro y San Pablo de Bicuner. There were four padres, Garcés and Barraneche at the upper station and Díaz and Moreno at the lower. Each place had 8 or 10 soldiers, a few colonists, and a few laborers. The Spaniards were obliged to appropriate some of the best lands to till for the support of the missions, and this fact, together with the general poverty of the establishments when he had expected something fine, disgusted Palma and exasperated him and the other Yumas. In June, 1781, Captain Moncada, lieutenant governor of Lower California, arrived with soldiers and recruits en route for California settlements and encamped opposite Yuma. After some of these people had been sent forward or back, as the plans demanded, Moncada remained at the camp with a few of his soldiers. On the 17th of July, without a sign preliminary to the execution of their wrath, Captain Palma and all his band threw piety to the winds and annihilated with clubs Moncada's camp and most of the men in the two missions. Garcés, who had never been to Palma and his people anything but a kind and generous friend, and his assistant, Barraneche, were at first spared, but the rabble declared these two were the worst of all, and under this pressure Palma yielded. The military expeditions sent to avenge the massacre were unsuccessful and the missions on the Colorado were ended. Nearly half a century pasesd before the face of white man was again seen at the mouth of the river.

1808. Two years after the return of the famous Lewis and Clark expedition Andrew Henry crossed over the south pass into the valley of Green River in Wyoming.

1824. Gen. William Henry Ashley having previously organized a fur-trading company in St. Louis, then the center of all western commerce, had established himself in Green River Valley with a large band of expert trappers.

1825. In 1825 Ashley had established a camp at the mouth of Henrys Fork, near Flaming Gorge. During this year Ashley and his party constructed boats to go down the Green for the purpose of trapping beaver. The trip was successful through Flaming Gorge and Horseshoe Canyon, but in Red Canyon their boats were wrecked in a cataract now known as Ashley Falls. Ashley and his party left the river at Browns Park. This was, no doubt, the first attempt to navigate Green River.

1825 to 1839. During this period the Colorado Basin was visited by many trappers and explorers. Some of the most prominent were James O. Pattie and his father (1825), R. W. H. Hardy (1826), Jedediah Smith (1826), Kit Carson, one of the greatest scouts and trappers (1826), Ewing Young, trapper (1827); William Wolfskill (1830); Captain Bonneville (1832); and Thomas J. Farnham (1839).

By the time the third decade of the nineteenth century was fairly begun the trappers were crossing in considerable numbers from the headwaters of the Missouri and the Platte into the valleys of the Colorado and the Columbia.

1840. By the year 1840 the great western wilderness had been traversed throughout by Americans. Only the canyons of the Colorado remained, at least below the mouth of Grand River, almost as much of a problem as before the fur trade was born.

1842. In 1842 Frémont came up the North Platte and Sweetwater Branch, crossing from that stream by the South Pass over to the headwaters of the Colorado. Frémont's explorations of the Colorado and the West covered the period 1842 to 1846.

1847 to 1852. In 1847 the Mormons crossed the Colorado River Basin and settled in Salt Lake Valley. In 1849 the discovery of gold in California led many emigrants to cross the Colorado River Basin. In 1851 Fort Yuma was established. According to Lieutenant Hobbs, the first steamboat came up the Colorado to Yuma in 1850, frightening the Yumas so that they ran for their lives, exclaiming that the devil was coming, blowing fire and smoke out of his eyes and nose and kicking back with his feet in the water. This was the stern-wheel steamboat *Yuma*, which evidently antedated the *Uncle Sam*, usually credited with being the first steamboat on the Colorado. In 1851 George A. Johnson came to the mouth of the Colorado on the schooner *Sierra Nevada*.

1857. Lieutenant Ives with the steamboat *Explorer* and Captain Johnson with the steamboat *Colorado* navigated Colorado River to a point called "the head of navigation." The highest point reached by Lieutenant Ives was Vegas Wash; Captain Johnson took his boat to a point several miles above Vegas Wash.

1859. During the year 1859 Captain Macomb was sent to examine the junction of the Green and Grand. For a considerable distance he followed from Santa Fe almost the same trail that Escalante had traveled 83 years previously. Dr. J. S. Newberry, the eminent geologist, who had been with Lieutenant Ives, was one of this party. Macomb and Newberry succeeded in forcing their way within 6 miles of the junction, there to be completely baffled and turned back.

1866. In 1866 another attempt was made to navigate the Colorado above Mohave. Captain Rogers, who for four years had been on the lower Colorado, took the steamboat *Esmeralda*, 97 feet long and drawing 3½ feet of water, up as far as Callville, near the mouth of the Virgin, which was several miles above the highest point attained by Ives in his skiff, but little if any farther than Johnson had come with his steamboat.

1868. During the winter of 1868 and 1869 Maj. John Wesley Powell made several important journeys in connection with his purpose of exploring the great walled river; one was southward as far as Grand River; a second followed White River to its junction with the Green; and a third went northward around the base of Uinta Mountains, skirting the gorges afterwards named Lodore, Whirlpool, and Red Canyon. In these travels he formed his plans for an attempt to explore fully the remarkable string of chasms. Funds for the proposed expedition were furnished by the State institutions of Illinois and the Chicago Academy of Sciences—none by the Federal Government, so that this was in no way a Government expedition, except that Congress passed a joint resolution authorizing him to draw rations for 12 men from western Army posts.

1869. On May 24, 1869, Major Powell and his party left Green River, Wyo., on their voyage down the Green and the Colorado to the mouth of the Virgin. There were 12 men in the party; three of the four boats were of oak, 21 feet long, and one was of light pine, 16 feet long. During the last week in August, Powell reached his goal, the mouth of Virgin River. Here he left the party, but the others continued down the river to the Gulf, which they reached before the end of September, 1869. Although Powell had demonstrated the possibility of passing alive through the 1,000-mile stretch of canyons on the Green and the Colorado, the scientific results of his hazardous voyage were not what he desired. Owing to numerous disasters many instruments had been lost and he had been prevented by this as many other circumstances from fully accomplishing his intentions. For this reason he determined to make another descent if he could obtain pecuniary aid from the Government. Congress appropriated a sum for a second expedition.

1871. On May 22, 1871, Powell left Green River, Wyo., on his second voyage down the Green and the Colorado. This voyage of exploration of the canyons on the main stream and its tributaries was completed to Lee Ferry in the second week of October. Lee Ferry is at the mouth of Paria River, at the head of Marble Canyon, in Arizona. Here the boats were cached and the party spent the winter in the vicinity of Kanab.

1871. While the Powell party was making its second voyage down the Green and the Colorado another expedition was being made up the Colorado. Lieutenant Wheeler, topographical engineer of the War Department, started from Fort Mohave September 16, 1871, to explore the Colorado to the mouth of Diamond Creek, which he reached October 22. It required four weeks of extremely hard work

to make the voyage up the Colorado from Fort Mohave to the mouth of Diamond Creek, whereas members of the party made the trip from the mouth of Diamond Creek to Fort Mohave in five days.

1872. On August 17, 1872, Major Powell returned to his boats at the mouth of the Paria and started on his second voyage through the Grand Canyon. On reaching the mouth of Kanab Creek, Powell decided to end the river work on account of the extreme high water, which made the rapids in the second granite gorge impassable. The topographic, geologic, and geodetic work of the survey did not cease with his departure from the river but was continued in the territory adjacent to the Grand Canyon.

1877. The Southern Pacific Railroad was completed to the Colorado at Yuma, Ariz., in 1877.

1883. The Atlantic & Pacific Railroad crossed the Colorado at Needles in 1883. The Rio Grande Western crossed the Green in Gunnison Valley, Utah, in 1883; the Union Pacific had been constructed to Green River, Wyo., in 1869.

1889. A new railroad was proposed from Grand Junction, Colo., down the Colorado through the canyons to the Gulf of California, a distance of 1,200 miles. At that time it was difficult to procure coal on the Pacific coast and it was thought that this "water-level" road, crossing no mountains, would be profitable in bringing the coal from Colorado to the Golden Gate.

A company was organized with Frank M. Brown as its president, and surveys were started as the preliminary to the construction of the Denver, Colorado Canyon & Pacific Railway. Brown and his party started from Green River, Utah, on May 25, 1889, to continue the railroad survey down the Colorado, the survey down the Grand having been completed to its mouth. The chief engineer of the proposed railroad was Robert Brewster Stanton. The difficulties encountered in conducting the surveys through Cataract Canyon were enormous. The line was carried to the mouth of the Paria. Boats were not suitable for the river work, and it was decided not to attempt to carry the railroad survey into Marble Canyon. A reconnaissance investigation of this canyon, however, was attempted, and just below the Soap Creek Rapids, in Marble Canyon, Brown, the president of the railroad company, was drowned. A few days later two other members of the party were lost in the river. This second disaster caused Stanton to resolve to leave the river. The remaining members of the party climbed from Marble Canyon at the point known as Veseys Paradise. On July 19, 1889, the party reached the surface of the country, 2,500 feet above the river. By November 25, 1889, Stanton had organized a new party to continue the railroad survey. The trip through the lower canyons on the Colorado was completed March 17, 1890.

1891–1894. Since the Stanton party several successful and unsuccessful descents have been made. The first was the "Best party," representing the Colorado, Grand Canyon & Improvement Co., with eight men and two boats similar to those used by Stanton on his second voyage. The expedition left Green River, Utah, July 10, 1891. The trip was successful to Lee Ferry. No men were lost. The expedition was abandoned at this point.

In 1891 the steam launch *Major Powell*, 35 feet long, equipped with two 6-horsepower engines driving twin screws, was brought out in the summer from Chicago by way of Rio Grande Western Railway to the crossing of Green River and was launched in September of that year. A screw was soon broken and the attempt to go down the river abandoned. In 1892 another effort was made, which was also given up after a few miles, but in 1893 the *Major Powell* was taken down to the junction of the Green and Grand and back, making a second trip in April. Several other steamboats were later put on the river, the *Undine* being the most pretentious. She was wrecked trying to run upstream on Grand River above Moab. In 1894 Lieut. C. L. Potter made a successful voyage from Diamond Creek to the mouth of the Virgin.

1895. September 20, 1895, N. Galloway and William Richmond started from Green River, Wyo., and made the trip to Lee Ferry in flat-bottomed boats. In September, 1896, they started again from Henry Fork, Wyo., and went to the Needles, reaching there February 10, 1897. Since that time Galloway has made several successful descents.

1896. In August, 1896, George F. Flavell and a companion left Green River, Wyo., and successfully descended the Colorado to Yuma, Ariz., in flat-bottomed boats, reaching there December, 1896.

1907. In 1907 three miners, Charles Russell, E. R. Monett, and Albert Loper, with three steel boats, each 16 feet long, left Green River, Utah, September 20, to make the descent. Loper and one damaged boat were left at Hite, near the mouth of Fremont River, while Russell and Monett proceeded. In the beginning of the Grand Canyon they lost a boat, but with the remaining one, after various disasters, finally made their exit from the Grand Canyon January 31, 1908. Their boats of steel were unsuited to the river work.

1909. Julius F. Stone and N. Galloway left Green River, Wyo., September 12, 1909, making a successful descent through the many canyons of the Green and the Colorado.

1911. September 8, 1911, Ellsworth and Emery Kolb left Green River, Wyo., on a photographic trip down the Green and the Colorado. The trip was a complete success. Interesting pictures were obtained, many of which showed the party shooting various rapids. The Kolbs landed at Needles January 18, 1912.

Although many successful descents have been made through the canyons of Green and Colorado Rivers the dangers of such a trip must not be overlooked. In making this trip at the present time it is necessary to take every precaution to make sure that the equipment is complete. No pains should be spared in providing the proper kind of boats. Life preservers should be provided, and care should be taken to provide sufficient food.

THE GOVERNMENT MAY BUILD A DAM ON THE COLORADO RIVER TO IMPROVE NAVIGATION

Considered merely from the point of view of rules of law, clearly and firmly established by the highest court of the land, there appears to be no doubt, if the Congress of the United States determines that it is expedient to take such measures as are necessary to promote the Government's interests in the Colorado River under the commerce clause of the Constitution, that there will be little question of the right of the Government to proceed to improve navigation.

Indeed, it may be admitted, for the sake of this discussion, that the right of the Federal Government to improve the river for navigation is incontrovertible. The Supreme Court in United States *v.* Chandler-Dunbar Co. (229 U. S. 53), Mr. Justice Lurton speaking for the court (on page 62), says:

> It is subordinate to the public right of navigation, and however helpful in protecting the owner against third parties, is of no avail against the exercise of the great and absolute power of Congress over the improvement of navigable rivers. That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation and subjects every navigable river to the control of Congress. * * * If, in the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation.

In Scranton *v.* Wheeler (179 U. S. 144, at page 815) the court said:

> If the title had remained in the State, the conclusion would be the same. The State would hold subject to the public use and its property right in the submerged soil of the navigable stream would be subservient to the power of Congress to regulate navigation, and the use of such soil as a support for a structure in aid of navigation would not have been the taking of the private property of the State, within the meaning of the constitutional provisions inhibiting it without compensation.

It is contended, however, by the State of Arizona that by this bill it is not the intention of Congress to control the Colorado River for the primary purpose of making it available as an artery of commerce to facilitate the transportation of persons and goods; but that the whole purpose and intent of the bill is to authorize the division of the water of the Colorado River among the seven basin States; to authorize the States to consume the waters allocated to them and to divert a portion of the water entirely outside the drainage area of the Colorado River and to destroy navigation on the Colorado River.

It is further contended by Arizona, if the Government undertakes to build a dam at Black Canyon under the authority of the commerce clause, that the dam must have some real and substantial relation with commerce. The improvement of navigation is not the primary purpose of the projects authorized by the Swing-Johnson bill. No Member of Congress would be so disingenuous as to assert that the primary purpose of this bill is to improve navigation.

BOULDER DAM IS PRIMARILY FOR POWER

The dam authorized by Senate bill 728 is primarily for the purpose of obtaining a water power to lease to States, subdivisions of States or to private individuals (sec. 5, p. 6), and thereby make available certain incidental benefits. In substantiation of this statement, attention is called to the substance of the following provisions of the bill:

1. No dam shall be constructed and no work be performed unless power revenues are adequate to pay for the interest and amortization and the operation and maintenance of the entire project. (Sec. 4 (b), p. 5.)

2. No charges are to be made for the storage, use, or delivery of water for domestic purposes. (Sec. 1, p. 2, lines 15 to 17.)

3. No charges are to be made for the storage, use, or delivery of water for agricultural purposes. (Sec. 1, p. 2, lines 15 to 17.)

4. Priorities to use of water from the reservoir shall be in the following order:

(a) Water for use of lands under "a canal connecting Laguna Dam with Imperial and Coachella Valleys." (Sec. 1, p. 2, lines 10 to 13.)

(b) Domestic use.

(c) Agricultural use.

(d) Power.

(e) Navigation.

Sections 4 (a), 5, 6, 8 (b), 12, and 14 of the act and Article IV of the Colorado River compact. (See especially sec. 12 (b) of the bill.)

5. If there be any surplus revenues, Nevada and Arizona are each to receive 18¾ per cent of such excess revenues. (Sec. 4, p. 5.)

6. Leases on power are not to be for longer than 50 years. (Sec. 5 (a), p. 7.)

7. Preference to the use of power is given to States, subdivisions of States, and private agencies in the order given. (Sec. 5 (c), p. 9.)

8. Any agency making a contract for 100,000 horsepower is required to reserve one-fourth of its transmission line for the use of other power contractees. (Sec. 5 (d), p. 10.)

LAWS PASSED BY CONGRESS MUST COME WITHIN THE AUTHORITY AND SCOPE OF THE POWERS DELEGATED TO THE UNITED STATES BY THE CONSTITUTION

The powers which the people and the several States have given to the General Government are named in the Constitution, and such powers as are not therein named, either expressly or by necessary implication, are reserved to the people and to the States. (Turner *v.* Williams, 194 U. S. 295, Justice Brewer's concurring opinion.) The Federal Government would have authority to erect a dam at Black Canyon or Boulder Canyon in the Colorado River for the purpose of the improvement of navigation and the regulation of commerce.

If the Federal Government undertakes, under the authority of the commerce clause of the Constitution, to build a dam in the Colorado River at Black or Boulder Canyon, the purpose for building the said dam must have some real or substantial relation to or in connection with the commerce regulation. The Supreme Court, in Adair *v.* United States (208 U. S. 178), said:

> Manifestly, any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to, or in connection with, the commerce regulation.

Storing water so that the same may be available for domestic purposes and leasing the use of water for developing hydroelectric power may be desirable purposes in themselves, and assuming for the purposes of argument only that they are within the scope of the powers possessed by the Federal Government, surely these activities have nothing to do with interstate or foreign commerce as such. If these purposes are not commerce, clearly the Government may not invoke the commerce clause of the Constitution as granting and sustaining the right to build a dam at Black or Boulder Canyon.

The National Government has the authority to store flood waters for the purpose of irrigating public lands to develop hydroelectric power to aid in the development of public lands and, incidentally, to sell the surplus water for the irrigation of private lands or for other purposes, and to sell the surplus power; but this authority is derived from another provision of the Constitution, and in so far as the States of Arizona and Nevada are concerned the consent of these States must be obtained before these projects can be undertaken at Black or Boulder Canyon.

Other than the implied right conferred upon Congress to promote, preserve, and control navigation, all sovereign powers, property rights, and interests in navigable streams within the borders of the States are reserved to the States. (Pollard *v.* Hagen, 3 How. 229.)

The Supreme Court, in Adair *v.* United States (180 supra), stated:

> We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as this power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution.

The Supreme Court, in Hammer *v.* Dagenheart (247 U. S. 274), said:

> The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

Commerce embraces navigation, but commerce does not embrace the irrigation of lands, the development and sale of hydroelectricity, or the sale of water for domestic purposes.

The Supreme Court, in Hammer *v.* Dagenheart (272 supra; citing Delaware, Lackawanna & Western Railroad Co. *v.* Yurkonis (238 U. S. 439), and other cases), stated:

> The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce, making their production a part thereof.

A statute must be judged by its natural and reasonable effect. (Collins *v.* New Hampshire, 171 U. S. 30, 33, 34.)

The control by Congress over interstate commerce can not authorize the exercise of authority not intrusted to it by the Constitution. (Pipe Line cases, 234 U. S. 548, 560.)

The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters intrusted to the Nation by the Federal Constitution. (Hannor *v.* Dagenhart, 275.)

The purposes intended (by Congress) must be attained consistently with constitutional limitations and not by an invasion of the powers of the States. (Ibid. 276.)

It is argued that the right to control navigation as an incident to the regulation of commerce implies that when necessity demands the control of flood waters of a river in order to protect agricultural lands and the towns dependent upon them from inundation that the Federal Government has the authority to provide such flood control, even though the agencies employed by the Government to control such waters will invest in the Federal Government, the control of the use of the water. Arizona contends that any dams or other works in the Colorado River must be constructed in conformity with the laws of the States particularly involved.

BARRING A DAM FOR THE PRIMARY PURPOSE OF NAVIGATION—THE CONSENT OF THE STATES OF ARIZONA AND NEVADA IS REQUIRED TO ERECT A DAM AT BLACK OR BOULDER CANYON

The several States of the Colorado River Basin are primarily the proprietors of, and have sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the commerce clause of the Constitution.

The Federal Government has no special rights in these States, because the common-law rule of riparian rights is not recognized, so that no riparian rights exist.

In the case of Martin *v.* Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The same doctrine was laid down by the court in the case of Pollard *v.* Hagan (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public land and the power of Congress to make all needful rules and regulations for the same and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of Barney *v.* Keokuk (94 U. S. 324) Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

> These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S. 1).

The States of Arizona and Nevada have rejected in toto the common-law rule of riparian rights. As the ownership of the beds of fresh-water streams navigable in fact is one of the riparian rights, it follows that these rights were also rejected, and that the ownership of the bed of the Colorado River at the Boulder Canyon or the Black Canyon Dam site is in the States of Arizona and Nevada, under whose jurisdiction these waters flow. These States have prescribed or may prescribe how the

use of the beds and banks and waters of the Colorado River may be obtained.

The acquisition of the lands and waters of the States of Arizona and Nevada at Black Canyon or Boulder Canyon by the Federal Government by any method or for any purpose—other than for the improvement of the navigation facilities of the Colorado River, incidental to the regulation of commerce thereon—or in accordance with the laws of those States, as is required by the reclamation act and the Federal water power act, is a transgression of the limitation of its power, and is, ultra vires, the Federal Government.

Consent or ratification by the States of Arizona and Nevada is necessary to the acquisition of exclusive jurisdiction over the dam site at Black Canyon or Boulder Canyon, if the dam site is to be used for any purpose other than the regulation of the waters of the Colorado River for navigable purposes, as an incident to the regulation of commerce on said river and such incidental purposes as might arise as a result of the construction of the dam for this primary purpose, and any attempt by Congress to accomplish such a purpose at the Black or Boulder Canyon Dam site by the authority of the Swing-Johnson bill is a pure, harmless thunderbolt, a brutum fulmen.

It is to be noted, however, that the Colorado River is not now being used for the transportation of persons or property or for the purchase, sale, and exchange of commodities, nor is there any demand at this time from any source that the river be made navigable for this purpose, and there is nothing to indicate that if the river was made navigable that it would be used for commerce.

The primary purpose of the Swing-Johnson bill is to apportion among the States of the Colorado River Basin the waters of the Colorado River and completely to exhaust the same for beneficial purposes and, in fact, to regulate the use of the water so that its flow shall be increased at certain seasons of the year, when the demand for domestic and irrigation purposes is highest, and to decrease the flow of the river at other seasons of the year so that the water may be conserved for domestic and irrigation purposes, even though such regulation were to render navigation on the river wholly impracticable. In order to accomplish this purpose the Colorado River compact in article 4 (a) provides:

> The Colorado River has ceased to be navigable for commerce.

TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS

The several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate commerce clause of the Constitution (par. 3, sec. 8, Art. I) and to the rights of the Federal Government as owner of the riparian lands (par. 2, sec. 3, Art. IV), which rights will hereafter be discussed.

In the case of Martin *v.* Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

> For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

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> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively; second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; third, the right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

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> These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S. 1).

In United States *v.* Holt State Bank (70 Law Ed. 213) the Supreme Court stated:

> The United States early adopted and constantly has adhered to the policy of regarding lands under navigable waters in acquired territory, while under its sole dominion, as held for the ultimate benefit of future States, and so has refrained from making any disposal thereof, save in exceptional instances when impelled to particular disposals by some international duty or public exigency. It follows from this that disposals by the United States during the territorial period are not lightly to be inferred and should not be regarded as intended, unless the intention was definitely declared or otherwise made very plain.

There is nothing in the enabling act, which granted statehood to Arizona, or in any legislation which was passed during the time that Arizona was a territory which disposed of any of the rights of the State of Arizona in the bed and banks and the use of the waters of the Colorado River at Boulder or Black Canyons.

CONGRESS GAVE ITS CONSENT TO THE STATES IN THE COLORADO RIVER BASIN TO DEPLETE THE FLOW OF THE RIVER AND RENDER IT NONNAVIGABLE IN THE UNITED STATES

The Congress of the United States first recognized the necessity for local customs to govern the use and appropriation of water in the semiarid Western States, when it adopted section 9 of the act of July 26, 1866 (14 Stat. 266; sec. 2339, Rev. Stats.). This section reads:

> That whenever, by priority of possession, right to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and the decisions of the courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed.

Congress later adopted another provision (16 Stat. 217; sec. 2340, Rev. Stats.), which reads as follows:

> All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

Under the terms of the United States reclamation law the United States is required to obtain the consent of the States to use the lands and waters of the States before it may proceed with the erection of any dam for the purposes of utilizing the water for domestic, irrigation, or power purposes.

Section 8 of the United States reclamation act, Thirty-second Statutes, page 388 (1902), reads:

> That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

The Federal water power act approved June 10, 1920, contains the following provisions:

> 9. (b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located, with respect to beds and banks, and to appropriate diversion and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to affect the purposes of a license under this act.
>
> SEC. 27. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to control, appropriation, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

It is contended, however, that Congress, when it passed these laws, did not surrender the authority to regulate commerce and navigation, and it is argued that in the case of the United States *v.* Rio Grande Irrigation Co. (174 U. S. 690), the Supreme Court, in passing upon the certain statutes relating to the use of water for mining and irrigation purposes, makes the declaration:

> To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams

which unite into a navigable water course, and so destroy the navigability of that water course in derogation of the interests of all the people of the United States, is a construction which can not be tolerated. It ignores the spirit of the legislation and carries the statute to the verge of the letter and far beyond what under the circumstances of the case must be held to have been the intent of Congress (pp. 706–707).

Arizona contends that the decision is not applicable to the Colorado River because the use of the water for irrigation and navigation is incompatible on that river. The State contends that the destruction of navigation is exactly what was authorized and what has occurred in the Colorado River, and is what is proposed to be ratified by the Swing-Johnson bill.

The States have authorized the use of and are now using the entire normal low flow of the river for irrigation, mining, and domestic uses. It has been established that, four times during recent years, the entire low flow, of the Colorado River, has for several consecutive weeks, been diverted for irrigation and domestic use and that the bed of the river has been dry.

The Government of the United States has constructed dams on the main river and the tributaries for the diversion of water for irrigation purposes, which have contributed to the destruction of navigation on the Colorado River.

The States of Utah and Colorado have authorized, and the Government has consented to, the present annual diversion of 234,000 acre-feet of water in those States, from the Colorado River drainage basin, into other drainage basins. (See p. 173, S. Doc. No. 142; 67th Cong., 2d sess.)

The Government has constructed on the Colorado River and its tributaries the Strawberry and Gunnison tunnels, the Green River, Laguna, Roosevelt, Granite Reef, Coolidge, Ashurst-Hayden, and the Sacaton Dams, and it is also diverting water from the river and its tributaries for the irrigation of Indian lands and for other uses.

Numerous State and private irrigation projects have been constructed upon, and diversions have also been made for domestic, mining and other uses from, the Colorado River and its tributaries.

During the year 1902 the Secretary of State of the United States, in response to a communication from the Department of Justice, requested the International Water Boundary Commission, representing the United States, to investigate the subject of the alleged diversion of the waters of the Colorado River for irrigation purposes. The basic reason for the investigation was that protests had been filed which involved questions of treaties between the United States of America and the United States of Mexico respecting the navigation of the Colorado River.

The investigation made at that time established the fact that the river had been navigated, but that if the proposed diversion of water was made for the use of irrigation in the Imperial Valley the river would be rendered nonnavigable below the point of diversion, which was located within the United States, between the States of Arizona and California.

Following the investigation the irrigators in California were permitted to construct a system to divert water from the Colorado River and to send the same into Mexico and into the Imperial Valley in California.

On October 23, 1918, the Secretary of the Interior of the United States entered into a contract with the Imperial Valley Irrigation District to permit that district to use the Laguna Dam, which was constructed by the United States Bureau of Reclamation in connection with and for the benefit of the Yuma project, Arizona-California, to divert the waters of the Colorado River for use in the Imperial and Coachella Valleys in California. These valleys are outside of the drainage area of the Colorado River basin, and such diversion would cause the Colorado River below Laguna Dam to be practically dry.

The Swing-Johnson bill ratifies all of these diversions of water and ratifies the Colorado River compact, which declares that—

> Inasmuch as the Colorado River has ceased to be navigable for commerce, and the reservation of its waters for navigation would seriously limit the development of its basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural, and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

The Colorado River compact authorizes the States of Colorado, Wyoming, Utah, and New Mexico to appropriate and to have the annual consumptive use of 7,500,000 acre-feet of water from the Colorado River system in perpetuity.

Article III (d) of the compact provides that the annual flow of the stream in the upper basin may be depleted entirely, provided that from the return flow:

> 3. (d) The States of the upper division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the 1st day of October next succeeding the ratification of this compact.

The Colorado River compact authorizes the lower basin States, viz: Arizona, California, and Nevada, to appropriate and consume 8,500,000 acre-feet of water. The Swing-Johnson bill will enable California to take and consume at least 4,600,000 acre-feet of the waters apportioned by the compact to the lower basin and one-half of any water available for use which is not apportioned by the Colorado River compact.

It is therefore established that if navigation has not already been destroyed, the Colorado River compact, if applied, would destroy it, and the works authorized by the Swing-Johnson bill, if operated in conformity with all of the provisions of the bill, would render the stream nonnavigable.

NO RIPARIAN RIGHTS

A contention has been made that the Federal Government, in its capacity as the owner of public lands bordering on the Colorado River, has as the riparian owner the right to build a dam at Boulder or Black Canyon, use the water to develop power, and to control the appropriation of the waters of the river for the benefit of the public lands over the protest of Arizona.

The Supreme Court of the United States has stated:

> The technical ownership of the beds of navigable rivers in the United States is either in the States in which the rivers are situated, or in the riparian owners, depending upon the local law. (Chandler-Dunbar *v.* United States, 229 U. S. 53.)

The Supreme Court of the United States in the case of Harden *v.* Jordan (140 U. S. 371) has determined that—

> the limits and extent of the riparian ownership is governed by the law of the State in which the land is situated.

Justice Bradley, who delivered an opinion in this case (supra, 384) after discussing the question and citing numerous authorities, concludes as follows:

> We do not think it necessary to discuss this point further. In our judgment the grants of the Government for lands bounded on streams and other waters, without any reservation or restriction of terms, are to be construed as to their effect according to the law of the State in which the lands lie.

The case of Shively *v.* Bowlby (152 U. S. 1) approves of and adheres to this rule, and the following cases indorse and adhere to the rule: Barney *v.* Keokuk (94 U. S. 324); St. Louis *v.* Myers (113 U. S. 566); Packer *v.* Bird (137 U. S. 661); St. Louis *v.* Rutz (138 U. S. 226); Mitchell *v.* Smale (140 U. S. 406); Grand Rapids *v.* Butler (159 U. S. 87); Water Power Co. *v.* Water Commissioners (168 U. S. 349); Kean *v.* Calumet Canal Co. (190 U. S. 452); United States *v.* Chandler-Dunbar Co. (209 U. S. 447).

A declaration contained in the bill of rights adopted by the Territory of Arizona in 1864 recognized that local customs and laws, in addition to the decisions of the courts in the semiarid States of the West, should govern the appropriation and use of water. The section of the Territorial act follows:

> All streams, lakes, and ponds of water capable of being used for the purpose of navigation or irrigation are hereby declared to be public property and no individual or corporation shall have the right to appropriate them exclusively to their own private use, except under such equitable regulations and restrictions as the legislature shall provide for that purpose.

The State of Arizona has never recognized the common-law rule of riparian rights. The constitution of the State of Arizona contains the following provision:

> Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. 17, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 2.)

The United States Supreme Court and the Supreme Court of Arizona, respectively, have sustained this principle in Boquillas Cattle Co. *v.* Curtis (213 U. S. 339) and in Clough *v.* Wing (2 Ariz. 371).

In Boquillas Land & Cattle Co. *v.* Curtis (213 U. S. 339) wherein the controversy was a question as to whether the owner of a tract of land in Arizona acquired by a Mexican land grant which had been confirmed by treaty was entitled to the use of water as a riparian right. Mr. Justice Holmes, for the court, decided against the riparian rights and said:

It is not denied that what is called the common-law doctrine of riparian rights, does not obtain in Arizona at the present date. (Rev. Stat., Ariz. 1887, sec. 3198). But the plaintiff contends that it had acquired such rights before that statutory declaration, and that it can not be deprived of them now. * * * They (the provisions relating to priority) simply follow what has been understood to be the law for many years (Clough v. Wing, 2 Ariz. 371). The right to use water is not confined to riparian proprietors * * *. Such a limitation would substitute accident for the rule based upon economic considerations, and an effort, adequate or not, to get the greatest use from all available land.

No State in the Colorado River basin, with the exception of California, either in its capacity as a Territory or as a State, has ever recognized the common-law rule of riparian rights. California has never recognized the riparian doctrine as it relates to that portion of the State bordering upon the Colorado River. The provisions of the constitutions of the several States relating to the appropriation and use of water, together with court decisions sustaining them are as follows:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. XVII, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 2.) (Boquillas Cattle Co. v. Curtis, 213 U. S. 339; Clough v. Wing, 2 Ariz. 371.)

New Mexico: The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public and subject to appropriation for beneficial use. In accordance with the laws of the State, priority of appropriation shall give the better right. (Sec. 3, art 16.) (Trombley v. Luterman, 6 N. Mex. 15.)

Wyoming: Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channel, its control must be in the State which, in providing for its use, shall equally guard all the various interests involved. (Art. 1, sec. 31.)

The waters of all natural streams, springs, lakes, and other collections of still waters within the boundaries of the State are hereby declared to be the property of the State. (Art. 8, sec. 1.) (S. 728 and S. 1274, p. 482.) (Farm Investment Co. v. Carpenter, 9 Wyo. 110.)

Colorado: The waters of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided. (Art. 14, sec. 5.). (S. 728, S. 1274, p. 484.) (Yernker v. Nichols, 1 Colo., 551; Coffin v. Hand Ditch Co., 6 Colo., 443.)

California: The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution, is hereby declared to be a public use and subject to the regulations and control of the State in the manner to be prescribed by law. (Art. 14, sec. 1.) (S. 728 and S. 1274, p. 476.)

Utah: All existing rights to the use of any of the waters of this State for any useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 1.) (S. 728 and S. 1274, p. 481.) (State v. Xalio (4575), Nov. 25, 1927; Stowell v. Johnson, 7 Utah, 215; 26 Pac. 290.)

The constitution of the State of Nevada is silent upon the use of public water, but the State Water Code of Nevada contains the following provision:

Nevada: All natural watercourses and natural lakes and the waters thereof which are not held in private ownership belong to the State and are subject to appropriation for beneficial uses. (Reno Smelting, Milling & Reduction Works v. Stevenson, 20 Nev. 269; 21 Pac. 317, 4 L. R. A. 60, 19 Com. St. Rep. 364.) (Walsh v. Massey, 26 Nev. 327.)

In the case of Walsh v. Massey (26 Nev. 327) Chief Justice Massey said:

And it has been held by this court that the doctrine of riparian rights is so unsuited to the conditions existing in this State of Nevada and is so repugnant in its operation to the doctrine of appropriation that it is not a part of the law and does not prevail here.

As the ownership of the beds of fresh water streams, navigable in fact, is one of the riparian rights, it follows that this right was rejected and the ownership of the bed of the Colorado River, at Boulder Canyon and Black Canyon, is vested in the States of Arizona and Nevada. It must necessarily follow that the United States has no right to the use of the bed and banks of the Colorado River at Boulder or Black Canyon as a riparian owner of public lands.

The State of Arizona has never conveyed the title to the bed and banks of the Colorado River, at Boulder or Black Canyon, and has never granted a permit, for the use of the water at either site, to anyone.

If the Federal Government did own riparian rights, the Supreme Court, in Barney v. Keokuk (944 U. S. 324) has held that—

with respect to such rights, we have held that the law of the State so declared by the Supreme Court, has control, as a rule, of property.

In Kansas v. Colorado (206 U. S. 92), the Supreme Court intimated that the National Government would not be able to interfere with the flowing waters on a navigable stream, for purposes of irrigation, because of the ownership of lands within the limits of the State, and the court said:

We do not mean that its (the National Government's) legislation can override State laws in respect to the general subject of reclamation.

The Federal Government has no right to utilize the bed and banks and water of the Colorado River at Black or Boulder Canyon, by virtue of any of the provisions contained in paragraph 6 of section 28 of the Arizona enabling act.

It is contended by proponents of the Boulder Canyon Dam bill that the Congress of the United States denied to the State of Arizona certain rights and prerogatives in the Colorado River by virtue of certain provisions in the enabling act which granted statehood to Arizona, and it is further contended that the State of Arizona renounced certain authority and rights in the Colorado River when that State adopted its constitution and accepted statehood on the conditions provided in the enabling act.

The section of the enabling act referred to, reads as follows:

Sec. 28, par. 6. There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act to said proposed State all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State; and no land so reserved and excepted shall be subject to any disposition whatsoever of said State, and any conveyance or transfer of such land by said State or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants there be, and is hereby, granted to the proposed State an equal quantity of land to be selected from land of the character named and in the manner prescribed in section 24 of this act.

All that section 28, paragraph 6, of the Arizona enabling act does is to provide that certain lands, which the Secretary of the Interior was to designate prior to February 14, 1917, as actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, were not to pass to the State of Arizona under the operation of laws then in existence but were reserved as public lands by Congress and the State of Arizona was given other lands in lieu of the lands so retained.

The State did not forfeit any rights, authority, or sovereignty by its acts, nor did the Government acquire any new right, power, or authority over the Colorado River, its bed, and banks and waters, that it did not already have and possess.

The Congress of the United States in disposing of the public lands has consistently acted upon the theory that those lands, whether in the interior or on the coast, above high-water mark, may be taken up by actual occupants in order to encourage the settlement of the country; but that navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways and, being generally valuable for public purposes of commerce, navigation, and fishery, and for improvements necessary to secure and promote those purposes, shall not be granted away during the period of Territorial government; but, unless in case of some international duty or public expediency, shall be held by the United States in trust for future States and shall vest in the several States when organized and admitted into the Union, with all powers and prerogatives appertaining to the older States in regard to such waters and soils within their respective jurisdictions; in short, shall not be disposed of piecemeal to individuals as private property, but shall be held as a whole for the purpose of being ultimately administered and dealt with for the public benefit by the State after it shall become a completely organized community.

Grants by Congress of portions of the public lands within a territory to settlers therein, though bordering on or bounded by navigable waters, convey of their own force no title or right below high-water mark and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution of the United States. (Withers v. Buckley, 61 U. S., 20 How. 84.)

It must logically follow that if a grant by Congress of portions of the public lands within a Territory to settlers convey of their own force no title or right on navigable streams below high-water mark, the reservations made by the Secretary of the Interior, by virtue of the act of Congress, of public lands on a navigable stream above high-water mark do not of their own force reserve rights to the Federal Government below high-water mark.

It will be noted that section 28 of the Arizona enabling act reserves to the United States lands solely, and that nothing but land was so reserved or excepted from the operation of the act. But admitting for the sake of argument—which I do not concede or admit to be a fact—that the Federal Government did reserve certain rights in the bed and banks of the Colorado River, and that the State of Arizona did grant certain authority and rights to the Federal Government in the bed and banks of the Colorado River, Arizona, nevertheless, asserts and contends, and the record discloses, that so far as it relates to those portions of the Colorado River mentioned in the Swing-Johnson bill, in which it is proposed to build dams and hydroelectric power plants, that the Federal Government gained no right, as a result of the reservations in the Arizona enabling act, in those sections of the river, because it did not exercise such right and authority by designating lands at the Black Canyon Dam site prior to February 14, 1917.

The Black and Boulder Dam sites in the Colorado River will utilize, as nearly as may be approximated, lands which when surveyed will be in townships 29, 30, 31, and 32 north, range 23 west, and in townships 29 and 32 north, range 22 west.

The only one of these sections designated and reserved, prior to February 14, 1917, by the Secretary of the Interior, was township 32 N, range 22 W. Therefore, even though the assumption be granted that the Federal Government acquired certain rights under the provisions of the Arizona enabling act and the designation of land by the Secretary of the Interior, in other sections along the river, it did not obtain any of these rights at the Black Canyon Dam site in which it is proposed to construct the proposed dam and power plants.

Any filings made by the Reclamation Service or any other agency of the Federal Government subsequent to February 14, 1917, are on the same basis and subject to the same conditions and reservations as filings of a similar nature in any of the other States.

The Federal Government has no special right to utilize the bed and banks and the water of the Colorado River at Black Canyon by virtue of any filings made on the said river under the provisions contained in paragraph 7, section 20, and paragraph 5, section 28, of the Arizona enabling act.

It is contended that by virtue of certain reservations in the enabling act which granted statehood to Arizona and which were accepted by Arizona, that that State consented to certain conditions which will permit the Federal Government to ignore the lack of consent by Arizona, and over the protests of that State, to construct a dam at Black Canyon under the provisions of the Swing-Johnson bill, which purports to be an amendment to the Federal reclamation act.

The provisions of the Arizona enabling act, which it is claimed gives this authority to the Federal Government, are as follows:

SEC. 20, par. 7. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplemental thereto, to the same extent as if said State has remained a Territory.

SEC. 28, par. 5. * * * The said State, at the request of the Secretary of the Interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such Government project.

The power to acquire territory, either by conquest or by treaty, is vested by the Constitution in the United States. The territory which constitutes the States of Arizona and Nevada was obtained from the Republic of Mexico.

The land grants from Mexico to the United States of the vast tract of territory which constitutes the State of Arizona vested in the United States every shred of proprietary and sovereign title that the most favored nation—under like circumstances—could acquire. It was, nevertheless, never a part of our scheme of government that such conditions should be perpetual.

When Arizona was formed out of the territory acquired from Mexico and statehood was granted to her, the State was admitted into the Union on an equality with all of the other States. The law so provides and the proclamation of the President so states.

When a part of the territory of the United States is included within a State the relation of the State to that territory becomes that of a sovereign antecedent and superior to proprietary right. The sovereign right of dominion, which temporarily resided in the United States, is assumed by the State, not transferred to it. This sovereign right of dominion over persons and property exists in every State without qualification, except as modified by the limitations of the Federal Constitution.

The authority of the United States to acquire and to hold land within a State is that granted by clause 17, section 8, Article I, and clause 2, section 3, Article IV, of the Constitution.

The power over the territory or other property of the United States is a granted power and the question, therefore, is not so much what does the Federal Government possess, but what did the people and the States intend to give. Did the people and the States surrender jurisdiction and control of those elements of material prosperity without which State development would be arrested and State ambitions defeated? Did Arizona, when she consented to the provisions in the enabling act which granted statehood to her, agree to divest herself of the control of these elements and resources within the State upon which the very life of the State depends? Arizona declares she did not so intend.

The United States Circuit Court of Appeals, for the District of Idaho, in the case of the Twin Falls Canal Co. (Ltd.) *v.* Foote, et al. (192 Fed. 583, quoting from p. 594) states:

In the construction of works for the irrigation of arid public lands under the reclamation act, June 17, 1902, chapter 1093, Thirty-second Statutes, 388 (U. S. Comp. St. Supp. 1909, p. 596), the United States is not exercising a governmental function nor even a strictly public function, but is promoting its proprietary interests, and such advantage as arises therefrom to the public at large is material, and not governmental.

The reservations made by the Congress, in the Arizona enabling act, if valid, relate solely to the use, by the Federal Government, of lands within the State of Arizona, both public and State, for the sole purpose of enabling the Government to protect its proprietary interests in the public lands under the authority vested in Congress by clause 17, section 8, Article I and clause 2, section 3, Article IV of the Constitution of the United States.

The United States Supreme Court, in discussing the control vested in the Federal Government over public lands in the case of Kansas *v.* Colorado (206 U. S. 46), stated:

The full scope of this paragraph has never been definitely settled. Primarily, at least, it was a grant of power to the United States of control over its property. * * * But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over property belonging to the United States within their limits. * * * The powers affecting the internal affairs of the States not granted to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States.

Arizona contends that the reservation in section 20, paragraph 7, of the Arizona enabling act, must be construed in accordance with the provisions of the reclamation act as it was on February 14, 1912; that it does not apply to the projects authorized in the Swing-Johnson bill; and that even if the projects, authorized by the Swing-Johnson bill, are determined to be reclamation projects, that the Federal Government must comply with the provisions of the reclamation act; that the provisions of section 28, paragraph 5, of the Arizona enabling act, relate solely to lands, and was not intended to and does not affect the control of the water and of the bed and banks of the Colorado River by the State of Arizona.

Arizona contends that she did not barter away any of her constitutional and sovereign rights when she accepted the provisions of the enabling act; that the reservations are limited by the provisions of the reclamation act as of February 14, 1912; and that any rights which the Government may have reserved in the Arizona enabling act must be predicated upon the provisions of the reclamation act as of that date.

One of the provisions in the Federal reclamation act reads:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any rights of any State or of

the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right.

If the reservations made by Congress in the Arizona enabling act are valid they retain the right to the Federal Government to utilize the bed and banks and the waters of the Colorado River at Black or Boulder Canyon subject to and in accordance with the provisions of section 8 of the reclamation act.

It is conceded that the Federal Government, under the provisions of section 3 of the reclamation act, may make first-form withdrawals of public lands, which are required for irrigation works, and that they have the force of legislative withdrawals and are effective to withdraw from other disposition all lands within the designated limits to which a right has not vested. The withdrawals of public lands by the Secretary of the Interior, in townships 29, 30, 31, and 32, range 23 west, and in township 29, range 22 west, are probably valid withdrawals of the lands bordering on the Black Canyon Dam site under the reclamation act. Arizona, however, contends that the Government filings are subject to all of the conditions provided in the reclamation act including the provisions of sections 5 and 8 thereof.

The very life of this Republic depends upon the preservation of the sovereign rights of the States. Local self-government is the basis of democratic institutions. If the rights of States are destructible the Union is destructible. If it should be found that the Federal Government, under the thin guise of irrigating public lands, may seize the property of Arizona over her protest and embark upon a project to supply cheap electrical energy and municipal water to California cities and irrigate privately owned lands in that State, then there is little left of the rights of the individual States.

The erection of a State and its entry into the American Union is the most symmetrical and the most beautiful creation of political authority known to mankind. Let us not, however, whilst contemplating the beauty of the entry of a State into the Federal Union, forget that the States existed anterior to and created the Federal Union. Some of our States were flourishing in their authority, majesty, and strength before the Federal Union was created. Indeed, in order to have a Union the States voluntarily surrendered a portion, but not all, of their authority, jurisdiction, and power. Therefore, much as I am inclined to eulogize the Federal Union, whose great dome fills and glorifies the world, I never forget that the Union's strength, permanency, and endurance rest upon the States themselves.

We have 48 sovereign States, each one a giant column supporting the Union. Destroy one of the States, or weaken its power, and the same thing will happen to the Federal Union that happens to a temple when one of the columns distributing the temple's weight is removed or weakened. Remove, destroy, impair one of the columns and the whole structure is in danger of falling into disrepair and finally into ruin.

Therefore we should remember that it is the State of Arizona and not the Federal Government that is furnishing the potentiality of this mysterious thing we call electricity, and that furnishes the fall of the river. Electricity, the great force of the Almighty, which is always on the road and which never grows weary; electricity, that invisible, mysterious, and powerful force, will be furnished by the State of Arizona and not by the Federal Government.

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located.

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

In addition the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

SEC. 35. That 10 per cent of all moneys received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

To sustain the right of the Federal Government to dispose of water and surplus power incidentally created in the course of improving the navigability of a stream, reliance is placed upon three decisions of the Supreme Court; i. e., in the cases of Kaukana Water Power Co. *v.* Green Bay & Mississippi Canal Co. (142 U. S. 254); Green Bay, etc., Co. *v.*, Patten Co. (172 U. S. 58); and Chandler *v.* Dunbar (229 U. S. 53).

The case first cited is not in point. The right of the Federal Government to sell or dispose of incidentally created surplus electrical energy or water power was not involved.

Briefly, the facts in this case were: Congress granted public lands to the future State of Wisconsin for the improvement of the navigation of the Fox and Wisconsin Rivers. The State accepted the grant and undertook the work of improving the Fox River, reserving to itself all water powers created and appurtenant to such improvement, "subject to future action of the legislature." Unable to complete the work, the State incorporated and transferred to an improvement company the incomplete work, vesting in the company complete title to all the improvements, water powers to be created, rights, powers, and franchises. The improvement company mortgaged the property, was unable to meet its indebtedness, the mortgage was foreclosed, and complete title passed under foreclosure sale to the Green Bay & Mississippi Canal Co., the appellee.

This company in turn became seized in fee of all the improvements and all the appurtenant rights, powers, and franchises. Finding the operation of the dam and canal unprofitable, this company in turn sold the improvements to the United States Government, reserving, however, to itself the water power created by the dam and the use of surplus waters not required for purposes of navigation. Another company, claiming the right as a riparian owner, thereafter attempted to draw water from the pond formed by the dam, and thus deprive the Green Bay Co. of its use, control, and dominion over it. The Supreme Court of Wisconsin directed an injunction against the intruding company, and the case went to the Supreme Court of the United States on the ground that it involved the validity of a State statute, because repugnant to the Constitution of the United States. Mr. Justice Brown, for the court, among other things, said (p. 272):

With respect to such rights (riparian rights) we have held that the law of the State, as declared by its supreme court, is controlling as a rule of property. (Barney *v.* Keokuk, 94 U. S. 324, etc.)

Upon the question as to the validity of the State statute he said (p. 273):

But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such an improvement.

There is indeed no sound reason for denying such a right to the State. Such a right is entirely consistent with the doctrine of the State's dominion and sovereignty over the flowing waters of the navigable streams within its borders. But there is no word in the entire opinion in regard to the power of the Federal Government to assert and reserve such a right, and certainly there can be no parity in application of the construction of a rule dealing with the reserved rights of the State to the limited constitutional grants to the Federal Government. What there is sound reason for conceding to the State, there is, under the circumstances, equally as sound reason for denying to the Federal Government. The first proposition from the report quoted supra gains no support from the case cited.

The other case, that of Green Bay, etc., Canal Co. *v.* Patten Paper Co. (172 U. S. 58), is another suit against the same company as above. In this suit the right of the United States to control and dispose of the surplus waters created by the improvement to navigation heretofore described was brought directly into question. As said by Mr. Justice Shiras for the court (pp. 68–69):

Whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purposes of navigation in Fox River, is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.

Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

The court then reviews the history of the whole enterprise, namely, the granting of land by act of Congress to the future State of Wisconsin for the express purpose of the improvement of the navigation of the river; the acceptance of the grant by the legislature of the State and the accompanying express reservation of title in the State to the water power incidentally created "subject to the future action of the legislature"; the act authorizing the relinquishment of such water powers to the persons undertaking the work of improvement; the act creating a corporation authorized to undertake the work and take all the powers, rights, and franchises possessed by the State; the failure of the company so created, foreclosure of the mortgage, and acquirement of all its property, rights, and powers at the sale by purchasers, who were incorporated under another act of the legislature, specifically investing them with such rights, powers, franchises, and so forth; the sale by this last company (appellant in this case) of all the property to the United States Government, under an act of the Legislature of Wisconsin authorizing the sale and an act of Congress providing for the purchase, and the reservation by the company in its conveyance of title to the personal property, water powers, and appurtenances. With reference to this reservation by the company, the court said (p. 80):

The substantial meaning of the transaction was, that the United States granted to the canal company the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works, and that the United States were credited with the appraised value of the water powers and appurtenances and the articles of personal property. The method by which this arrangement was perfected, namely, by a reservation in the deed, was an apt one, and quite as efficacious as if the entire property had been conveyed to the United States by one deed, and the reserved properties had been reconveyed to the canal company by another.

So far, therefore, as the water powers and appurtenant lots are regarded as property, it is plain that the title of the canal company thereto can not be controverted; and we think it is equally plain that the mode and extent of the use and enjoyment of such property by the canal company fall within the sole control of the United States. At what points in the dam and canal the water for power may be withdrawn, and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which owns and controls that navigation. In such matters there can be no divided empire.

Evidently questioning the inherent right of the National Government under the Constitution to dispose of this surplus water power by virtue of its ownership of the dam, the court adopted the fiction of transfer and retransfer, so that the chain of title might be complete and a foundation laid for the Government's claim of authority to dispose of the surplus water. An abstract of the title would begin then with the acknowledged ownership by the State of the entire property, including the right to control and dispose of the surplus water power, and continuing, through the transfer by the State of its title and all appurtenant rights and powers to the first company; the foreclosure sale under mortgage and purchase by the second company, vesting it in turn with the complete title and all appurtenant rights and powers; the transfer by the second company to the national company of its title and all appurtenant rights and powers, all these transfers being duly authorized by acts of the Wisconsin Legislature; and finally the retransfer of the right to the use and enjoyment of such water powers by the Government to the second company, but a retention of all other property conveyed, including whatever power of control may have vested in the company by the State. As Mr. Justice Shiras says (p. 76):

We have here the case of a water power incidental to the construction and maintenance of a public work and, from the nature of the case, subject to the control of the public authorities, in this instance the United States.

And, at page 79:

The legal effect and import of the sale and conveyance by the canal company were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the Fox River as a navigable river.

In other words, the United States bought the right to dispose of this surplus water power. It never possessed it under the commerce clause of the Constitution giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Wisconsin. The National Government always had the right under the Constitution to prevent the State of Wisconsin, or its successors in title to this dam and appurtenances, from destroying or impairing the navigability of the river by an improvident diversion of the flowing water, but it never had the right, until it acquired it by purchase, of disposing of the surplus water power so created, and the court does not say it did. The State had such a right, and the court in the first case, supra, specifically recognized not only its right but its power to dispose of it.

So far as the authority of the National Government in the premises is concerned, what this case really does decide, and that is not now an open question, and was not so then, is, that the National Government has plenary power to maintain the navigability of streams uninterrupted, and further, that in the exercise of that power, it can determine at what points in its dams erected in aid of navigation water may be withdrawn, the quantity that may be withdrawn so far as it affects the question of navigability, and all other matters affecting that question solely. As is said by the court (p. 80): "In such matters there can be no divided empire." The power to sell surplus water incidentally created by improvements in aid of navigation is not given the National Government, in terms at least, by the Constitution.

The sole and exclusive right of the States to control the disposition of the flowing waters within their boundaries, limited only by nonimpairment of the riparian rights (under the State system) of the Government as an actual owner of the lands, and noninterference with the maintenance and improvement of the navigation of streams, has been too repeatedly and too strongly

confirmed by the Supreme Court to be now questioned, and this reserved and valuable right would be seriously impaired—sometimes, perhaps, entirely destroyed—if the National Government, under the guise of aiding navigation, could exercise a precisely similar but paramount right at will. Here, too, there should be "no divided empire." The National Government has the undoubted power to see to it that the navigability of streams is maintained when they are in fact navigable, and that right is granted to it by the Constitution of the United States. The State has the undoubted right to control the disposition of the waters within its limits, subject only to the limitations stated, and that right has been repeatedly confirmed by the Supreme Court. Neither should seek to invade the province of the other. In Kansas *v.* Colorado (206 U. S. 88) Mr. Justice Brewer said:

> Yet while so construed—that is, broadly—it still is true that no independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress.

The power to seize upon and dispose of the flowing waters of a State would be both independent and unmentioned. Assertion of the existence of such power under the second paragraph of section 3, of Article IV of the Constitution, providing "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," etc., was made by counsel for the United States Government intervening, apparently, upon the theory that the National Government, being a large owner of arid lands in the Western States, might enter into a general scheme of reclamation, and, consequently, had an interest in the controversy between the States as to the disposal of the waters of the Arkansas River, the boundary between them. The contention of the Government met with no favor, the court stating emphatically that no such power had been granted and none could be exercised. Conceding, however, that so far as its own lands were concerned, the National Government had power to make all needful rules and regulations, the court materially qualified this decision by adding:

> We do not mean that its legislation can override State laws in respect to the general subject of reclamation. (Ib. p. 92.)

THE CHANDLER-DUNBAR CASE

In the United States *v.* Chandler-Dunbar Co. (229 U. S. 53), the act of Congress, March 3, 1909, declared that a public necessity existed for the absolute control of the waters of the St. Marys River for purposes of navigation.

The ownership in fee simple absolute, was acquired by the United States of all lands and property of every kind and description throughout the entire length of the St. Marys River, within the State of Michigan, a riparian State, necessary for the purposes of the navigation of the waters of the river and the United States Government compensated the owners for this property.

The State of Michigan, when it was admitted into the Union, acquired title to the bed of the St. Marys River. Under the law of that State, conveyance of a tract of land upon a navigable river, carried the title to the middle thread. The technical title became vested in the Chandler-Dunbar Co. and included the bed of the river opposite its upland on the bank to the middle thread of the stream, which was the boundary line at that point between the United States and the Dominion of Canada. The Federal Government when it acquired, by purchase, the property of the Chandler-Dunbar Co., became the proprietor of and acquired all of the rights of that company in the property in question.

The court in the Chandler-Dunbar case stated:

> The main purpose of the act of 1909 was to clear the way for generally widening and enlarging facilities for the ever-growing commerce of the Great Lakes. The act, therefore, looks to the construction of one or more canals and locks paralleling those in use and directs a survey "to ascertain and determine the proper plan * * * for constructing in the rapids * * * a filling basin or forebay from which the ship locks may be filled" (p. 67).
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> That Congress did not act arbitrarily in determining that "for the purposes of navigation of said waters and the waters connected therewith," the whole flow of the river should be devoted exclusively to that end, is most evident when we consider the character of this stream and its relation to the whole problem of lake navigation (p. 66).

The court then analyzed the character of the stream, the fall of the river, the turbulent nature of the water, the influence of the outflow upon Lake Superior, the necessity of maintaining water levels, and directed attention to the fact—

> that millions of public money have already been expended in the construction of canals and locks by this Government upon the American side and by the Canadian Government upon its own side of the rapids, as a means by which water craft may pass around the falls and the rapids in the river. The commerce, using these facilities, has increased by leaps and bounds. The first canal had hardly been finished before it became inadequate. (Ibid., p. 67.)

In the Chandler-Dunbar case, the court was careful to determine the findings of fact and law regarding the development of the river which was undertaken by the Federal Government. The court, with great pains, set out in detail the importance of the improvement of the navigation facilities of the river as an aid to the growing and important commerce thereon.

The court also at great length traced the title and ownership of the bed of the river and of the adjacent lands and it determined that when the United States became the riparian owner, in a riparian-law State, of the shore and appurtenant submerged land, by right of purchase, the United States owned in fee the property right in the river as a rule of law of the State of Michigan.

The United States constructed works in connection with navigation on the St. Mary's River which made available surplus water which could be used for the development of hydroelectric power, which the Government leased to private consumers.

Mr. Justice Lurton, speaking for the court (ibid. p. 73) on the question of the rights of the Government to deal with property of the character here under consideration, said:

> If the primary purpose is legitimate, we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments. In Kaukauna Co. *v.* Green Bay, etc. Canal (142 U. S. 254, 273), respecting a Wisconsin act to which this objection was made, the court said:
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> "But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands, in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places, and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties, and thus reimburse itself for the expenses of the improvement."

The court did not find that the Government had authority to engage in the production and sale of hydroelectric energy for commercial purposes. It acquired the right to dispose of this surplus power as the proprietor of the riparian lands. It will be observed that the court specifically stated that the rights of the Government must rest upon the fact that "the primary purpose was legitimate," viz, navigation.

The legal effect of the sale and conveyance by the riparian owners were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the St. Marys River as a navigable river.

In other words, in addition to the unquestioned right of the Federal Government to improve the river to aid the rapidly increasing commerce thereon, the United States bought the right to dispose of the surplus water power. It never possessed it under the commerce clause of the Constitution, giving it control of the navigation of the river. It was a proprietary right, coming down by regular conveyance from the State of Michigan. The court did not recognize any right in the Federal Government to engage in the development and sale of hydroelectric power for commercial purposes, even in its capacity as a proprietor. It simply recognized the right of the Federal Government as a proprietor to dispose of certain surplus power which is developed as incidental to the primary development—the improvement of the river for navigation as an incident to facilitating commerce thereon.

MUSCLE SHOALS

The construction of the Wilson Dam at Muscle Shoals was authorized by the President of the United States on February 23, 1918, pursuant to the act of Congress of June 3, 1916, chapter 134, section 124, Thirty-ninth Statutes, pages 166 and 215 (see U. S. C., title "War," sec. 79), known as the national defense

act. Under the terms of this act the President was empowered to make investigation for the purpose of determining the—

best, cheapest, and most available means for the production of nitrates and other products for munitions of war * * * to designate for the exclusive use of the United States * * * such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and * * * to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment * * * necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

Section 124 of the national defense act of June 3, 1916, supra, relates not only to national defense and the production of materials needed in time of war, but provides for the improvement of navigation. Either is, of course, a national purpose. Legislation of this character would be expected to be broad and comprehensive. The act is so.

It gives the President large discretionary powers in the designation of suitable places for the erection of such plants as in his judgment are necessary in the effectuation of the purposes of the act. It gives authority to construct, maintain, and operate dams, locks, improvements to navigation, power houses, and other plants and equipment for the generation of electric or other power, and for the production of nitrates and other products needed for munitions of war. Paragraph 3 of section 124 reads:

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall deem is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The Muscle Shoals legislation is not a case where the Government has entered upon the business of generating power for commercial uses. It is a case where the Government, under its constitutional powers, has entered upon the prosecution of a work of national concern, in a time of war, relating to national defense and the improvement of navigation, in which a surplus product is created in time of peace which can be disposed of to aid agriculture.

Whether the State of Alabama reserved any rights in the surplus water power at Muscle Shoals has not as yet been determined by the Supreme Court. That State, however, contends that it has a right to derive a revenue from power developed at Muscle Shoals which is sold for commercial purposes.

THE TAXATION BY THE STATES OF HYDROELECTRIC POWER PRODUCED AT THE BOULDER DAM

The Federal Government has no authority, under the Constitution, to generate electric current primarily for commercial uses. It is assumed for the basis of this discussion that, because of the many and complex questions which are involved in Senate bill 728, that the States of Arizona and Nevada would waive the question of the right of the Government to generate and sell power for commercial purposes at Black Canyon or Boulder Dams on the Colorado River, if the interests of those States are recognized and protected in the pending bill.

The States of Arizona and Nevada have a twofold interest at Black and Boulder Canyons. First, they own the bed and banks of the river. Second, they have the sole authority to grant an easement or usufruct, for water-power purposes, to and in the water, which will be stored at that site, for the development of power. These States would have authority to impose a tax upon the usufruct to and in the water.

The United States Supreme Court, in Van Brocklin *v.* Tennessee (117 U. S. 150, 155) stated:

"All subjects over which the sovereign power of a State extends are objects of taxation, but those over which it does not extend are upon the soundest principles, exempt from taxation. The sovereignty of a State extends to everything which exists by its authority or is introduced by its own authority or which is introduced by its permission, but it does not extend to those means which are employed by Congress to carry into execution power conferred upon that body by the people of the United States.

The sovereign power of the States extends to the appropriation, the use, and control of the public waters and lands underlying navigable waters and the banks thereof, except as to the paramount right of the Federal Government to control the stream for navigation as an incident to facilitating commerce on the stream, and there is no evidence that anyone has attempted to justify the development of the stream for navigation.

The taxing power of a State is one of its attributes of sovereignty, and where there has been no compact with the Federal Government or cession of jurisdiction for the purpose specified in the Constitution this power reaches all the property and business within the State which are not properly denominated the means of the General Government. (Van Brocklin *v.* Tennessee, 117 U. S. 176, quoting Nathan *v.* Louisiana, 8 How. 73, 82; see also Society for Savings *v.* Coite, 6 Wall. 594, 605; State Tonnage Tax cases, 12 Wall. 204, 224; Ward *v.* Maryland, 12 Wall. 418, 427; Transportation Company *v.* Wheeling, 99 U. S. 273, 279; see also South Car. *v.* United States, 199 U. S. 437, in particular, the minority opinion; Husler *v.* Thomas Collory Co., 260 U. S. 245; Oline Iron Works *v.* Lord, 262 U. S. 172; Lake Superior Mine Co. *v.* U. S., 211 U. S. 577.)

The Supreme Court in United States *v.* Bridge Company (6 McLean 515, pp. 531, 532) stated:

In the admission of any States into the Union compacts were entered into with the Federal Government that they would not tax the lands of the United States. This implies that the States had power to tax such land if unrestrained by compact.

In United States *v.* Bridge Co. (ibid. 532) the court stated:

Within the limits of a State, Congress can, in regard to the disposition of public lands and their protection, make all needful rules and regulation, but beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchased a site for a military post, a customhouse, and other public buildings; and if this mode be not pursued, the jurisdiction of the State over the ground purchased remains the same as before the purchase. This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions of constitutional law.

The States have authority to establish such rules of property for themselves as they deem expedient, relative to the ownership of the beds and banks of navigable streams subject to the authority of Congress to control navigation in the interest of commerce. (27 R. C. L. 1369, 1072, and cases cited.)

That for the purpose of its policy, the State has legislative control, exclusive of Congress, within its territory, of all persons, things, and transactions of strictly internal concern. (Bowman *v.* Chicago & N. R. Co. 25 U. S. 465, 493.)

Assuming that a State may divest itself of its control and dominion over the bed and banks and the use of the waters of the stream, and that the United States may acquire a property right in the bed and banks of a stream and the use of the waters by such action on the part of the State; the States of Arizona and Nevada, which are nonriparian States, have not so divested themselves of the property at Black Canyon dam site in the Colorado River. (See Kaukana Water Power Co. *v.* Green Bay & Mississippi Canal Co. 142 U. S. 254; Green Bay & Mississippi Canal Co. *v.* Patten Paper Co. 172 U. S. 58; 9 Corpis Juris, 185 in re opening West Farm Road, 213 N. Y. 325; Fulton Light Co. *v.* State, 116 N. Y. S. 1000, sec. 10570, et seq., Code of Alabama, 1923.)

The State of Arizona and the State of Nevada are not riparian States and, in any event, they have not conveyed to any person or to the Federal Government, title to the banks and beds and the use of the water of the Colorado River at Black or Boulder Canyon. This is one distinction between this issue and issues decided in the Green Bay cases, the Economy Light & Power Co. cases; or at Muscle Shoals. At each of these dam sites the State had voluntarily divested itself of the title to the bed and banks of the streams and the United States had acquired the same.

The right to use the bed of navigable streams, for purposes other than the improvement of navigation, can only be acquired by legislative grant.

A franchise or license to build dams, locks, or other structures in a navigable stream does not create any interest in the land.

The legislation which is proposed in Senate bill 728 would result in the National Government acquiring, by subterfuge, the absolute control of over 90 per cent of the water of the Colorado River and would enable the Federal Government to lease, sell, or give it away. The bill would create a Federal monopoly in 90 per cent of the flowing waters of the Colorado River and in exercising the authority vested in the Federal Government by this act it may dispose of the water under rules, regulations, and upon terms different from, and in actual conflict with, the rules, regulations, and terms established by the State of Arizona for the appropriation and use of waters within its borders. This legislation is in direct conflict with the opinion of the Supreme Court in Kansas *v.* Colorado (206 U. S. 92) in which case the court stated:

We do not mean that its (National Government) legislation can override State laws in respect to the general subject of reclamation.

That power to tax is the power to destroy is the principle exempting the property of the Federal Government from taxation by the States and likewise exempting the property of the States from taxation by the Federal Government. No one will deny that as a legal proposition any property held by the Federal Government necessary or useful in performing the functions vested in the Federal Government by the Constitution is exempt from State taxation. A wholly different question arises when the Federal Government goes into a private business such as the production and distribution of hydroelectric power either directly or through leases. It was held in South Carolina *v.* United States (199 U. S. 437) that where a State assumed to conduct a private business, the performance of which did not fall within the ordinary and usual functions of a State, the business was not exempt from taxation by the Federal Government merely because it was conducted by the State. It was said by the Supreme Court in Hammer *v.* Dagenhart (247 U. S. 275) that the maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as the conservation of the supremacy of the Federal power in all matters intrusted to the Federal Government by the Federal Constitution.

This being the case it would seem to follow since the Federal Government may tax private business conducted by the States, the States may also tax private business conducted by the Federal Government, and that such will be the rule is asserted in the dissenting opinion in the case of South Carolina *v.* United States (199 U. S. 437).

We are at present concerned, however, not with what is the strict right of the United States in this respect but rather with what is the equitable thing that Congress should do in the matter. The exemption of Federal property from taxation by the States may be waived by Congress. Both the legality and good policy of such waiver are firmly established. Thus Congress permits the taxation of national banks by the State at the same rate as other State property is taxed and with the consent of Congress such taxation is legal. (Owensboro National Bank *v.* Owensboro, 173 U. S. 664; Bank of California *v.* Richardson, 348 U. S. 476, 483.)

So also with certain lands granted to railroad companies. (Central Pacific Railroad Co. *v.* Nevada, 162 U. S. 512, 521; Northern Pacific Railroad Co. *v.* Myers, 172 U. S. 589, 597.)

Such taxation is also permitted under certain conditions by acts of Congress of lands in irrigation districts, and of lands held in trust for certain Indian tribes in Oklahoma.

As a matter of fair dealing between States, Congress should permit the taxation by Arizona and Nevada of the power produced at Boulder Canyon Dam. The dam will be situated wholly in Arizona and Nevada. So will also be the reservoir. It is expected that but little land in Nevada will be irrigated from the reservoir. Only an insignificant strip of California lies in the Colorado River Basin. It is proposed to build a canal for Imperial Valley lands at a cost of $31,000,000; another canal to irrigate the lands in Coachella Valley, also in California, is also authorized by the bill which is estimated to cost $12,000,000; and to pay the interest for a long term of years and perhaps also the principal of the cost of such canal from the proceeds of the sale of the power produced at the dam. It is proposed to pump a vast quantity of water over the mountains to supply the California coastal plains cities with water by means of the power that will be produced at the dam. Most of the remaining power will be conducted by transmission lines to Los Angeles. This water and this power will create billions of dollars of taxable wealth in California out of the construction of a dam and reservoir on the soil of Arizona and Nevada and from the use of water that nature has placed in Arizona and Nevada.

It is thus a case of where Arizona and Nevada resources are to be used to transfer other Arizona and Nevada resources to the State of California. California realizes that without the aid of the Federal Government she can not accomplish her purpose. As a State on an equality with any other State she can not enter into Arizona to build dams or create power. Without such dams or power she can get no more water of the Colorado River than she has now appropriated. Furthermore, if Arizona did permit her to enter and build a dam and other works she would certainly be subject to taxation by Arizona. California therefore comes to Congress and says: Use for our benefit the powers vested in you for the benefit of the Nation and build for us a dam on Arizona and Nevada soil. Produce hydroelectric power by the use of Arizona and Nevada resources to make a profit that will help build our all-American canal and that will pump the water that by nature belongs to Arizona over the mountains to our coastal plain and employ your power of exemption from taxation to our benefit so that we may have cheap power for our industries and domestic water for our coastal cities.

We have heard it stated that in no event should Congress consent to the distribution of any revenues created by a Government-constructed dam until the construction cost is paid. That principle is correct where the dam is constructed for the benefit of the State and with the consent of the State where the dam is situated, because in such case the State collects taxes from the taxable wealth created by the Government investment. But where the dam is built in one State against its wishes and for the benefit of another State that principle does not apply. In the latter case for the Federal Government to insist on its exemption from taxation is simply robbing one State for the benefit of another. It is said that we are one Nation and State lines should be disregarded in the development of resources. But since State lines are regarded in imposing a large part of the burdens of Government they can not be disregarded in the development and distribution of resources without stripping the poorer States for the benefit of the more opulent States. But it is said that the project will not stand the extra cost of taxation. If it is worth so little to California that taxes can not be paid thereon, it should not be presently undertaken but should be left to Arizona to utilize in her future development.

NAVIGATION ON THE COLORADO RIVER AND THE EFFECT OF IRRIGATION THEREON

The Boulder Canyon project act is the consummation of the plan for the development of the Colorado River as outlined in the Fall-Davis report (S. Doc. 142, 67th Cong., 2d sess.). This bill in the main save one conforms to the recommendations in that report, which are found on page 21 of the report. These recommendations are as follows:

1. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a high-line canal from Laguna Dam to the Imperial Valley, to be reimbursed by the lands benefited.

2. It is recommended that the public lands that can be reclaimed by such works be reserved for settlement by ex-service men under conditions securing actual settlement and cultivation.

3. It is recommended that through suitable legislation the United States undertake the construction with Government funds of a reservoir at or near Boulder Canyon, on the lower Colorado River, to be reimbursed by the revenues from leasing the power privileges incident thereto.

4. It is recommended that any State interested in this development shall have the right at its election to contribute an equitable part of the cost of the construction of the reservoir and receive for its contribution a proportionate share of power at cost, to be determined by the Secretary of the Interior.

5. It is recommended that the Secretary of the Interior be empowered, after full hearing of all concerned, to allot the various applicants their due proportion of the power privileges and to allocate the cost and benefits of a high-line canal.

6. It is recommended that every development hereafter authorized to be undertaken on the Colorado River by the Federal Government or otherwise be required in both construction and operation to give priority of right and use—

First. To river regulation and flood control.

Second. To use of storage water for irrigation.

Third. To development of power.

It will be noted that the "improvement of navigation" is not mentioned in the report and that the project is an irrigation and power project.

The Chief of Engineers of the Army prepared a memorandum on navigable waters, as defined by the Supreme Court of the United States. The memorandum is found on page 298 of the hearings of the House of Representatives on H. R. 2903, Sixty-eighth Congress, first session, February 27, 1924, and is as follows:

The Daniel Ball (10 Wall. 557): A river is navigable in law when it is navigable in fact, and it is navigable in fact when it is used or is susceptible of being used in its ordinary condition as a highway for commerce over which trade and travel may be conducted in the customary modes of trade and travel on water.

A river or other waterway that lies wholly within the limits of a State and has no navigable connection with any waters outside the boundaries of the States is a navigable water of the State, subject to regulation and control by State laws, and does not come within the jurisdiction of Congress nor of the laws enacted by Congress for the preservation and protection of navigable waters of the United States.

A river or other waterway constitutes a navigable water of the United States, within the meaning of the aforesaid acts of Congress, when it forms by itself or by uniting with other waters a continuous

highway over which trade and travel is or may be conducted between the States themselves or between the States and foreign countries.

The Montell (20 Wall. 430): The true test of the navigability of a stream does not depend upon the manner or mode by which commerce is or may be conducted nor upon the difficulties attending navigation. If this were so, the public would be deprived of the use of many of the large rivers of the country over which rafts of lumber of great value are constantly taken to market. It would be a narrow rule to hold that in this country unless a river was capable of being navigated by steam or sail vessels it could not be treated as a public highway.

The capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river rather than the extent and manner of that use.

If it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, whether in vessels propelled by steam, wind, cars, or poles, the stream is navigable in fact, and becomes in law a public highway.

21 Pickering, 344: It is not to be understood, however, that every ditch or inlet in which the tide ebbs and flows, nor every small creek in which a fishing skiff or gunning canoe can be made to float at high water, is a navigable highway; but to give it the character of a navigable stream it must be generally and commonly useful to some purpose of trade or agriculture.

DECISION BY UNITED STATES CIRCUIT COURT OF APPEALS

Harrison v. Fite (148 Fed. 781): To meet the test of navigability as understood in American law a watercourse should be susceptible of use for purposes of commerce or possess a capacity for valuable floatage in the transportation to market of the products of the country through which it runs. It should be of practical usefulness to the public as a public highway, in its natural state and without the aid of artificial means. A theoretical or potential navigability, or one that is temporary, precarious or unprofitable is not sufficient. While the navigable quality of a watercourse need not be continuous, yet it should continue long enough to be useful and valuable in transportation; and the fluctuations should come regularly with the seasons, so that the period of navigability may be depended upon. Mere depth of water, without profitable utility, will not render a watercourse navigable in the legal sense, so as to subject it to public servitude nor will the fact that it is sufficient for pleasure boating or to enable hunters or fishermen to float their skiffs or canoes. To be navigable a watercourse must have a useful capacity as a public highway of transportation.

Gen. Lansing H. Beach, Chief of Engineers of the United States, War Department, testified before the Colorado River Commission (first meeting). He said:

While the lower Colorado River did have some navigation on it in the seventies, there is nothing on it to-day to justify navigation being regarded as of foremost importance.

Col. William Kelly, former chief engineer of the Federal Trade Commission, on April 15, 1924, testified (H. R. 2903, 68th Cong. 1st sess., p. 1228) as follows:

The physical conditions on the Colorado River Basin make it fairly simple to outline what form the complete development should take. In the upper region, above the junction of the Green with the Colorado, there are possibilities for both irrigation and power development. Below the junction of the Green and Grand, through the canyon section, irrigation development is practically impossible, except for a few very small intercanyon areas.

Power in this section can be developed to an amount of probably 4,000,000 horsepower, and that development can be made without interference with irrigation.

In the lower basin irrigation is, by far, the most important development. Such power as will be developed there will be relatively small, and will be incidental to irrigation developments. In some of the irrigation developments there will undoubtedly be opportunities to develop a small amount of power; and such developments will take care of themselves, because they help to carry the financial burden.

There are two things which I think stand out on the Colorado River:

One is that there is sufficient land to use all the water in the river, and perhaps more than enough land available for irrigation. Consequently, there should be no waste of water by unnecessary evaporation, or by diversion, which does not give full efficiency.

The second point is that the Colorado River constitutes the only big remaining source of power in the southwestern section of this country; and every kilowatt-hour that can be developed from the Colorado River will be needed. Consequently, no development should be permitted on the river which will reduce the ultimate supply of water, or the ultimate amount of power that can be taken out of the river.

Those are the two basic principles on which the outline of a general scheme of development must rest.

(Page 1240)

According to the Reclamation Service figures, which check with those of the Geological Survey and those that have been made in my office, 3,200,000 acre-feet of storage, if placed at Laguna Dam, would control the floods in the worst flood season of record, so that the maximum flow would not exceed 75,000 second-feet. If that dam be moved upstream, certain additional storage must be provided in order to compensate for the storage that exists in the valley now during those high floods.

(Page 1244)

On the ultimate development as proposed by the Reclamation Service, in order to get the maximum power output from this Boulder Canyon Dam, a dam is to be built at Bullshead which would have a storage capacity of 1,600,000 acre-feet.

(Page 1258)

In the upper basin, and that the consumption of water for irrigating these lands will lie somewhere between 1 and 1½ acre-feet per acre per year. If we take it at slightly over 1 foot, the consumption for upstream lands becomes ultimately 4,500,000 acre-feet. If we take it at 1½ feet, it becomes 6,500,000 acre-feet.

(Page 1259)

The available water supply is still somewhat in doubt. The Reclamation Service, based on the records at Yuma over the past thirty-odd years, figure that the average annual run-off amounts to about 16,000,000 acre-feet. The Geological Survey, going back and figuring since 1878 to what the probable run-off has been, placed the usable annual run-off at somewhere around 12,000,000 acre-feet. Now, the figure lies somewhere between there. It is impossible to get at it with precision.

(Page 1262)

In addition to the above acreage the reclamation report states that there are 800,000 acres in Arizona that might be feasible under the Parker-Gila project which were not included. If we include them, the water required on the same basis for the lower basin becomes 13,360,000 acre-feet per year. The total water required, therefore, from the Colorado River on the minimum basis stated is 14,460,000 acre-feet per year.

On the maximum basis, which includes the 800,000 acres of the Parker-Gila project and a slightly larger consumption in the upper region, it amounts to 20,400,000.

Now, the average run-off of the river, as I stated, taken from the reclamation records at Yuma gauge, is about 16,000,000 acre-feet per year. The average as deduced by the Geological Survey may run as low as 12,000,000 acre-feet per year. With the records available it is impossible to tell with precision just where the average will come, but it will lie somewhere between those figures.

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Mr. RAKER. The States of the upper basin will not cause the flow of the water to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 years, reckoned in continuing progressive series, beginning with the 1st of October next succeeding the ratification of this compact. Now, what does that mean?

Colonel KELLY. Well, that means any consecutive 10-year period that you might take. That is, if you went over the record you would pick out the worst 10 years with respect to flow, and the average flow during that time would have to amount over the 10-year period to 75,000,000 acre-feet, although it might at some time have been less than * * * 75,000,000 acre-feet.

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Mr. RAKER. All right. I will put it this way, Colonel: From the mouth of the river, the Gulf of California, up, say, to Lees Ferry, have you made any investigation to see how many obstructions there are in the river that would have to be removed to clear it for navigation if you put in locks, if you kept the flow of the stream in shape, and there was not to be permitted to be taken out the water that has been taken and is contemplated?

Colonel KELLY. Well, the river is obstructed in its natural condition for navigation in many places. Of course, through several months of the year below Yuma there is practically no water in the river. The Laguna Dam is an absolute obstruction to the passage of boats up and down the river, but boats have passed up as far as Old Coleville.

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Mr. RAKER. The Laguna Dam has assisted in obstructing the navigability of the river?

Colonel KELLY. It is a complete obstruction.

Mr. RAKER. And also the diversion of the Imperial Valley has been another means of obstruction?

Colonel KELLY. Yes, sir.

Mr. RAKER. So what has been done has been done to obstruct the navigation rather than to expedite navigation.

Colonel KELLY. What has been done practically puts navigation out of possibility except on certain stretches of the river.

Mr. Arthur P. Davis, former director of the Reclamation Service, testified before the Colorado River Commission, first meeting, page 43 and page 44, Department of Commerce, Washington, January 26, 1922, as follows:

It (Laguna Dam) was authorized by the act of Congress due to the fact that the river was navigable and it actually stopped navigation.

It is not possible to navigate past the dam. At that time there were, I believe, three boats plying on the lower Colorado River and it had been for a long time a navigable stream and the commerce had been considerable at one time. It is gradually declining on account of the railroads tapping many points and being much more accessible for the transportation necessary and now Laguna Dam is a stop to navigation. Navigation is possible above and below, but not through the dam. * * * As a practical fact Laguna Dam is the diversion for the Yuma project and the Imperial Valley project, and it has destroyed practical navigation below. Every use of the water for irrigation depleted the supply. The navigation of the river was one of the problems that we had to meet, and following the act of Congress all trouble was overcome by the purchase of the steamboats on the river by the Government. The operation of these boats had become unprofitable, for there had been no profit in navigation for a good many years; the boats were old and no new ones were put into commission. They were used for construction purposes and finally were put out of service.—Colorado River Commission, first meeting, etc.

Many years ago the navigation of the Colorado River was possible and was actually carried on from the mouth of the river to points in what is now the State of Nevada. As late as 1904 there were still some boats engaged in transportation upon the lower reaches of the river. In 1901 the first large diversion from the lower stream system, that to the Imperial Valley, began; and this, with other development in the basin, necessarily depleted the supply for navigation below that point.

In 1904 Congress passed an act (33 Stat. 224, sec. 25) authorizing the Secretary of the Interior to divert the waters of the Colorado River for the irrigation of lands now constituting the Yuma irrigation project. Under this authority there was constructed shortly thereafter what is known as the Laguna Dam, a large dam across the channel of the river a short distance above Yuma. This dam now effectually prevents any navigation of the river between points above and below. Prior to the construction of this dam the operation of boats on the river had become unprofitable, there having been no navigation for several years. The boats then in service were old. They were purchased by the Government, used in connection with the construction of the dam, and then put out of service. While there is an occasional period of high water when navigation may be physically possible, this would continue for only a few months in ordinary years. There is no commercial navigation upon the river at present.

Mr. L. Ward Bannister, a Denver attorney, who has appeared before the committees of Congress numerous times in support of amendments to the Boulder Dam bill, in a letter to Congressman E. O. LEATHERWOOD, who was a member of the Committee on Irrigation and Reclamation, April 7, 1924, which is found beginning on page 900 in the hearings of H. R. 2903 (68th Cong., 1st sess., 902), in discussing the question of navigation, stated:

In the case of the Colorado River the Federal Government is not intending to protect navigation, if, indeed, the river can be said to be navigable, but joins the States in the intention that the waters shall be withdrawn for purposes utterly inconsistent with navigation, such, for instance, as irrigation. When, therefore, the course of development is to be one which has no bearing upon navigation except to destroy it, the course of development and the water rights gained must be under the power of the State and not under that of the Federal Government. In States where riparian rights exist as to nonnavigable streams riparian rights also exist as to navigable streams, except in the latter case they are subject to the paramount public right of navigation. Except for the extent required for the public right of navigation, riparian rights exist with respect to navigable streams in States where they exist as to nonnavigable streams. In the seven States of the West, however, riparian rights exist neither as to nonnavigable nor as to navigable streams.

The construction of a dam at Boulder Canyon by the Federal Government is not an act for the purpose of promoting or protecting navigation. The very purpose is to gather water in order later to withdraw it from the stream for use on land and also in order to generate electric power. These acts by the Government are not connected with navigation, and therefore can not be justified by the interstate commerce clause of the Constitution, which is the clause under which the Congress has the implied right to protect navigation on an interstate stream.

It (the Federal Government) has no rights of ownership. Under the commerce clause its power is to protect navigation, if the river is navigable, and not to enter into schemes for withdrawing water from the river, for that would be destructive of navigation.

We know that the development of the Colorado River, whether undertaken by the States or by the Federal Government, is going to proceed without any regard for the protection of navigation; in fact, the whole scheme from the Gulf to Wyoming contemplates the withdrawal of the water. Even if Congress has the power to prohibit withdrawal by reason of the stream being navigable, the Congress is not going to exercise it, and therefore it may well say that the stream has ceased to be navigable and that navigation uses are subservient to other uses. The meaning of article 4 of the compact as to navigability is not as clear as it might be with respect to whether or not there is a declaration to the effect that the stream is not navigable, but this is not of practical importance.

POWER OF THE FEDERAL GOVERNMENT OVER DEVELOPMENT AND USE OF WATER POWER

Under this heading there will be found in the 1928 Senate hearing on this bill, beginning on page 465, a report made some years ago by Senators Nelson, Root, Chilton, O'Gorman, and Culberson as a subcommittee of the Judiciary Committee of the Senate. The report deals with the power of the Federal Government over the development and use of water power within the respective States. I quote from their report (p. 466):

TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS

The several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate commerce clause of the Constitution (par. 3, sec. 8, Art. I) and to the rights of the Federal Government as owner of the riparian lands (par. 2, sec. 3, Art. IV), which rights will hereafter be referred to and enlarged upon.

In the case of Martin *v.* Waddell (16 Pet. 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

"For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government."

The same doctrine was laid down by the court in the case of Pollard *v.* Hagan (3 How. 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

"By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States but were reserved to the States, respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. The right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy."

In the case of Barney *v.* Keokuk (94 U. S. 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

"These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters."

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S. 1).

The States of Arizona and Nevada have never recognized the common-law rule of riparian rights. Their actions in this respect were concurred in and approved by Congress, as they come within the scope of general legislation on the appropriation of water (acts of 1866 and 1870; now sections 2339 and 2340 of the Revised Statutes) and sustained by the Supreme Court of the United States in a long line of decisions.

WATER LAWS OF WESTERN STATES

Kinney on Irrigation and Water Rights says (p. 331):

In the following States the common-law rule of riparian rights is rejected in toto: Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming. As the ownership of the beds of fresh-water streams navigable in fact is one of the riparian rights, it follows that this right was also rejected and the ownership of the beds of these streams is in the States under whose jurisdiction these waters flow.

No State in the Colorado River Basin, with the exception of California, either in its capacity as a Territory or as a State, has ever recognized the common-law rule of riparian rights. California has never recognized the riparian doctrine as it relates to that portion of the State bordering upon the Colorado River. The laws of the several States will be found beginning on page 476 of the Senate hearings on S. 728, S. 1274. The provisions of the constitutions of the several States relating to the appropriation and use of water, together with court decisions sustaining them, are as follows:

Arizona: The common-law doctrine of riparian water rights shall not obtain or be of any force or effect in the State. (Art. 17, sec. 1.) All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 2.) (Boquillas Catte Co. *v.* Curtis, 213 U. S. 564; Clough *v.* Wing, 2 Ariz. 371.)

New Mexico: The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico is hereby declared to belong to the public and subject to appropriation for beneficial use. In accordance with the laws of the State, priority of appropriation shall give the better right. (Sec. 2, Art. 16.) (Trombley v. Luterman, 6 N. Mex. 15.)

Wyoming: Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channel, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved. (Art. 1, sec. 31.)

The waters of all natural streams, springs, lakes, and other collections of still waters within the boundaries of the State are hereby declared to be the property of the State. (Art. 8, sec. 1.) (S. 728 and S. 1274, p. 482.) (Farm Investment Co. v. Carpenter, 9 Wyo. 110.)

Colorado: The waters of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided. (Art. 14, sec. 5.) (S. 728 and S. 1274, p. 484.) (Yernker v. Nichols, 1 Colo. 151; Coffin v. Left Hand Ditch Co., 6 Colo. 443.)

California: The use of all water now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be a public use and subject to the regulations and control of the State in the manner to be prescribed by law. (Art. 14, sec. 1.) (S. 728 and S. 1274, p. 476.)

Utah: All existing rights to the use of any of the waters of this State for any useful or beneficial purposes are hereby recognized and confirmed. (Art. 17, sec. 1.) S. 728 and S. 1274, p. 381.) (State v. Xalio (4575), Nov. 25, 1927; Stowell v. Johnson, 7 Utah, 215; 26 Pac. 290.)

Nevada: All natural water courses and natural lakes and the waters thereof which are not held in private ownership belong to the State and are subject to appropriation for beneficial uses. (Reno Smelting, Milling & Reduction Works v. Stevenson, 20 Nev. 269; 21 Pac. 317, 4 L. R. A. 60, 19 Com. St. Rep. 364.)

This section is quoted from the State water code of Nevada. The constitution of the State is silent upon the use of public water.

A declaration contained in the bill of rights, adopted by the Territory of Arizona in 1864—which was two years in advance of the law passed by Congress in July, 1866—recognized that local customs and laws, in addition to the decisions of the courts in the semiarid States of the West, should govern the appropriation and use of water. The section of the Territorial act follows:

All streams, lakes, and ponds of water capable of being used for the purpose of navigation or irrigation are hereby declared to be public property, and no individual or corporation shall have the right to appropriate them exclusively to their own private use, except under such equitable regulations and restrictions as the legislature shall provide for that purpose.

A GRAVE MENACE TO TAMPER WITH WATER LAWS

There is a long line of decisions by the courts sustaining this principle, and any attempt by Congress to destroy, directly or indirectly, by subterfuge or by law, the basic and fundamental principles which underlie these provisions of the constitutions and laws of the Western States is fraught with grave danger to them. These principles governing the use of water are founded upon the natural law and should not be disturbed by Congress.

The State of Idaho has provisions in its constitution practically identical with those of the States in the Colorado River Basin and does not recognize the riparian doctrine.

The States of Montana, Oregon, Washington, Nebraska, North Dakota, South Dakota, Oklahoma, Kansas, and Texas have revised their constitutions and laws so that they now accept and enforce the "doctrine of appropriation and use" of water as distinguished from the riparian doctrine.

The laws and conditions in all of these States will be menaced by any precedents which may be established by the pending legislation.

WATER RIGHTS WERE NEVER RELINQUISHED BY STATES

These principles and rights have never been relinquished by the States to the Federal Goverment. Gov. George H. Dern, of Utah, in testifying before the Senate Committee on Irrigation and Reclamation (hearings on S. 728, p. 144), stated the situation very forcefully and the menace which would come to the States from tinkering with the water laws of the States by Congress:

Governor DERN. Congress also recognized the sovereignty of the States over their waters in the Federal water power act, for that act provides that the United States Government shall not grant any permit to use the public lands for the building of a power dam until the applicant has first obtained a permit from the State wherein the dam is to be built, to use its waters and land, and has otherwise complied with the laws of the State. The Representatives and Senators from the Western States have always been extremely jealous of the sovereign rights of the States in their waters, and up to this time they have impressed that principle upon every piece of Federal legislation affecting the waters of western streams. It is to be hoped that those in the present Congress will be equally vigilant.

The pending bills propose an entirely new and revolutionary national policy, and completely reverse the former position of Congress with respect to the waters of western streams. Never before has Congress gone so far as to attempt to appropriate water without the consent of a State. The West has always heretofore seen to it that its sovereign rights were respected.

Every State has the inherent sovereign right to control the uses of water, which is essential to its existence. To deprive a State of this right would be to destroy its autonomy. Moreover, the original States are conceded by everybody to possess full power to control their waters, save for the regulation of interstate commerce, and to deprive the newer States of this control would take from them that equality with the original States which was guaranteed them when they were admitted into the Union. The arid States in particular, whose water is their very lifeblood, should realize that if they would protect their autonomy they must resist the deliberate and constant pressure of certain enthusiasts for Federal usurpation of State powers.

THE REAL PURPOSE OF THE COLORADO RIVER COMPACT

A full and complete discussion of the history of the compact and the conditions which led up to its negotiation will be found in the 1926 House hearings on the Swing bills (H. R. 6521, 9826), beginning on page 146, in the testimony of Mr. Delph Carpenter, of Colorado.

The real purpose of the Colorado River compact, which is referred to in six sections of this bill (4 (a), 5, 6, 8 (a), 8 (b), 12 (a), 12 (b), 12 (c), 12 (d), and 14), is primarily to conserve for the upper basin States the right to use water which originates in those States. Those States want to retain the water for use in the future.

On page 710 of the Senate hearings on December 15, 1925, on S. 320, is found the following testimony:

Mr. KENDRICK. Mr. Carpenter, I am not sure whether I understood the full inference about the delay in the development of the lands in the upper basin States. Did you intend to say to the committee in answer to Senator JOHNSON'S question that the ultimate development in these upper basin States would be delayed for 50 or 100, or possibly 200 years?

Mr. CARPENTER. Yes, sir.

It will therefore be observed that the water is not being reserved to the upper basin States for immediate use. Arizona has not asked that she be accorded the same degree of protection as that accorded the upper basin States, although she is entitled to it. Arizona will have exhausted all the water available for her use long before the upper basin States utilize the water allocated to them. We do demand a measure of protection which will conserve our interests and such protection is not given us by either the compact or by this bill.

This bill (secs. 4 (a), 8 (b), and 12) approves the Colorado River compact. That compact allocates annually 7,500,000 acre-feet of water, in perpetuity, to the upper basin States, and retains to them an equity in the undivided surplus.

THE AVAILABLE WATER SUPPLY IS INADEQUATE FOR ALL

In considering this bill and the Colorado River compact, it is important that we know approximately how much water will be available for the use of the States. The United States Geological Survey is the Government bureau authorized by Congress to study water resources. Mr. E. C. La Rue testified:

The figures here presented therefore indicate that complete utilization and control of the stream of waters in the upper basin will create a shortage of about 3,800,000 acre-feet in the supply available for the lower basin. More complete data would probably indicate a greater shortage in the water supply available for the irrigation of lands on the lower Colorado. Evidently the flow of the Colorado River and its tributaries is not sufficient to irrigate all the irrigable lands lying within the basin.

From these estimates it appears that when ultimate irrigation development is reached in the upper basin of the Colorado River there will be a natural shortage of 5,000,000 acre-feet in the lower basin, an amount sufficient to irrigate 1,100,000 acres of land. (Senate hearings on S. 320, December 9, 1925, p. 533.)

Mr. LA RUE. I might add here that if we consider the 20-year period of low flow, 1886 to 1905, inclusive, we will find that should such a period of drought occur again the water available at Parker, Ariz., would be about 6,570,000 acre-feet annually, the amount required for the needs of the lower basin being 14,714,000 acre-feet. The annual shortage would be 8,145,000 acre-feet. During such a 20-year period

there would be less than half enough water to supply the needs of the lower basin. (S. 320, December 9, 1925, p. 533.)

Mr. LA RUE. If you will agree that we will irrigate 1,000,000 acres in Mexico and let 1,000,000 acres in the United States remain dry, then go ahead and build the Boulder Canyon Dam. (Senate hearings on S. 320, December 9, 1925, p. 545.)

Mr. Herman Stabler, chief of the land classification branch of the United States Geological Survey, made a report from which the following is quoted:

19. The estimates of water supply and practicable storage for the period 1878–1922 indicate that through long periods not to exceed 12,000,000 acre-feet of water a year may be relied on for future irrigation development above Laguna Dam and for present and future development below that point. (House hearings on H. R. 2903, March 25, 1924, p. 841.)

Mr. O. C. Merrill, executive secretary of the Federal Power Commission, testified as follows:

It is the opinion of those who have investigated the water resources of the Colorado Basin that there at least is not any surplus of waters for the necessities of irrigation, and that, therefore, in any general scheme of development of the river care should be exercised not unnecessarily to waste waters which though not needed in this generation are almost certain to be needed in the future. (Senate hearings on S. 320, December 8, 1925, p. 505.)

Col. William Kelly, former chief engineer of the Federal Power Commission, testified:

Mr. LITTLE. Colonel, before we finish, do you think there is water enough in the Colorado River to irrigate it all?

Colonel KELLY. There is reason to believe there is not.

Mr. LITTLE. How much shy?

Colonel KELLY. I can not say exactly how much is going to be shy, but I am satisfied that counting the lands that can be irrigated in Mexico there is not sufficient water to irrigate all the land.

Mr. LITTLE. If we omit them there would be plenty of water, would there not?

Colonel KELLY. There might be enough. There would be some short years. (House hearings on H. R. 2903, April 15, 1924, p. 1249.)

In the report "Problems of Imperial Valley and vicinity" (S. Doc. No. 142, 67th Cong., 2d sess.), on page 37, will be found a table which gives the average annual run-off for the years 1903 to 1920. The report makes an estimate of water available at Boulder Canyon of 16,470,000 acre-feet after allowing for past depletion. But the report admits that the table leaves out a cycle of years of low flow and drought immediately preceding it.

DEMANDS UPON THE AVAILABLE WATER SUPPLY

The States of the upper basin—Colorado, New Mexico, Wyoming, and Utah—have reserved for their perpetual use by the Colorado River Co. 7,500,000 acre-feet of water. This is a somewhat larger amount of water than any Federal official has estimated will be required for their use, but Arizona is willing to concede that much water to the upper basin for use at any time in the future. The evidence concerning the amount of water required for use in the upper-basin States is as follows:

	Acre-feet
Col. William Kelly, chief engineer Federal Power Commission (p. 1258, H. R. 2903, 1924)	6,500,000
E. C. La Rue, hydraulic engineer U. S. Geological Survey (p. 111, Water-Supply Paper No. 556, 1925)	5,815,000
A. P. Davis, director United States Reclamation Service (CONGRESSIONAL RECORD, Feb. —, 1923)	6,590,000

Engineers representing the Several States of the upper basin have estimated a maximum diversion from the Colorado River and its tributaries in those States of 9,550,000. However, this does not represent the net consumptive use which, with a return flow of 25 per cent, would be 7,200,000 acre-feet.

According to a report made by F. C. Weymouth, chief engineer United States Reclamation Service, in February, 1924, it is estimated that there will be available for diversion below Boulder Canyon 9,341,000 acre-feet of water each year. In 1925 the United States Geological Survey reported in Water Supply Paper No. 556 that 9,593,000 acre-feet will be available for irrigation below Boulder Canyon. Both of these figures are based upon estimates of the maximum possible uses of water in the upper basin. In calculating the amount of water which may be put to beneficial use in Nevada, California, Arizona, and Old Mexico after the flow of the Colorado River is completely regulated, it may be said that approximately 9,500,000 acre-feet will be available. It is reported that Mexico is now using about 1,000,000 acre-feet of water, which if conceded to that country by treaty, would leave about 8,500,000 acre-feet available for use in Arizona, Nevada, and California.

Mr. George W. Malone, State engineer of Nevada and secretary of the Colorado River commission of that State, testified:

Nevada has claimed 300,000 acre-feet of water to be used within her borders * * *. She could no doubt use more water than is claimed if allowed an unlimited period for development * * *. (Senate hearings on S. 728 and S. 1274, January 19, 1928, p. 233.)

Mr. H. A. Van Norman, representing the city of Los Angeles, demanded on behalf of that city an amount of water to be pumped annually from the Colorado River Basin to the coastal plain of "1,500 second-feet," which would be 1,095,000 acre-feet. (Senate hearings on S. 728 and S. 1274, January 21, 1928, p. 292.)

Mr. Charles L. Childers testified and put in the record the water requirements of the State of California, which, in effect, demand annually 4,600,000 acre-feet of the allotted waters and one-half of any surplus waters in the river. (Senate hearings on S. 728 and S. 1274, January 21, 1928, p. 322.)

Prior to 1922 the State of Arizona had made no exhaustive surveys of the land possible of irrigation from the Colorado River. Arizona was busily engaged in developing land in the central portion of the State upon her own streams, which are tributary of the Colorado.

A reconnaissance survey of Arizona lands was made under Federal Government auspices in 1923, and topographical surveys were begun in 1925, the field work for which was completed in the fall of 1927. These surveys indicate that there is far more land in Arizona economically feasible of irrigation than there is water to irrigate it.

Mr. E. C. La Rue, an engineer who was employed by the United States Geological Survey for 23 years and who was the chairman of the Arizona Engineering Commission appointed by the United States Geological Survey to investigate the irrigational possibilities in Arizona from the Colorado River, offered one plan of development based upon a part gravity and part pump lift, with an estimated cost for power of 7½ mills. He testified (Senate hearings on S. 320, December 9, 1925, p. 564) that water could be delivered to this land at a cost of $168 an acre to over 800,000 acres of land in Arizona. Since that report was made further surveys and studies by engineers employed by Arizona indicate that water can be delivered to at least 1,250,000 acres of land at a cost much less than $168 an acre. With a duty of 4 acre-feet, at least 5,000,000 acre-feet of water must be diverted from the Colorado River to irrigate this Arizona land. (Senate hearings on S. 728, January 17, 1928, pp. 72–74.) But assuming for the sake of argument only that it would cost $168 an acre—which seems excessive for one reason, because power for pumping will not cost 7½ mills—a comparison of this project is invited with the Columbia Basin project recently considered by the Congress.

The hearings on the Columbia Basin project brought out the fact that the cost of irrigating the lands of that project is estimated to be $158 per acre, and that project is declared to be practical now.

As to the question of the relative feasibility of projects, your attention is again invited to the testimony of Mr. Carpenter, of Colorado, that it may be 200 years before the water which the upper basin States are asking to have reserved to them will be used in those States. (Senate hearings on S. 320, December 18, 1925, p. 710.)

THE FLOOD MENACE DOES NOT REQUIRE EMERGENCY ACTION

While it is generally admitted that there is a menace to property values and to property as a result of the floods in the Colorado River, and that flood control is needed at a comparatively early date, the testimony of numerous witnesses is to the effect that development of the river should not be undertaken until a seven-State compact is ratified. In substantiation of this assertion I direct attention to the testimony of the following witnesses:

Governor Emerson, of Wyoming, one of the members of the special advisory board appointed by Secretary Work, testified as follows:

Few realize the real magnitude of the great project that is proposed at Black or Boulder Canyon—a dam twice as high as any dam that has been constructed in the world heretofore; a reservoir seven or eight times the capacity of any reservoir that has been constructed heretofore. The magnitude of this project is so great that we should be sure we are right before we go ahead. There is no such urgency for relief from conditions applying to the physical situation upon the lower river as to warrant any course but to allow all reasonable time and effort for the completion of the seven-State agreement by the approval of all the seven States. (Senate hearings on S. 728, p. 206.)

Gov. George H. Dern, of Utah, chairman of the Colorado River conference, which was in session for many weeks at Denver, Colo., testifies as follows:

Governor DERN. The question of flood control, of course, is only one of the purposes of this bill. As a matter of fact, one might have sat through the Denver conference without discovering that there was any problem of flood control. It was hardly mentioned at Denver, and there did not seem to be much importance attached to it there. It seems to me that California, by the reservation that she put on her ratification, practically refused to accept flood control. She specifically refused to accept it except by means of one particular project that she herself had selected. It seems to me she practically estopped Congress from giving her flood control except through that one particular project, which Congress might conceivably have found to be unwise. Therefore it seems to me that California has not——

Senator JOHNSON. How does that explain your answers here?

Governor DERN (continuing). That California has not exhibited very deep concern over flood control.

(Senate hearings on S. 728, p. 174.)

In this connection your attention is directed to a map which was prepared by Mr. E. C. La Rue, an engineer, who was formerly in the employ of the United States Geological Survey. Mr. La Rue resigned his Government employment last summer, after over 20 years of service, and gave as his reason: "That he was muzzled by the Department of the Interior and forbidden to oppose the legislation proposed in the Swing-Johnson bill," which he has testified he believes to be unsound. The map is one of the studies made by Mr. La Rue in connection with his work and studies on the Colorado River. It indicates that if the entire flow of the Colorado River was turned into the Imperial Valley that it would require about a year and a half for the water level of the Salton Sea to rise as far as the town of Mecca; 12 years before it reached the highest town in the valley and 15 years to get to sea level.

If the advocates of the Swing-Johnson bill had exercised energy and good judgment, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, most unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill have preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant. Just so long as Imperial Valley continues to be beguiled by those urban Pollyannas who seek to acquire Arizona's potential hydroelectric energy, just so long will Imperial Valley be imperiled.

California seeks not flood control but hydroelectric power. Flood control may be the excuse, but power is the substance of the demand for this bill. Arizona has never stood in the way and does not now stand in the way of ample appropriations for flood control on the Colorado River. California has never been willing to have an engineering investigation made of the Colorado River under the terms of section 3 of the flood control act of March 1, 1917.

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation had labored for Imperial Valley along flood-control lines success would have long ago abundantly crowned such efforts.

If the sword of Damocles is suspended over Imperial Valley and if the waters of wrath are held in check only by a tricky guard of sand, let the California delegation but ask for appropriations and the relief prayed for will be promptly granted by Congress.

The writer of this report, in the Senate Committee on Irrigation and Reclamation, offered the following amendment to this bill:

Provided, That the sum of $30,000,000 shall be allocated to flood control, and shall not be reimbursable to the United States.

This amendment was rejected by the committee upon the suggestion of the proponents of this legislation, as was another amendment which directed that the Boulder Canyon Dam be built to only such height as would provide flood control.

AMOUNT OF STORAGE REQUIRED FOR FLOOD CONTROL AND WHAT IT WOULD COST TO PROVIDE SAME

Col. William Kelly, former chief engineer of the Federal Power Commission, graduate of West Point, who served in the Army since 1899, and was former chief assistant to the Chief of Engineers on river and harbor work, secretary of the California Levee Commission, and in charge of the third California engineering district, which included flood protection on the Sacramento River, also had service overseas and wide experience regarding the handling of streams and embankments, dams and revetment works, flood control and canals, and practically everything that pertains to the handling of water, testified (House hearings on H. R. 2903, pp. 1227, 1228, 1240, April 15, 1924):

Colonel KELLY. According to the Reclamation Service figures, which check with those of the Geological Survey and those that had been made in my office, 3,200,000 acre-feet of storage, if placed at Laguna Dam, would control the floods in the worst flood season of record so that the maximum flow would not exceed 75,000 second-feet. If that dam be moved upstream certain additional storage must be provided in order to compensate for the storage that exists in the valley now during those high floods * * *. A dam at Mohave 100 feet high will give the storage required * * *. I think such a dam can be built inside of $15,000,000, and that is a very rough guess.

Mr. F. E. Weymouth testified before the Senate committee and gave several alternate plans and the cost thereof for flood control. (Senate hearings on S. 320, p. 479, November 2, 1925.)

The Reclamation Service worked out a plan for controlling the floods of the Colorado River by building dams at the Dewey site, Bluff site, Flaming Gorge, and at the Juniper site, at an estimated cost of $40,000,000 for the four dams. A dam at the Dewey site could be built for $11,000,000.

The storage at these four sites would be about 9,000,000 acre-feet. (S. Doc. No. 142, 67th Cong., 2d sess., pp. 42, 43.)

Mr. WEYMOUTH. There has been also a flood-control dam suggested for the Mohave site, but that would cost about $28,000,000 (includes $13,000,000 for flowage damage) for just a flood-control dam. (Hearings on S. 320, November 2, 1925, p. 485.)

Mr. WEYMOUTH. An eight or ten million acre-feet flood-control dam at Black Canyon would cost $28,000,000. (Senate hearings on S. 320, November 2, 1925, p. 485.)

Mr. LA RUE. A dam can be built at Glen Canyon in about six years. It will cost about twice as much, but the water will be worth six times as much as the water at Boulder Canyon. (Hearings on S. 320, December 9, 1925, p. 548.)

A dam to store 11,000,000 acre-feet of water can be constructed at Marble Gorge for an estimated cost of $19,000,000. The dam site has been diamond drilled for bedrock. (Senate hearings on S. 728, 1928, p. 463.)

The Marble Gorge Dam site would utilize the same storage facilities as the Glen Canyon site. In addition to being more accessible and with materials for the dam available, it could be constructed for very much less than either the Boulder Canyon or the Glen Canyon Dam. (See Senate hearings on S. 728, p. 463; La Rue-Jakobsen report.)

IS SAFETY ASSURED?

The proposed dam at Boulder or Black Canyon as authorized by this act would be at least 675 feet high. It would be "550 feet above the present water level" and "125 feet below the water level to bedrock" (A. P. Davis, Senate hearings on S. 320, p. 493).

There is no dam now in existence comparable with it. It would be equal in height above the water level to the Washington Monument. In this connection the testimony of Col. William Kelly (House hearings on H. R. 2903, April 23, 1924, pp. 1251, 1252) is pertinent:

Colonel KELLY. As you go up in height the mere weight of the dam itself puts a pressure on the foundations that runs into very large figures. On the Washington Monument that pressure was great enough to cause the stones to sprawl at the edges around the bottom of the monument. * * * In addition to the weight of the structure itself you have the pressure of the water behind it, which greatly increases the stresses, especially on the downstream part of the foundation. In order to keep these stresses within reasonable limits the dam has got to be widened out and made very wide at the base.

In this connection I again direct your attention to the fact that the foundations of the dam will be at least 125 feet below the water surface. This is a greater depth than has ever been used as a foundation for any other dam, and its total height from bedrock to crest will be 675 feet. Continuing Colonel Kelly's statement, he said:

Up until a few years ago the usual practice on gravity dams was to keep the maximum stress below 20 tons per square foot. The Reclamation Service in designing some of their higher dams, like Arrow Rock, found that in order to comply with that requirement they had to expand the dam at the base to such an extent that the cost became very great. The consequently made use of the arch principle in combination with the gravity section or weight of the dam and allowed a maximum stress of 30 tons per square foot.

The Reclamation Service, evidently in an attempt to keep the estimates of the cost of Boulder Dam within the bounds of reason, felt that it was necessary that some further modification

be made, but away from the principle of safety, because, continuing to quote from the testimony of Colonel Kelly:

In the design of this Boulder Canyon high dam they again found that going up to 600 feet 30 tons per square foot required a dam of abnormal dimensions, and their design proposes to have an allowable maximum stress of 40 tons per square foot on that 600-foot dam.

The stresses on the St. Francis Dam, which recently collapsed, is reported by press dispatches to be but 12 tons per square foot, or but 30 per cent of the stress proposed for the Boulder Canyon Dam.

Mr. F. H. Newell, former Director of the United States Bureau of Reclamation, in a recent article (March, 1928) on "High dams," stated:

It is true that each and every one of these structures, big and little, has a limited life. Ultimately each will require renewal or replacement. A dam, like a bridge or similar structure, is in one sense an offense against nature. All of the forces of heat and cold, of wind and water, chemical and physical, are working on it untiring, day and night, in season and out, trying to tear it down. There is no one of these natural forces which is making it stronger.

Mr. W. G. Clark, a consulting engineer of New York City, gave testimony regarding earthquakes in the Boulder Canyon region. (House hearings on H. R. 11449, p. 210, February 21, 1925):

I was in Boulder Canyon when an earthquake occurred. At that time there was a decided movement of the north wall of the canyon, but there was no movement of the south wall. Thousands of tons of rock fell along the north wall of the canyon, but there was no fall along the south wall. I was camped on the south side of the canyon and if it were not for the fact that I could see and hear the rock falling on the other side of the canyon I would not have known that an earthquake was in progress.

Some years later, in 1913 I believe, an earthquake occurred which affected the Imperial Valley. I was in southern California at the time, so went immediately to Boulder Canyon. The same condition had been repeated. I found that thousands of tons of rock had been shaken from the north wall of the canyon, but the south wall remained undisturbed.

The river apparently runs through a faulty fissure, for in both instances the disturbance was confined to the north side of the canyon at Boulder Wash.

The proposed dam is unprecedented as to height, both above and below water, as will be illustrated by comparing it with the following dams which are among the highest in the world:

Name of dam	State	Height of dam
		Feet
Pocoima	California	383
Arrow Rock	Idaho	349
Exchequer	California	330
O'Shaughnessy	do	320
Horse Mesa	Arizona	308
Don Pedro	California	284
Lake Cushman	Washington	275
Elephant Butte	New Mexico	275
Olive Bridge	New York	235
Roosevelt	Arizona	225
New Croton	New York	220
Kensico	do	200

These figures are taken from Modern Irrigation, June, 1927.

In the committee I offered the following amendment to the bill in an effort to try to insure, if the dam is to be constructed, a measure of safety to the citizens who live in the valleys below. The proponents of this bill rejected the amendment, which read:

In order to be sure of the financial, economic, and engineering feasibility of the projects herein authorized or planned, the President is hereby authorized to appoint a board of five competent engineers of outstanding reputation, at least one of whom shall be an engineer officer of the Army, which board shall examine into and review the plans and estimates heretofore made by engineers of the Department of the Interior for the control and utilization of the waters of the Colorado River and report thereon within six months after the approval of this act, and no construction work shall be done or contracted for until said board shall have submitted its report to Congress.

The Boulder Reservoir would hold seven hundred times as much water as was held by the St. Francis Dam which recently collapsed. I again quote from an article by Mr. Newell:

Whatever may be the case [St. Francis Dam disaster], the lesson taught is that in all such work there should be a more thorough study than has usually been given to such matters, particularly in connection with the foundation of dams.

Mr. Newell also makes this very pertinent observation concerning the colossal experimental dam now under discussion in Congress:

How does this apply to propositions now pending before Congress; for example, the Boulder Dam? It is true that considerable time and money have been spent in surveys; various engineers have agreed on certain fundamentals; those who dissent have held their peace. There is little doubt, however, but that if private capital were proposing to build a structure of this kind there would be continuous study and observation of all the phenomena peculiar to that locality. "With the valor of ignorance" the Congress, however, is satisfied to discuss the legal or political steps and assume that all of the forces, such, for example, as those which have overthrown the St. Francis Dam, are well enough known. Is it true?

On pages 821 to 845 of the House hearings on H. R. 2903, March 25, 1924, there will be found a report signed by a group of engineers who were appointed by the Secretary of the Interior to review the report then in process of preparation by the engineers of the Bureau of Reclamation. The report is not favorable to the project as outlined. On page 844 the following language appears: "The need for more facts is the rather astounding conclusion one must reach from the data at hand." The letter of Col. William Kelly, who was one member of the board, found on page 269 of the House hearings on H. R. 5773, 1928, is ample evidence that no great weight or consideration can be given to the report of this so-called "board of review."

The only other board which has made any study of the project was appointed during the summer of 1927 by the Secretary of the Interior and was composed of one governor, one ex-governor, a United States Senator, and two college professors. The gentlemen comprising this commission were all excellent and reputable men. I believe three of them were engineers, but I believe that none of them is recognized as an authority on dam designs and structures or has had any experience in actual dam construction.

A majority of the prominent engineers who have testified concerning their studies of the problems connected with the project, and who have not been employed by the Bureau of Reclamation, have testified against the proposed project because of economic and engineering reasons.

ALL-AMERICAN CANAL

I have no objection to a canal being built "to connect with the Laguna Dam and to deliver water to the Imperial and Coachella Valleys in California," provided: That the lands benefited by the construction of the canal will pay for the cost of the canal and its appurtenant structures, and the maintenance and operation thereof. I do object to the revenues from power resources of Arizona being used to guarantee the cost of the construction of the canal and the maintenance and operation thereof. While I understood it was the sense of the committee that the committee proposed that the bill should provide that the lands benefited by the canal shall carry the necessary costs of that project, the provisions of the bill place the burden of guaranteeing the repayment to the Government of the entire appropriation upon the power to be developed. (Sec. 2 (D) and (E).)

I am particularly impressed with the unfairness of such a proposition from a study of the table found on page 80 of the report (S. Doc. No. 142, 67th Cong., 2d sess.), where it will be found that of the 785,400 acres in the project only 167,100 acres were Government lands at the time the report was made in 1922. It is quite probable that in the last six years a large acreage of these lands have passed into private ownership. It will therefore be observed that the provisions of section 9 which give preference of filing on the land to ex-service men is mostly words. I offered an amendment before the committee that would subject the privately owned lands to the same conditions as lands in other irrigation projects privately owned, so that no water user might secure water for land in excess of 160 acres. This amendment is not included in the bill as it is reported to the Senate.

The estimate submitted to Congress by the Secretary of the Interior about a year ago that the all-American canal would cost approximately $31,000,000, was based only upon the cost of the so-called "first unit" of the canal. The canal would only deliver the water into the Imperial Valley. This act provides for the delivery of water into "the Imperial and Coachella Valleys"; this would require an additional canal 141 miles long at a cost of from $10,000,000 to $12,000,000. (S. Doc. 142, 67th Cong., 2d sess., p. 81.)

Wasting water: The use of water in the Imperial Valley in comparison with water used elsewhere in any other State in the basin will be uneconomical and wasteful.

The amount of water wasted annually into the Salton Sea, according to the estimate of the United States Geological Survey, when the Imperial Valley is fully irrigated, will be 1,387,000 acre-feet. (Senate hearings on S. 728 and S. 1274, p. 267.) This is more than enough water than is required to irrigate all of the land feasible of irrigation, from the Colorado River in either the State of Wyoming or the State of New Mexico.

California is the only State in which water will be used from the Colorado River where it will be wasted.

It has been contended that the construction of the all-American canal will solve the Mexican problem by enabling the United States to divert water into the Salton Sea at certain seasons of the year and by thus denying water to Mexican agriculture prevent Mexico from acquiring water rights in addition to those she may now have.

The fallacy of this argument—if there were no better evidence to prove it to be ridiculous—is indicated by the summary of the conclusions from the report of George F. Holbrook, engineer for the United States Geological Survey. (Report D-100-9-L-15, Department of the Interior, U. S. Geol. Surv.) It will be found on page 267, the Senate hearings on this bill, and is as follows:

REPORT ON PROBABLE FUTURE STAGES OF SALTON SEA

By George F. Holbrook, assistant engineer, United States Geological Survey

CONCLUSIONS

(a) Lands bordering on Salton Sea below elevation —240 are worthless from an agricultural point of view. Those between elevations —240 and —230 are worth very little, except in the near vicinity of New and Alamo Rivers. Lands lying between elevations —230 and —220 are generally valuable for farming within the boundaries of the Imperial irrigation district. Outside of the district lands at this elevation are not classified as arable by the Strahorn soil survey.

(b) The contract between the Southern Pacific Co. and the Imperial irrigation district, granting a flowage right of way to the district, will be an impediment that will have to be removed before the irrigation district can waste any more water into the Salton Sea than at present.

(c) The maximum amount of storm water that may be expected to flow into Salton Sea in a very wet year is 500,000 acre-feet.

(d) Under present conditions there is being wasted 1.5 acre-feet of water annually per acre irrigated from the Imperial Valley canal system. Upon the completion of the all-American canal conditions affecting the operation of the canal systems in Imperial Valley will be changed. It is not known to what extent these changes will affect the necessity for wasting water from the system. It is believed that the present value of 1.5 acre-feet per acre irrigated is a liberal estimate of the amount likely to be wasted under future conditions. On this basis, with 925,000 acres irrigated, the amount of water wasted into Salton Sea annually would be 1,387,000 acre-feet.

(e) In order to evaporate the amount of water that may be wasted into Salton Sea under conditions of ultimate development an average water-surface area of 239,000 acres will be necessary. This corresponds to elevation —228 feet.

(f) With Salton Sea at an average stage of —238 feet and the possibility always present of storm water raising this level to —225 feet, it is not likely that any lands below the —220-foot contour will have any value for agricultural purposes.

It will therefore be seen that the annual wastage of water into the Salton Sea will be a problem in itself and will raise the water table to such heights that there will not be sufficient capacity to hold sufficient water to deprive Mexico of the use of it, as is alleged to be their purpose by the proponents of this bill.

RIGHTS OF YUMA PROJECT

Any analysis of this legislation would be incomplete that failed to recognize the avidity with which its authors have availed themselves of every opportunity for advantage. The bill is inconsistent and contradictory; it is vague and indefinite where it should be clear and certain; and is harsh and unyielding where it should be flexible. But no point has been overlooked where advantage might be reaped, at whatsoever cost to others, for the interests it is designed to enrich.

A striking illustration of this may be found in section 10, supplemented, extended, and enlarged by the provisions of section 7.

Section 10 empowers the Secretary of the Interior, with the consent of Imperial irrigation district, to modify the existing contract, dated October 23, 1918, authorizing the use of Laguna Dam for the diversion of water for the irrigation of Imperial Valley. That may appear reasonable enough to the casual observer, since the Secretary of the Interior and Imperial irrigation district are the parties of record to the contract in question. It should be understood, however, that the contract, in all of its details, relates to property rights and interests vital to the welfare and existence of Yuma project.

The Secretary of the Interior is a party to the contract merely in his capacity as an officer of the United States, in which the title to the Yuma project temporarily vests. The contract was the result of long negotiations, in which the negotiating parties were representatives of Imperial irrigation district on one hand and Yuma project on the other.

The protection to Yuma project, as embodied in the completed agreement, was the result of hard labor and determined effort over the attempts on the part of the California representatives seeking, as they now seek, every advantage for themselves. To disturb the status quo of this contract and agreement without the consent of the organization conducting the affairs of the landowners and water users of Yuma project, which originally confirmed its provisions, would constitute a violent outrage of the rights of those water users.

YUMA PROJECT INTERESTS NOT RECOGNIZED

It may be asserted that the Secretary of the Interior will naturally consult the interested project members or their representatives before modifying the contract, as did a previous Secretary of the Interior when the instrument was originally formulated. That does not necessarily follow. Secretaries come and Secretaries go. Secretaries have been known to be partisan. They are human, and humanity is beset with frailty. The water users of Yuma project might indeed be consulted, but their protests might go unheeded. In any event, it is proposed to empower the Secretary, with the consent only of one party, viz, the Imperial irrigation district, to modify this contract in which Yuma project's very existence is bound up, and the peril that lurks in the provision is clearly shown by the alacrity with which a proposal made in committee for an amendment that would have required the consent of the Yuma County Water Users' Association was rejected by champions of this bill. The suggestion that Yuma project has any interest in the contract was treated with contempt.

If there were any doubt as to the seriousness of the purpose intended in the authority extended by section 10 it would be removed by turning back to section 7. Taking time and authorization by the forelock, this section, in vital particulars, itself modifies the contract in question.

By the agreement entered into on October 23, 1918 (appendix to House hearings on "All-American canal in Imperial County, Calif., 1922, p. 245), it is declared that Laguna Dam was constructed "in connection with the Yuma project, Arizona-California"; that Imperial irrigation district desires to secure "the right to divert water at said dam"; that the said district is authorized to contract with the United States "for a supply of water"; that the district shall proceed to secure cost data "for the diversion of water" at Laguna Dam and thence "through the existing main canal of the Yuma project" and for a main canal to "connect with said main canal of the United States at a point described as Siphon Drop"; that "for the right to use the Laguna Dam, the main canal, and appurtenant structures and divert water," the district agrees to pay the sum of $1,600,000; that "the United States shall have and retain perpetually the title to and the complete control, operation, and management of said Laguna Dam, auxiliary works, and enlarged main canal from the dam to and including the Siphon Drop * * *, including the diversion works at Siphon Drop for the diversion and delivery of water to the Yuma project and the district"; that "the United States reserves the right to develop power * * * down to and including Siphon Drop"; that all other power possibilities * * * down to * * * Pilot Knob shall be developed by the United States * * * for the joint benefit of the Yuma project and the Imperial irrigation district, and the cost of joint canal and headworks alterations and of power plants and accessories is definitely apportioned to the United States "for the Yuma project" and to the Imperial irrigation district; that "the preference right to purchase power developed" (between Siphon Drop and Pilot Knob) "shall be given over other users of power to the requirements of the Yuma project for power to be used in pumping irrigation water." Other provisions highly important to Yuma project, relating both to power and to water, are embodied in the contract, which the Secretary of the Interior, with the consent of Imperial irrigation district, is to be given authority to modify. Imperial irrigation district, by the permission heretofore given to it to use the Laguna Dam thereby gained no proprietary interest in the dam, "auxiliary works, and enlarged main canal from the dam to and including the Siphon Drop." The Yuma project, it should be borne in mind, is not solely an Arizona project, but an Arizona-California project. Down to and including Siphon Drop, at which point the proposed main canal of the Imperial irrigation district is to take off from the Yuma project canal, the district, for the considerations named, obtained simply the right to use, but the title to

the dam, appurtenant works, and canal to the point described is not affected by any capital investment therein necessary to be made by Imperial irrigation district in order that it may use Laguna Dam and divert water therefrom for the irrigation of Imperial Valley.

CONTRAST BETWEEN PROVISIONS OF THE CONTRACT AND THE BILL

How different are the provisions of section 7, when taken in conjunction with the authorization to amend, contained in section 10 of the proposed legislation.

Section 7 provides:

That the Secretary of the Interior may, * * * transfer the title to said canal and appurtenant structures to the districts or other agencies of the United States having a beneficial interest therein in proportion to their respective capital investments.

The "canal and appurtenant structures," as defined in this legislation, are "a main canal and appurtenant structures * * * connecting the Laguna Dam with the Imperial and Coachella Valleys in California." The estimated cost thereof is about $42,000,000. It will likely be much more. Yuma project's capital investment in the canal and appurtenant structures from Laguna Dam to Siphon Drop is by comparison inconsequential. To the same extent would its title be insignificant, and this project would be at the tender mercy of Imperial irrigation district.

Keeping the provisions of the contract of October 23, 1918, in mind, this further clause of section 7 is of absorbing interest to the water users of Yuma project:

The said districts or other agencies shall have the privilege at any time of utilizing by contract or otherwise such power possibilities as may exist upon said canal, in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located.

USE OF DAM ONLY RIGHT GRANTED

The contract gives to the district only the right to use Laguna Dam and divert water therefrom; reserves to the United States the dam, appurtenant structures and canal to Siphon Drop, and reserves all power generated down to that point. This legislation completely overturns the protection thus afforded to Yuma project by relinquishing such power possibilities "as may exist upon said canal" to districts "in proportion to their respective contributions or obligations toward the capital cost of said canal and appurtenant structures from and including the diversion works to the point where each respective power plant may be located."

Inasmuch as Yuma project, under the operation of this measure, will have no capital investment beyond Siphon Drop, and a relatively small one down to that point, it again becomes apparent that Yuma project, if the proponents of this legislation have their way, must shrink to the status of a very small toad in a very large pond—an all-California pond. Laguna Dam was constructed for the Yuma project. It is a part—a vital part—thereof, and its independent control is essential to the project's prosperous existence. But under the plan proposed it will pass to and under the control of Imperial irrigation district. The contract of 1918, which gave to an eager and importunate applicant—Imperial irrigation district—simply the right to use the dam and divert water therefrom, is of inestimable value to that district, for it is the key to an Imperial Valley canal all on American soil, and opens the way to extensive revenue-producing power development, the emoluments of which will accrue to the Imperial irrigation district and contribute to its enrichment. But it would appear as if this is not sufficient. All is not too much. A limited right is, by this bill, to be converted into outright ownership, and Yuma project's power resources, slight at best but sorely needed, are to be taken away.

CONDITIONS UNDER WHICH HYDROELECTRIC POWER IS NOW BEING DEVELOPED BY THE GOVERNMENT

Advocates of the Boulder Canyon project assert that no precedent would be established by the enactment of the pending legislation. It is argued that the Government is now engaged in the production and sale of hydroelectric power at Muscle Shoals, the various dams constructed in navigable rivers, and on several projects constructed by the United States Bureau of Reclamation.

The Congress of the United States, acting under the authority of Article I, section 8, paragraph 1, of the Constitution, "to provide for the common defense and general welfare of the United States," authorized, and, at the earliest solicitation of the Senators and Representatives of the State of Alabama, constructed a dam at Muscle Shoals, Ala., for the primary purpose of developing hydroelectric power to manufacture air nitrates to be used in the manufacture of explosives for the defense of the United States. All other uses of the dam and the power generated thereat are incidental to this primary purpose. Therefore the Muscle Shoals project furnishes no precedent for this legislation.

The Congress of the United States has authorized, and the Government has constructed, dams in navigable streams in various sections of the United States. A list of these projects will be found in the Senate hearings on this measure. (Senate hearings on S. 728, pp. 486 and 487.) These dams were all constructed under the authority granted to Congress by Article I, section 8, paragraph 3, of the Constitution, "to regulate commerce with foreign nations and among the several States and with Indian tribes."

The primary purpose for the construction of the dams which were built under this authority was to improve navigation and the excess water which resulted from this primary work was used for the development of power and was incidental to the operation of the dams for purposes of navigation. No precedent can be found under this authority for the enactment of the pending bill.

The Government of the United States has constructed, under the authority of the reclamation law, a number of power plants on Federal reclamation projects. A list of these projects will be found in the Senate hearings held this year on S. 728, on page 262. The power installed on all of these irrigation projects covered in the report is only 55,000 horsepower. The power, in the first instance, was installed to aid in the construction of the projects and is used as incidental to and in connection with the construction, maintenance, and operation of the projects. The power plants were installed with the consent of and in compliance with the laws of the States in which the projects are located. That legislation does not afford a precedent for the pending act. For further information see the letter of the Federal Power Commission in this report.

PRECEDENTS FOR THE RIGHT OF STATES TO DERIVE REVENUE IN LIEU OF TAXES

It has long been the settled policy of the Federal Government to recognize the right of the States to derive revenue from their natural resources when these resources are on public lands.

The importance of this principle is manifest when it is considered that the Government controls large areas of the Western States as public lands, forest reserves, oil reserves, mineral reserves, Indian reservations, national parks, and monuments, and so forth.

The Federal Government owns 74 per cent of the area of Utah, 67 per cent of Arizona, 87 per cent of Nevada, and 63 per cent of Idaho.

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located:

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

In addition, the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

THE QUESTION OF THE RIGHT TO TAX

There is some question of whether a decision on the part of the Federal Government to engage in the production and distribution of hydroelectric power would come within what might be termed a proper function of government; and the question has been raised whether, if it were found that the development and sale of power for commercial purposes was not a proper governmental function, it would exempt such a Government enterprise from the taxing power of the States.

The State of South Carolina, some years ago, engaged in the liquor business and maintained dispensaries. The United States Government claimed the right to tax this enterprise and set up the claim that the operation of dispensaries was not a governmental function and therefore that the State must pay the internal-revenue tax on intoxicating liquors. The State of South Carolina claimed that as a State it was not required to pay the Federal revenue tax and appealed to the United States Supreme Court on this issue. (South Carolina *v.* United States, 199 U. S. 437.) The court held that the State must pay to the Government the revenue taxes; that otherwise the State might go into every kind of business and thereby deprive the Federal Government of all of its revenues.

The minority opinion in this case, written by Chief Justice White, is very illuminating and is here referred to because of the strength of its reasoning. The opinion suggests that the rule applied in this case against the State of South Carolina must necessarily be applied against the United States in the event that the Federal Government engages in enterprises which are not proper functions of government.

If, forsooth, the Federal Government engages in the manufacture of hydroelectric power within a State and it is found to be not a governmental function, the State, under this opinion, should be entitled to tax the enterprise.

This question which has been raised in connection with this bill is of more importance than it appears on the surface. There are 4,000,000 horsepower of hydroelectric energy yet to be developed in Arizona. The policy which is being advocated by powerful men in the Senate, that the undeveloped hydroelectric power in this country should be developed by the Government, and some of the advocates of this theory grow vehement in their opposition to the States deriving any revenue from such power, if developed by the Government, is fraught with danger to the States and particularly to a State situated similar to Arizona.

THE SILT QUESTION

It is 325 miles from the Boulder Canyon Dam site to the Laguna diversion dam. The rivers meander through lowlands and the silt control which it is alleged that this dam will provide will not be accomplished, because the water after it leaves the dam will again pick up its burden of silt and carry it toward the Delta.

VIEWS OF THE FEDERAL POWER COMMISSION

Attention is directed to the letter signed by Secretaries Work, Weeks, and Wallace, of the Federal Power Commission, dated March 24, 1924, which will be found in the 1924 House hearings on H. R. 2903, beginning on page 1000. The letter discusses a dam 605 feet above the present water surface instead of the proposed dam, 550 feet above the water surface and 125 feet below the water surface. The discussion of the project by these Cabinet members remains pertinent, however. A reference to this letter and to the Fall-Davis report will disclose that the appropriation authorized falls short by about $11,000,000 of enough money to build the canal to deliver water to Coachella Valley.

MARCH 24, 1924.

DEAR MR. SMITH: Reference is made to your letter of February 26, addressed to the executive secretary of the Federal Power Commission, suggesting that the commission might like to express an opinion concerning H. R. 2903, a bill to provide for the protection and development of the lower Colorado River Basin.

We do not desire at this time to discuss details of the proposed legislation, but believe it appropriate to call attention to certain general considerations with respect to the plan of development proposed and to the public policy expressed or implied in the bill.

The bill proposes the construction of a dam and reservoir at or near Boulder Canyon on the Colorado River, the so-called all-American canal, certain specified extensions therefrom, and certain unspecified canals and other structures, such works to provide for flood protection of the Imperial Valley and lands along the lower Colorado River for irrigation of both publicly and privately owned lands in California, Arizona, and Nevada, and for making water and held available for the development of hydroelectric power. The bill authorizes the appropriation of $70,000,000 for these purposes. Estimates of the Bureau of Reclamation indicate that the construction of Boulder Canyon Dam to a height of 605 feet above low water and with a capacity of 34,000,000 acre-feet will involve at least $50,000,000; that the construction of the all-American canal and extensions will involve $31,000,000, and the necessity distributing system $15,000,000, or a total of $96,000,000. The obligations involved in the other authorized canals for serving lands in Nevada and Arizona are unknown. These figures do not include power houses, high-tension substations, and equipment, estimated at $36,000,000, or transmission lines, estimated at $46,000,000—a total of $82,000,000 or more. It is unsafe to assume that the entire project—flood control, irrigation, and power development—can be secured in its entirety for less than $200,000,000, to which must be added millions of dollars of accumulated interest charges during the period of construction.

Flood control and irrigation storage are presumed to be the primary purposes for which it is proposed to construct the dam at Boulder Canyon. While there are differences of opinion with respect to the amount of storage actually required for these purposes, it is agreed that 8,000,000 acre-feet is the maximum required, and it is probable that 4,000,000 feet would be reasonably adequate. The nearer the reservoir is installed to the lands to be protected or irrigated the more satisfactorily will it serve the purposes of flood control and irrigation. Information recently made available indicates that a reservoir of sufficient capacity to serve all the needs of flood control and irrigation could be located on the river some 100 miles nearer the lands to be served and at a cost of not more than one-half that of the proposed high dam at Boulder Canyon. If this is correct, the location of the dam at Boulder Canyon and its construction to the height proposed must be justified, if at all, wholly from the standpoint of the development of electric power.

In the consideration which has so far been given to the Colorado River there has been too much of a tendency to overlook any other aspect than the flood protection and irrigation of the Imperial Valley. Admittedly this is the acute problem and requires early action, but there is not justification for ignoring other problems which require solution and for failing to plan accordingly. A reservoir for flood control or irrigation is more useful if located at the foot of the canyon section. With respect to power development, a reservoir at that site is useful for the one power development only and is useless in connection with all power developments above it—some 75 per cent of the total in the section. Reservoirs at the head of the canyon section of sufficient capacity completely to regulate the river must eventually be built

if the full power resources are to be utilized. When this is done reservoirs on the lower river will be useful only for reregulation for irrigation. For this reason dams should be located and their heights determined so as to provide for full use of the available head and so as to avoid evaporation losses as far as possible. A dam of 605 feet height at Boulder Canyon, as proposed, is not adapted to the accomplishment of these purposes.

The bill proposes that the costs of irrigation canals and appurtenant structures shall be reimbursed to the United States by the lands benefited and that the costs of flood control and irrigation storage as effected by the dam to be constructed shall be repaid by leases of rights in the dam for power purposes; that is, that such costs shall be charged not against the lands benefited but against users of power, the great majority of whom receive no benefit from either flood control or irrigation.

The United States has spent many millions of dollars in internal improvements without reimbursement, particularly on river and harbor improvements and on public highways. These expenditures have been for the primary purpose of facilitating interstate commerce and on the theory that such a policy was a common public benefit properly chargeable against the taxpayers of the entire Nation. Whether the benefits received from such a policy are in fact nation-wide, the policy is far less questionable than that of charging the costs of an improvement admittedly benefiting a limited area not against the area benefited and not against the Nation as a whole but against individuals and industries for the most part wholly unrelated to the area benefited. We are doubtful of the propriety or equity of so charging the cost of flood control and irrigation storage, whether the construction be financed by private or public capital. If a dam be so located and built as to provide sufficient storage for flood control and irrigation and for a reasonable amount of power, the cost of flood control and irrigation storage if allocated in the ration of storage space reserved for these purposes apparently need not exceed $10 per acre for the area protected and irrigated.

In so far, at least, as the project proposed exceeds the requirements of flood control and irrigation, the bill proposes that the United States undertake a new national activity, namely, the business of constructing facilities for production of electric power for general disposition, an activity which if logically pursued has possibilities of demands upon the Federal Treasury in amounts far beyond those now involved in reclamation and highway construction combined. While the United States has heretofore constructed power developments in connection with irrigation projects, these developments have been merely incidental to the projects, have been of a few thousand horsepower only, and have been primarily for use on the projects themselves. The construction of a reservoir having a capacity of from four to eight times the needs of irrigation and flood control and of a power development twenty times in excess of the probable power needs of the irrigated lands and adjacent communities is a complete departure from former policies. The only undertaking by the United States at all comparable in magnitude with the proposals at Boulder Canyon is at Muscle Shoals, and this project was undertaken to furnish munitions in time of war. In so far as it was to serve the needs of peace, it was to furnish an essential commodity for all sections of the United States and was not for the special benefit of a limited area.

If the United States is to embark upon a general policy of public development of electric energy at Federal expense, it should do so only after full consideration of what the step means. The present investment in the United States in central electric stations—that is, in those plants engaged in developing electric power for general distribution and sale—is approximately $4,500,000,000. That investment will require to be more than doubled in the next 10 years if the demands of industry are to be met. A policy of Federal development would therefore require continuous expenditures of not less than one-half billion dollars per annum, for it could not be expected, in the face of such a policy supported by Government funds and with tax-exempt properties, that private industry could afford to put any additional investment into the central-station business. Under such circumstances we must assume that any such a policy or program of Federal activities is impracticable and undesirable.

If the proposal in H. R. 2903 with respect to power development is not the first step in a general program of like undertakings, it can be justified only on the clear proof that peculiar conditions in this particular case, conditions not prevailing elsewhere, justify the Federal Government in taking action that it does not propose to duplicate elsewhere. Such action can not rest on the ground that the Federal Treasury is the only available source of funds, for private funds are available now, and have been for several years, to undertake immediately such development as is justified by the needs of flood control, irrigation, and energy supply; or on the ground that the territory to which the greater part of the power must be delivered is in any immediate need of added power, for that territory is already better supplied and at a cheaper rate than any similar territory in the United States. It has been argued that the United States should finance this power development, because with a lower interest rate, absence of profit, and freedom from taxation power could be delivered at a less cost than if developed by private capital. This is by no means a necessary conclusion, but even if it were, electric power is only one element in industry, and if Federal financing is justified in the present case on such grounds it is similarly justified in all other cases and in all branches of industry. With the authority that exists in the States and in the United States to regulate and control private or municipal power development, distribution, and sale, we do not believe that the United States should undertake such development unless it can be clearly shown that the development can not otherwise be had.

In 1920, after many years of consideration, Congress adopted a general national policy with respect to power development on sites under Federal control. That policy has been attended with marked success. Millions of horsepower are being constructed under the terms of the Federal water power act. These sites are being held in public ownership under public control, with every essential public interest protected. There is no occasion for going outside of the terms of that act to secure the production of all the electric energy required at terms fair both to the developer and the user. Under such circumstances we do not deem it desirable to enact special legislation modifying the established policy by giving to any individual, corporation, or community special privileges not accorded to all.

Congress also, in the Federal water power act, created a single executive agency for the administration of all water powers under Federal ownership or control. The plan thus adopted is proving eminently satisfactory. We believe any change in such method of administration is undesirable, and therefore, whether the Boulder Canyon Dam or some other be built and whether at public or private expense, we believe the disposition of any power developed should be handled by the Federal Power Commission under the general terms of the Federal water power act and not as proposed in the bill. All interests of the Department of the Interior will be adequately met through the membership of the Secretary of the Interior on the commission.

There are two other considerations which should not be overlooked in dealing with the Colorado River. These are the Colorado River compact and the use of water in Mexico.

The Colorado River compact, negotiated for the purpose of determining by mutual agreement rather than by litigation the allocation of the waters of the river between the several States in the basin, has been ratified by all the States except Arizona. This compact we believe of primary importance in any comprehensive plan of development of the river. Until it is ratified, or it is known that it can not be ratified, we doubt the advisability of the establishment through construction of rights in the lower States of such magnitude as would be involved in the proposed storage at Boulder Canyon.

The regulation of the Colorado River to the extent proposed by the Boulder Canyon Dam will produce in the lower river a minimum discharge far in excess of present irrigation requirements in the United States. The surplus waters will pass into Mexico and will undoubtedly be put to use for irrigation there. Once put to use, their subsequent withdrawal for use elsewhere would be difficult, if not impracticable. It would therefore seem highly desirable to reach a general agreement with Mexico on the problem of the lower river before extensive storage is provided in the United States. The construction of the all-American canal will not obviate the necessity of constant dealings with Mexico in connection with irrigation or protection of lands in the United States. Irrespective of the amount of flood-control storage in the United States, it will for many years, at least, be necessary in the protection of the Imperial Valley to maintain levees and revetments in Mexico, and arrangements must be effected whereby this work can be carried on whenever necessary without interference.

Very truly yours,

JOHN W. WEEKS,
Secretary of War, Chairman.
HUBERT WORK,
Secretary of the Interior.
HENRY C. WALLACE,
Secretary of Agriculture.

In conclusion, the great point at issue is whether or not the States are sovereign over their waters, subject only to the right of Congress to legislate for the improvement of navigation.

Arizona can not, under any circumstances, yield her right to an equitable share of the waters of the Colorado River available for use in the lower-basin States. This water is absolutely essential to Arizona's development. It represents the only possibility of the reclamation of a large tract of her arid but exceedingly fertile and otherwise highly favored land. It means, at some time in the not remote future, population, homes, taxable wealth, prosperity, and the subsisting of peoples. Aside from the question of the rights of States and of geographical boundaries, the deprivation of this land of an opportunity for development would mean a tremendous economic waste, both in the production of crops and in the duty of water.

Arizona has 1,500,000 acres of land, easily susceptible of irrigation from the main stream of the Colorado River. It is land

highly favored both by soil and climatic conditions and lies adjacent to the Colorado and Gila Rivers in the southwestern portion of Arizona. It requires only water to make it tremendously productive of crops of a highly valuable character, and which can be produced only to a limited extent in the United States. This land drains back into the Colorado and Gila Rivers and its irrigation will therefore result in a return flow, and in an important saving of water over the irrigation of land having no drainage, where the water actually used on the land as well as the surplus flowing in the canal is forever lost. Through engineering feats of the greatest proportions all of the water of the Colorado River might be placed by gravity upon Arizona land, but no questionable engineering feat is involved in the utilization of Arizona's fair division of the water available for use in the States of the lower division. This is Arizona's claim, which she presents for the consideration of all who are fairly disposed toward the principle of equity and justice. It may be true that with only one-half of the water in the lower basin at her disposal, some of California's desert land could not be watered. If so, no hardship would be suffered by that State, which would not likewise be visited upon Arizona. If some acreage must be forever arid, there is no sound reason why Arizona should be singled out to bear the burden and the loss.

I now read to you from the Saturday Evening Post an article written by a gentleman who is not friendly to Arizona's attitude, judging from the whole article; but this is what, in part, he says:

> Wealth and population are small in Arizona as compared with California. But the percentage of growth has been very remarkable, indeed. The State has been settled by white men and free from Indian disturbances a short time, comparatively speaking. All things considered, it is doubtful if any other State has such just cause for pride. Great mining industries, large farming areas, unequaled scenic attractions, good roads, excellent schools, a large State university, flourishing cities, famous health resorts—all these have been established or rendered accessible in an amazingly short period of time.

This is not from some orator who speaks as a friend of Arizona, but it is from a man writing in the Saturday Evening Post from the viewpoint of an antagonist of Arizona's position. Arizona has done these things within 20 years. This bill would destroy our opportunity for and stifle our hope of future growth.

I should say at this juncture that those who are foremost in promoting this legislation do not understand this bill; I say this not in criticism of their ability, but to do justice to their morality, for if they understood the consequences of this bill they would not be found supporting the same.

This bill is a reckless and relentless assault upon Arizona. It may indeed appeal to some as a project of superb magnitude, but the bill is ruthless and cynical. It swarms with cryptic phrases. It is not the voice of compromise or an extension of the hand of amity and friendship.

I denounce it in the name of the Federal Constitution, which it violates; I denounce it in the name of Arizona, whose sovereignty it violates; I denounce it in the name of that fair play, which most bullies and all pugilists respect.

Mr. HAYDEN. Mr. President, I desire to be heard on the amendment to the committee amendment offered by the senior Senator from Arizona [Mr. ASHURST].

Before I concluded my remarks last night I referred to numerous instances in which States have provided compensation to counties, municipalities, and localities where private property has been purchased by the State within the limits of such a political subdivision for a higher State use.

It is no reflection upon the States of Arizona and Nevada to say that with respect to the exemption from taxation of property acquired or developed by the United States in carrying out a national policy of conservation the two States may be properly said to bear a similar relation to a county in a great State like New York or Pennsylvania where private property is acquired for a State use, such as a forest reserve or a State game sanctuary. It seems to me that the parallel thus drawn is true, and by analogy, at least, justifies the claim that Arizona and Nevada are making for compensation for the use of their lands and their waters in the event that hydroelectric power should be developed by the Federal Government at Boulder Dam.

I now desire to discuss another phase of the situation which has a direct bearing upon the present controversy.

CONGRESS MAY CONSENT TO STATE TAXATION OF FEDERAL PROPERTY

There are those who dogmatically assert that Federal property can not be taxed by the States. That is not a true statement; it only states half of the truth. The whole truth is that Federal property can not be taxed by the States except with the consent of Congress.

The title to lands and other property belonging to Indians is held in trust by the United States, therefore no State has an inherent right to tax the same. This has been repeatedly decided to be the law by the Supreme Court of the United States. Minerals produced on Indian lands are likewise tax exempt. The leading cases sustaining this contention are Howard *v.* Gypsy Oil Co. (247 U. S. 503) and Large Oil Co. *v.* Howard (248 U. S. 549), and were the result of an attempt by Hon. E. B. HOWARD, State treasurer of Oklahoma, now a Member of Congress from that State, to collect a production tax on oil produced on Indian lands.

But Congress has since consented that minerals produced on Indian lands may be taxed by the States. Permit me to cite some instances.

THE QUAPAW COUNTRY

In the act of March 3, 1921 (41 Stat, 1249) relating to the Quapaw Indians of Oklahoma, there is contained the following proviso:

> *And provided further,* That the production of minerals on said lands may be taxed by the State of Oklahoma in all respects the same as that produced on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid from out of the individual Indian funds held under his supervision, belonging to the Indian owner of the land, the tax so assessed against the royalty interests of the respective Indian owner in such production: *Provided, however,* That such tax shall not become a lien or charge of any kind or character against the land or other property of said Indian owner.

That law related to the mining of lead and zinc in the Quapaw country in Oklahoma.

THE OSAGE INDIAN RESERVATION, OKLA.

Another precedent for the payment of a State tax on minerals produced on Indian lands is found in section 5 of the act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

That act related primarily to the length of the trust period, as it was called, whereby the property, particularly the real estate of restricted Indians, was to be held in trust by the United States until the year 1932. Oil was found in the Osage country, and the State of Oklahoma, as I stated, endeavored to levy a production tax on the oil, but the Supreme Court decided that under the Constitution of the United States the State of Oklahoma could not collect such a tax.

The Osage Indians greatly desired that this trust period be extended for an additional term of years. It was greatly to their advantage that such action be taken by Congress, but the Oklahoma delegation in Congress, the Senators and Representatives from that State, said that they would not agree to the passage of an act extending the trust period unless the Osage Tribe of Indians, which had grown wealthy from the discovery of oil within their lands, would permit Congress to direct that the same kind of a production tax which was collected on oil produced on private land in Oklahoma should likewise be levied on oil produced on the Osage Reservation. In carrying out that compromise, Congress enacted the following provision, which is section 5 of the act I have cited:

> SEC. 5. That the State of Oklahoma is authorized from and after the passage of this act to levy and collect a gross production tax upon all oil and gas produced in Osage County, Okla., and all taxes so collected shall be paid and distributed; and in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma, the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency, to the State of Oklahoma, from the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, the per cent levied as gross production tax, to be distributed as provided by the laws of Oklahoma.

INDIAN RESERVATIONS CREATED BY TREATY

This principle thus established with respect to the Quapaws and the Osages of Oklahoma was later extended to oil and other minerals produced on all treaty reservations. I read from the act of May 29, 1924 (43 Stat. L. 244), an act to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891:

> *Be it enacted, etc.,* That unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of 10 years under the preceding section may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed 10 years, and as much longer as oil or gas shall be found in paying quan-

tities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: *Provided,* That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided, however,* That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (May 29, 1924, c. 210, 43 Stat. 244.)

INDIAN RESERVATIONS CREATED BY EXECUTIVE ORDER

Following the passage of the act of May 29, 1924, Congress passed additional legislation to authorize oil and gas mining leases upon unallotted lands on Executive order Indian reservations. I shall not read the entire act, but direct particular attention to section 3, which emphasizes the point I have made with respect to the power of Congress to authorize the collection of taxes by the States:

SEC. 3. That taxes may be levied and collected by the State or local authority upon improvements, output of mines or oil and gas wells or other rights, property, or assets of any lessee upon lands within Executive order Indian reservations in the same manner as such taxes are otherwise levied and collected, and such taxes may be levied against the share obtained for the Indians as bonuses, rentals, and royalties, and the Secretary of the Interior is hereby authorized and directed to cause such taxes to be paid out of the tribal funds in the Treasury: *Provided,* That such taxes shall not become a lien or charge of any kind against the land or other property of such Indians.

I have here a copy of the House report on an identical bill, from which I shall read in order to indicate the true intent of the provision I have just cited.

The effect of this section is to permit the State to collect directly from the oil producer on Indian lands any and every kind of tax that may be assessed against others engaged in like operations elsewhere in the State. The State is not authorized, however, to collect such taxes directly from the Indians, but the same are to be paid for them by the Secretary of the Interior, and a proviso is added which exempts the lands or other property of the Indians from any tax lien. The final result of this legislation will be that the entire output of oil and gas will be taxed by the States, the producer paying upon his share and the Indians upon the share obtained for them.

STATE TAXATION OF NATIONAL BANKS

Just as Indian property held in trust by the United States can not be taxed, except with the consent of Congress, the same is true of the property of instrumentalities of the Federal Government, of which the national banks are a typical example. The latest expression of congressional consent in that respect is the McFadden bill, public law No. 75, Sixty-ninth Congress, approved March 25, 1926.

The States had a perfect right to complain that the national banks were competing with State banks, were engaging in a business which is not governmental, and therefore should not be tax exempt, and therefore Congress removed the exemption.

Arizona and Nevada say that if the Federal Government is to go into the power business in competition with private enterprise, is to engage in that which is not a true function of government, then Congress should see to it that those who are to be the beneficiaries of this power development at Boulder Dam should not use "Uncle Sam" as the excuse for cheating the two States out of the taxes which are justly due them.

The McFadden Act reads as follows:

[Public, No. 75, Sixty-ninth Congress]

An act (S. 3377) to amend section 5219 of the Revised Statutes of the United States

Be it enacted, etc., That section 5219 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may (1) tax said share, or (2) include dividends derived therefrom in the taxable income of an owner or holder thereof, or (3) tax such associations on their net income, or (4) according to or measured by their net income, provided the following conditions are complied with:

"1. (a) The imposition by any State of any one of the above four forms of taxation shall be in lieu of the others, except as hereinafter provided in subdivision (c) of this clause.

"(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided,* That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

"(c) In case of a tax on or according to or measured by the net income of an association, the taxing State may, except in case of a tax on net income, include the entire net income received from all sources, but the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits: *Provided, however,* That a State which imposes a tax on or according to or measured by the net income of, or a franchise or excise tax on, financial, mercantile, manufacturing, and business corporations organized under its own laws or laws of other States and also imposes a tax upon the income of individuals, may include in such individual income dividends from national banking associations located within the State on condition that it also includes dividends from domestic corporations and may likewise include dividends from national banking associations located without the State on condition that it also includes dividends from foreign corporations, but at no higher rate than is imposed on dividends from such other corporations.

"(d) In case the dividends derived from the said shares are taxed, the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

"2. The shares of any national banking association owned by nonresidents of any State shall be taxed by the taxing district or by the State where the association is located and not elsewhere; and such association shall make return of such shares and pay the tax thereon as agent of such nonresident shareholders.

"3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"4. The provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section."

Approved March 25, 1926.

The point I desire to emphasize in this connection is that just as in the case of oil and other minerals produced on Indian lands, where the Indians are abundantly able to pay taxes, Congress very properly reasoned that, although a national bank may be an instrumentality of the Federal Government, and, therefore, under the Constitution exempt from taxation, it was unfair to the States to create a Federal agency of that kind, and place it in competition with banks organized by the State, and give it the great advantage of exemption from State taxation. Let me repeat the Arizona contention with respect to the development of power of the Colorado River, that if the Federal Government desires to engage in the business of producing hydroelectric power or it is the wish of Congress to delegate that right to some instrumentality of the United States, nevertheless, by engaging in that business, the Federal Government or its agents are doing something which could be done by private enterprise. If the function were performed by private enterprise, the States of Arizona and Nevada would be entitled to collect taxes; and the taxes should be upon the same basis as is so carefully set forth in the act of Congress authorizing national banks to be taxed—that is, at no higher rate than the tax levied by the State upon a similar property, or upon a similar business.

STATE TAXATION OF RAILROAD-GRANT LANDS

The beneficiaries of congressional favors have always been quick to claim exemption from State taxation. The issue was once raised that the United States had such an interest in lands granted to encourage the construction of railroads by reason of a lien for the cost of surveys that the States could not collect taxes on the same. This scheme, devised by clever railroad attorneys, was frustrated by Congress by the act of July 10, 1886 (U. S. Code, p. 1390), which provided that:

No lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed. * * *

In the instance of the Boulder Dam bill now before the Senate we find an almost parallel case to the one I have just cited. Certain localities of the State of California are here asking Congress to do them a great favor, just as Congress did a great favor to the land-grant railroads by giving them enormous areas of land in order to encourage the building of the railroads. Those who obtained gifts of public land immediately sought to be relieved of paying any taxes to the States. Congress had done them a great favor, yet they wanted to go further and

deprive the States of legitimate revenue. Localities in California are appealing to Congress to do them a great favor, but want to have added to the favor the special privilege of being exempt from State taxation.

COMPARISON OF SWING-JOHNSON BILL WITH GENERAL LEASING ACT

Having demonstrated that in the enactment of many laws Congress has consented that the States shall receive compensation in lieu of taxes, I now return to a further consideration of the general oil leasing act of February 25, 1920 (41 Stat. 450). The senior Senator from Nevada has cited that act as the leading precedent for the amendment which he has proposed and which the Committee on Irrigation and Reclamation has recommended to the Senate for adoption. I again read the provision of that act which disposes of the royalties for the benefit of the public-land States:

SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

It will be observed that only 10 per cent of all income from this great natural resource of the public domain goes into the Federal Treasury. Certainly it can not be said that Congress passed this law in order to make a profit for the United States. The truth is that the 10 per cent was estimated approximately to cover the cost of administering the law.

Then 52½ per cent is paid into the reclamation fund. Under its terms, the reclamation act applies principally to the public-land States. The constitutional theory upon which that act is based is that money may be properly expended from the Federal Treasury to aid in the disposal of the public lands. As the Senator from Wyoming [Mr. KENDRICK] has said many times, his State, in which vast quantities of oil have been produced under the general leasing act, has not benefited from the construction of reclamation projects in proportion to that production of oil. Nevertheless, the public-land States generally have gained a great advantage by having over half of all the oil and gas royalties placed in the reclamation fund.

Senator PITTMAN prepared his amendment without reference to the contribution to the reclamation fund. His amendment is based solely upon the provision which gives to the States in which the leased lands are located 37½ per cent of the sales, bonuses, royalties, and rentals. For comparison I shall again read his amendment to show that this is exactly what the Senator seeks to accomplish:

If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract, or contracts, executed under this act, then, immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues and to the State of Nevada 18¾ per cent of such excess revenues.

The question which naturally arises is just what will the States of Arizona and Nevada obtain as revenue if the committee amendment is adopted and becomes a part of the law? It is a practical question and the answer should not be avoided. The senior Senator from Nevada has not dodged the issue. In his address to the Senate on April 28 he said:

This bill gives the Secretary of the Interior the absolute, exclusive power to fix the price at which the power is sold. If he sells the power at cost, then there is no revenue for the State of Arizona or to the State of Nevada. If he sells the power at a quarter of a mill above cost, then the States of Arizona and Nevada get only 37½ per cent of the quarter of a mill, which is a negligible sum. In any event the testimony shows that under that amendment the returns of revenue to the State would be far less than the taxes they would receive from private individuals if the dam were built by individuals or corporations.

Senator PITTMAN further emphasized this point by saying:

The bill provides that the Secretary of the Interior may sell the power at any price he fixes, and that if there is no excess revenue over and above the amount necessary to pay the Government with interest, then the States of Arizona and Nevada get nothing. If there is an excess over that amount, they only get 37½ per cent of it. It is a plain and simple proposition.

The senior Senator from Colorado [Mr. PHIPPS], chairman of the Committee on Irrigation and Reclamation, was equally frank in his explanation of the Pittman amendment to the Senate on May 2. I quote from his speech:

That amendment provides that in the event of excess revenue over and above the amount required for operation and maintenance, for payment of interest on the Government's advances, and for the retirement of the indebtedness within a period of 50 years, 37½ per cent of such excess may be divided equally between the States of Nevada and Arizona. It is believed that in no event would those States derive from that source and by that means anything like the amount they would receive by way of taxation in the event the enterprise were carried forward with private capital.

The Representative in Congress from Nevada [Mr. ARENTZ] has also expressed his views upon the practical effect of an identical amendment to the Swing bill, which has been accepted by the House Committee on Irrigation and Reclamation. Speaking before the Committee on Rules of that body on April 24 the Congressman said:

The State of Nevada has had two amendments accepted by the Irrigation and Reclamation Committee for insertion in this bill. One was to the effect that the surplus created over and above the payments necessary to amortize the cost of this work to the Government, whatever the amount of the surplus may be, will be divided between the States of Arizona and Nevada, but not until those amortization amounts are paid will a dollar come to these States. I do not say that there will ever be a surplus created, but if there should be a surplus created then these States will get it.

The amendment shows upon its face that the intention is to provide for paying to the States 37½ per cent of the net profits after all Federal expenses are paid, and not 37½ of the gross returns, as is provided in the general oil leasing act. Obviously there is a sound reason for doing that, because in the case of oil wells there is no Federal investment, whereas large sums of Government money must be first expended before any revenue can be produced at Boulder Dam.

No one in Arizona or Nevada has ever contended for a single moment that anything be done which would in the slightest degree prevent the repayment during the period of amortization, fixed in the bill, of the total amount which may hereafter be appropriated by Congress for the construction of works at Boulder or Black Canyon. The United States should be completely reimbursed for every dollar expended with interest unless Congress should conclude that it would be proper to make a nonreimbursable appropriation as a Federal contribution toward flood control. In addition thereto there must be returned to the United States all sums expended for operation and maintenance. Neither can anyone possibly object to the allowance of a fair margin for depreciation and all other contingencies.

I can not think of a better way to express the Arizona viewpoint on this question than to read an excerpt from a draft of legislation to provide for the construction and financing of works by the United States for the development of the lower Colorado River Basin, prepared by Mr. Dwight B. Heard, of Phoenix. Mr. Heard is one of the foremost citizens of our State and has devoted much time, talent, thought, and energy to a proper and just solution of the Colorado River problems. Like every good business man, he knows that Congress can not be expected to finance a great reclamation and power project as a free gift. Congress has adopted no such policy and there is no indication that it ever will. In the following provision Mr. Heard has clearly and specifically set forth every item which should be charged to power developed at any Government dam on the Colorado River:

Before any construction work is done or contracted for the Secretary of the Interior shall make provision for revenues from power and other benefits by contract, as in this act provided, for revenues which shall be sufficient to include, after the completion of the proposed works, the following:

First. Annual payment of operation and maintenance charges.

Second. Annual interest on amounts repayable to the United States.

Third. Annual amortization payment due the United States to be completed within 50 years after the completion of the works proposed.

Fourth. The creation of a reserve fund to safeguard operation contingencies and to protect against years of low-water supply. The amount transferred to such reserve fund annually shall be 15 per cent of the sum of this item (4) and item (5) immediately following.,

Fifth. The payment annually, after the payment of items (1), (2), and (3) above, to the States of Arizona and Nevada of a sum equal to the revenue that said States would receive through taxation were

the development herein authorized made by private capital. The estimated amount of the revenue to the States of Arizona and Nevada shall be the amount agreed upon in the three-State agreement between Arizona, Nevada, and California, referred to in this act: *Provided, however,* That all power shall be sold on the basis of commercial competition with steam power at the available market.

Let me repeat that at no time has anyone with authority to speak for the State of Arizona ever seriously proposed that our State should receive compensation in any form from power developed on the Colorado River which would in any manner prevent the United States from receiving all that is annually due to it under any proposed plan of reimbursement. Of course, the Federal Government has the first call for reimbursement. No sane person would advocate any other plan of repayment.

The Senator from Nevada did not deceive himself or seek to deceive the Senate in his explanation of why Congress gave 37½ per cent of the gross Federal income to the States. In the general oil leasing act, as in the Federal water power act, that percentage is not a payment in lieu of taxes because the States are expected by each of said acts to collect their taxes in addition to any payments received from the Federal Government. Senator PITTMAN thoroughly understands and has plainly stated to the Senate that the 37½ per cent which would be paid to the States of Arizona and Nevada in accordance with his amendment, is a payment to those States of compensation for the use of their lands and their waters by reason of the generation of hydroelectric power.

The Senator from Nevada used the general leasing act of 1920 as the basis for his amendment, and that very act recognizes the right of the States to collect taxes. Let me read from the proviso to section 32 of that law wherein Congress specifically recognized that right (41 Stat. 450):

Provided, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

It will be observed that this language is negative rather than positive in expression. Its form very naturally led shrewd lawyers into an effort to have these terms construed by the courts to be meaningless. That is always the way with those who have been granted a favor or a privilege by Congress. They immediately ask for more. They delight to call themselves instrumentalities of the Federal Government and to assert that therefore they are above the law of any State.

The Mid-Northern Oil Co. obtained from the Secretary of the Interior a lease under the act of February 25, 1920, and began the production of oil from public lands of the United States in the State of Montana. That State, by a general law, required all oil companies to pay a tax of 2 per cent on their gross production. By advice of its attorneys, the Mid-Northern Co. refused to pay this tax, and the issue was submitted to the courts for determination. The Supreme Court of Montana decided against the oil company and in construing the act of Congress said:

In the absence of any congressional declaration upon the subject, all of the privately owned property of this plaintiff within the jurisdiction of the State, including the improvements upon the claims, the net proceeds of the mines, and other property or assets whether used in connection with the mining operations or not, is subject to taxation by this State, and excluding the terms just enumerated, we undertake to say that there is not anything else which is or could be subject of taxation except the privilege of producing oil, and if that privilege is held to be exempt, then the phrase "or other rights" employed in the statute is meaningless. But we are not at liberty to assume that the Congress employed the expression for good measure or to conceal an idea; on the contrary, it is our judgment that the phrase was used advisedly with the other terms employed to indicate that a lease authorized by the statute shall not confer upon the lessee of the Government the right to claim any special exemption from taxation which is not accorded to a lessee of a private owner.

Not satsified, these oil producers appealed to the Supreme Court of the United States, and the right of the State of Montana to collect its taxes was again sustained in the following decision:

Supreme Court of the United States. No. 256. October term, 1924. Mid-Northern Oil Co., plaintiff in error, *v.* J. W. Walker, as treasurer of the State of Montana; Joseph M. Dixon, Governor of the State of Montana; C. T. Stewart, Secretary of State of the State of Montana, et al. In error to the Supreme Court of the State of Montana. April 13, 1925.

Mr. Justice Sutherland delivered the opinion of the court:

This suit was brought by the oil company to enjoin the enforcement of an annual license tax imposed by a State statute (Montana Revised Codes, 1921, secs. 2397–2408) (2398. Oil license tax. Every person engaging in or carrying on the business of producing within this State petroleum, * * * must, for the year 1921 and each year thereafter, when engaged in or carrying on any such business in this State, pay to the State treasurer, for the exclusive use and benefit of the State of Montana, license tax for engaging in and carrying on such business in an amount equal to 1 per cent of the total gross value of all petroleum and other mineral or crude oil produced by such person within this State during such year; * * *) upon persons producing petroleum, etc., equal to 1 per cent of the gross value of the oil produced during the year. The statute, as applied to the company, is assailed as invalid upon the ground that the company, by assignment of the original leases, is a lessee of the United States of certain public lands entered as homesteads but not yet granted by patent upon which it is engaged in prospecting for and producing crude petroleum under the provisions of the leasing act of February 25, 1920 (ch. 85, 41 Stat. 437), and therefore "is a governmental agency, means, or instrumentality whose operations can not be taxed by the State." The State supreme court held otherwise. (65 Mont. 414; 68 Mont. 550.)

Whether the company under its leases is an agency, means, or instrumentality of the United States, or in the absence of congressional consent would be outside the reach of State taxation, we need not stop to consider, since we are of opinion that the authority of the State exists in virtue of such consent. Section 32 (41 Stat. 450) of the act contains the following proviso: "*Provided,* That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States."

The contention on behalf of the company is that this proviso, which saves from the effect of any possible adverse construction of the act, rights of the States "which they may have," relates to, and is confirmatory of, existing rights only; that is to say, rights existing when the act was passed. But we find nothing in the body of the act which, by any stretch of meaning, purports to detract from or render less certain any such preexisting rights, and in that view the theory advanced fails for want of material upon which to operate. It fairly can not be supposed that Congress would indulge in the altogether idle ceremony of enacting a law to save rights which, being in no way challenged or affected, stood in no need of being saved. The more natural view, and the one we adopt, is that Congress, having provided for leasing the public lands to private corporations and persons whose property, income, business, and occupations ordinarily were subject to State taxation, meant by the proviso to say in effect that although the act deals with the letting of public lands and the relations of the Government to the lessees thereof, nothing in it shall be so construed as to affect the right of the States, in respect of such private persons and corporations, to levy and collect taxes as though the Government were not concerned. In other words, the purpose of Congress was to remove altogether from the field of controversy, among other questions, the very question which is here presented, and to put beyond doubt the authority of the States to impose taxes upon lessees in respect of their property, although arising from and in respect of their taxable rights, although exercised under the act without regard to the origin thereof or to the interest of the United States in the lands or leases.

Further, it is said that the enumeration of particular objects of taxation causes it to be necessary to limit the general words "or other rights" to things of the same nature in accordance with the doctrine of ejusdem generis, and that, thus limited, the right or privilege of carrying on a business or following an occupation is not included. These general words follow the more particular words "improvements [and] output of mines," and are followed by the equally general words "property or assets," the entire clause being "improvements, output of mines, or other rights, [other] property, or [other] assets." The doctrine invoked is a rule of construction to be used as an aid in the ascertainment of the intention of the law makers, and not for the purpose of subverting such intention when ascertained. Here the enumeration of taxable things, including the general classes, property and assets, is so comprehensive that nothing remains to which the phrase in question can apply, unless to rights like the one here taxed; and to construe it as contended would, in effect therefore, nullify it altogether. (Mason *v.* United States 260 U. S. 545, 553–554.) No doubt what Congress immediately had in mind was the necessity of making it clear that notwithstanding the interest of the Government in the leased lands, the right of the States to tax improvements thereon and the output thereof should not be in doubt; but the intention likewise to save the authority of the States in respect of all other taxable things is made evident by the addition of the three general categories "other rights, property, or assets." We think the proviso plainly discloses the intention of Congress that persons and corporations contracting with the United States under the act should not for that reason be exempt from any form of State taxation otherwise lawful.

Decree affirmed.

A true copy.

Attest: ——— ———,

Clerk Supreme Court, United States.

Thus it will be seen that the very act upon which the Pittman amendment to the Swing-Johnson bill is predicated provides that the States shall receive, first, 37½ per cent of the Federal profits; and, second, their taxes. And that is exactly what the Swing-Johnson bill should, in effect, provide with respect to water power developed at Boulder Dam. After the United States is fully and completely paid each year for every expense chargeable to that great dam, the States of Arizona and Nevada should be given 37½ per cent of the profits. Those who buy power from the Federal Government or those who buy water from the Government dam to make power should also pay the State tax on that power.

The city of Los Angeles and the other municipalities of southern California, which are to be the purchasers of power at Boulder Dam, and which the authors of this bill intend to favor by its passage, should no more be exempted from State taxation on that power than was the Mid-Northern Oil Co. in Montana. Both the oil company and the municipalities are engaged in a business for profit and the fiction that they are performing some Federal function should not be thrown about them as a cloak to hide what, in truth and in fact, is a denial of the right of States to collect taxes which are justly due.

The production of oil is not a function of the Federal Government. The production of hydroelectric power is not a function of the Federal Government. The United States may have an interest in the production of oil as an incident to its ownership of the public domain. The United States may have an interest in the production of hydroelectric power as an incident to carrying out a Federal policy of reclamation and flood control. But that incidental interest in either case should not be made the excuse to cheat and defraud States of revenue from taxation.

Mr. President, I shall now read the text of four amendments to the committee amendment to the Swing-Johnson bill, the acceptance of any one of which by those who speak for the State of California will be satisfactory to the State of Arizona as a complete settlement of the power controversy in the lower Colorado River Basin. The first amendment is taken almost word for word from the proviso to section 32 of the general oil leasing act of February 25, 1920 (41 Stat. 450), and reads as follows:

Amend the committee amendment on page 6 by adding the following proviso at the end of line 12: "*Provided*, That nothing in this act shall be construed or held to affect the rights of the States of Arizona and Nevada to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of electrical energy, or other rights, property, or assets used in connection with or necessary for the production of electrical energy at said Boulder or Black Canyon Dam and/or power plant, except that the tax imposed by any State shall not be higher than the rates assessed upon other rights, property, or assets by said State."

The next amendment which I have prepared for the consideration of the Californians is copied almost exactly from the act of May 29, 1924, which authorized mining for oil and gas on Executive order Indian reservations. This amendment states positively the purpose of my first proposal, which said the same thing in a negative way. I read:

Amend the committee amendment on page 6 by adding the following proviso at the end of line 12: "*Provided*, That taxes may be levied and collected by the States of Arizona and Nevada upon improvements, output of electrical energy, or other rights, property, or assets used in connection with or necessary for the production of electrical energy at said Boulder or Black Canyon Dam and/or power plant, except that the tax imposed by any State shall not be higher than the rates assessed upon other rights, property, or assets by said State."

I shall now read my third proposal in the way of an amendment which contemplates the direct payment of taxes to Arizona and Nevada by the consumers of power in southern California. This would be accomplished by a provision in the contracts for power produced at Boulder Dam, requiring the contractee to pay the taxes levied by Arizona and Nevada. This amendment is based upon the power offers made at various times to California by commissioners representing the State of Arizona, the text of which I have read to the Senate.

Amend the committee amendment on page 6 by adding the following proviso at the end of line 12: "*Provided*, That all contracts for the sale of electrical energy shall provide that the contractee shall pay, in addition to all other payments specified in such contract, to the States of Arizona and Nevada such taxes as may be annually levied by said States upon improvements, output of electrical energy, or other rights, property, or assets used in connection with or necessary for the production of electrical energy at said Boulder or Black Canyon Dam and/or power plant, and the contractee shall further agree to divide the total amount of such taxes levied by said States and pay one-half thereof annually to the State of Arizona and one-half to the State of Nevada: *Provided further*, That the tax imposed by any State shall not be higher than the rates assessed upon other rights, property, or assets by said State."

It will be observed that each of the three amendments just read end with a statement that any taxes imposed by Arizona or Nevada shall not be higher than the rates assessed on other rights, property, or assets by such States. That language is adopted from the McFadden Act of March 25, 1926, which is the latest expression by Congress on the subject of State taxation of national banks.

While Arizona would prefer recognition of the right to tax all power produced on the Colorado River, yet if California should still insist upon a fixed and determined rate per kilowatt-hour, that could be done by accepting the following amendment, which is likewise predicated upon a written offer made by the Arizona Colorado River Commission, to which I have previously referred.

Amend the committee amendment on page 6 by adding the following proviso at the end of line 12: "*Provided*, That all contracts for the sale of electrical energy shall provide that the contractee, in addition to all other payments specified in such contract, shall pay to the State of Arizona one-half of 1 mill per kilowatt-hour and to the State of Nevada one-half of 1 mill per kilowatt-hour for all electrical energy delivered to the contractee at the switchboard at said Boulder or Black Canyon Dam and/or power plant."

All of these amendments originate from the idea that Congress might possibly authorize the Secretary of the Interior to construct and operate a hydroelectric power plant at Boulder Dam. I do not believe that any bill carrying such a provision will ever become a law; and, therefore, do not offer the four proposals as amendments for consideration by the Senate at this time. Changing the Swing-Johnson bill so as to prevent the Federal Government from engaging in the power business at Boulder Dam, and authorizing licenses to be issued at that Government dam by the Federal Power Commission will accede to Arizona's wishes in a much more satisfactory way than any of these four alternative proposals which I have presented. The amendment that I offered yesterday points out the proper way in which to settle the Colorado River power dispute.

WHAT IS A GOVERNMENT FUNCTION?

Even if the Federal Government should itself generate and sell power at Boulder Dam the consumers of that power should be required to pay the equivalent of taxes to Arizona and Nevada, because the generation of electrical energy is not a governmental function.

I now propose to discuss the question as to whether the manufacture and sale of electrical energy is a governmental function. Everyone will admit that Congress has no constitutional authority to pass an act providing that some department or bureau shall directly engage in that activity. The States have at no time delegated any such authority to the Federal Government. The only way in which the United States can own and operate a power plant is where the generation of electricity is a mere incident to the exercise of some constitutional power such as the control of interstate commerce or the disposal of the public lands.

The functions of the Federal Government are limited and defined by the Constitution. To the States are reserved all powers not conferred upon Congress, so that a State may engage in any or all kinds of industrial pursuits if its people so desire, and amend the constitution of the State according to that desire. The same is true of municipalities which are arms of the State and derive their powers from it. To the States and to municipalities the industrial field is wide open. No such limits are imposed upon them as are fixed by the Federal Constitution upon Congress.

But just what is the difference between the governmental and the proprietary or business functions of States and municipalities? I have made some study of that question and find it difficult to answer. The answer depends not only upon the nature of the specific activity which may be under consideration, but time is also a factor. An evolutionary change is taking place and many enterprises which were once considered to be wholly private are now accepted to be of a public nature.

On Thursday, May 17, a very interesting and illuminating discussion took place on the floor of the Senate in connection with an amendment offered to the revenue bill by the junior Senator from Michigan [Mr. VANDENBERG]. By adopting the amendment, the Senate in effect decided to widen the definition of a governmental function as applied to municipalities by granting exemption from the Federal income tax to a larger number of the employees of cities and towns.

I voted for the Vandenberg amendment, first, because the total Federal revenue from that source will not amount to

$100,000 a year. The sum is so small as to not be worth contending for on principle. The second reason for my vote was that I would rather err upon the side of liberality toward municipal employees than to continue a practice which is discriminatory.

The only lesson that can be learned by a study of the controversy between the Federal Bureau of Internal Revenue and the city employees who have petitioned for relief is that Congress has the undoubted power to tax the nongovernmental activities of States and municipalities, but can waive the payment of such taxes as a voluntary act of grace. If that is true, and I am firmly convinced that it is, then the rule should work both ways. No State should be called upon to surrender any revenue that is justly due it from a nongovernmental activity of the Federal Government, unless it does so of its own free will and accord as an act of comity between sovereigns.

I first became interested in this question of what is a governmental function by reason of a letter which I received from Hon. S. C. Evans, mayor of Riverside, Calif., written in behalf of the employees of the water and electric light bureaus of that city. I am always glad to be of assistance to our neighbors in the Golden State whenever it is humanly possible for me to do so, and therefore took pleasure in communicating with the Commissioner of Internal Revenue. I promptly wrote to the commissioner and received the following reply:

TREASURY DEPARTMENT,
Washington, January 2, 1925.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: Receipt is acknowledged of your letter of December 23, 1924, transmitting letter from Hon. S. C. Evans, mayor, Riverside, Calif., relative to a ruling of the bureau holding that the compensation of officers and employees of the water and electric-lighting system owned and operated by the city of Los Angeles, Calif., is not exempt from income tax. Mayor Evans states that the city of Riverside, Calif., owns and operates its water and electric-lighting systems. He contends that to subject the compensation of the officers and employees of such systems to income tax for prior years will work a hardship, and expresses an opinion that the ruling should not be applied retroactively.

In reply, I have to state that the bureau has recently carefully considered the income-tax status of officers and employees of municipally owned and operated water and electric-lighting systems, as well as other utilities. The rulings of the bureau accept the distinction between essential governmental functions of a State or municipality on the one hand, and its proprietary or private activities on the other, as determining the question of the taxability of the compensation received by the officers and employees of a State or municipality, and hold that the implied exemption from Federal taxation applies to the compensation of officers and employees engaged in the former activities, and does not apply to the compensation of officers and employees engaged in the latter activities.

In the case of the Los Angeles Gas & Electrical Co. *v.* The City of Los Angeles et al. (241 Fed. 912, 918), the district court for Southern California, speaking with respect to the activities of the city of Los Angeles in furnishing electrical energy to the inhabitants of that city, said:

"Whatever the city does, however, in the matter of actually engaging in the furnishing and delivering of electrical energy to itself and its inhabitants is done in its proprietary or quasi private capacity (Walla Walla *v.* Walla Walla Water Co., 172 U. S. 1, 8, 10; 19 Sup. Ct. 77, 43 L. Ed. 341; South Pasadena *v.* Pasedena Land Co., 152 Cal. 579, 593, 93 Pac. 490; Safety Insulated Wire Co. *v.* Baltimore, 66 Fed. 140, 13 C. C. A. 375) * * *."

This language of the district court was approvingly referred to by the United States Supreme Court and the decree of the district court affirmed on appeal in a decision of that court reported in 251 U. S. 32, 38. In this connection also, attention is invited to the case of South Carolina *v.* United States (199 U. S. 437, 463), in which the Supreme Court quoted with approval from the Western Saving Fund Society *v.* City of Philadelphia (31 Pa. St. 175), as follows:

"Such contracts (i. e., contracts for supplying gas) are not made by the municipal corporation by virtue of its powers of local sovereignty, but in its capacity of a private corporation. The supply of gaslight is no more a duty of sovereignty than the supply of water. Both these objects may be accomplished through the agency of individuals or private corporations, and in very many instances they are accomplished by those means. If this power is granted to a borough or a city, it is a special private franchise, made as well for the private emolument and advantage of the city as for the public good."

After careful consideration of the entire matter it is the opinion of this office that a city in furnishing water and electricity to its residents is acting in a proprietary rather than in its sovereign capacity, and that the compensation of officers and employees engaged in such activities is not exempt from income tax under the revenue acts of 1918, 1921, and 1924.

In regard to applying the ruling without retroactive effect, you are advised that the ruling has not been promulgated as a Treasury decision or regulation. It, therefore, does not come within the purview of section 1008 of the revenue act of 1924, which provides for the application of a regulation or Treasury decision, under certain conditions, without retroactive effect.

Mr. Evans's letter is returned herewith.

If you desire to take up this matter with me further, consideration will be expedited by reference to IT:E:RR–ALH.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

Not being satisfied with his reply, I again wrote to the Commissioner of Internal Revenue and directed his attention to the fact that while the Federal income tax was being collected from the employees of cities engaged in such activities as the production of hydroelectric power, nevertheless the municipal bonds issued to build power plants or electric-light plants were exempt from taxation.

To my second letter I received the following reply, dated February 18, 1925, from Commissioner Blair:

TREASURY DEPARTMENT,
Washington, February 18, 1925.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: Reference is made to your letter of January 5, 1925, acknowledging receipt of office letter, dated January 2, 1925, wherein you were advised that a municipality in furnishing water and electricity to its residents is acting in a proprietary rather than in its sovereign capacity and that the compensation of officers and employees of the municipality engaged in such activities is not exempt from income tax under the revenue acts of 1918, 1921, and 1924. You request to be informed as to the reasons for holding that the compensation of such officers and employees is subject to income tax, while the income derived from securities issued by a municipality for the installation of lighting, power, and water systems is held to be exempt.

In reply, I have to state that the revenue acts above referred to expressly provide for the exemption from income tax of the interest upon the obligations of a State or political subdivision thereof. They do not, however, contain a provision for the exemption of compensation received by officers and employees of a State or political subdivision thereof. Such compensation is exempt, nevertheless, by reason of the implied constitutional limitation which prohibits the Federal Government from taxing the means and instrumentalities of a State in the exercise of its governmental functions and vice versa. But, as stated in the office letter of January 2, 1925, above referred to, the compensation received by such officers and employees is not exempt when the services are rendered in connection with the private activities of such State or political subdivision thereof.

If you desire to take up this matter with me further, consideration will be expedited by reference to IT:E:RR:ALH.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

This correspondence took place in 1925. Being desirous two years later of ascertaining whether there had been any change in the attitude of the Bureau of Internal Revenue, I again wrote to Commissioner Blair, and received the following reply:

TREASURY DEPARTMENT,
Washington, January 18, 1927.

Hon. CARL HAYDEN,
House of Representatives.

MY DEAR MR. HAYDEN: Reference is made to your recent telephonic request for information as to whether the views of the bureau respecting the taxable status of the compensation of officers and employees of municipally owned and operated water and electric lighting systems are still the same as those expressed in office letters dated January 2, 1925, and February 18, 1925, respectively.

In reply you are advised that the position taken in the office letters referred to represents the bureau's present attitude on the subject, in so far as the taxable year 1925 and subsequent years are concerned. Section 1211 of the revenue act of 1926 provides that any taxes imposed by the revenue act of 1924 or prior revenue acts in respect of the compensation received for personal services as an officer or employee of any State or political subdivision thereof, except to the extent that such compensation is paid by the United States Government either directly or indirectly, shall be abated, credited, or refunded, subject to the statutory period of limitations applicable. As to 1924 and prior years, it is immaterial whether the activity of the State or political subdivision thereof in which the officer or employee was engaged was of a governmental or nongovernmental character. The compensation received by an officer or employee of a State or political subdivision thereof for the year 1924 or prior years is not subject to income tax. Any compensation received by such officer or employee for services

rendered on or after January 1, 1925, in connection with the exercise of a nongovernmental function is subject to income tax under the revenue act of 1926.

A municipality in furnishing water, light, or power for the general use of its residents is not deemed to be engaged in an essential governmental function. The compensation of its officers and employees engaged in such activities is subject to income tax under the revenue act of 1926.

The position of the bureau in the matter is fully set forth in Solicitor's Opinion 152, Cumulative Bulletin II–2, page 93; Solicitor's Memorandum 2232, Cumulative Bulletin III–2, page 83; and Income Tax Ruling 2324, Bulletin V–52, page 2, Internal Revenue Bulletin Service. The bureau has no supply of these bulletins available for distribution. They may be obtained from the Superintendent of Documents, Government Printing Office.

If you desire to take this matter up with me further, consideration will be expedited by reference to IT:E:RR:ALH.

Sincerely yours,

D. H. BLAIR, *Commissioner.*

I have here, Mr. President, several decisions by the Solicitor of the Bureau of Internal Revenue which thoroughly cover this question. I read from Internal Revenue Bulletin of July–December, 1923, Cumulative Bulletin II–2, at page 93:

ARTICLE 88—COMPENSATION OF STATE OFFICERS AND EMPLOYEES

(II–35–1217, Sol. Op. 152)

INCOME TAX: SECTION 213, REVENUE ACT OF 1921

"The compensation of officers and employees of a street railway owned and operated by a municipality is taxable income under the revenue act of 1921."

The attached file relative to the income-tax liability of salaries and wages paid officers and employees of the M Street Railways, which have been acquired and are now operated by the board of street railway commissioners of the city of S, has been submitted to this office for an opinion on the law involved. The specific question presented is whether such compensation is taxable income under the revenue act of 1921.

Pursuant to authority granted by section — of article — of the constitution of the State of T, and particularly by section — of the State statutes (as amended by Pub. Acts 19—, No. —; Pub. Acts 191—, No. —), a city charter was adopted by the people of the city of S in 19—. This charter provided in chapter — of title — that the city should proceed to acquire or construct a street-railway system as soon as practicable, to be operated by a board of street railway commissioners. Under this authority the city of S now owns and operates a system of street railways in the city.

In the briefs filed by the corporation counsel of the city of S it is argued that the operation of the street-railway system is a governmental function, and is so regarded by the State and city; that, in any case, even regarded as a purely proprietary function, it is a necessary element in the city's existence. In either event, it is urged that the compensation of the street-railway officers and employees is exempt, evidently upon the theory that the Federal Government has not the power to lay an income tax upon it.

The sixteenth amendment to the Constitution of the United States provides:

"The Congress shall have power to lay and collect taxes on incomes, *from whatever source derived,* without apportionment among the several States, and without regard to any census or enumeration." [Italics ours.]

During the period in which the proposed amendment was being ratified by the legislatures of the various States it was urged by various writers that the amendment gave Congress the power to tax salaries of officers and employees of the States. (See Foster, Income Tax, p. 78 et seq.; Minor, The proposed income-tax amendment, 15 Va. L. Reg., 737, 753; Hubbard, The sixteenth amendment, 33 Harvard L. R., 794; contra, Ritchie, Power of Congress to tax State securities, 5 A. B. A. Journal, 602.) The basic argument in support of this conclusion is that the amendment in terms gives Congress the power to tax incomes, irrespective of their source (see opinion of Justice Holmes in Evans *v.* Gore (1920), 253 U. S. 245, 267 [C. B. 3, p. 93]), and therefore that salaries of State officials need be given no different treatment than any other salaries. Whatever may be the theoretical merit of this construction, the Attorney General has ruled, in Thirty-first Opinions Attorney General, page 441, that such salaries are not subject to the Federal income tax, even in the absence of a specific exemption in the revenue acts. This opinion has been followed in article 88 of Regulations 62:

"Compensation paid its officers and employees by a State or political subdivision thereof * * * is not taxable."

This exemption is, however, based upon constitutional reasons, irrespective of the statute; that is, it is based upon the necessary implication from judicial decisions construing the Constitution prior to the sixteenth amendment rather than upon any express exemption provisions. Accordingly it is necessary to examine these decisions to determine the scope of the exemption directed by the decisions and followed by the regulations.

In Collector *v.* Day (1870) (11 Wall. 113), the leading case upon the question, relied upon by the Attorney General, the question was whether, under the Civil War income-tax statutes, the salary of a State judge was taxable under the general provisions of the acts. In holding that the salary was not taxable, the court said (pp. 125, 127):

"It is admitted that there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of the States, nor is there any prohibiting the States from taxing the means and instrumentalities of that Government. In both cases the exemption rests upon necessary implication and is upheld by the great law of self-preservation; as any government, whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government.

"* * * the means and instrumentalities employed for carrying on the operations of their governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution, should be left free and unimpaired, should not be liable to be crippled, much less defeated by the taxing power of another government." * * *

It will be observed that the court grants this exemption by implication to the "means and instrumentalities employed for carrying on the operations of their governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution." Granted, then, that the sixteenth amendment did not remove this exemption, what are these "means and instrumentalities"? Are all enterprises in which a State or municipality may choose to engage ipso facto removed from the sphere of Federal taxation? The corporation counsel of the city of S so argues.

The Supreme Court has followed a consistent policy in the series of cases involving this question, which will be indicated by extracts from some of the decisions. In Bank of United States *v.* Planters' Bank of Georgia (1324) (9 Wheat. 904) Chief Justice Marshall said (p. 907):

"It is, we think, a sound principle, that when a government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen. Instead of communicating to the company its privileges and its prerogatives, it descends to a level with those with whom it associates itself and takes the character which belongs to its associates and to the business which is to be transacted."

This distinction between the so-called proprietary functions of a municipality or State and its governmental functions has been further brought out in a series of cases involving Federal taxation. In Salt Lake City *v.* Hollister (1885) (118 U. S. 256) action was brought by the city to recover taxes paid the Federal collector of internal revenue on spirits distilled by the city. It was held that a municipal corporation engaged in the business of distilling spirits was subject to internal-revenue taxation under the laws of the United States. In the leading case upon this subject, South Carolina *v.* United States (1905) (199 U. S. 437), Justice Brewer brings out clearly the distinction noted in the earlier cases between proprietary and governmental functions of a State. The facts were these: The State of South Carolina established dispensaries for the wholesale and retail sale of liquor and prohibited sales by others. The United States demanded license taxes from the dealers, which the State paid. The dispensers had no interest in the sales and received no profits thereon. Later the State protested against the payment of the Federal license taxes and sued to recover amounts already paid. In upholding the power of the United States to levy the license tax, Justice Brewer, after citing Collector *v.* Day, supra, and McCulloch *v.* Maryland (1819) (4 Wheat. 316), said (pp. 456, 457, 459):

"There is something of a conflict between the full power of the Nation with respect to taxation and the exemption of the State from Federal taxation in respect to its property and a discharge of all its functions. * * * The exemption of the State's property and its functions from Federal taxation is implied from the dual character of our Federal system and the necessity of preserving the State in all its efficiency. In order to determine to what extent that implication will go, we must turn to the condition of things at the time the Constitution was framed. * * * Looking, therefore, at the Constitution in the light of the conditions surrounding at the time of its adoption it is obvious that the framers in granting full power over license taxes to the National Government meant that that power should be complete, and never thought that the States by extending their functions could practically destroy it."

* * * * * * *

"It is also worthy of remark that the cases in which the invalidity of a Federal tax has been affirmed were those in which the tax was attempted to be levied upon property belonging to the State, or one of its municipalities, or was a charge upon the means and instrumentalities employed by the State, in the discharge of its ordinary functions as a government."

In this connection I shall depart from reading the opinion of the Solicitor of Internal Revenue to say that, in a vigorous dissenting opinion in South Carolina *v.* The United States (199 U. S. 437), Chief Justice White in substance said that this decision would be the basis of a like demand by States to tax the nongovernmental activities of the United States. Chief Justice White was right. We are making that very plea to-day.

This distinction between governmental and nongovernmental functions should apply with even greater force against the Federal Government, which is one of delegated powers, than to the State governments, to whom all other powers are reserved.

The court then cites Veazie Bank *v.* Fenno (8 Wall. 533), Collector *v.* Day (11 Wall. 113), United States *v.* Railroad Co. (17 Wall. 322), to the same effect, and continues (p. 461):

"In Ambrosini *v.* United States (187 U. S. 1), in which the Federal war revenue tax act, providing for stamp taxes on bonds, was held inapplicable to bonds required from licenses under the dram shop act of Illinois, the court declared:

"'The question is whether the bonds were taken in the exercise of a function strictly belonging to the State and city in their ordinary governmental capacity, and we are of the opinion that they were, and that they were exempted as no more taxable than the licenses.'

"These decisions, while not controlling the question before us, indicate that the thought has been that the exemption of State agencies and instrumentalities from national taxation is limited to those which are of a strictly governmental character and does not extend to those which are used by the State in carrying on of *an ordinary private business.*" [Italics ours.]

The court then refers to the distinction in the law of torts between suits against a city for acts done in its public capacity and for acts in its private character and goes on (p. 463):

"* * * It is reasonable to hold that while the former may do nothing by taxation in any form to prevent the full discharge by the latter of its governmental functions, yet whenever a State engages in a business which is of a private nature that business is not withdrawn from the taxing power of the Nation."

The application of this decision to the present case is obvious. The city of S is here engaged in an enterprise which is not essentially governmental in its nature, but which is normally an ordinary private business. The operation of this ordinarily private business by the city does not remove the compensation paid its officers or employees from the Federal taxing power, since the implied restriction upon that power relates only to the essential governmental activities of the State or city.

The same distinction has been followed in two recent cases, Flint *v.* Stone-Tracy Co. (1911) (220 U. S. 107) and Vilas *v.* Manila (220 U. S. 345). In the former the court quoted South Carolina *v.* United States with approval, and added (p. 157):

"The cases unite in exempting from Federal taxation the means and instrumentalities employed in carrying on the governmental operations of the State. The exercise of such rights as the establishment of a judiciary, the employment of officers to administer and execute the laws, and similar governmental functions can not be taxed by the Federal Government. (Collector *v.* Day, 11 Wall. 113; United States *v.* Railroad, 17 Wall. 322; Ambrosini *v.* United States, 187 U. S. 1.)

"But this limitation has never been extended to the exclusion of the activities of a merely private business from the Federal taxing power, although the power to exercise them is derived from an act of incorporation by one of the States."

In Vilas *v.* Manila, the court said (p. 356):

"We are unable to agree with the argument. It loses sight of the dual character of municipal corporations. They exercise powers which are governmental and powers which are of a private or business character. In the one character a municipal corporation is a governmental subdivision, and for that purpose exercises by delegation a part of the sovereignty of the State. In the other character it is a mere legal entity or juristic person. In the latter character it stands for the community in the administration of local affairs wholly beyond the sphere of the public purposes for which its governmental powers are conferred.

"The distinction is observed in South Carolina *v.* U. S. (199 U. S. 437, 461), where Lloyd *v.* Mayor of N. Y. (5 N. Y. 369, 374) and Western Savings Sec. *v.* Phila. (31 Pa. St. 175) are cited and approved. In Lloyd *v.* Mayor of N. Y., supra, it is said:

"'The corporation of the city of New York possesses two kinds of power, one governmental and public and, to the extent they are held and exercised, is clothed with sovereignty; the other private, and to the extent they are held and exercised, is a legal individual. The former are given and used for public purposes, the latter for private purposes. While in the exercise of the former the corporation is a municipal government, and while in the exercise of the latter, is a corporate legal individual.'"

Reference should also be made to the same distinction in the law of torts, referred to by Justice Brewer in South Carolina *v.* U. S., supra, which is the basis of the decisions in the following illustrative cases: Lynch *v.* City of Springfield (1899) (174 Mass. 430, 54 N. E. 871); Bullmaster *v.* City (1897) (70 Mo. App. 60); City *v.* Babbitt (1894) (8 Tex. Civ. App. 432, 28 S. W. 702); City *v.* Kelly (1882) (38 Ohio St. 50); Western Saving Fund Society *v.* City (1858) (31 Pa. St. 175); City *v.* Corey (1861) (9 Mich. 165). See also Mayor *v.* Birmingham Water Wks. Co. (1903) (139 Ala. 531, 36 So. 614); State *v.* Barker (1902) (116 Iowa 96, 89 N. W. 204).

With the background of these decisions, it must be regarded as established that there is a consistently recognized distinction between the strictly governmental functions of a city on the one hand and its proprietary or private activities on the other; moreover, that the implied exemption from Federal taxation applies only to the former and does not apply to the latter. Although it may well be that the operation of a street railway in the city of S is a necessity, it could scarcely be contended that it is an instrumentality of the city in the discharge of its ordinary functions as a government, within the limitations of the decisions supra. If it is not a means or instrumentality of government, it is not, according to these decisions, removed from the sphere of Federal taxation. This fact is impliedly recognized in the State of T statute (Pub. Acts, 191_, No. —), which conferred authority upon the city to insert in its charter provisions for the acquisition of a street railway. It provides in part:

"When a transportation utility is so acquired State and county taxes shall be paid thereon as if privately owned, also local taxes on any portion of such property lying outside of the city limits."

As was said in Boston Elevated Ry. Co. *v.* Malley (1923) (268 Fed. 864; T. D. 3479, C. B. II-1, p. 251) with reference to a similar provision (p. 869):

"While Federal taxation is not specially mentioned, the fact that the legislature expressly stated that the company should continue to be subject to taxation is strong indication that the legislature intended that the company should be subject to all the obligations to which it was subject before it was placed under the control of trustees appointed by the Commonwealth."

The decisions of the Supreme Court of the United States require the conclusion that the operation of a street railway by the city of S is not a governmental function of the city; that it does not, therefore, fall within any implied exemption from Federal taxation; that, since there is no express exemption of the salaries and wages of officers or employees of such railway either in the sixteenth amendment or in the revenue act of 1921, such salaries or wages are taxable income within such act.

NELSON T. HARTSON,
Solicitor of Internal Revenue.

It seems to me Mr. President, to be perfectly clear that if a distinction is to be drawn between the governmental functions and the business or proprietary functions of cities, it is strictly applicable to the bill now pending before the Senate. If a California municipality engaged in the business of producing and selling hydroelectric power should obtain a license to construct a power plant at a Government dam on the Colorado River, it certainly follows from the logic of the cases cited that such a municipality should be required to pay taxes to the States of Arizona and Nevada, because it is engaged, not in a governmental function but in business for the profit of its citizens.

The same thing, it seems to me, should be true with respect to the United States of America. If it is not an essential governmental function of the Federal Government to engage in the business of producing hydroelectric power at a dam on the Colorado River, certainly if not legally, at least equitably, the States wherein the power plant is located have a just right to insist that they should not be deprived of the same measure of revenue as they would receive if they were permitted to tax a private power corporation engaged in the same business at the same place.

I shall now read from Internal Revenue Bulletin, July to December, 1924, at page 82:

ARTICLE 87—INCOME OF STATES

(See S. M. 2040; sec. 225, art. 424.) Operation of bank under Texas State guaranty fund

III-34-1742—S. M. 2322

ARTICLE 88—COMPENSATION OF STATE OFFICERS AND EMPLOYEES
REVENUE ACTS OF 1918 AND 1921

"Any amounts received by the sheriff of ——— County, Ohio, in excess of the actual cost of feeding State and Federal prisoners, such amounts being retained by him under the laws of the State as part of his official compensation, represent additional compensation from a political subdivision of the State and are not subject to Federal income tax."

Advice is requested relative to the taxability of certain amounts received by a sheriff of ——— County, Ohio, such amounts being the excess of the actual cost of feeding State and Federal prisoners over

the allowances made by law for that purpose. It appears that under the laws of the State of Ohio the sheriff is authorized to keep such excess amounts as part of his official compensation.

Although it is true that the amounts for feeding the Federal prisoners are paid by the Federal Government, nevertheless they are paid to the sheriff in his official capacity, and it would be necessary for him to account for such amounts to the State government and to pay over to the State government any excess over the actual cost were it not for the law of the State which permits him to keep such excess amounts as part of his compensation. The excess amounts are therefore received by him by virtue of the law of the State and not because of the contract which he enters into in his official capacity with the Federal authorities. In other words, although the money comes to him directly from the Federal Government, he is authorized by the State to keep the excess amounts. The authorization coming by virtue of the law of the State, the situation is just the same as though the State had paid the additional compensation to him.

It is held, therefore, that the amounts in question represent additional compensation received from a political subdivision of a State and are not subject to Federal income tax.

NELSON T. HARTSON,
Solicitor of Internal Revenue.

In that case the distinction was again properly drawn between the governmental and the nongovernmental activities of the State or county, and the ruling was undoubtedly correct.

I shall now read from page 83 of the same bulletin:

REVENUE ACT OF 1921

"In deciding whether or not any particular activity in which a State or municipality may be engaged is a governmental function, the attitude of the Federal rather than the State authorities should govern.

"The compensation received for services rendered in connection with a municipally owned water system is not exempt from income tax.

"The income of the employees of the port district of X is not exempt from income tax.

"The salaries of the manager and employees of cafeterias conducted in connection with public schools are not exempt from income tax."

Advice is requested relative to the application of the principles set forth in Solicitor's Opinion 152 (C. B. II–2, 93), where it was held that the compensation of employees of a street railway owned and operated by a municipality was not exempt from Federal income tax under the revenue act of 1921, upon the theory that the operation of a street railway is not a governmental function of a city.

In deciding whether or not any particular activity in which a State or municipality may be engaged is a governmental function the attitude of the Federal rather than the State authorities should govern. (See St. Louis Cotton Compress Co. *v.* Arkansas, 260 U. S. 346; Boston & Maine Railroad *v.* United States, 265 Fed. 578 [T. D. 3004]; Lane Timber Co. *v.* Hynson [T. D. 3593; C. B. III–1, 498]; Boise Title & Trust Co. *v.* Evans, 295 Fed. 223 [T. D. 3551; C. B. III–1, 504].) Where there is a substantial difference of opinion among the State courts and no ruling of any Federal court, the decisions of those courts holding a certain activity to be nongovernmental should be followed in every State, regardless of the rulings of individual States to the contrary. The existence of a well-founded or rational doubt as to the character of the activity should be considered as equivalent to the denial of a claim for exemption on behalf of an employee. In general, the rule that exemptions from taxation are to be strictly construed should be applied and no intendment should be taken in favor of the taxpayer in doubtful cases. (See Wright *v.* Georgia, etc., R. R. Co., 216 U. S. 420.)

In the brief field on behalf of the employees of the M municipally owned waterworks system decisions of the courts of the State holding that the operation of a waterworks system of a city is an exercise of a governmental function are cited. The United States District Court for the District of Massachusetts on May 21, 1924, however, decided that compensation received for services rendered in connection with a municipally owned water system was not exempt from income tax. (Metcalfe *v.* Eddy, unreported to date.) This appears to be in harmony with the rulings of the Federal courts holding municipal waterworks to be nongovernmental in cases other than those involving income taxes (Winona *v.* Botzet, 169 Fed. 321) as well as with the weight of authority among the States and should be followed in all cases, irrespective of the attitude of the courts or statutes of the individual States.

A ruling is also requested as to the status of an employee of the port commission of the port of X. While port districts have been declared by the courts of the State to be "municipal corporations," it seems quite certain that the powers granted them by the State statutes are in the main proprietary rather than governmental in character. According to the State statutes none of the usual police powers of municipalities are delegated, but the districts appear to be restricted to the owning and operating of "wharves," "elevators," "terminal icing plants," "tramways," etc., and modern appliances for the handling, storing, and transporting of freight and handling of passenger traffic. They are made subject to the State laws regulating other public-service corporations, and altogether appear to have few, if any, functions that may not be given private corporations. It is therefore held that the income of the employees of the port district of X is not exempt.

Among the other activities mentioned in the queries presented to this office are the salaries of employees of cafeterias conducted in connection with the public schools.

In purveying food the board of education or the school district is engaged in a business ordinarily carried on by private persons. Such enterprises have been held not to be governmental in character. (See Salt Lake City *v.* Hollister, 118 U. S. 256, and South Carolina *v.* United States, 199 U. S. 437, and other cases cited in Solicitor's Opinion 152.) It seems clear, therefore, that the salaries of the manager and employees of the cafeterias are not exempt.

Inquiry is also made as to whether or not the ruling set forth in Solicitor's Opinion 152 should be made retroactive under the revenue act of 1921. In the opinion of this office that ruling necessarily controls all cases arising under the act referred to.

NELSON T. HARTSON,
Solicitor of Internal Revenue.

Very recently I wrote to the Commissioner of Internal Revenue asking if the views which I have quoted were still maintained as the attitude of his bureau and received the following reply:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 13, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR: Reference is made to your telephone inquiry as to whether the position of the bureau remains the same with respect to the taxable status of the compensation of officers and employees of municipally owned and operated water and electric lighting systems as expressed in my letter to you dated January 18, 1927.

In reply you are advised that the position of the bureau as outlined in the letter of January 18, 1927, referred to, remains the same. While not referring particularly to the compensation of an employee of a municipally owned and operated water or electric lighting system but, nevertheless, as bearing on the general subject, you are referred in addition to the rulings cited in the letter addressed to you under date of January 18, 1927, to I. T. 2376, Internal Revenue Bulletin VI, No. 36, page 2. This ruling covers the case of an employee of a freight traffic commission created by a city council to secure and maintain just and nondiscriminatory freight rates between two ports. The employee's salary for 1925 was deemed taxable, because his service was not considered as being in connection with an essential governmental function of the city.

If you desire to take this matter up with me further, consideration will be expedited by reference to IT:E:RR:RHD.

Very truly yours,

¶. F. MIRES, *Acting Commissioner.*

(VI–36–3408 I. T. 2376)

SECTION 213 (b).—GROSS INCOME DEFINED: EXCLUSIONS

ARTICLE 88. COMPENSATION OF STATE OFFICERS AND EMPLOYEES—REVENUE ACT OF 1926

"The taxpayer is an employee of a freight-traffic commission, a bureau created by a certain city council. His work, as well as that of the bureau in which he is employed, is 'to endeavor to secure and maintain just, reasonable, and nondiscriminatory freight rates applying to and from the ports of M and O, thereby fostering and encouraging the commerce of the ports.'

"Held, that the taxpayer is not rendering service in connection with the exercise of an essential governmental function and, therefore, his salary derived from the source mentioned must be included in his gross income."

An opinion is requested as to the taxability of the salary received by one acting as assistant traffic commissioner of the M Freight Traffic Commission.

The M Freight Traffic Commission is a municipal nonstock, nonprofit bureau created by an act of the M City Council and consists of the commissioners serving without compensation. The purpose of the commission is to secure and maintain just, reasonable, and nondiscriminatory freight rates applying to and from the ports of M and O, thereby fostering and encouraging the commerce of the ports. The commission has authority, subject to the approval of the council, to employ an assistant traffic commissioner. The taxpayer was appointed as assistant traffic commissioner by the commission with the approval of the city council and served in that capacity throughout the taxable year 1925. In that capacity he is subject to the orders of the commission. It is his contention that, inasmuch as he receives his salary from the city of M, he is an employee of a political subdivision of a State and that his income is not subject to Federal income tax.

Article 88, Regulations 69, provides in part as follows:

"Compensation received for services rendered to a State or political subdivision thereof is included in gross income unless (a) the person receives such compensation as an officer or employee of a State or

political subdivision, and (b) the services are rendered in connection with the exercise of an essential governmental function."

In a sworn statement dated September —, 1926, the taxpayer advises that his work, as well as that of the municipal department in which he is employed, is—

To endeavor to secure and maintain just, reasonable, and nondiscriminatory freight rates applying to and from the ports of M and O, thereby fostering and encouraging the commerce of the ports.

Even though the taxpayer's contention that he is an officer or employee of a municipal commission be conceded, it is evident, from the nature and purpose of the M Freight Traffic Commission that the taxpayer is not rendering services in connection with the exercise of an essential governmental function. It is held, therefore, that the taxpayer's salary derived from this source must be included in his gross income for the year 1925.

Mr. President, I have cited these decisions of the Solicitor of the Bureau of Internal Revenue to make plain to the Senate that there is a difference between the governmental and the nongovernmental activities of a municipality, a State, or the Federal Government. If the United States shall engage in business, the rule the Supreme Court has laid down, and which has been followed in the opinions which I have read, should work both ways. A State should have the same right to collect taxes from the business or nongovernmental activities of the Federal Government as the Federal Government has to collect from the business or nongovernmental activities of the State or a municipality.

This distinction has been drawn many times in the courts, and I shall merely read the syllabi of a few of the more important cases.

DISTINCTION BETWEEN GOVERNMENTAL AND PROPRIETARY ACTIVITIES OF MUNICIPALITIES

(Bullmaster *v.* City of St. Joseph (1897), 70 Mo. App. 60)

1. Municipal corporations: Negligence: Public Powers *v.* Private Powers: Electric lighting plant. A municipal corporation exercising the powers which are public and governmental functions delegated to it by the State exclusively for the public good is not liable for the negligence of its officers; but in exercising powers which are of a proprietary character and conferred for private advantage of a municipality, it is liable for negligence in the construction and repair of its electric lighting plant.

(City of Ysleta *v.* Babbitt (1894), 8 Tex. Civ. App. 432; 28 S. W. 702)

The operation of an acequia by a city to furnish water to the public for irrigation is not a governmental act, which a city may perform without liability to individuals.

(The Western Saving Fund Society of Philadelphia et al. *v.* The City of Philadelphia et al. (1858), 31 Pa. State 175)

A city in supplying gas to its inhabitants acts as a private corporation and is subject to the same duties, liabilities, and disabilities. It can not impair the obligation of a contract entered into by it in that capacity because it may deem it for the benefit of its citizens to do so.

(City of Detroit *v.* Corey (1861), 9 Mich. 165)

MUNICIPAL CORPORATIONS—LIABILITY FOR INJURIES

The power conferred upon the city of Detroit to construct sewers under public streets is not a power given to the city for governmental purposes or a public municipal duty imposed on the city like that to keep its streets in repair, or the like, but a special legislative grant to the city for private purposes. The sewers of the city, like its works for supplying the city with water, are the private property of the city—the corporation and its corporators, its citizens, are alone interested in them—the outside public, or people of the State at large, have no interest in them as they have in the streets of the city, which are public highways.

It is interesting to note that this distinction between the governmental and nongovernmental activities of government has been decided in a case which deals with the Federal reclamation of the public lands. In the case of Twin Falls Canal Co. (Ltd.) *v.* Foote et al., circuit court, D. Idaho, S. D., October 23, 1911, the syllabus reads:

In the construction of works for the irrigation of arid public lands under reclamation act of June 17, 1902, c. 1093, 32 Stat. 388 (U. S. Comp. St. Supp. 1909, p. 596), the United States is not exercising a governmental function nor even a strictly public function, but is promoting its proprietary interests.

I read now from the opinion:

The storage of water for irrigation purposes or the reclamation of arid lands is not, accurately speaking, a governmental function, and is not "a necessary part of civil government in the same sense in which the protection of life, liberty, and property, the defense of the Government against insurrection and foreign invasion, and the administration of public justice are." The Government, being possessed of large tracts of arid land, which without irrigation are practically worthless, in pursuance of a wise policy, as we think, is, under the reclamation act, engaged in reclaiming them, to the end that they may become marketable and ultimately fruitful.

(1) In prosecuting such an enterprise, however, it is not primarily performing a governmental, or, strictly speaking, even a public function, but is promoting its proprietary interests. Such advantage as arises therefrom to the people at large is material and not governmental, and is only such as might indirectly accrue to the public from the reclamation of an equal amount of land through private enterprise. (Kansas *v.* Colorado, 206 U. S. 46, 92, 27 Sup. Ct. 655, 51 L. Ed. 956; United States *v.* Hanson, 167 Fed. 881, 93 C. C. A. 371; United States *v.* Burley (C. C.), 172 Fed. 615, id., 179 Fed. 1, 102 C. C. A. 429.)

(2) It will further be borne in mind that the subject matter of this action is not, directly, at least, the right to collect dues or enforce contracts, but to use the flow of a certain stream of water. This right of the Government, such as it possesses, is of the same quality, and is derived from the same sources and rests upon the same basis as that of the plaintiff or any other claimant. Not in its sovereign, but in its proprietary capacity, as the owner of arid lands, it acquired such right, by complying with the laws of the State governing the appropriation and use of water for beneficial purposes. Congress was careful to make clear its intent in this respect, for, by section 8 of the act, it declared:

"That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right."

In acquiring the right, therefore, and in using it, the Secretary of the Interior is not authorized to act independently of, but is directed to proceed in conformity with and subject to, the laws of the State, and there can be no implication that Congress intended that all controversies touching a right thus acquired and held under the State laws should be withdrawn from the State courts. The plaintiff is not seeking to restrain the defendant from collecting water rents or water dues, or from enforcing any contracts that have been made for the payment of money. The only substantive relief sought is the adjudication of conflicting claims to certain water, a judicial determination of the extent, and the dignity of the rights of the several parties to the flow of Snake River. The right not having been conferred upon the Secretary of the Interior by the reclamation act, but having been acquired by him through a compliance with the statutes of the State, in adjudicating the controversy herein involved, the court exercising jurisdiction, whether it be a State or a Federal tribunal, will be under the necessity of construing and applying the statutes, not of the National Government, but of the State. In that view no presumption, to say the least, arises that, if the matter were brought to the attention of Congress, it would advisedly authorize the removal of all such controversies into the Federal court. * * *

Accordingly, the motion to remand will be allowed.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Maryland?

Mr. HAYDEN. I yield.

Mr. BRUCE. I would like to ask the Senator a question. Does he not think that the tension of the present parliamentary situation would be relieved if he would yield and give us an opportunity to have a symposium on the subject of prohibition? I promise that I will enter with the utmost degree of spirit into that symposium, and I think I could assure him it will take me at least 12 hours to summarize all the evils and abuses of prohibition.

Mr. HAYDEN. I do not doubt that the Senate would listen with great interest, as it always has done, to the Senator from Maryland when he addresses it upon that subject.

Mr. BRUCE. We might diversify the nature of the present discussion a little bit. I am afraid it would not hold out any hopes to the Senator from California [Mr. JOHNSON] of a speedy end to the present situation.

Mr. HAYDEN. Certainly, what the Senator from Maryland might say would be diverting to the minds of Senators, but I have a line of argument in opposition to the Boulder Dam bill that I am most anxious to complete.

Mr. HEFLIN. Mr. President, will the Senator permit me to make an inquiry?

Mr. HAYDEN. I yield.

Mr. HEFLIN. In the language of Edgar Allan Poe, "Is there no balm in Gilead?"

Mr. HAYDEN. Mr. President, I had just read a Federal court decision wherein the court holds that in the reclamation of arid lands the Federal Government is not performing a governmental but a proprietary function. If that is true with respect to the irrigation of arid lands, it certainly ought to be true of the business of producing and selling hydroelectric power. That is more of a business, and there is less reason for the United States to engage in it than there is for the reclamation of lands which are a part of the public domain. If such is the case, and if the rule operates to permit Congress to impose taxes upon all incomes of employees of cities or States when engaged in nongovernmental activities, I again inquire, Should not the rule work both ways? Should not the States wherein a Federal enterprise of this character is located, in all equity, in all fairness, be permitted to obtain the revenue which they would receive if the business were conducted by private parties?

Mr. President, it will not be inappropriate at this point to quote from an address delivered at the seven-State conference at Denver on September 24, 1927, by Mr. Clifton Mathews, of Globe, Ariz., one of the legal advisers of the Colorado River Commission of Arizona. Mr. Mathews is a clear headed, straight thinking lawyer, and his brief statement went directly to the very heart of the controversy between Arizona and California with respect to the right of his State to receive revenue from hydroelectric power developed at Boulder Dam. Mr. Mathews then said:

Mr. Chairman and gentlemen of the conference, Arizona has felt that it might be proper at this time to add something further to its exposition of article 7 of the proposal read here this morning by Mr. Maddock.

Article 7, as you will recall, is the article which states that—

"It is expressly agreed and understood that the signatory States in this compact, and their political subdivisions, shall possess the right to derive revenue for public purposes from power developed within their territory or on their boundary."

* * * * * * *

Now, Arizona is not committed to any one particular method of developing the Colorado River, but, in common with the other six States of the basin, she wants such development, and hopes to see it had as early as may be. In that connection it has been recognized by us that the United States Government is concerned, and it well may be that, in the proper development of this river, the United States Government is going to have to take not only a leading part but the leading part in the matter of providing, or at least advancing, funds.

Arizona has no objection in principle to letting the Federal Government do its share, and perhaps more than its share, in the development of the Colorado River. But when we reach that point the question immediately arises as to the extent to which under existing laws the Federal Government may go in that development. We have not questioned that there are certain constitutional functions which the Federal Government can discharge in this connection; there are certain purposes, certain limited purposes, with which the Government can proceed, and over which the Government is supreme, and may proceed without the consent of the State or States. For instance, if it shall be determined that the Colorado River, or certain portions of it, are navigable, there is no question in my mind but that the Government can do whatever is necessary to regulate that navigation. It may build dams for the purpose of regulating and controlling that navigation. There are other things, which I will not stop to list now, which the Federal Government can do in the exercise of its constitutional power. But, in the opinion of Arizona, there are certain limits beyond which the Federal Government, independently and without the consent of the State, is not free to go.

We hold to the position taken in the Pittman resolution, which was read here yesterday but not acted upon, and we are in accord with the conclusions expressed in that resolution. We believe the law is as stated by the committee which drafted the Pittman resolution in its last form; and we believe it follows from that statement of the law that the State of Arizona, or any other State involved, would have the right declared in that resolution, namely, the right to demand and receive compensation for the use of its lands and waters, except for the use by the United States of such lands and waters in the regulation of interstate and foreign commerce. We agree with that principle, and that, I may say, is the basis of the proposal set forth in article 7.

I do not mean to say, of course, that the resolution was drawn first and then the proposition was thought up afterwards, but the principle which led Senator PITTMAN to draft his resolution and present it here and which led the committee of which he was chairman to revise it and submit it yesterday is the same principle on which we acted a year ago, or many months ago, in drafting the proposal which Mr. Maddock read this morning.

We do not conceive that the question of the right of a State to tax Government property is involved in this proposal. If the question were propounded by Mr. Wilson or anyone else whether we claimed for Arizona the right to tax Government property, we could readily answer that in the negative.

We know that there is a theory, briefly referred to by Mr. Maddock, to the effect that if a government, either State or Federal, embarks in business not governmental in character, but purely industrial or commercial, the other government might be able to tax such activities, as the Government did tax the liquor activities of the State of South Carolina. It was suggested by one of the justices in that case that the rule might be reciprocal, that some day the United States might embark in some enterprise which was not strictly governmental in character and so give the right to the State to tax that as a private business. That theory, however, is not the one on which we base our proposal. That is interesting and, I think, an arguable theory, but the thing we come here with is much more substantial, namely, the legal proposition set forth in this Pittman resolution. I won't restate it here, as it was so well stated in the resolution that I would be wasting time to do so.

If these legal principles are correct, if those are indeed the principles which apply to the situation, then it is obvious that there are limits beyond which the Federal Government can not go in the development of the Colorado River.

* * * * * * *

There is another question here, Mr. Chairman, besides the strict question of law. Suppose it were determined against us, assuming for the sake of argument that we are wrong and that the State has no power to block any development that may seem proper to Congress; granting that Congress has unlimited power over our lands and rivers, there is a further question here, one of policy, equity, justice, and fairness. Suppose we all were agreed that Congress had the power to take this river and do as they like with it. I do not think we would agree that it would be right for Congress to override the equitable claims of the State, nor that Congress would be justified in making use of its power of exemption from taxation to the injury of a State and to the favoring of one State over another. I think that we would agree that even though Congress had the power to do that, it ought not to exercise any such power. As a matter of policy and fairness, if we knew in advance that the law was going to be settled against us, we would still say that the States in the Colorado River Basin ought to put themselves on record as holding that Congress ought not to exercise any such power, but should recognize, if not their legal right, their equitable claim to compensation for the use of their lands and waters. That is not anything novel, new, or startling. The proposition is one with which we are well acquainted already. I am speaking now of the equitable rights of the States.

As Mr. Mathews well said, the chief interest in the question of what is a governmental function in its relation to the Boulder Dam dispute is more a matter of equity than of law. The issue to be primarily determined is not whether the Federal Government may lawfully tax the nongovernmental functions of States and municipalities or whether the States have a legal right to tax in like measure the nongovernmental activities of the United States. It would be most unfortunate for both the United States and the States if the strict letter of the law were the only guide which could be used to establish the relationship between the two sovereignties in this particular.

Congress may very properly decide not to collect revenue from a source which leads to friction and discord. Public policy may fully justify the elimination of a Federal tax in order to encourage States and municipalities to engage in certain forms of industrial pursuits. That was, no doubt, the motive of a number of Senators when they gave support to the Vandenberg amendment a few days ago which sought to exempt the employees of municipalities from the Federal income tax.

If Congress may refuse to collect revenue from a source which the Supreme Court has decided to be perfectly legitimate; if Congress may waive a legal right for equitable reasons; Congress can also extend the same measure of justice to the States by allowing them to obtain revenue from the nongovernmental activities of the United States. I have shown that Congress has done that very thing in many instances and I only ask that the rule be made uniform with respect to electrical energy generated at Boulder Dam.

AUGUSTA CORNOG

During the delivery of Mr. HAYDEN'S speech—

Mr. GEORGE. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 3931.

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3931) for the relief of Augusta

Cornog, which was, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Augusta Cornog, a former employee of the United States Public Health Service, who contracted tuberculosis while employed at the Atlanta Veterans' Bureau Hospital; and that said Augusta Cornog shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment.

Mr. JOHNSON. I understand this is a privileged matter and comes here messaged from the House.

The PRESIDING OFFICER. The Senator is correct.

Mr. GEORGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FINAL ADJOURNMENT

Mr. CURTIS. Mr. President, will the Senator from Arizona yield to allow me to submit a privileged motion?

Mr. HAYDEN. I yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I send to the desk a resolution and move its adoption.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The Chief Clerk read the resolution (S. Con. Res. 22), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized and directed to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5.30 o'clock p. m.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McLean	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	George	Metcalf	Smoot
Black	Gerry	Moses	Steck
Blaine	Gillett	Norris	Steiwer
Blease	Glass	Nye	Stephens
Borah	Greene	Oddie	Swanson
Bratton	Hale	Overman	Thomas
Brookhart	Harris	Phipps	Tydings
Broussard	Harrison	Pine	Tyson
Bruce	Hawes	Pittman	Vandenberg
Capper	Hayden	Ransdell	Wagner
Copeland	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Reed, Pa.	Walsh, Mont.
Curtis	Kendrick	Robinson, Ark.	Warren
Cutting	Keyes	Robinson, Ind.	Waterman
Dale	King	Sackett	Watson
Deneen	La Follette	Schall	Wheeler
Dill	Locher	Sheppard	
Edge	McKellar	Shipstead	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. CURTIS. I ask for the yeas and nays on the adoption of the resolution.

Mr. JOHNSON. Under paragraph 5 of Rule XIV, I ask that the concurrent resolution shall lie over one day for consideration.

Mr. CURTIS. Mr. President, under the decisions and precedents, it is well settled and almost universally conceded that resolutions of this kind are privileged and do not have to lie over for one day.

The VICE PRESIDENT. The Chair so rules. The question is on agreeing to the resolution.

Mr. CURTIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. SWANSON (when his name was called). The senior Senator from Kansas [Mr. CURTIS] has shown me a telegram from the junior Senator from Maine [Mr. GOULD] stating that he desires to be paired in favor of adjournment. Using the authority contained in that telegram, I transfer my pair with the senior Senator from Washington [Mr. JONES] to the junior Senator from Maine [Mr. GOULD] and vote "yea."

The roll call was concluded.

Mr. NYE. I desire to announce that upon this question my colleague [Mr. FRAZIER] is paired with the Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "nay."

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is detained at home on account of illness. If he were present, he would vote "nay."

Mr. CURTIS. I desire to announce the following pairs on this question:

The Senator from Delaware [Mr. DU PONT] with the Senator from West Virginia [Mr. NEELY];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Florida [Mr. TRAMMELL];

The Senator from West Virginia [Mr. GOFF] with the Senator from Texas [Mr. MAYFIELD]; and

The Senator from North Dakota [Mr. FRAZIER] with the Senator from Arkansas [Mr. CARAWAY].

If present, the Senator from Delaware [Mr. DU PONT], the Senator from Florida [Mr. TRAMMELL], the Senator from West Virginia [Mr. GOFF], the Senator from Arkansas [Mr. CARAWAY] would vote "yea," and the Senator from West Virginia [Mr. NEELY], the Senator from South Dakota [Mr. NORBECK], the Senator from Texas [Mr. MAYFIELD], and the Senator from North Dakota [Mr. FRAZIER] would vote "nay."

The result was announced—yeas 46, nays 36, as follows:

YEAS—46

Ashurst	Gerry	Moses	Smith
Bayard	Gillett	Overman	Smoot
Bingham	Glass	Phipps	Steck
Blease	Greene	Pine	Swanson
Broussard	Harrison	Ransdell	Thomas
Bruce	Hawes	Reed, Mo.	Tydings
Curtis	Hayden	Reed, Pa.	Tyson
Deneen	Keyes	Robinson, Ark.	Warren
Edge	King	Robinson, Ind.	Waterman
Edwards	McKellar	Sackett.	Watson
Fess	McLean	Schall	
Fletcher	Metcalf	Simmons	

NAYS—36

Barkley	Cutting	La Follette	Shipstead
Black	Dale	Locher	Shortridge
Blaine	Dill	McMaster	Steiwer
Borah	George	McNary	Stephens
Bratton	Hale	Norris	Vandenberg
Brookhart	Harris	Nye	Wagner
Capper	Heflin	Oddie	Walsh, Mass.
Copeland	Johnson	Pittman	Walsh, Mont.
Couzens	Kendrick	Sheppard	Wheeler

NOT VOTING—12

Caraway	Goff	Howell	Neely
du Pont	Gooding	Jones	Norbeck
Frazier	Gould	Mayfield	Trammell

So the concurrent resolution was agreed to.

BOULDER DAM

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

Mr. JOHNSON. Mr. President, I ask unanimous consent that Senate bill 728, Order of Business No. 606, the present unfinished business of the Senate, may be made the unfinished business of the Senate for the day when Congress assembles in December next, 1928, and shall continue the unfinished business then until disposed of.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Reserving the right to object, I want to ask the Senator whether, if his measure becomes the unfinished business, it will be his intention to press it to a vote as rapidly as possible?

Mr. JOHNSON. Indeed, sir, that is what I have been endeavoring to do; but, at any rate, that shall be done. That answers the Senator's query.

Mr. REED of Pennsylvania. Yes.

Mr. President, I think the situation in the present session of Congress has been highly unfair to all the other legislation on the calendar. The Senator from California has been most gracious in yielding first to one of us and then to another; but the practical effect of keeping the Boulder Dam bill astride of the Senate's path for months has been that nothing could be done except by unanimous consent. That is not fair to other legislation.

Mr. NORRIS. Mr. President——

Mr. JOHNSON. Mr. President, that is not quite accurate by any means. When the Boulder Dam bill came before the Senate it came before the Senate upon a distinct agreement upon the part of the author of that bill with those who gave it the right to be a part of the Senate's business that he would permit certain measures—tax measures, conference reports, appropriation measures, and the like—to be heard, and permit his bill to be set aside. The Senator from California always observes sedulously every agreement that he makes; so he observed his agreement made at the time the bill was put upon the list by the steering committee just exactly as he ought to have done.

Mr. CURTIS. Mr. President——

Mr. NORRIS. Mr. President, I wish the Senator would yield for a suggestion. I desire to make a suggestion.

Mr. CURTIS. Let me say just one word. I want to say that the Senator from California faithfully kept every promise that he made, and I hope his request will be granted.

Mr. REED of Pennsylvania. I have no objection.

Mr. NORRIS. Mr. President, the matter to which I wanted to call the attention of the Senator—and I should like to have the attention of the Senate also—is that no bill can be made the unfinished business by unanimous consent. Unfinished business comes about by the operation of a certain parliamentary procedure.

Mr. MOSES. The Senator can move to make the bill a special order for that day.

Mr. NORRIS. I do not want the Senator to get the bill in a situation where it might be displaced.

Mr. JOHNSON. Does the Senator suggest, then, that I move to make it the unfinished business.

Mr. NORRIS. No; the Senator can not do it by motion.

Mr. MOSES. The Senator can move to make it a special order.

Mr. NORRIS. The Senator's bill is now the unfinished business, and if the Senate adjourns without displacing it by motion it will still be the unfinished business. What we ought to do, it seems to me, is, by unanimous consent, to lay it temporarily aside.

Mr. ROBINSON of Arkansas. Mr. President, I make the suggestion that I made yesterday, which will relieve from every difficulty that has been presented; namely, that the Senator from California ask unanimous consent that the unfinished business now be laid aside, and that at 5 o'clock and 29 minutes p. m. the Presiding Officer lay the unfinished business before the Senate. That will have the result of bringing the unfinished business back before the Senate at the time when the Senate has already agreed to adjourn, and it will then be the unfinished business when the Senate meets in December.

Mr. JOHNSON. I accept the suggestion.

Mr. BRUCE. Mr. President, I desire to know whether the suggestion of the Senator from Arkansas and the Senator from Kansas resulted from any concession made by the Senator from California before he took the risks of the vote with reference to final adjournment.

Mr. JOHNSON. Just a minute. I want to know just what the Senator from Maryland means by that.

Mr. BRUCE. I mean just what I said.

Mr. JOHNSON. If the Senator means to imply that I entered into any agreement in relation to the vote, no.

Mr. ROBINSON of Arkansas. Just a minute, Mr. President. Will the Senator yield to me?

Mr. JOHNSON. I do not propose to permit the Senator——

Mr. ROBINSON of Arkansas. The Senator will yield to me. Mr. President, I can assure the Senator from Maryland that I had no understanding with either the Senator from California or either of the Senators from Arizona.

Mr. ASHURST. Quite right.

Mr. ROBINSON of Arkansas. I made this suggestion yesterday because I saw that it would relieve from all the parliamentary difficulties which had been raised, and I repeat it this morning because I feel that it was a fair proposition. Otherwise the Senator from California could keep the unfinished business before the Senate all the time, and we would continue to wrangle here until the hour of 5.30; and I wanted the Senate to do all the business it can between now and that time. I assure the Senator from Maryland that I did not even mention the matter to the Senator from California or to anyone else.

Mr. BRUCE. I just asked as a matter of curiosity; because, since the Senator chose to take the fortunes of war, and he has been carrying on this fight here now for hours——

Mr. JOHNSON. Of course I chose to take the fortunes of war.

Mr. BRUCE. And he did not win, and we did——

Mr. JOHNSON. All right; you did win. You won on the adjournment, did you not?

Mr. BRUCE. I recollect that when he was wrangling, after he got his adversary down he gave him another blow.

Mr. JOHNSON. Well, give me another one if you can, sir. Go on. I intend to.

Mr. BRUCE. We have given you one. We will give you another.

Mr. JOHNSON. Well, go on. You are at liberty to give another if you can.

Mr. NORRIS (and other Senators). Regular order!

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Senator from Idaho.

Mr. JOHNSON. I want to resent the insinuation which was contained in the suggestion that I had entered into any agreement with anybody in respect to this matter.

Mr. BRUCE. I asked whether you had entered into any, and the Senator from Arkansas—whose word is truth itself—said to me that he had entered into none with you. I am satisfied with that.

Mr. JOHNSON. But the implication ought never to have been uttered on this floor; and I resent its being uttered in respect to me. I have made a fight upon this bill. I made a fight upon adjournment. I made the best fight of which I was capable. I have been temporarily beaten; but by Heaven, sir, there is another day, and somebody else may be whipped on that other day! [Applause.]

The VICE PRESIDENT rapped for order.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. The Senator from Arkansas.

Mr. BRUCE. Mr. President——

Mr. ROBINSON of Arkansas. I have been recognized, and I take the floor, not that I have any particular use for it except to make the suggestion that I think this is a fair proposition.

Mr. HEFLIN. I should like to pour some oil on the troubled waters myself.

Mr. ROBINSON of Arkansas. We all want to do that.

The VICE PRESIDENT. The Senator from Arkansas has been recognized.

Mr. ROBINSON of Arkansas. This is a fair suggestion, one that can work harm to no one, that does injustice to no one, and it will relieve the Senate of great difficulty and very many embarrassments. I trust there will be no objection to it.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. I object.

The VICE PRESIDENT. Objection is made.

Mr. BORAH obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, I suggest to the Senator from California that he move to proceed with the consideration of some other bill; and I pledge him that if he secures recognition and moves to again proceed to the consideration of what is now the unfinished business I will vote for it, and every Member on this side, with the exception of the Senator from Maryland, will vote for it, and his bill will be the unfinished business when the Senate adjourns at 5.30, and the Senate will at least have an opportunity to transact some business.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has been on his feet asking for recognition for the last five minutes. The Senator from Idaho is recognized. The Senate will be in order.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. BORAH. I yield to the Senator from Nebraska if he wants to make a parliamentary suggestion.

Mr. NORRIS. That is what I want to make.

I should be very glad to carry out the arrangement the Senator from Arkansas has suggested; but if it is going to require a vote to place the unfinished business back as the unfinished business, it will be a motion that is debatable, and the Senator from Maryland can kill the vote on that motion.

Mr. WATSON. Mr. President, will the Senator yield to me for a question? Why can not the Senator from California move to make the Boulder Dam bill a special order for a fixed time next session? That will settle it.

Mr. NORRIS. A special order will not do him much good. It can be set aside.

Mr. WATSON. It will do him good. If the Senate votes to make it a special order, that fixes it definitely.

Mr. SMOOT. Mr. President, I will say to the Senator from California that, no matter what the situation is, I will vote to make his bill the unfinished business, no matter whether it is one day or any other day.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. If the Senator from California moves to make the Boulder Dam bill a special order, and a special order is entered, and the bill becomes a special order on the convening of Congress, no other order having been entered, would it not then be taken up at the conclusion of the first morning hour and become the unfinished business when the Senate adjourns on that day?

The VICE PRESIDENT. It would, at the conclusion of the first day's business after 2 o'clock.

Mr. LA FOLLETTE. Therefore, Mr. President, I suggest to the Senator from California that he make his bill a special order for the first day of the next session of Congress, at 2 o'clock.

Mr. JOHNSON. Mr. President, I move that the bill which I have just described—that is, Senate bill 728, Order of Business 606—be made a special order for 2 o'clock p. m. the first day of the convening of Congress in December, 1928.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. The Senator from Maryland.

Mr. BRUCE. I desire to say that I am just as much opposed to that suggestion as I was to the last. I can not see why any concession of any kind should be made to the Senator from California in this matter. He should take, as the rest of us do, the hazards of parliamentary procedure.

I am opposed to the Senator's bill. No bill is pending in this body to which I am more antagonistic than I am to his bill. The Senators from Arizona are not more opposed to it than I am. Why, therefore, should I be expected to acquiesce in this proposal simply because somebody rises here and with violent gestures endeavors to place me in a position of parliamentary isolation? I have my own convictions about this matter, and I propose to adhere to them.

As I say, if the Senator had entered into any understanding about the course which things were to take here I should feel entirely differently. I should have the generosity that any successful antagonist should always have; but there was nothing of the sort. He did everything in his power to bring this bill—highly obnoxious to me and to other Members of this body—to a vote. He failed, and he should take the consequences of failure: and I say that I can see no reason why his bill should enjoy a privileged status at the beginning of the next session, only to be again an obstruction to other legislation, as I look at it, as it has been during the present session.

SEVERAL SENATORS. Who has the floor?

Mr. BRUCE. I have the floor, by recognition of the Chair.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. BRUCE. I ask the Senator to take his seat.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. BRUCE. Mr. President——

Mr. ROBINSON of Arkansas. Yeas and nays! Yeas and nays!

Mr. EDGE. Mr. President, the Senator from Maryland has the floor.

SEVERAL SENATORS. Yeas and nays! Yeas and nays!

The VICE PRESIDENT rapped with his gavel.

Mr. BRUCE. You can howl "yeas and nays" until you are black in the face; I have the floor.

SEVERAL SENATORS. Regular order! Regular order!

Mr. REED of Missouri. Mr. President, I rise to a point of order.

Mr. LA FOLLETTE. Mr. President, I object to these tactics. I make the point of order that the Senator from Maryland was addressing the Chair. This body has a certain dignity to maintain, and the integrity of its rules must be maintained.

The VICE PRESIDENT. The point of order is well taken. The Senator from Maryland has the floor.

Mr. BRUCE. Mr. President, the Senator from Wisconsin has spoken in the manly spirit in which he always speaks.

The VICE PRESIDENT. The Chair was under the impression that the Senator from Maryland had finished and was about to ask if there was a second to the demand for the yeas and nays.

Mr. BRUCE. It is very pleasant indeed to find, when I am subjected to little short of indignity and insult by the leader of my own side in this body, that there is on the other side of this Chamber still an individual prepared to see that I receive a proper measure of justice.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I do.

Mr. BORAH. I wanted to ask the Senator if he would not permit us to lay the Boulder Dam bill aside so that we can take up other matters, and then we can adjust this matter later.

Mr. BRUCE. I will.

Mr. JOHNSON. Let us vote.

Mr. BORAH. I suggest to the Senator from California that he ask that the unfinished business be temporarily laid aside.

Mr. JOHNSON. Let us vote upon the motion.

Mr. BORAH. The Senator from Maryland will not consent to a vote.

Mr. JOHNSON. He can not prevent it.

Mr. HEFLIN. Mr. President, I want to suggest to the Senator from California that if his bill is laid aside, to be taken up later, and the Senator from Maryland should get the floor, he could speak on it until adjournment, and it would be up in the air. He had better take it up now, when we have the day before us.

Mr. BRUCE. I think the Senate has quite as good a chance of brevity at my hands as it ever has at the hands of the Senator from Alabama.

Mr. HEFLIN. When they listen to me, they hear something. [Laughter.]

Mr. SWANSON. A parliamentary suggestion.

The VICE PRESIDENT. The Senator will state his suggestion.

Mr. SWANSON. If the unfinished business is laid aside by unanimous consent, any Senator can object to any other measure which may be taken up, and the unfinished business will come back before the Senate.

The VICE PRESIDENT. The Senator is correct. The unfinished business will not lose its status.

EXECUTIVE SESSION

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 30 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1297. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Alice E. Moore;

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; and

S. 3581. An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 433. An act for the relief of Harry C. Bradley;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 652. An act for the relief of Edgar Travis, sr.;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3931. An act for the relief of Augusta Cornog;

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes," within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, Ariz.; and

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks;

H. R. 1320. An act for the relief of James W. Pringle;

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2069. An act for the relief of Squire J. Holly;

H. R. 2492. An act to extend the benefits of the United States Employees' Compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 2651. An act for the relief of David F. Richards, alias David Richards;

H. R. 3202. An act for the relief of Elizabeth Hunt, widow of George W. Hunt;
H. R. 3460. An act for the relief of First Lieut. Frank Z. Pirkey;
H. R. 4589. An act for the relief of Dan A. Morrison;
H. R. 4609. An act for the relief of M. L. Willis;
H. R. 4683. An act for the relief of Fred Andler, jr.;
H. R. 5216. An act for the relief of the New York Marine Co.;
H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;
H. R. 5952. An act for the relief of Robert Michael White;
H. R. 5995. An act for the relief of John F. O'Neil;
H. R. 6350. An act for the relief of Bertram Lehman;
H. R. 6907. An act for the relief of John Marks, alias John Bell;
H. R. 7392. An act for the relief of John I. Fitzgerald;
H. R. 8130. An act authorizing the creation of game refuges on the Ouachita National Forest, in the State of Arkansas;
H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;
H. R. 8511. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco;
H. R. 9009. An act for the relief of Francis Leo Shea;
H. R. 9072. An act for the relief of Louis A. Yorke;
H. R. 9085. An act for the relief of Charles A. Moore;
H. R. 9168. An act for the relief of Simon A. Richardson;
H. R. 9716. An act for the relief of Charles H. Salley;
H. R. 9862. An act for the relief of M. T. Nilan;
H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;
H. R. 10045. An act for the relief of Robert S. Ament;
H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;
H. R. 10244. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;
H. R. 10372. An act regulating Indian allotments disposed of by will;
H. R. 10457. An act for the relief of Norman Dombris;
H. R. 11500. An act for the relief of Ella Mae Rinks;
H. R. 10624. An act for the relief of William J. Casey;
H. R. 11181. An act for the relief of William Parish;
H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;
H. R. 11343. An act for the relief of Frank C. Russell;
H. R. 11422. An act for the relief of Samuel J. D. Marshall;
H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;
H. R. 11510. An act for the relief of Montana State College;
H. R. 11749. An act for the relief of H. A. Russell;
H. R. 11772. An act for the relief of Charles Smith;
H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;
H. R. 12312. An act for the relief of James Hunts Along;
H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;
H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;
H. R. 13440. An act for the relief of Howard P. Milligan;
H. R. 13476. An act for the relief of Joseph M. McAleer;
H. R. 12499. An act for the relief of Arthur N. Ashmore;
H. R. 12612. An act for the relief of E. W. Gillespie;
H. R. 12650. An act for the relief of John F. Fleming;
H. R. 12666. An act for the relief of William S. Shacklette;
H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;
H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;
H. R. 12995. An act for the relief of Etta B. Leach Johnson;
H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;
H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service;
H. R. 13498. An act for the relief of Clarence P. Smith;
H. R. 13606. An act for the relief of Russell White Bear;
H. R. 13633. An act for the relief of Martin G. Schenck, alias Martin G. Schanck;
H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;
H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes;
H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;
H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;
H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes;
H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.;
H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska;
H. R. 13976. An act authorizing the International Business Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.; and
H. J. Res. 311. Joint resolution to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 13622) to amend and supplement the Code of Laws of the United States of America.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks;
H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;
H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service; and
H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service; to the Committee on Post Offices and Post Roads.
H. R. 1320. An act for the relief of James W. Pringle;
H. R. 2069. An act for the relief of Squire J. Holly;
H. R. 2651. An act for the relief of David F. Richards, alias David Richards;
H. R. 3202. An act for the relief of Elizabeth Hunt, widow of George W. Hunt;
H. R. 3460. An act for the relief of First Lieut. Frank Z. Pirkey;
H. R. 4683. An act for the relief of Fred Andler, jr.;
H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;
H. R. 10457. An act for the relief of Norman Dombris;
H. R. 11469. An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.;
H. R. 11772. An act for the relief of Charles Smith;
H. R. 12359. An act for the relief of the widow of Edwin D. Morgan;
H. R. 13476. An act for the relief of Joseph M. McAleer;
H. R. 12650. An act for the relief of John F. Fleming;
H. R. 13633. An act for the relief of Martin G. Schenck, alias Martin G. Schanck; and
H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.
H. R. 1993. An act to correct the naval record of William E. Adams;
H. R. 5995. An act for the relief of John F. O'Neil;
H. R. 6907. An act for the relief of John Marks, alias John Bell;
H. R. 9072. An act for the relief of Louis A. Yorke;

H. R. 9009. An act for the relief of Francis Leo Shea;
H. R. 9168. An act for the relief of Simon A. Richardson;
H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;
H. R. 12666. An act for the relief of William S. Shacklette; and
H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes; to the Committee on Navy Affairs.
H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;
H. R. 4609. An act for the relief of M. L. Willis;
H. R. 5216. An act for the relief of the New York Marine Co.;
H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;
H. R. 6350. An act for the relief of Bertram Lehman;
H. R. 7392. An act for the relief of John I. Fitzgerald;
H. R. 8511. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco;
H. R. 9085. An act for the relief of Charles A. Moore;
H. R. 9716. An act for the relief of Charles H. Salley;
H. R. 9862. An act for the relief of M. T. Nilan;
H. R. 10045. An act for the relief of Robert S. Ament;
H. R. 10178. An act for the relief of the H. J. Heinz Co., Atlantic City, N. J.;
H. R. 11500. An act for the relief of Ella Mae Rinks;
H. R. 10624. An act for the relief of William J. Casey;
H. R. 11181. An act for the relief of William Parish;
H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;
H. R. 11343. An act for the relief of Frank C. Russell;
H. R. 11422. An act for the relief of Samuel J. D. Marshall;
H. R. 11510. An act for the relief of Montana State College;
H. R. 11749. An act for the relief of H. A. Russell;
H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;
H. R. 12499. An act for the relief of Arthur N. Ashmore;
H. R. 12612. An act for the relief of E. W. Gillespie;
H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service; and
H. R. 13498. An act for the relief of Clarence P. Smith; to the Committee on Claims.
H. R. 4589. An act for the relief of Dan A. Morrison;
H. R. 5952. An act for the relief of Robert Michael White;
H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.; and
H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.; to the Committee on Public Lands and Surveys.
H. R. 8130. An act authorizing the creation of game refuges on the Ouachita National Forest, in the State of Arkansas; and
H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska; to the Committee on Agriculture and Forestry.
H. R. 10372. An act regulating Indian allotments disposed of by will;
H. R. 12312. An act for the relief of James Hunts Along;
H. R. 13606. An act for the relief of Russell White Bear; to the Committee on Indian Affairs.
H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;
H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; and
H. R. 13976. An act authorizing the International Business Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.; to the Committee on Commerce.
H. R. 12995. An act for the relief of Etta B. Leach Johnson; and
H. J. Res. 311. Joint resolution to provide an annual appropriation to meet the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts; to the Committee on Foreign Relations.

DEATH OF REPRESENTATIVE THOMAS S. BUTLER, OF PENNSYLVANIA

The PRESIDENT pro tempore laid before the Senate the following resolutions of the House of Representatives, which were read:

House Resolution 231

Resolved, That the House has heard with profound sorrow of the death of Hon. THOMAS S. BUTLER, a Representative from the State of Pennsylvania.

Resolved, That a committee of 57 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House stand in recess until 8 to-night.

Mr. REED of Pennsylvania. I offer the resolution which I send to the desk, which I ask to have read, and then I shall ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

Mr. JOHNSON. Mr. President, we are in legislative session?

The PRESIDENT pro tempore. The Senate is now in legislative session.

Mr. JOHNSON. Let us see where we are in legislative session.

The PRESIDENT pro tempore. The unfinished business is the Boulder Dam bill.

Mr. JOHNSON. That is correct. I am perfectly willing temporarily to lay aside the unfinished business for matters of this kind if I do not lose my place and the unfinished business continues as such.

The PRESIDENT pro tempore. The Chair will so hold.

Mr. JOHNSON. Very well.

The PRESIDENT pro tempore. The clerk will read the resolution presented by the Senator from Pennsylvania.

The resolution (S. Res. 259) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOMAS S. BUTLER, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the Senate stand in recess until 1.30 o'clock p. m.

The PRESIDENT pro tempore. In accordance with the last resolution, the Senate, as a mark of further respect to the memory of the deceased Representative, will stand in recess until 1 o'clock and 30 minutes p. m.

Thereupon (at 1 o'clock and 20 minutes p. m.) the Senate took a recess until 1 o'clock and 30 minutes p. m.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor;
H. R. 13048. An act for the relief of James Aloysius Manley;
H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;
H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.;
H. R. 13778. An act authorizing Alex Gonzales, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;
H. R. 13996. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.; and
H. R. 14034. An act to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America.

BUSINESS FOR REMAINDER OF SESSION

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside; that the Senate proceed to the consideration of unobjected bills on the calendar, receive reports from the several committees, and that at the conclusion of the consideration of the unobjected bills the calendar be called under Rule VIII.

The PRESIDENT pro tempore. May the Chair suggest to the Senator from Kansas that it might be well to change the order in which those items in the unanimous-consent agreement shall be submitted, so that the reports of committees may come first?

Mr. CURTIS. I ask that that be done.

The PRESIDENT pro tempore. Is there objection?

Mr. GLASS. Mr. President, reserving the right to object, I desire to ask unanimous consent to call up from the desk certain measures which are not on the calendar.

Mr. CURTIS. I will include bills and resolutions on the desk.

Mr. REED of Pennsylvania. And conference reports.

Mr. CURTIS. And conference reports.

The PRESIDENT pro tempore. The present occupant of the chair will understand the unanimous-consent agreement to cover all business pending before the Senate, whether on the calendar, reported from committees, or on the Presiding Officer's desk.

Mr. CURTIS. Or to be presented.

The PRESIDENT pro tempore. Or to be presented.

Mr. JOHNSON. Mr. President, the unfinished business remains the Boulder Dam bill; does it not?

The PRESIDENT pro tempore. The Boulder Dam bill is the unfinished business, and under the unanimous-consent request it is temporarily laid aside for the purposes stated in the unanimous-consent request. Is there objection?

Mr. WALSH of Montana. Mr. President, I desire to inquire of the Senator from Kansas what the order will be.

Mr. CURTIS. The presentation of reports will come first.

The PRESIDENT pro tempore. The first thing, the Chair will state, will be to lay down certain messages from the House of Representatives, following which reports of committees will be in order, following which the calendar will be called for unobjected bills, following which the calendar will be called under Rule VIII. In the meantime, any business may be presented from the floor.

Mr. EDGE. Mr. President, a parliamentary inquiry right there. The Chair states that any business may be presented from the floor.

The PRESIDENT pro tempore. By unanimous consent.

Mr. EDGE. Exactly; but if the calendar is to be the third in order, as stated by the Presiding Officer, and then various Members suggest taking up individual bills from the floor, we shall never reach the calendar.

The PRESIDENT pro tempore. It will have to be done by unanimous consent. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

GEORGE A. ROBERTSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1541) for the relief of George A. Robertson, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $1,250 to George A. Robertson for the loss of his right eye while employed by the Department of the Interior in Glacier National Park, 1913.

Mr. WALSH of Montana. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

UMATILLA INDIAN RESERVATION, OREG.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1191) to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," which was on page 1, line 8, to strike out "range" and insert "ranges."

Mr. McNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SANTA ROSA ISLAND, FLA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3991) declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," which was, on page 2, to strike out all after the word "municipality," in line 7, down to and including the word "prescribe," in line 11.

Mr. FLETCHER. I move that the Senate concur in the House amendment.

The motion was agreed to.

ALICE E. MOORE

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1297) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore, which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,000 to Alice E. Moore, formerly employed as a dietitian and temporary nurse in the Medical Department at Large, War Department, who contracted tuberculosis while on duty at United States General Hospital No. 6, Fort McPherson, Ga., during the year 1920; and that said Alice E. Moore shall be admitted to such Army hospital as may be directed by the Surgeon General of the United States Army for necessary care and treatment.

And to amend the title so as to read: "An act for the relief of Alice E. Moore."

Mr. LA FOLLETTE. Mr. President, in the absence of the Senator from Idaho [Mr. BORAH], I take the responsibility of moving a concurrence in the amendments of the House.

The motion was agreed to.

EDGAR TRAVIS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 652) for the relief of Edgar Travis, sr., which was, on page 1, line 10, to strike out "pay" and insert "back pay, bounty."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JOHN J. FITZGERALD

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3314) for the relief of John J. Fitzgerald, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Fitzgerald, during his natural life, the sum of $50 per month, to date from the passage of this act, as compensation in contracting tuberculosis while in line of duty as an employee of the United States Shipping Board Emergency Fleet Corporation, said monthly payments to be paid through the United States Employees' Compensation Commission; and that said John J. Fitzgerald shall be admitted to a Government hospital as may be directed by the United States Employees' Compensation Commission for necessary care and treatment.

Mr. LA FOLLETTE. On behalf of the Senator from Illinois [Mr. DENEEN] I move concurrence in the amendment of the House.

The motion was agreed to.

UNITED STATES YORKTOWN SESQUICENTENNIAL COMMISSION

The PRESIDENT pro tempore laid before the Senate a concurrent resolution from the House of Representatives, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a commission to be known as the United States Yorktown Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 10 commissioners, as follows: Five Senators, to be appointed by the President of the Senate, and 5 Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. That it shall be the duty of the commissioners to prepare and report a plan or plans and a program for the commemoration of the siege of Yorktown, Va., and the surrender of Cornwallis on October 19, 1781, with an estimate of the probable cost; to give due and proper consideration to such plan or plans as may be submitted to them for said celebration; to confer with such civic associations and organizations and with such other commissions, Federal, State, or municipal, as may be appointed for purposes similar to the purposes of this resolution, and to take such steps as may be necessary to secure the coordination and correlation of plans prepared by State commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies; and to do all such other things as may be necessary to carry into full effect the intents and purposes of this resolution.

SEC. 3. That the commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission: *Provided*, That said commission can so arrange that no part of the pay or expense of said secretary and other assistants, if any, shall be paid by the United States.

SEC. 4. The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, and the same shall be paid out of the contingent funds of the House and Senate.

SEC. 5. That the said commission be, and the same is hereby, authorized to call upon the Commission of Fine Arts, in Washington, for their assistance and advice in connection with any plan or plans that may be submitted or considered, and the said Commission of Fine Arts is directed to render such assistance and advice as its other duties may permit and as may be within its power.

SEC. 6. That the commission shall on or before the 15th day of December, 1928, make a report to the Congress, in order that enabling legislation may be enacted.

SEC. 7. That the commission hereby created shall expire within two years after the expiration of the celebration.

SEC. 8. That this concurrent resolution shall take effect immediately.

The PRESIDENT pro tempore. The Chair invites the attention of the Senator from Virginia [Mr. GLASS] to this concurrent resolution.

Mr. GLASS. I ask the Senate to concur in the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

CHOCTAWHATCHEE RIVER BRIDGE, ALABAMA

The bill (H. R. 13651) granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise, was read twice by its title.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Alabama [Mr. BLACK] to this bill.

Mr. BLACK. I ask unanimous consent that the bill be taken up and passed by the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama to construct, maintain, and operate a free highway bridge and approaches thereto across the Choctawhatchee River, at a point suitable to the interests of navigation, in Dale County, on the highway now being constructed from Dothan to Enterprise, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PEARL RIVER BRIDGE, MISSISSIPPI

The bill (H. R. 13996) granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss., was read twice by its title.

The PRESIDENT pro tempore. The Chair invites the attention of the Senator from Mississippi [Mr. HARRISON] to this bill.

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of supervisors of Leake County, or to the board of supervisors of Leake County and the board of supervisors of Neshoba County, Miss., to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Edinburg, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES

Mr. PHIPPS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, reported it with amendments.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 3741) for the relief of S. L. Roberts, reported it with an amendment and submitted a report (No. 1327) thereon.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 13048. An act for the relief of James Aloysius Manley; to the Committee on Military Affairs.

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.; and

H. R. 13778. An act authorizing Alex Gonzales, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.; to the Committee on Commerce.

MAJ. CHARLES P. ELLIOTT

Mr. SMITH. Mr. President, I only want to take a minute to call attention to some matter that I desire to have referred to the Committee on Commerce. I believe the Senator from New York [Mr. COPELAND] the other day had a similar case, and it was referred to that committee. It was an incident in which a retired Army officer was fired upon by the Coast Guard. I think there were two offenses. I took the matter up with Admiral Billard, and I intend to have a hearing before him; but I want to lay these facts before the Commerce Committee, since they have been charged with similar duty in almost a similar case.

I ask unanimous consent that the editorials and communications sent me be printed in the RECORD, and the papers referred to the Committee on Commerce. This matter is of such importance that I hope the committee will make a thorough investigation of the whole matter involved, as well as the recommendation that there shall be some remedial legislation. The allegations are to the effect that this retired officers' boat was fired upon. He is deputy sheriff of the community, and was then on his way out to the barrier islands in the discharge of his duty.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The editorials and communications were ordered to be printed in the RECORD and referred to the Committee on Commerce, as follows:

UNITED STATES NAVAL HOSPITAL,
Parris Island, S. C., May 16, 1928.

Senator E. D. SMITH,
United States Senate Chamber, Washington, D. C.

MY DEAR SENATOR: I have not seen you since the Baltimore police and gang tried to keep us out of the convention hall in 1912.

You would hardly remember me as an old Army officer, son of Gen. Stephen Elliott, of Beaufort, and cousin to the Gonzales boys and William Elliott, of Columbia, S. C.

Quite recently I have passed through three rather trying experiences; two with the United States Coast Guard and one with a rattlesnake on Bay Point. Am now laid up with the effects of the latter; am writing in bed and must ask you to excuse errors.

I represent the sheriff and the government of our State as special volunteer deputy sheriff in charge of the outer sea islands of Beaufort County, make my headquarters on Bay Point on east side of Port Royal entrance, and operate from there in my small 20-foot launch.

On Sunday, April 23, while hauling anchor preparatory to going to Beaufort to return two little children who had spent the week end with me, my boat was approached and laid alongside by a small Coast Guard cutter, the young enlisted man in charge subjecting me to a grueling cross-examination as to my residence, occupation, and business in those waters.

I was courteous and very thorough in giving him a complete history of the boat and of myself. I was not running rum, was an officer of nearly 50 years' service, and, in addition, special deputy sheriff in charge of enforcing all laws on the outer or barrier sea islands.

This information, with a full and detailed description of the boat, was forwarded to his headquarters in Charleston, S. C., where a young Lieutenant Collins is in charge and made a matter of record.

On the 2d of May, while going with my young friend, Herman von Harten, of Beaufort, to fish on the wreck of the steamer *Lawrence*, we were fired on by one Carl A. Soderberg, chief boatswain's mate, United States Coast Guard, seven shots from Colt .45-caliber pistols being directed around and toward my small boat, one shot hitting the guard rail about 3 feet above the water, within a foot or 14 inches of young von Harten and probably double that distance of me.

I wheeled my boat and headed for the small dingy in which were three men, Soderberg, in command, young Eaton, and a seaman named Hill, I think.

I used some very forcible language toward Soderberg, and had not von Harten pleaded with me and taken my 30-30 Winchester out of my hand would have committed justifiable manslaughter, as the men were never more than 50 yards from me, and, though 68 years old, can still see the sights of a rifle.

I demanded through the adjutant general an investigation. It was held at my insistence in Beaufort on Monday, May 14, in a hall and not on Soderberg's boat, as suggested by the commander sent to hold the inquiry. I secured the services of Claude Aman and William Levin, lawyers, of Beaufort. We had to fight to get the facts recorded. It was an investigation of one's self by one's self, in closed court; no stenographer was allowed me.

In numerous cases the young man recording in longhand made omissions favorable to the accused. We saw that those were corrected.

The evident intention was a barrel of whitewash. Mr. Aman threw in a bucket of lampblack, and if printed as given the evidence is conclusive.

I would like very much to have a copy of the proceedings certified and sent to me. Many very offensive stunts have been pulled off near here and in Charleston Harbor. Lieutenant Collins is a callow and rather officious young lieutenant in charge of an important area which should be under a captain or commander.

That is for the Coast Guard authorities, however, to determine. Lieutenant Collins, when I took him and the commander to see the hole made by the .45 caliber bullet in my boat, insinuated that it had been made after the attack on my boat. I asked him, "Do you mean to say that I made or caused to be made that hole?" He then denied any such intention.

He expressed in the public press before any inquiry that Soderberg was justified in his attack. He came to sit on the board of inquiry; Mr. Aman objected and had him excluded from the hall with all other spectators. Upon each witness finishing his testimony he was directed by the commander not to divulge to anyone what had been testified to. This proceeding would have been all right in Russia before royalty lost out, but in a free country seems strange to me.

I hope you will pardon my long letter full of mistakes, but I am still rather full of venom.

Yours truly,

CHARLES P. ELLIOTT.

WASHINGTON, D. C., *May 22, 1928.*

Maj. CHARLES P. ELLIOTT,
Parris Island, S. C.:

In accordance with telephone conversation with Admiral Billard, commandant of Coast Guard, who has just returned to city, the admiral says he will be very glad to discuss the matter with you at any time.

E. D. SMITH.

PARRIS ISLAND, S. C., *May 19, 1928.*

Senator E. D. SMITH,
United States Senate, Washington, D. C.:

Supplementary to wire of even date, Claude Aman, Beaufort lawyer, represented me at United States Coast Guard inquiry, Beaufort, May 14. He is not satisfied that record made by inquiry truly recorded and printed. Is thoroughly familiar with whole procedure. Regarded it as deliberate attempt to whitewash Soderberg, chief boatswain's mate, United States Coast Guard. I can give very illuminating testimony and facts. Suggest that Aman and I be directed to appear in Washington for inquiry. Naval surgeon has given consent for my making journey. Will stop in Washington at Walter Reed Hospital.

CHARLES P. ELLIOTT,
Major, United States Army.

WASHINGTON, D. C., *May 19, 1928.*

Maj. C. P. ELLIOTT,
Care United States Naval Hospital,
Parris Island, S. C.:

Your letter received. Will you grant permission for me to send copy your letter to Commandant of the Coast Guard? I am asking an investigation of the whole affair and would like to submit your letter to them. Wire me to-day, official business, collect.

E. D. SMITH.

PARRIS ISLAND, S. C., *May 19, 1928.*

Senator E. D. SMITH,
United States Senate:

Desire that Commandant of United States Coast Guard be thoroughly informed. Perfectly willing that copy of letter be sent him.

CHARLES P. ELLIOTT,
Major, United States Army.

WASHINGTON, D. C., *May 19, 1928.*

Mr. W. E. GONZALES,
Care of the State, Columbia, S. C.:

Have taken up the matter you brought to my attention with officials of the Coast Guard and have demanded a thorough investigation of all the facts. Will keep you posted.

E. D. SMITH.

BEAUFORT, S. C., *May 21, 1928.*

Hon. E. D. SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: May 19 I sent you two telegrams, one consenting to the use of my letter as in your judgment seems proper and the other advising that my attorney, Claude M. Aman, of Beaufort, is very doubtful that the record of the court of inquiry discloses the testimony as given, because several times during the hearing Mr. Aman called attention to District Commander G. R. Lofberg that the yeoman was not writing the questions and answers. Unquestionably Lofberg was attempting to whitewash the situation, because he refused to permit Mr. Aman to ask me any questions for the purpose of the record.

If you will permit a suggestion, if I had violated the prohibition law or failed to comply with the regulations as to equipment on my small boat, the punishment under the statute, as I understand it, is twenty-five to one hundred dollars—certainly not death. The only relief that the plain citizen has in matters of this character is to present them to Congress. As you know, my entire life has been spent in Beaufort, with the exception of performance of duty in the Army, and all my vacations have been spent here.

I am not presenting this matter so much for myself, but I am conscious of the fact that unless you gentlemen who make the law understand conditions innocent people and many times ladies riding in pleasure crafts will be insulted, endangered, and, like myself, come very near being killed. I believe that you could render no greater service to the people of the United States who live along the coastal regions than to throw some safeguard around them. I venture the opinion that if the United States Senate were to investigate the personnel of the Coast Guard, if the Coast Guard here is like that elsewhere, the Senate would either abandon the service or take steps to place men in charge of it and its personnel that would exercise judgment and some knowledge of what their duties were.

I am out of business and my principal purpose in life is to be of what service I can to this country. You are, therefore, at liberty to have me summoned before any committee investigating this matter, both as to the incident that happened here and as to the personnel of the Coast Guard in this district as observed by me. To reiterate—it is a dangerous thing to put arms in possession of men with authority to shoot down citizens unless they are such type as are intelligent and will only exercise the use of arms when a necessity arises.

I inclose an editorial (from the State) of May 17, mentioning other incidents occurring in this State.

Yours very truly,

CHARLES P. ELLIOTT.
Major, United States Army, Retired.

P. S.: Since this occurrence a number of prominent men have spoken to and written to me asking that I see that this shooting be presented to Congress, in the hope that they would investigate this and other cases, since it has become unsafe to go on the water in a private craft.

C. P. E.

[Inclosure]

[From the Columbia (S. C.) State of May 17, 1928]

PROHIBITION AUTHORITIES TAKE ACTION AGAINST FIRING ON AUTOMOBILES

An investigation into the shooting of a citizen at Niagara Falls by a member of the Coast Guard when said citizen did not stop his automobile at command has been ordered by Washington authorities. The incident was aired on the floor of the House of Representatives, and this inquiry called for.

Last week at Fresno, Calif., a constable and a special deputy sheriff were indicted for manslaughter. They suspected that Frank Aiello, riding in an automobile, was a rum runner and shot him to death. No liquor was in the car.

In South Carolina a few years ago a lone fisherman sleeping in his boathouse, which was out of the water, was visited after midnight by Federal and State officers. Suddenly awakened by persons unknown to him and commanded to come out, he grabbed his gun and was shot to death by the Federal prohibition officer. In the Federal court the jury was not even permitted to pass on the case. In South Carolina, also, an automobile in which two women school-teachers were riding and which was not halted at command, was fired into by Federal officers. They were not punished.

There have been thousands of other outrages by Federal and State prohibition officers, and the Constitution has been trampled upon by those designated to enforce the law. There are very many persons having no understanding of human nature who, on the theory that the end justifies the means, are disposed to justify almost any act if it be done in the name of enforcing the prohibition law, but the State has maintained that nothing has tended to weaken that law so much as excesses and lawless acts in its behalf. They create resentments; they have caused it to lose friends and supporters. Persons will argue against this contention, but they might as well argue against human nature.

It seems that at last authorities in Washington are coming to understand that lawlessness in behalf of the law is a boomerang. An enforcement agent in West Virginia was dismissed this week for firing at an automobile, and "strict orders were issued," according to the Associated Press, "that shooting at suspected law violators must cease at once." Commissioner Doran is quoted as saying: "We are not going to put up with firing on vehicles on highways whether they stop when commanded or not. We will certainly not shield officers charged with this offense and we will aid States at any time within reasonable limits. Of course, a particular case depends on the facts."

It will be maintained, of course, that unless agents are permitted to shoot, many violators of the law who would otherwise be captured will escape. That is true; but to shoot at a suspect is unlawful. And in many instances the suspect is not a suspect on the strength of evidence held by the officer, but merely because the agent chooses so to regard him. In numbers of cases, too, the man "suspected" by the agent suspects that agent of being a hold-up man or highway robber. And at the worst, no officer is warranted in shooting a man even if that man is known to be guilty of an offense for which, if convicted, he would be fined from $25 to $100.

BEAUFORT, S. C., May 23, 1928.

Hon. E. D. SMITH,

United States Senator, Washington, D. C.

My Dear SENATOR: Your telegram of the 22d, wherein you advise that Admiral Billard, Commandant of the Coast Guard, will be glad to discuss with me concerning the attack made upon the writer.

My military training leads me to believe that Commander Lofberg, who conducted the court of inquiry, is acting under orders of his superior, and if that be true, I am convinced that the effort is to justify the conduct of the accused rather than seek the truth. If that be true, do you not think it wise for you to put into motion such machinery as in your judgment seems best and proper in order to get the absolute truth of the situation before Congress? As stated in a prior communication to you, they did not kill me, and I really suffered no physical injury, but as a citizen who has had opportunities that a number of my countrymen have been denied, I feel it my duty to request you as my representative, and you who have to do with making the laws of this Nation, to inquire both as to my incident and especially into the personnel of this unit; as to the authority they have and can exercise; and about the very great danger to which the public is exposed as a result of existing conditions.

In another letter I have mentioned that if a person were to have whisky or fail to have the equipment on the boat as required by law, the severest penalty is a nominal sum of money or short servitude—certainly not to be shot down by a group of ignorant, irresponsible squareheads.

I am perfectly willing to be summoned before a committee or Admiral Billard, provided you or some other Member of Congress who desires to be informed, can be present.

Yours very truly,

CHARLES P. ELLIOTT,
Major, United States Army, Retired.

[From the Charleston (S. C.) News and Courier of May 15, 1928]

COAST GUARD INQUIRY BOARD INVESTIGATING AT BEAUFORT SENDS WASHINGTON RESULTS—MAJ. C. P. ELLIOTT RECOUNTS STORY OF ALLEGED FIRING ON HIS FISHING LAUNCH

BEAUFORT, May 14.—The alleged firing without cause by a Coast Guard patrol boat upon a fishing launch manned by Maj. Charles P. Elliott and Herman von Harten, of Beaufort, was recounted to-day before a Coast Guard board of investigation which came here to receive Major Elliott's testimony.

The board was organized in Charleston by Lieut. Commander G. B. Lofberg, of the Washington headquarters of the Coast Guard, to investigate a complaint lodged with Washington authorities by Major Elliott, who is a retired Army officer. It came to Beaufort when Major Elliott, who last Sunday was bitten by a rattlesnake, was unable to accept an invitation to testify in Charleston.

TRANSCRIPT TO CAPITAL

A transcript of the testimony and other finds of the board, the sessions of which were held in secret, will be forwarded to Washington and decision in the matter will be announced from the headquarters there, Lieutenant Commander Lofberg said.

After the taking of the testimony was completed Lieutenant Commander Lofberg, Lieut. Paul Collins, commander of the Coast Guard at Charleston, accompanied Major Elliott to view the boat which Major Elliott charged was fired upon.

The retired officer charged that on May 2 a shot fired from Coast Guard patrol boat *221* struck his small fishing launch near where von Harten and he were standing. Boatswain's Mate Carl Soderberg, in charge of the Coast Guard boat, denied this charge, declaring in his report that he had only fired six shots across the bow of the craft when Major Elliott had disregarded commands to heave to for boarding and inspection.

WARRANT CHARGES ASSAULT

A warrant charging Soderberg with assault with intent to kill was sworn out by von Harten, but Lieutenant Collins refused to turn the petty officer over to civil authorities. Soderberg accompanied the board of inquiry to Beaufort and came ashore upon assurance having been given Lieutenant Collins by Sheriff McTeer that no attempt at arrest would be made.

Lieutenant Collins was a member of the board of investigation, and his serving on the body was protested by Major Elliott's counsel on the grounds that the officer had expressed previously the opinion that Soderberg had acted in performance of his duty. This point was not settled before the board went in secret session.

INVESTIGATION OF ACTIVITIES OF THE CONTINENTAL TRADING CO. (REPT. NO. 1326, PT. 1)

Mr. WALSH of Montana. By direction of the Committee on Public Lands and Surveys, I submit a report on the inquiry directed by the Senate under Senate Resolution 101, the so-called Continental Trading Co. inquiry. I desire to say, in this connection, that the report is the unanimous report of the Senators present at the time it was under consideration.

I also desire to submit, and ask that there be printed in the RECORD, a chronology prepared by the legislative reference bureau on that inquiry, as well as the one which preceded it, known as the Teapot Dome inquiry.

I desire to ask, also, that the report submitted by the Committee on Public Lands and Surveys be published entire in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, submitted the following report pursuant to Senate Resolution 101:

The Committee on Public Lands and Surveys, having carried out the directions of the Senate contained in Senate Resolution 101, copy of which is appended hereto, reports as follows:

The Continental Trading Co. was incorporated November 16, 1921, and began its business life next day. On November 30, 1921, E. L. Doheny made his celebrated "loan" to Fall, and in the last week of that year Sinclair visited the Secretary of the Interior at his ranch at Three Rivers, then expanded by the acquisition of the adjacent Harris property, a deal that excited the suspicion of his neighbors who knew that Fall was "broke."

The mysterious Continental Trading Co. was discovered in the course of the preparation of Messrs. Pomerene and Roberts for the trial of the suit of the Government brought at Cheyenne, Wyo., to cancel the lease of the Teapot Dome. Prowling around among the records of the banks at which Fall had accounts in the West, a reference was found to 3½ per cent Liberty bonds, the numbers of which were noted. Through the Treasury these were traced to the Continental Trading Co., for whom they had been purchased with others aggregating $3,080,000 face value, by the New York branch of the Dominion Bank of Canada. It was then developed that of the bonds so acquired $230,500 worth, face value, were delivered by Fall's son-in-law to a bank at Pueblo, Colo., the avails going in part to liquidate obligations to the bank from a company the stock of which was owned jointly by Fall and his son-in-law, in part to pay off Fall's personal debts, and the remainder to the credit of his account.

Inquiry revealed that the Continental Trading Co. was organized, as stated, in 1921 by one H. S. Osler, of Toronto, Canada, all others

connected with the institution being clerks in his law office, and that it had dissolved in 1923. The story of its entrance into the business world was told by ex-Senator Thomas, of the State of Colorado, practicing law at the capital. He was called to New York by Col. A. E. Humphreys, a client whose home was likewise at Denver, to assist in drafting a contract for the sale to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. by companies controlled by Humphreys of 33,333,333 barrels of oil, a part of the product of a rich field opened up by Humphreys in west Texas.

Conferences were held, participated in by Thomas, Humphreys, and his son on the one side, and Harry F. Sinclair, Robert W. Stewart, and Harry M. Blackmer, associated with the Sinclair Crude Oil Purchasing Co., and James E. O'Neil, the managing head of the Prairie Oil & Gas Co., on the other. The stock of the Sinclair Crude Oil Purchasing Co. is owned, the one-half by the Sinclair Consolidated Co., dominated by Sinclair, and the one-half by the Standard Oil Co. of Indiana, of the board of directors of which Stewart then was and still is the chairman. Blackmer was at that time the strong man in the Midwest Refining Co., all of the stock of which was then and still is owned by the Standard of Indiana. O'Neil directed the business of the Prairie Oil & Gas Co.

The negotiations terminating in an agreement, Thomas was about to write the contract from notes taken by him during the conference when he was told that the Continental Trading Co. was to be named in the contract as the purchaser. There naturally arose a question as to the financial responsibility of that company, but all misgivings were stilled by the assurance that its obligations would be guaranteed by the two companies which throughout the negotiations were spoken of as the purchasers.

The contract having been drafted, there then appeared, for the first time, the Toronto lawyer who the day before brought the Continental Trading Co. into being and who, as president of that company, signed and sealed it.

The vendor companies became bound through the signature of Humphreys and the guarantee indorsement was executed by O'Neil for the Prairie Oil & Gas Co. and by Sinclair and Stewart, purporting to act as directors of the Sinclair Crude Oil Purchasing Co., though they were not in fact such—a circumstance of no consequence, seeing the transaction was subsequently ratified by the board of directors of that company.

Further information was secured by counsel representing the Government in the litigation, civil and criminal, that while the Continental Trading Co., by its contract heretofore referred to, guaranteed as stated, acquired the right to have from the Humphreys 33,333,333 barrels of oil at $1.50 per barrel, it on the same day contracted to sell to the guaranteeing companies at $1.75 per barrel, O'Neil signing for the Prairie Oil & Gas Co., Sinclair and Stewart for the Sinclair Crude Oil Purchasing Co.

Deliveries were made under the contracts until June 1, 1923, when the contract of the Continental with the Humphreys companies was transferred to the guaranteeing companies, they paying for it $400,000.

The profits theretofore realized—25 cents per barrel—being thus swelled, the Dominion Bank, to which remittances were made, bought with the avails from time to time, under directions from Osler, 3½ per cent Liberty bonds, to the amount of $3,080,000. These, under directions from the same source, were by the bank, after taking out 2 per cent which went to the credit of Osler, evidently his commission, divided into four packages, each containing an equal amount and delivered to him.

It was established at the trial at Cheyenne of the suit to cancel the Teapot Dome lease that the bonds heretofore referred to as having been delivered to the Pueblo bank for Fall were among those thus acquired by the Continental Trading Co. The Dominion Bank kept no record of the numbers of the bonds purchased by it, but it did note the brokerage firms through which they were bought and the identity of which was established by the records of such firms.

The foregoing contitutes in outline the sum of the information at the command of the Government, either at the trial at Cheyenne or at the criminal trial of Fall and Sinclair in the District of Columbia, halted in consequence of the "shadowing" of the jury by Burns detectives employed by Sinclair.

There was no direct evidence on either trial concerning how the bonds came into the possession of the son-in-law of Fall, who turned them over to the Pueblo bank, nor regarding the source from which he obtained them. In both instances he declined to testify on the ground that his evidence might tend to incriminate him.

An effort was made to take the testimony of O'Neil and Blackmer who had fled to France when it seemed likely they would be called as witnesses under letters rogatory issued to the courts of that country, but they, too, declined to testify and, strangely, compulsory process can not be resorted to in that Republic against recalcitrant witnesses.

In like manner an attempt was made to compel Osler to relate the story of the evanescent life of the Continental Trading Co., but he took refuge in the plea of privilege of counsel. Persisting in his refusal to answer he was committed for contempt, his plea being overruled. He sued out a writ of habeas corpus, but again he was adjudged not to be protected by the rule that counsel can not be forced to disclose confidential professional communications. From the judgment thus rendered against him he appealed and departed on a lion hunt to South Africa. Meanwhile Judge Kennedy, sitting at Cheyenne, denied a motion of the Government for a continuance until the deposition of Osler could be taken, and the effort to get his testimony proved abortive.

Such light as Col. Robert W. Stewart could shed upon the shady transaction, in view of the part he had in the negotiations leading up to the contracts, was likewise sought by counsel for the Government, but he had important business in South America about the time the trial was coming on and left for an unknown destination before the subpœna could be served upon him. It might be added that Sinclair did not offer himself as a witness at Cheyenne and was not examined. Obviously, being under indictment at the time, his testimony could not be compelled.

Notwithstanding the failure to close up the gap referred to, the Circuit Court of Appeals for the Eighth Circuit and the Supreme Court of the United States, reversing the decree of Judge Kennedy dismissing the Government's bill, held the facts hereinbefore narrated, with others brought to light by your committee, to be indicative of fraud and corruption in the lease, and held that Fall, in executing the same, was a "faithless public officer."

Here begins the story of the revived investigation undertaken pursuant to the resolution of the Senate, No. 101, directing the Committee on Public Lands and Surveys to continue the work that remained suspended for four years, and particularly to inquire into the disposition of the bonds purchased by the Continental Trading Co.

Reference has been made to the refusal of Everhart, Fall's son-in-law, twice to testify on constitutional grounds. If he was in peril of prosecution at all, it was because he might be suspected of participation in the crime for which Sinclair and Fall stood indicted, namely, conspiracy to defraud the United States, though he had never been formally charged with that or any other crime in connection with the oil leases. Nor was there any purpose to proceed against him. However, the court on both occasions, perhaps properly, sustained his plea.

Prior to 1921 the statute of limitations as to all offenses against the United States not capital was three years. Shortly after his taking office Attorney General Daugherty represented that gigantic frauds criminal in character had been perpetrated during the war by or through the connivance of trusted officers of the Government who would be likely to escape punishment through the running of the statute, it being impossible within the brief period of the statute, owing to the complicated nature of the transactions and the iniquity of the conspirators, to unravel the tangled web sufficiently to permit the framing of indictments. He asked that the period be extended in the case of conspiracies to defraud the United States to six years, and Congress promptly complied. It is well known that the great hue and cry came to naught. No official of the Government not altogether petty was ever put upon trial. None such was ever indicted save one, and he was discharged on a demurrer; but the statute served as a shield to protect the associates of Daugherty caught red-handed in the most stupendous piece of thievery known to our annals or perhaps to those of any other country. Secretary Wilbur has estimated the net value of the leased reserves at $1,000,000,000.

The interruption of the Fall-Sinclair trial in Washington was improved by the Congress to repeal the Daugherty Act of 1921, thereby cutting away the immunity of Everhart who, being called before the committee on the resumption of its hearings, testified frankly that he got from Sinclair the bonds he turned over to the bank at Pueblo, together with others to the amount of $2,500 which he put into the hands of Fall in Washington where he came at the instance of the latter from the West. There was some pretense that the bonds represented the purchase price of one-third of the stock of the Fall-Everhart Tres Ritos Land & Cattle Co., whose ranch property was to be turned into a club, a sort of riding and hunt club; but so shallow was this fable that its details need not be dwelt upon, though it was accepted by a jury of the District of Columbia that acquitted Sinclair of the charge of conspiring to defraud the United States in securing the Teapot Dome lease.

The futile efforts of the committee to wring information from the dummy directors of the corporations involved need not detain us. Blackmer and O'Neil were, and are still abroad, subject to a penalty of $100,000 for failing to respond to a subpœna to attend the criminal trial in the District, a law to that effect having been enacted to enforce their appearance. Stewart's presence was secured, however, after the committee had enlisted the aid of John D. Rockefeller, jr., to induce him to cut short a round of festivities in Havana and to postpone a contemplated trip to Mexico.

Though correspondence coming into the hands of the committee disclosed that he and Blackmer were associated in the negotiations for the purchase of the Humphreys oil from the beginning and he was present at their culmination, as stated, he professed no knowledge of the incorporation of the Continental Trading Co. or participation therein, and could, or, rather, would, offer no reason why his company was not able to buy at $1.50 as well as the Continental Trading Co., particularly

when it was unknown and had no credit, so that the ultimate purchasers had to guarantee its contract to buy, and he was present and participating, according to the testimony of Thomas Humphreys, jr., and Beaman Dawes (interested because his company, the Pure Oil, was a stockholder of the Humphreys companies), when the agreement was actually entered into by which the Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co. were to get the oil for $1.50. He stolidly insisted that some one told him he could not get the oil for less than $1.75, and that it was a good buy at that price, though he knew some one was getting a "commission" of 25 cents. He protested that he had never made a penny out of the transaction, but declined to tell what he knew about what disposition was made of the bonds. He was arrested by order of the Senate to answer as for contempt, sued out a writ of habeas corpus, which was, after hearing, quashed, though he remained at large pending an appeal from the order remanding him to the custody of the Sergeant at Arms of the Senate. Meanwhile he was indicted for his refusal to answer and stands in peril of a jail sentence like that imposed upon Sinclair for a like offense.

Stewart offered in justification of his recalcitrancy that he was called as a witness in a criminal case involving the matters being inquired of by the committee, and offered that he ought not to be required to testify concerning them in advance of the trial, the reference obviously being to the trial of Sinclair on the charge of conspiracy to defraud the Government in the Teapot Dome transaction, heretofore referred to. That trial having terminated in an acquittal, as stated, Stewart was again called before the committee and answered that without any knowledge of the Continental Trading Co., except as heretofore set out, he was told by Osler, a short time after the contracts so profitable to it were entered into, that he, Stewart, was to participate in its profits; that thereupon he wrote out an instrument in the nature of a declaration of trust, reciting that any such coming to him were transferred to one Barnett, tax commissioner of the Standard Oil Co. of Indiana, a subordinate official or employee of that company, of which Stewart was the dominating head, in trust for either that company or the Sinclair Crude Oil Purchasing Co. as the one or the other should appear to be the rightful owner; that the instrument being executed, and Barnett made acquainted with its contents, it was placed in a safe in the office of Stewart, to which he and Barnett alone had the combination; that thereafter, from time to time, Osler delivered to him bonds aggregating something less than $759,500, which were placed in the safe with the trust agreement; that coupons maturing in June and December, 1922, and June and December, 1923, were clipped and cashed by Stewart, who delivered to Barnett like bonds in equal amount that were in like manner deposited in the safe, so that eventually the total reached the figure above mentioned; that no later maturing coupons were clipped, and that on or about the 21st day of April, 1928, only three days before the witness last testified, the whole were turned over to the Sinclair Crude Oil Purchasing Co. Stewart never communicated to any of its directors or officers or those of the Standard—save as stated—any information that he had or expected to have the bonds or any profits out of the Continental or its transactions, until the bonds were delivered as last-above stated.

Questioned as to why the later-maturing coupons were not clipped or cashed, he answered that the omission arose from a desire to avoid "publicity." The most persistent examination failed to elicit any more definite information, but in view of all the facts disclosed there can remain no doubt that the unusual course pursued was followed lest Sinclair might be disadvantaged thereby in the proceedings against him growing out of the Teapot Dome lease, and, accordingly, that Stewart, as well as O'Neil and Blackmer, who likewise at the same time quit clipping the coupons on the bonds coming to them, must have known or had information that some of the bonds might be, as they were, traced through Sinclair to Fall. If that inference is unjustifiable the suspension in the cashing of the coupons at least affords additional ground for reaching the conclusion arrived at by the Supreme Court that the Continental was organized "for some illegal purpose."

Having thus told of the bonds coming into his possession his attention was directed to the following from the record of his testimony when he first appeared before the committee:

"Senator WALSH. Colonel, I suppose you have heard that so much of the profits of this company, the Continental Trading Co., as were realized up to 1923 were invested in Government bonds, part of which have been traced to Secretary Fall, former Secretary of the Interior——

"Mr. STEWART (interposing). I do not know whether any have been traced to Secretary Fall, and I do not know anything about the bonds. I never had anything to do with the distribution of any bonds.

"Senator WALSH. What, if anything, do you know about any of the bonds purchased by the Continental Trading Co.?

"Mr. STEWART. I never had anything to do with the Continental Trading Co.'s distribution of any bonds.

"Senator WALSH. That is not an answer to the question, Colonel.

"Mr. STEWART. I think it is.

"Senator WALSH. The question is, What do you know about them—not whether you had anything to do with them?

"Mr. STEWART. Well, I didn't know anything about it.

"Senator WALSH. Now, let us get to this transaction by which the Sinclair Crude Oil——

"Mr. STEWART (interposing). I never had anything to do with the distribution by the Continental Trading Co. of any bonds.

"Senator WALSH. Do you know anything about the matter?

"Mr. STEWART. I don't know anything about it.

"Senator WALSH. What is that?

"Mr. STEWART. I don't know anything about it; that is, I don't remember anything about it.

"The CHAIRMAN. Mr. Stewart, do you know of anyone who received these bonds that the Continental Trading Co. is reported to have dealt in?

"Mr. STEWART. Senator NYE, I did not personally receive any of these bonds or make a dollar out of them; I personally did not make a dollar out of this transaction.

"The CHAIRMAN. That was not the question.

"Mr. STEWART. I have said that to you to make way for something else. I am a witness in a case which is now pending between the Government of the United States and some defendants. I have been interrogated in regard to these subjects by the counsel appointed to represent the United States in that case. From their interrogation of me I am of the opinion those are the issues which are going to be tried in that case, and I do not think that the line of interrogation here by this committee is within the jurisdiction of the committee under the laws of the United States. I do not think that the question is entirely pertinent to this inquiry, even."

How he attempted to justify himself is shown by the following from his testimony on his later appearance:

"Senator WALSH. Do you care to say anything about that testimony, Colonel?

"Mr. STEWART. I do not think so. I want to make it plain. What I meant there, I think, from what you read there, I assumed you were talking about the distribution of bonds to Mr. Fall or to somebody so that these bonds got into Mr. Fall's hands, but I never knew anything about those.

"Senator WALSH. You were referring to bonds which might come into the possession of Mr. Fall?

"Mr. STEWART. I assumed from what you read there that you referred to the bonds coming into the hands of Mr. Fall, and, as a matter of fact, all of the statements there are true.

"Senator WALSH. But, you will observe, Colonel, the question is, 'What, if anything, do you know about any of the bonds purchased by the Continental Trading Co.?'

"Mr. STEWART. I think my answer was I had nothing to do with their distribution."

The Senate gave some evidence of an indisposition to accept his explanation as satisfactory and directed that the record be transmitted to the United States attorney for the District of Columbia, with a view to its submission, in the discretion of that officer, to a grand jury, looking to an indictment for perjury.

Not all the witnesses holding places with the companies involved, however, suffered from amnesia, though that affection was most extraordinarily general among them.

The gentleman who succeeded O'Neil as chairman of the board of the Prairie Oil & Gas Co., long associated with him, told an amazing story of having been called in the year 1925 by O'Neil to Montreal, whither, obviously avoiding the United States, he had secretly come from France ill and expecting to die. He conveyed to his friend the intelligence that he had made a profit out of the transactions of the Continental Trading Co. amounting, with accrued interest, to $800,000, which he asserted he considered and had always considered belonging to the Prairie Oil & Gas Co. He gave the messenger so summoned an order on his son in New York to deliver to the bearer bonds to the amount above indicated for that company, which was done, and the bonds were taken to the office of the company at Independence, Kans., where they now are in the possession of an affiliated company.

Another actor in the drama, Henry M. Blackmer, anticipated the discovery by the committee of the whereabouts of his share of the loot by sending his attorney to tell about it. He, too, cautiously crept to Canada, where he summoned his counsel to tell him that, as in the case of the O'Neil bonds, none of the coupons on his had been cashed, except those maturing in June and December, 1922, and that they were held intact to the amount of $763,000 in New York. This was done because he had some misgivings about a claim that might be made thereto by either the Midwest Refining Co. or the Standard of Indiana, with the directing head of the latter of which he, as heretofore set out, had been associated in the transaction through which the bonds had been acquired, and of the former of which he was himself the directing officer, at a salary of $50,000 or more. In his case it was apparently the promptings of prudence that brought him from his sanctuary, not of conscience, as in the case of O'Neil.

Neither volunteered any information concerning the disposition of the remainder of the bonds, O'Neil indicating quite clearly to his intimate friend on announcing his purpose to surrender that he did not desire to be questioned concerning details. It was further developed at the original hearing in 1924 that Sinclair had turned over to

Will H. Hays, for the Republican National Committee, about December 3, 1923, $75,000 in bonds, which at the later inquest were shown to be Continental bonds. That gentleman, who had been chairman of the committee mentioned, prior to and during the campaign of 1920, and who became Postmaster General on the incoming of the Harding administration in March, 1921, felt impelled, though he had retired from both positions, in the fall of 1923 to help raise funds to meet the large deficit resulting from a somewhat liberal course of spending in that campaign. He left the impression, if he did not actually state when on the stand in 1924, after much prodding, that the contribution had been made by Sinclair in cash, but another witness revealed that what the committee received were bonds in the amount above indicated, which were converted and applied to the liquidation of an indebtedness at the Empire Trust Co.

On the renewed hearing Mr. Hays voluntarily appeared—whether he had an acute sense that the facts would otherwise be divulged is a matter of speculation—and told the committee that Sinclair had further turned over $185,000 in bonds, in the nature of a loan, to be "used" by the committee in taking care of the debt. Pressed for an explanation as to how the bonds were to be "used," Mr. Hays was indefinite and unintelligible, but it was anticipated that in some way the delivery of them would, to that extent, serve to permit the statement to be made to the committee, then about to assemble, that the debt had been "provided for," it being understood that from moneys to be raised by a nation-wide solicitation Sinclair was to be made whole.

Of the bonds so "loaned" Hays told that $60,000 were sent to Fred W. Upham, treasurer of the committee at Chicago, and $25,000 to John W. Weeks, then Secretary of War, and $50,000 delivered to John T. Pratt, a wealthy New Yorker, a member of the "Standard Oil group." Pratt subscribed on the receipt of the bonds on November 28, 1923, toward the fund to lift the indebtedness, $50,000, remitting by check to Upham, but afterwards was prevailed upon by Hays to return either the bonds he received or an equal amount which Hays then turned back to Sinclair, together with $50,000 more which, according to Hays, were never "used."

Interrogated as to what Upham was to do with the bonds sent to him Hays professed ignorance, but denied specifically that it was understood that he was to distribute them around among trustworthy Republicans in the city of Chicago and take from them checks for the avails, giving to the transactions the character of subscriptions from the recipients, respectively.

Information coming to the committee to the effect that that was just what was done was confirmed by the testimony of James A. Patten of that city, a retired grain speculator of advanced years, who got $25,000 of the bonds from Upham and subscribed for an equal amount. Patten took the bonds, but, reflecting on the matter, his sense of decency revolted and he grew angry at being thus approached, but stilled his conscience by donating an equal amount to a hospital. Other Chicagoans were shown to have subscribed similarly.

Meanwhile the custodians of the papers and effects of Mr. Pratt, who died during the summer of 1927, placed in the hands of the committee, among other papers relating to the transaction in which he figured, a small slip of paper on which were memoranda in pencil in his handwriting, intending to serve as a record of the same, in the lower right-hand corner of which were four names—"Weeks," "Andy," "Butler," and "du Pont." Senator COLEMAN DU PONT got from Hays the $75,000 in bonds which went toward discharging the obligation at the Empire Trust Co., of which DU PONT was an officer. Weeks had been the recipient of bonds and so it was a reasonable inference that "Andy," presumably Andrew W. Mellon, Secretary of the Treasury, and Senator William M. Butler, chairman of the Republican National Committee, had some part in the transaction. Being called they both asserted that Hays had tendered bonds to them, to the former $50,000 and to the latter $25,000; but that they had declined to accept them, though Secretary Mellon, who was told the bonds were provided by Sinclair, made a contribution in the amount of the bonds sent him. Neither of them manifested any resentment such as stirred Patten, nor did either rebuke Hays, or counsel him to return the bonds to Sinclair, or make any effort to dissuade him from "using" the bonds, nor did either take any steps to prevent his "use" of them. Moreover at the outset of its work the committee sought the aid of the Treasury and had been assured by the Secretary that the secret service of his department would give the committee all possible assistance. It responded and was collaborating with the committee in its effort to trace the bonds, though neither had had any information concerning the connection of the Secretary with any of them.

Secretary Mellon was unaware of the fact that the bonds tendered him came from the Continental, but he knew they were contributed by Sinclair, for Hays told him so, and he had information, apparently from some other source, that Sinclair had made a huge contribution in bonds toward liquidating the debt of the committee, understood by Mellon to have been in an amount approximating $300,000. No other contributor gave anything like such sum; and the limit to which Mellon himself cared to go or was asked to go was $50,000, though, according to common repute, he is one of the wealthiest men in America.

In this connection it should be recalled that the great concession of Sinclair, charged to have been corruptly secured, was at the time actually under investigation. No explanation was offered by the Secretary as to why he did not communicate to Government counsel the invaluable information in his possession concerning Sinclair's extraordinary generosity to the committee, for use in the suit instituted a few months thereafter to annul the lease of the Teapot Dome, and which was brought to trial a year later, nor why he did not acquaint the committee, charged with the duty devolving upon it by Senate Resolution 101 of ascertaining what disposition had been made of the Continental bonds, with the obviously pertinent fact that a short time after they were by it acquired through transactions in which Sinclair had prominently figured, he had turned over to Hays bonds of the same issue aggregating, as the Secretary understood, in the neighborhood of $300,000.

It will be borne in mind that the Treasury itself prosecuted for Government counsel, under their direction, the inquiry which opened the books of the Dominion Bank and revealed the purchase of the bonds by it for the Continental and the distribution of them from time to time in four parcels, each containing an equal amount and going, presumably, to Sinclair, Stewart, Blackmer, and O'Neil, respectively, as in fact, as later established, they did go.

Though Secretary Mellon had no definite information that the bonds Hays got from Sinclair were Continental bonds, the slightest attention to facts presumably within his knowledge would have made such an inference all but irresistible, even if he were not prompted by the official duty of collecting the income tax, obviously due from the Continental, to make searching inquiry into what had become of its bonds.

Hays, recalled, explained his failure to mention his effort to get Mellon and Butler to take the bonds by saying that he felt called upon to tell only about how the bonds were "used." He added that the bonds tendered to Mellon—actually he had them for a week or 10 days—were the $50,000 worth he had said on his earlier appearance never were "used" and were turned back to Sinclair. Presumably the $25,000 which Butler refused went to Weeks. Sinclair having recovered $100,000 of the $185,000 worth "loaned," "glancing an eye of pity on his (Hays's) losses" through speculations in Sinclair stock, generously released Hays from any obligation arising out of the "loan" of the stock by making a further contribution to the debt fund of $85,000, or $160,000 in all.

Reference was made at the outset to the singular circumstance that the organization of the Continental Trading Co. on the one hand and the preliminaries to the leasing of the naval oil reserves on the other occurred simultaneously. An even more striking coincidence in respect to time as between these two enterprises is disclosed. The date of the delivery of the bonds by Sinclair to Hays is fixed by the date of Pratt's check to Upham, and the receipt of the brokerage house to which the bonds he got were delivered for sale, as November 28, 1923. The time is further fixed by the date of the application of the avails of the bonds that went to Du Pont by the records of the Empire Trust Co., showing that the proceeds thereof were received by it December 3, 1923. At that very time the facts were being unfolded before the Senate Committee from which the inference was all but inescapable that Fall had been bribed to issue the leases. On November 30, 1923, the so-called "New Mexico" witnesses were examined, having been subpœnaed perhaps a week before—Clayton, the county treasurer of Fall's county, who told that he hadn't paid his taxes for 10 years prior to the summer of 1922, when they were liquidated; Carl Magee, who testified that Fall had told him some time prior to 1921 that he (Fall) was broke"; other citizens who testified that conditions had been so hard in the cattle business in which Fall was engaged that every cattleman in that county was broke; Fall's neighbor, Harris, who had just sold his ranch to the former for $94,000 cash, and Johnson, the ranch foreman, who testified to extensive and costly improvements on Fall's place. So significant was this testimony that his friends on the committee, Senators Smoot and Lenroot, telegraphed Fall at once that he ought to come on without delay to explain.

This synchrony suggests at once that the extraordinary sum yielded up at that critical time by Sinclair was not altogether voluntarily donated, and that either hope or fear, if not gratitude, stimulated his generosity and accentuated his devotion to the principles of the Republican Party. In the predicament in which he found himself at that juncture he stood in dire need of friends at court.

Sinclair having been acquitted, as stated, he was examined by the committee, and told that he came to the meeting, out of the negotiations at which the Continental contracts were entered into, on the invitation of Blackmer, by whom he was assured that he (Sinclair) would share in the "commission" of 25 cents a barrel on the oil which was the subject of the transaction, Sinclair remarking, by way of protest, that the "commission" was too large. Blackmer must have said something about the purpose to convert the profits into bonds, for he admonished Sinclair not to transfer any of them, or, perhaps, to clip the coupons, a caution he disregarded. He protested, however, that he had no part in the organization of the Continental and knew nothing of the reason for its coming into existence. He told the committee

that from time to time Blackmer delivered him bonds, sometimes sending them by a messenger, who took no receipt, and that the only record he (Sinclair) kept was a notation on the back of an envelope inclosing the bonds, or on a card, indicating the dates and amounts of the deliveries, which he destroyed after having been subpœnaed to appear before the committee, and after having communicated to the Sinclair Crude Oil Purchasing Co. the information thus recorded in a letter written after his acquittal and a few days before he appeared before the committee, about April 21, 1928, with which he transmitted bonds in an amount equal to the amount received by him from Blackmer, with accrued interest, in all, $889,000. As the bonds were received, he kept them in a safe in his private residence, though he had safety-deposit boxes at several banks in which bonds and other securities were kept. He professed to have acted at all times in arranging to receive and in receiving the bonds for his company, but he never advised any of its officers or anyone else of such purpose or that he held the bonds for it; nor did he ever make any record enabling it to assert title in case of his death. The bonds were from time to time, as demonstrated by indubitable evidence before the committee, used in payment of private obligations of Sinclair, assumed or incurred; they were intermingled with other bonds of like character held by him, so that he professed to be unable to say whether he did or did not so use them or any of them, and the equivalent of the bonds he received was never turned over to his company until facts developed by your committee pointed unmistakably to his having the bonds and its purpose to call him for information concerning them was readily to be surmised.

It is unnecessary to dwell upon the facts leading to the conclusion that no one of the four conspirators had at the outset any purpose to make the company each respectively represented the beneficiary of the Continental transactions. If this judgment is harsh the parties affected, whose testimony given directly or vicariously was characterized in no degree by candor, are themselves to blame. It is impossible to offer any sane reason for taking the pains or going to the expense of organizing the corporation device or for paying Osler commissions amounting to $60,000 for conducting its affairs if there was an honest intention that the companies should have the profits. If, as Stewart and Sinclair tried to convey the impression, Blackmer was entitled to a commission for negotiating the deal, it would have been a simple matter to draft a contract reciting the sale by the Humphreys companies to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. at $1.50 per barrel and another from those companies to Blackmer for the payment to him of the proper commission.

As the transaction now stands the Sinclair Crude Oil Purchasing Co. has been made whole, but the Prairie Oil & Gas is out the amount still held by Blackmer. In this statement account is not taken of the fact that a loss to the companies has ensued to the amount of the interest that would have accrued on the various sums represented by the coupons not cashed, had they been turned in for payment and the interest thus realized been invested or deposited in an interest-bearing account. Moreover it is quite probable that both companies were all the time borrowing at a rate in excess of 3½ per cent, and that they could have used the sums withheld from them in their business so as to produce a return in excess of 3½ per cent. However that may be, if the avails belonged to the companies they, through their boards of directors, had the right to have the funds promptly as they came from the Continental, to employ as they saw fit. The officers who withheld the funds in asserting now that they were being held for the companies confess to a dereliction of duty to their stockholders.

The purpose for which the Continental Trading Co. was organized remains a mystery. No doubt can be entertained that Stewart and Sinclair can both tell but they both stoutly, but unconvincingly, declared they could not. Blackmer and O'Neil could illuminate the subject but they cautiously remain beyond the jurisdiction. Osler probably could, but he has been sojourning in Europe shrewdly avoiding at this season the compulsory process of the Canadian courts, likely to be invoked to compel him to pay an income tax or to punish him for refusing to return for taxation his share of the spoils.

Pursuant to a resolution of the Senate the Secretary of the Treasury has reported that the four conspirators have, after the facts herein recited were made public by your committee, paid ratably the sum of $606,097.19, taxes, interest, and penalties due from the Continental Trading Co., and that incidental to the inquiry prosecuted by your committee information was secured resulting in the collection of taxes, interest, and penalties in the further sum of $1,398,910.09.

As heretofore stated, the transactions from which the Continental realized profits in excess of $3,000,000 became known to the representatives of the Government some time prior to January, 1925. The Secret Service agents of the Treasury having access to the books of the Dominion Bank had knowledge of the account of the Continental Trading Co. and of the distribution of its assets. No explanation has been offered for the failure of the Treasury for nearly three years to exact payment of the tax due from it. A suit brought against the distributees would have brought out all the essential facts developed by the committee, affording as it would, an opportunity to examine under oath the participants in the unsavory affair, including Blackmer and O'Neil before they fled beyond seas. Before the hearings had progressed very far the attention of the Secretary of the Treasury was called to the probability that a tax was due from the Continental Trading Co. and to the likelihood that it had made no return. He was asked to indicate to the committee what legislation, if any, was, in his judgment, desirable to assure payment by those into whose hands the assets of the corporation had passed. To this inquiry he responded that none was then in mind, but that if upon further inquiry any supplementary enactment might seem helpful the committee or the Congress would be advised.

In reporting the collection of the sums already realized the Secretary advised that further payments might be expected, as obviously surtaxes are due from the parties into whose hands the profits of the Continental passed, the sum due being dependent upon the total income of each of the distributees and on whether the obligation is due from the immediate or from the ultimate distributees.

The committee was directed to resume its work because of a widespread belief that the fund accumulated by the Continental Trading Co., which had been denounced by the Supreme Court of the United States as a fraudulent institution, was to be devoted and perhaps had been devoted to corrupt uses of one form or another, seeing that some of it had been shown to have been so employed. It seems now, however, to have been the ill-gotten gains of a contemptible private steal, the peculations of trusted officers of great industrial houses, pilfering from their own companies, robbing their own stockholders, the share of the boodle coming to one of the freebooters serving in part as the price of the perfidy of a member of the President's Cabinet.

The expense of the inquiry, the results of which are here reported and which has resulted in the recovery for the Government of slightly in excess of $2,000,000 with the prospect of getting as much more, has been, as of the date hereof, $14,165.

Respectfully submitted.

T. J. WALSH,
For the Committee.

CHRONOLOGY OF EVENTS IN THE HISTORY OF THE NAVAL PETROLEUM RESERVE, NO. 3, TEAPOT DOME

[Rita Dielmann, April 25, 1928]

[NOTE.—Events in the history of Teapot Dome are herein arranged chronologically with no indication as to the date or method whereby facts were disclosed. For the legislative history of Senate and House resolutions bearing on Teapot Dome, see Legislative reference manuscript No. 01663—HD216C.]

1865: First withdrawal of public lands supposed to contain petroleum. (67th Cong., 2d sess., S. D. 210.)

September 27, 1909: The President by Executive order withdrew certain portions of the public domain as an oil reserve. (5 F (2d) 330.)

June 25, 1910: Congress enacted a law authorizing the President to make withdrawals of public lands. (36 Stat. 847.)

July 2, 1910: The President under authority of the act of June 25, again withdrew certain public lands. A part of the present naval reserve No. 3 was included in this order. (14 F (2d) 705. CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6046.)

1911: First oil-burning vessel in the Navy. Fear that oil supply was not sufficient to put Navy on oil basis. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 1730.)

April 30, 1915: President Wilson created naval reserve No. 3 by Executive order. (67th Cong., 2d sess., S. Doc. 191.)

October 27, 1916: Report of Glenn B. Morgan, field agent, U. S. G. L. O., concerning the status of claims in Wyoming, shows that the Wyoming Oilfields Co. had a claim to most of the lands within the reserve. (U. S. Senate hearings, leases on naval oil reserves, p. 3369.)

December 1, 1916: Report of the Secretary of the Navy Daniels emphasized the importance of conserving the oil supply for the Navy. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., 6046.)

December 9, 1916: Thomas A. Edison, chairman of the Naval Consulting Board, declared in an official statement that the national defense would be imperiled if any legislation was enacted which would divert from the Navy any portion of its petroleum fuel reserve. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6046.)

1917: The department investigated the claims of the Pioneer Oil & Refining Co. and the Société Belgo-Americaine des Petroles du Wyoming to lands in the reserve and found them without merit. (U. S. Supreme Court, advance opinions, November 1, 1927.)

February 25, 1920: Leasing act. Provided that all royalty accruing to the United States from lands within the naval petroleum reserves is to be deposited in the Treasury. All royalty accruing to the United States under any oil or gas lease, on the demand of the Secretary of the Interior, shall be paid in oil or gas. (U. S. Comp. Stat., Ann. Suppl., 1923, §4640.)

February 25, 1920: Universal leasing act. Authorizing the Secretary of the Interior to lease producing oil wells within the naval reserves, authorizing the President to permit the drilling of additional wells or to lease any part of a claim on which wells had been drilled. (U. S. Comp. Stat., Ann. Suppl., 1923, §4640.)

March 5, 1920: And again March 29, 1920, Secretary Daniels addressed letters to the chairman of the Committee on Naval Affairs of the House of Representatives suggesting that the Secretary of the Navy be directed to take possession of all properties within the naval petroleum reserves, to conserve, develop, use, and operate the same at his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof and those from all royalty oil for the benefit of the United States.

Pursuant to this suggestion Congress passed the act of June 4, 1920. (CONGRESSIONAL RECORD, March 8, 1924 (current), 3961.)

June 4, 1920: Congress passed a law directing the Secretary of the Navy to take possession of all properties within the naval petroleum reserves—to conserve, develop, use, and operate the same at his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States. (41 Stat. 813.)

[NOTE.—Mr. Fall, in his testimony before the Senate Committee, on October 23, 1923, maintained that the act of June 4, 1920, transferred to the Navy Department only lands against which there were no specific claims. Until claims were cleared the lands against which they were filed continued in the Department of the Interior under act of February 25, 1920. (U. S. Senate hearing, leases upon naval oil reserves, p. 179.)]

August 21, 1920: The Pioneer Oil & Refining Co. applied for an oil and gas lease on Teapot Dome. (U. S. Senate hearing, leases on naval oil reserves, p. 445.)

March 1, 1921: The Department of the Interior denied applications of the Pioneer Oil & Refining Co. for leases on wells in Wyoming on the ground that the company was not producing commercial wells within the meaning of the general leasing act. (U. S. Senate hearing, leases upon naval oil reserves, pp. 221, 1197.)

March 3, 1921: John B. Payne, Secretary of the Interior, directed that the unclaimed oil land was to be offered for leasing at public auction to the highest bonus bidder, the royalties being fixed by the department. (5 F. (2d) 330.)

March 5, 1921: Albert B. Fall became Secretary of the Interior and Edwin Denby, Secretary of the Navy.

April 28, 1921: The oil companies filed a motion for rehearing. The motion was denied by Assistant Secretary Finney. The oil companies filed a motion for the invocation of the supervisory power of the Secretary. Neither the petition nor the motion were heard, but both were pending when the contract was made with the Mammoth Oil Co. (67th Cong., 2d sess., S. Doc. 210.)

May, 1921: Fall asked Assistant Secretary of the Interior, Mr. Finney, to prepare a memorandum showing that the President might commit control of reserves and other wells or leases to Fall, and that under act of June 4, 1920, the Secretary of the Navy might ask him to handle conservation, development, and operation of the naval reserves. (U. S. Supreme Court, advance opinions, November 1, 1927.)

May 11, 1921: Fall sent Denby a letter inclosing a draft of a proposed Executive order, to be signed by Denby, transferring naval oil reserves from the Navy Department to the Interior. (U. S. Supreme Court, advance opinions, November 1, 1927.)

May 26, 1921: Secretary Denby wrote to President Harding suggesting that the naval oil reserves might properly be transferred to the Interior Department. He states that the officials of the Navy Department had opposed the transfer.

He also stated that in a conversation between the President, Secretary Fall, and himself it was agreed that the President would issue an Executive order effecting the transfer. (U. S. Senate hearing, leases upon naval oil reserves, pp. 286–287.)

May 27, 1921: Rear Admiral R. S. Griffin, Chief of the Bureau of Engineering, wrote a memorandum for the Secretary of the Navy stating that naval oil reserves were no longer public lands and a part of the interior, but property of the Navy and protested against the transfer to the Interior. ((Text) CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 2063.)

May 31, 1921: Order by President Harding committing the administration of all oil and gas bearing lands in the naval reserves to the Secretary of the Interior, subject to the supervision of the President. (Executive Order No. 3474, 67th Cong., 2d sess., S. Doc. 210.)

June 2, 1921: Senator Harreld, of Oklahoma, wrote to the President questioning his legal authority to issue the Executive order of May 31, transferring the administration of the naval petroleum to the Department of the Interior. Secretary Fall assured the President in a letter that he had power under the Overman Act of 1918 to transfer functions from one department to another. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6103.)

July 23, 1921: Fall wrote a letter to Denby suggesting that royalty oil might be used to pay for fuel depots to be located and planned by the Navy. (67th Cong., 2d sess., S. Doc. 210.)

July 29, 1921: Denby by letter to Fall indicated his acquiescence in the use of royalty oil to pay for fuel depots. (67th Cong., 2d sess., S. Doc. 210. U. S. Sup. Ct., advance opinions, Nov. 1, 1927.)

July–October, 1921: Fall in the West to arrange with oil men for exploitation of oil reserves. (U. S. Supreme Court, advance opinions, November 1, 1927.)

September, 1921: Report of Mr. C. H. Wegemann, of the Geological Survey, points out danger of loss of oil in reserve No. 3 by the invasion of water. (67th Cong., 2d sess.; S. Doc. 210–G.)

September, 1921: Dr. H. Foster Bain, Director of the Bureau of Mines under the Department of the Interior, and Arthur W. Ambrose, chief petroleum technologist in the Bureau of Mines, visited naval reserve No. 3. They consulted Carroll H. Wegemann, formerly in the Government service, and G. A. Fisher, of the firm of Fisher & Lowrey, consulting geologists and engineers. Their maps showed a fault and danger of drainage. (5 F. (2d) 330.)

September 27, 1921: R. S. Griffin, rear admiral, United States Navy, Chief of the Bureau of Engineering, retired. Admiral Griffin had advised Secretary Denby against transfer of naval oil reserves to the Department of the Interior. (U. S. Senate hearing, leases upon naval oil reserves, pp. 347–349.)

October 1, 1921: Admiral John K. Robison was made Chief of the Bureau of Engineering in the Navy Department to succeed Admiral Griffin. (5 F. (2d) 330.)

October 8, 1921: Admiral Robison took direct charge of the naval reserves by oral direction of the Secretary of the Navy. Later confirmed by a written order. (5 F. (2d) 330.)

October, 1921: Conference between Admiral Robison, Secretary Fall, Doctor Bain, and Mr. Ambrose to discuss possible drainage on naval reserve No. 3. Considered Wegemann's second report, in which he stated that the Navy Department can not prevent drainage but it can make arrangements for development of the property under conditions mutually advantageous to the Navy Department and the operators. (5. F. (2d) 330.)

October 25, 1921: Robison wrote a letter to Fall, signed by Denby, agreeing that Fall was to control the making of leases for drilling of wells in the naval reserves. The development of Teapot Dome reserve was not to be undertaken except to protect it against depletion by others. The Navy was to receive fuel oil for royalty oil and the royalty oil not so exchanged was to be stored. (United States Supreme Court, advance opinions, November 1, 1927.)

November 15, 1921: A. H. Humphreys, who controlled two-oil producing companies, his counsel, Charles S. Thomas, H. M. Blackmer, chairman of the board of the Midwest Refining Co. and subsidiary of the Standard Oil Co. of Indiana, Sinclair, and O'Neil, president of the Prairie Oil & Gas Co., met in New York. Agreed that the Humphreys's companies would sell oil to Blackmer at $1.50 up to 33,333,333 barrels. (U. S. Supreme Court, advance opinions, November 1, 1927.)

November 16, 1921: Incorporation of the Continental Trading Co. in Canada by application from H. S. Osler, a barrister of Toronto. (U. S. Supreme Court, advance opinions, November 1, 1927.)

November 16, 1921: The same persons met with R. W. Stewart, president of the Standard Oil Co. of Indiana. The Continental Oil Co. to be the purchaser instead of Blackmer. (U. S. Supreme Court, Advance Opinions, November 1, 1927.)

November 17, 1921: Osler met with same persons and contracted on behalf of the Continental Trading Co. for the purchase of oil at a profit of 25 cents a barrel. (U. S. Supreme Court, advance opinions, November 1, 1927.)

November 30, 1921: Report of Mr. Heald, who had been sent by Secretary Fall to make a report on the condition of reserve No. 3. He reported that the oil in three of the sections would certainly be drained and oil in other sections would presumably, but not certainly, ultimately be drained by wells drilled outside the reserve. (67th Cong., 2d sess., S. Doc. 210.)

November 30, 1921: Meeting of the council of the Secretary of the Navy. Robison advised and it was decided that the oil reserves should not be used to supply fuel for current use. Robison urged that leases be made, that royalty oil be exchanged for fuel oil and storage constructed as designated by the Navy. Denby queried whether the exchange was authorized by law. Robison asked the opinion of the Judge Advocate of the Navy, who answered affirmatively. Robison transmitted this to Fall in a letter signed by Denby. (U. S. Supreme Court, advance opinions, November 1, 1927. 5 F (2d) 330.)

December 5, 1921: Denby, Secretary of the Navy, approved the plans arrived at in the meeting of the council on November 30. (5 F. (2d) 330.)

December, 1921, to April, 1922: Mr. Fall consulted various oil companies on means of constructing a pipe line from the Teapot Dome wells and developing the oil lands with a view to offsetting loss by drainage from outside fields. Such a pipe line would pay eventual returns in putting the oil in favorable market or producing a quantity for storage. (67th Cong., 2d sess., S. Doc. 210.)

December 31, 1921: Sinclair and Fall conferred at Fall's ranch at Three Rivers, N. Mex. (5 F. (2d) 300. U. S. Supreme Court, advance opinions, November 1, 1927.)

January, 1922: Mr. Safford, administrative assistant to Secretary Fall, instructed Eddy, who was in the General Land Office in charge of

leasing oil lands, to make a memorandum relating to claims on Teapot Dome to be submitted to Secretary Fall on his return to Washington. (14 F. (2d) 705.)

January, 1922: Fall was informed that counsel for certain oil companies had held that the use of royalty oil to pay for fuel depots was not authorized by law. He refused to submit the question to the Attorney General, lest there was some chance that an adverse opinion would be given. (U. S. Supreme Court, advance opinions, November 1, 1927.)

January 12, 1922: Mr. Tallman made a report on the status of mining claims at Teapot Dome. His report showed that the mineral claims on Teapot Dome did not deserve serious consideration and that there was no imperative need of opening up Teapot Dome. (14 F. (2d) 705; 5 F. (2d) 330.)

January 27, 1922: Fall reached Washington. After conference with Robison it was decided to develop all of reserve No. 3, Teapot Dome. (U. S. Supreme Court, advance opinions, November 1, 1927.)

Shortly after January, 1922, Admiral Robison recommended to Denby the development of the Wyoming reserves as a whole and insisted upon the necessity of a pipe line for military reasons. Denby at first hesitated, then agreed. Admiral Robison communicated the decision to Fall. Admiral Robison made the recommendation to Fall on basis of fear of loss from drainage and pressing national emergency regarding our state of security. (5 F. (2d) 330.)

February 3, 1922: Sinclair went to Fall's office and presented a memorandum outlining the terms of a contract to develop naval oil reserve No. 3. He would want a contract which would authorize him to take out all of the oil in the reserve on a royalty basis, to build a pipe line to market, to build storage tanks, and to quiet all outstanding claims on the reserve. Fall called for a report from Ambrose on possibility of drainage from the naval reserve. (67th Cong., 2d sess., S. Doc. 210; (U. S. Supreme Court, advance opinions, November 1, 1927.)

February 18, 1922: Mr. Ambrose, chief petroleum technologist, Bureau of Mines, reported possible drainage during the next six or seven years by wells outside the Teapot Dome reserve. (14 F. (2d) 705; 67th Cong., 2d sess., S. Doc. 210.)

February, 1922–June, 1923: Purchases and deliveries in Liberty bonds by the Dominion Bank of Canada in New York amounted to more than $3,000,000. (14 F. (2d) 705; U. S. Supreme Court, advance opinions, November 1, 1927.)

February 28, 1922: Sinclair caused the Mammoth Co. to be organized and obtained quitclaim deeds from oil companies holding leases on naval oil reserve lands. (U. S. Supreme Court, advance opinions, November 1, 1927; 5 F. (2d) 330.)

March 10, 1922: Mr. Tallman again reported that there were no legal claims to the Teapot oil region. (14 F. (2d) 705.)

March 11, 1922: Mammoth Oil Co. bought up claims of the Belgo-American and the Pioneer Oil Co. in naval reserve No. 3 for $1,000,000. (14 F. (2d) 705. U. S. Senate hearing, leases on naval oil reserves, p. 2314.)

March 11, 1922: Sinclair made formal application to Fall for a lease. He inclosed a form of lease and quitclaim deeds of the Pioneer and Belgo Cos. (14 F. (2d) 705. U. S. Supreme Court, advance opinions, November 1, 1927.)

March 24, 1922: Admiral Robison wrote Congressman Kelley, chairman of the Subcommittee on Naval Affairs, that the development of naval petroleum reserve No. 3 was to be undertaken only to protect the Government against depletion of the reserve by other parties. (14 F. (2d) 705.)

March–April, 1922: (Two or three weeks.) Most of the lease was drawn up in the office of J. W. Zevely, counsel of Sinclair. The draft was not submitted to any lawyer in the Interior Department. (14 F. (2d) 705. U. S. Supreme Court, advance opinions, November 1, 1927.)

About March 30, 1922: A copy of the lease was shown to Robison. (U. S. Supreme Court, advance opinions, November 1, 1927.)

April 6, 1922: Senator La Follette wrote to Fall asking what was being done in regard to naval reserves. (5 F. (2d) 330.)

April 6, 1922: An oil paper, the Inland Oil Index, wired Secretary Denby asking about the purported leasing of Teapot Dome. (14 F. (2d) 705.)

April 7, 1922: Teapot Dome reserves leased to the Mammoth Oil Co., of which Harry F. Sinclair was president. (67th Cong., 2 sess. S. Doc. 191.)

April 7, 1922: Secretary Denby sent the following telegram:

"To Inland Oil Index, Cooper, Wyo. Matters connected with development of naval petroleum reserves are being handled by the Secretary of the Interior. Navy Department has made no contract for development of Teapot Dome." (14 F. (2d) 705.)

April 7–21, 1922: Between the time of making the lease and the date when it was made public Sinclair oil jumped on the New York Exchange in three days trading over $30,000,000. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6043.)

April 8, 1922: Commander H. A. Stuart, of the Department of the Navy, was detached. He left Washington April 10. (U. S. Senate hearing, leases upon naval oil reserves, p. 292.)

April 10, 1922: Lieutenant Shafroth, of the Bureau of Steam Engineering in the Navy Department, left Washington. (U. S. Senate hearing, leases upon naval oil reserves, p. 292.)

April 7, 1922: Senator KENDRICK inquired on behalf of one of his constituents whether the Secretary of the Interior would consider proposals for leases in the Teapot Dome field. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 11785.)

April 10, 1922: Doctor Bain, Director of the Bureau of Mines, wrote to Senator KENDRICK in response to his inquiry about leases, inclosing a copy of the press memorandum of April 6, 1922. This stated that no leases had been granted. (14 F (2d) 705.)

April 12, 1922: Denby signed the Sinclair lease to Teapot Dome. (5 F (2d) 330; U. S. Supreme Court, advance opinions, November 1, 1927.)

April 12, 1922: Fall asked Denby to procure the adoption of an amendment to the pending naval appropriation bill, providing that storage fuel oil from the naval reserves might be obtained by exchange of oil or use of cash received for royalty oil sold. (U. S. Supreme Court, advance opinions, November 1, 1927.)

April 12, 1922: Fall wrote to La Follette reviewing what the Navy and Interior Departments had done in regard to leasing the reserves. (5 F. (2d) 330.)

April 13, 1922: Secretary Fall wrote President Harding inclosing a copy of his reply to Senator La Follette's request for copies of the lease. In this he said, "Of course, the matter of the process by which we are obtaining storage, etc., and the location of the storage, the contracts for the same, and in fact the plans of the Navy, as they are being worked out by myself and Secretary Denby are military plans, and in my judgment, should not be given to Senator La Follette or anyone else." (14 F. (2d) 705.)

April 13, 1922: Fall left Washington for his ranch at Three Rivers, N. Mex., and locked the lease in his desk saying that he did not care to have the matter get out. (5 F. (2d) 330.)

April 14, 1922: Representative Mondell received a telegram from Governor Brooks of Wyoming protesting against the proposed lease. Mondell called on Judge Finney, Assistant Secretary of the Interior, who gave him the impression that the lease had not been concluded. (14 F. (2d) 705.)

April 14, 1922: Mr. B. B. Brooks, president of the Rocky Mountain Oil & Gas Producers' Association, sent a telegram to Senator KENDRICK protesting against the development of oil in the Teapot Dome. There was already overproduction in Wyoming, the price level was low, there would be no market for oil, and there was no danger of loss of oil by drainage. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 5568.)

April 15, 1922: The Senate passed a resolution (S. Res. 277) calling on the Secretary of the Interior for information as to the existence of a lease. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 5568.)

April 18, 1922: The Department of the Interior released a memorandum to the press, explaining in a general way the leasing of Teapot Dome. (14 F. (2d) 705.)

April 18, 1922: Letter of Mr. Daniels, former Secretary of the Navy, to Senator LA FOLLETTE, explaining his objections to leasing naval oil reserve lands. (Text, New York Times, April 22, 1922.)

April 19, 1922: Mondell again called on Finney, but was not permitted to see the lease. He went to the Navy Department and was permitted to read a copy. (14 F. (2d) 705.)

April 19, 1922: B. B. Brooks, president of the Rocky Mountain Oil & Gas Purchasers' Association, and former governor of Wyoming, sent Senator KENDRICK a telegram, stating that there was no danger of drainage. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6044.)

April 21, 1922: Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, wrote to the President of the Senate in response to Senate Resolution 277, giving information concerning the terms of the contract with the Mammoth Oil Co. (67th Cong., 2d sess., S. Doc. 191.)

April 23, 1922: Dr. G. B. Morgan, State geologist, of Wyoming, sent a telegram to Senator LA FOLLETTE, stating that there was practically no possibility of draining Teapot Dome through Salt Creek wells. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6044.)

April 25, 1922: Robert D. Carey, Governor of Wyoming, sent a telegram to Senator LA FOLLETTE, stating that there was no change of the Salt Creek field draining Teapot Dome. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 6044.)

April 25, 1922: Judge Finney, Assistant Secretary of the Interior, wrote to Mr. JOHN C. SCHAFER, who had applied for a lease, that for military reasons it was deemed advisable not to make the full contract public at that time. (14 F. (2d) 705.)

April 28, 1922: E. C. Finney, Acting Secretary of the Interior, transmitted a copy of the contract made between the Secretary of the Interior, the Secretary of the Navy, and the Mammoth Oil Co. (67th Cong., 2d sess., S. Doc. 196.)

April 29, 1922: Senate adopted a resolution (S. Res. 282) directing the Secretary of the Interior to send to the Senate copies of all oil leases

made on naval oil reserves, and authorizing the Committee on Public Lands and Surveys to investigate the entire subject of leases with reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources. (CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 62, p. 6097.)

May 1, 1922. Commander J. O. Richardson, United States Navy, emphatically advised against drilling on the Teapot Dome. (U. S. Senate hearings, leases upon naval oil reserves, p. 373.)

May 8, 1922: Osler, President of the Continental Co., gave the Dominion Bank of Canada a receipt for $300,000 Liberty bonds. (U. S. Supreme Court, advance opinions, November 1, 1927.)

May, 1922: Sinclair gave Secretary Fall $230,500 face value of United States first 3½ per cent bonds, which he had got as his share of dividends from the Continental Trading Co. The counsel for the United States charged and the court sustained the charge that this pecuniary consideration was intended to influence Fall in granting the Mammoth Oil Co. a lease of naval petroleums reserve No. 3. (14 F (2d) 705.)

May 13, 1922: Report of F. B. Tough, supervisor of oil and gas operations, Bureau of Mines, explaining the leases made in April and defending the action of the Secretary of the Interior. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 4358.)

May 29, 1922: Fall's son-in-law, M. T. Everhart, had $230,500 in Liberty bonds. Two hundred thousand dollars bore numbers corresponding to those purchased by the Continental Trading Co. in New York on April 13 and April 17 and receipted for by Osler May 8. (U. S. Supreme Court, advance opinions, November 1, 1927.)

June 3, 1922: Report of Mr. Tough, geologist in the Bureau of Mines. Mr. Tough reported that it was highly probable that oil-bearing lands in the Teapot Dome reserve would be subject to drainage by wells drilled on lands along the northwest boundary of the reserve. (67th Cong., 2d sess., S. Doc. 210.)

June 3, 1922: Report of A. B. Fall, Secretary of the Interior, to President Harding on Teapot Dome oil lease in response to Senate's demand for information. (67th Cong., 2d sess., S. Doc. 210.)

June 5, 1922: Mr. Fall paid taxes in arrears for 1912–1920. On June 22, 1922, he paid taxes for 1921. [County Treasurer's Certificate.] (U. S. Senate hearing, leases on naval oil reserves, p. 836.)

June 5, 1922: The Senate adopted a resolution (S. Res. 294) authorizing the Committee on Public Lands and Surveys to summon witnesses and to require the production of documents, to employ counsel, etc. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 8140.)

June 7, 1922: A. B. Fall, Secretary of the Interior, transmitted to Hon. REED SMOOT, chairman of the Senate Committee on Public Lands, 2,300 documents in response to Senate Resolution No. 282. [Senator WALSH took charge of the documents preparatory to the investigation.] U. S. Senate hearing, leases on naval oil reserves, pp. 3142–3144.)

June 7, 1922: President Harding's message to the Senate transmitting the report of Secretary Fall and approving the Teapot Dome oil lease. (67th Cong., 2d sess., S. Doc. 210.)

July 13, 1922. [Note: Montana Railway Commission reported inequality in prices in Wyoming and adjoining States during 1921. 67th Cong., 2d sess., S. Doc. 233.]

Report of the Federal Trade Commission on conditions in the petroleum trade in Wyoming and Montana. 1921 Standard Oil Co. of Indiana purchased one-half interest in the Sinclair Pipe Line Co. The Sinclair interests and the Standard Oil Co. together organized the Sinclair Crude Oil Purchasing Co. The Standard Oil Co. had a monopoly of petroleum trade in Wyoming. The Sinclair-Standard interests would increase the monopolistic control of the industry. The commission recommended abolition of legislation of common-stock ownership in corporations which have been members of a combination dissolved under the Sherman law. (67th Cong., 2d sess., S. Doc. 233.)

July 29, 1922: Secretary Fall called upon Acting Secretary Roosevelt for marines. Col. Theodore Roosevelt, Acting Secretary of the Navy, called for marines. Captain Shuler was sent to Casper, Wyo., with four enlisted men. (68th Cong., 1st sess., S. Rept. 794; U. S. Senate hearing, leases upon naval oil reserves, pp. 2723–2724.)

August 2, 3, 1922: The Mutual Oil Co. received their equipment. August 4 the marines left Casper, Wyo. (U. S. Senate hearing, leases upon naval oil reserves, pp. 2729–2730.)

[Note: The marines were used rather than any form of civil injunction, lest a suit bring the validity of the Sinclair lease into question. CONGRESSIONAL RECORD, 68th Cong., 1st sess., pp. 10947–10948.]

August 1, 1922: James O. Lewis wrote to Mr. Ambrose indorsing the policy of the Navy in developing the naval oil reserves and storing oil. (U. S. Senate hearings, leases upon naval oil reserves, p. 824.)

August 15, 1922: The Denver Post showed the enormous profits that Sinclair was making on royalty oil. ((Reprint.) U. S. Senate hearings, leases on naval oil reserves, pp. 2006–2010.)

August 19, 1922: The Mammoth Oil Co. filed papers of incorporation with the Secretary of State for Wyoming. (CONGRESSIONAL RECORD, 67th Cong., 2d sess., p. 11786.)

October, 1922–February, 1923: Nineteen producing wells were brought in on Teapot Dome reserve. ((Tables.) U. S. Senate hearings, leases on naval oil reserves, p. 385.)

October 23, 1922: $20,000 of the $90,000 lot of United States bonds were deposited to the credit of the Tres Ritos Cattle and Land Co. in the First National Bank of Pueblo. October and November, 1922, about $20,000 of the $90,000 United States bonds which could be identified as having been purchased by the Continental Trading Co., were deposited in the First National Bank of El Paso to the credit of Mr. Fall. (14 F. (2d) 705.)

October 25, 1922: Lieut. Commander I. F. Landis, U. S. N., stated that Teapot Dome was not in danger of being drained Wells operating around it were at a considerable distance. Robert Cary, Governor of Wyoming: "I believe there is no chance of the Salt Creek field draining the Teapot Dome. To use this oil now may mean that at some time this country may be seriously embarrassed in a war for lack of fuel for its Navy. No one can justify the bartering away of valuable natural resources, the property of the State and the Nation." G. B. Morgan, State geologist of Wyoming: "My opinion is that Teapot Dome and Salt Creek are separate structures, with practically no possibility of draining Teapot Dome through Salt Creek wells." (U. S. Senate hearings, leases upon naval oil reserves, p. 374.)

December 20, 1922: Separate agreement. Sinclair Pipe Line Co. to construct a pipe line having daily capacity of 40,000 barrels. (5 F. (2d) 330, U. S. Supreme Court advance opinions, November 1, 1927.)

January, 1923: Sinclair Crude Oil Purchasing Co. bought tanks from the Mammoth Co. and stored the royalty oil that it bought from the Government. The Crude Oil Purchasing Co. was jointly owned by the Sinclair Consolidated Oil Corporation of which Sinclair was chairman, and by the Standard Oil Co. of Indiana, of which Stewart was head. The Sinclair Pipe Line Co., also owned half and half by the Consolidated Co. and the Standard Co. was nominated to construct the pipe line designated in the lease and began construction work. (U. S. Supreme Court, advance opinions, November 1, 1927.)

January 11, 1923: Senator WALSH to Florida. Took testimony of McLean, who said he was too ill to come to Washington. McLean said he did not send $100,000 to Fall.

January 26, 1923: Secretary Denby addressed a letter to Secretary Fall giving specifications as to storage of oil and asking the Secretary of the Interior to enter into a supplemental contract covering this matter. (Text U. S. Senate hearing, leases upon naval oil reserves, pp. 1198–99.)

January 30, 1923: The Senate committee invited James O. Lewis, formerly of the Bureau of Mines, and Mr. Clapp to investigate conditions in the Teapot Dome, and to report whether wells in the Salt Creek field could drain the naval reserve oil. (U. S. Senate hearing, leases upon naval oil reserves, p. 826.)

Summer, 1923: Two geologists were sent by the Senate committee to the Teapot Dome area to report on possible drainage by wells outside the reserve. (The True History of Teapot Dome, Senator T. J. WALSH, The Forum, July, 1924.)

February 5, 1923: The Senate adopted a resolution (S. Res. 434) continuing the authorization for an investigation provided for in Senate Resolution 282 and Senate Resolution 294, through the recess of Congress and until the assembling of the Sixty-eighth Congress. (CONGRESSIONAL RECORD, 67th Cong., 4th sess., p. 3048.)

February 9, 1923: Agreement supplementary to lease of April 7, 1922, concerning storage tanks to be provided by Sinclair in exchange for royalty oil certificates. This provision made possible the use of proceeds from royalty oil which if sold would have to be paid into the Treasury. This enabled the Secretary of the Navy to construct fuel stations that had not been authorized by Congress. (Act of August 31, 1842, 5 Stat. L. 577; 5 F. (2d) 330; U. S. Supreme Court, advance opinions, November 1, 1927.)

March 4, 1923: Fall left the Cabinet.

March 29, 1923: Public hearing before the Secretary of the Interior, Hon. Hubert Work. Mr. J. Foley, supervisor of the Salt Creek Producers Conservation Committee, stated that drainage along the common boundary of the Salt Creek field and naval petroleum reserve No. 3 would occur either from the reserve to the Salt Creek field or from the Salt Creek field to the reserve according to the predominance of drilling and the rate of operating the wells. (U. S. Senate hearing, leases on naval oil reserves, pp. 385–86.)

March 29, 1923: $50,000, the balance of the $90,000 lot of United States bonds, were deposited with the Exchange Bank of Carrizozo, N. Mex., to the credit of Mr. Fall. (14 F. (2d) 705.)

May, 1923: The Continental Trading Co. assigned its contract with the Humphreys companies to its guarantors for $400,000. Shortly afterwards it was dissolved. (U. S. Supreme Court, advance opinions, November 1, 1927.)

May 26, 1923: Sinclair directed his secretary, Wahlberg, to give Zevely $25,000 in bonds if the latter asked for them. These were deposited to Fall's credit in El Paso. Sinclair was about to go to Russia and had Zevely arrange with Fall to meet him there. The bonds were a loan, not a fee. After Fall's return from Russia, he gave Zevely a note for $25,000. (U. S. Supreme Court, advance opinions, Nov. 1, 1927.)

May 26, 1923: An agreement was executed whereby the Continental Trading Co. assigned its contract of November 17, 1921, with

the Humphreys interests to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil and Gas Co. At that time some 8,000,000 barrels of oil had been delivered under the Humphreys contract, leaving some 25,000,000 still to be delivered to the Continental Trading Co. As this oil had been resold to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. on the same date at a profit of 25 cents per barrel, there was still a profit to accrue to the Continental Trading Co. of some $6,000,000 under its resale contract. (14 F. (2d) 705.)

Summer, 1923: Mr. Fall went to Russia to advise Mr. Sinclair on an oil lease. He testified before the Senate Committee that he received no pay for his services but that the syndicate paid him $10,000 for expenses. (U. S. Senate hearings, leases upon naval oil reserves, pp. 271–274.)

June, 1923: $25,000 in Government bonds were shipped by the employees of Sinclair to the First National Bank of El Paso, Tex., to be received for Fall's account. (5 F. (2d) 330.)

August 9, 1923: The Continental Trading Co. (Ltd.), went out of business. (14 F. (2d) 705.)

October 22, 1923: Senate investigation of the Teapot Dome Oil case began under authority of Senate Resolutions 282 and 294. (Hearing before the Committee on Public Lands and Surveys, pp. 1–174.)

October 23, 1923–February 11, 1924: Hearings of the Senate Committee on Public Lands and Surveys pursuant to Senate Resolutions 282, 294, 434. (Pp. 175–2070.)

December 3, 1923: Sinclair turned over to W. H. Hays for the Republican National Committee $75,000 in bonds, which were later known to be Continental bonds, to help meet the deficit of the campaign of 1920. (Senator WALSH. New York Times, April 1, 1928. CONGRESSIONAL RECORD, April 2, App.)

December 27, 1923: A. B. Fall plead illness and sent to the committee a statement that E. B. McLean, of Washington, had lent him $100,000. (68th Cong., 1st sess., S. Rept. 794.)

January 20, 1924: The Bureau of Investigation of the Department of Justice wired their agent in El Paso to put the manager of Mr. Fall's ranch under surveillance. The man in charge of the El Paso Bureau was an appointee of Fall's. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 1622.)

[Same date Fall at New Orleans put under surveillance.]

January 24, 1924: E. L. Doheny appeared before the Committee on Public Lands and Surveys and testified that he had lent Fall $100,000 on November 30, 1921. (68th Cong., 1st sess., S. Rept. 794.)

January 27, 1924: The President issued a press statement that the Department of Justice was following the hearings of the Senate committee.

"If there has been any crime it must be prosecuted. If there has been any property of the United States illegally transferred or leased, it must be recovered. * * * I propose to employ counsel of high rank drawn from both political parties, to bring action for the enforcement of law. Counsel will be instructed to prosecute these cases in the courts so that if there is any guilt it will be punished; if there is any civil liability it will be enforced; if there is any fraud, it will be revealed; and if there are any contracts which are illegal, they will be canceled. Every law will be enforced and every right of the people and the Government will be protected." (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 1520.)

January 28, 1924: President Coolidge to Speaker of the House. Estimate of $100,000 to enable the Chief Executive to take action for prosecution of cases growing out of oil leases and for the protection of interests of the United States on naval reserves. (68th Cong., 1st sess., H. Doc. 174.)

January 31, 1924: House Concurrent Resolution 10. That it is the sense of Congress that Harry F. Sinclair be requested to return to the United States to testify regarding the proposed cancellation of the Teapot Dome oil lease and explain the loan of $25,000 to Fall. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 1770.)

February 2, 1924: Mr. Fall challenged the authority of the Committee on Public Lands and Surveys to proceed under Senate Resolutions 282, 294, and 434, Sixty-seventh Congress. He held that the committee had no authority to continue its investigation until the assembling of the Sixty-eighth Congress. Mr. Fall refused to answer questions on the ground that Senate Joint Resolution 54, attempting to deal with the lease of the Mammoth Oil Co., had taken upon the Senate the authority over naval oil leases. (United States Senate hearing, leases upon naval oil reserves, pp. 1961–1962.)

February 2, 1924: Atlee Pomerene, of Ohio, and Owen J. Roberts, of Pennsylvania, appointed as special oil counsel.

February 7, 1924: Senate Resolution 147. Authorizing the investigation by the Senate committee in view of Mr. Fall's refusal to testify. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 1973).

February 8, 1924: Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts. (68th Cong., 1st sess., S. J. Res. 54, p. 2053.)

February 11, 1924: Senate Resolution 134. Calling upon the President to dismiss the Secretary of the Navy from his Cabinet. The President replied that no official recognition could be given to the Senate's resolution, since it usurped an Executive function. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 2245.)

February 12, 1924: President Coolidge's Lincoln Day address, National Republican Club, New York. "There will be immediate, adequate, unshrinking prosecution, criminal and civil, to punish the guilty and to protect every national interest." (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 2338.)

February 12–May 14, 1924: Hearings of the Senate Committee on Public Lands and Surveys pursuant to Senate Resolution 147 (pp. 2071–3586.)

February 18, 1924: Edwin Denby resigned as Secretary of the Navy after attacks in the Senate.

February 27, 1924: Appropriation of $100,000 to enable the Chief Executive to employ counsel and to prosecute suit to cancel leases on oil lands. H. J. Res. 160. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 3269.)

March 1, 1924: S. Res. 157. That a committee of five Senators be authorized to investigate the neglect of H. M. Daugherty, Attorney General of the United States, to arrest and prosecute Fall, Sinclair, Doheny, Forbes. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 3410.)

March 7, 1924: Letter of Secretary Denby showing that no officer of the Navy had been removed from duty at Washington nor retired on account of disagreement with the petroleum policy of Denby. (CONGRESSIONAL RECORD, March 8, 1924 (current), 3961.)

March 13, 1924: A temporary restraining order on the Mammoth Oil Co. and one appointing receivers for the property involved were entered. (14 F. (2d) 750.)

March 22, 1924: Harry F. Sinclair appeared before the Senate committee and was duly sworn as a witness. Sinclair refused to answer questions put to him. (S. Rept. 299, 68th Cong., 1st sess.)

March 24, 1924: Senator WALSH offered motion that facts concerning Mr. Sinclair's refusal to answer questions of the committee be certified to the district attorney for the District of Columbia. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 4788.)

[NOTE.—The United States cited Sinclair for contempt and the Supreme Court of the District of Columbia returned an indictment.]

March 27, 1924: President Coolidge requested the resignation of Attorney General H. M. Daugherty. (CONGRESSIONAL RECORD, 68th Cong., 1st sess., p. 5141.)

July 14, 1924: The District of Columbia Supreme Court rules that Sinclair must answer questions.

Congress has the right to compel testimony in aid of the exercise of its legislative function, excluding, of course, self-incrimination.

The defendant urged that in referring to the courts for determination and adjudication the question of the alleged invalidity of the several leases of naval oil reserves, the Senate had divested itself of jurisdiction further to investigate the subject of such leases. Court held that the institution of judicial proceedings did not exhaust the entire subject matter of the investigation itself.

The defendant urged that even if power exists in Congress to compel testimony in aid of the discharge of its legislative functions, the indictment must show that the Senate committee was engaged in an investigation having for its object the acquiring of information for legislative purposes.

The court holds that questions pertinent to the inquiry must be answered. Congress has lawful authority to require answers. (Supreme Court of the District of Columbia. U. S. *v.* Harry F. Sinclair. The Washington Law Reporter. LII 461. Criminal, No. 42060.)

September 15, 1924: Mr. Osler was summoned to testify on application made to the United States district court pending suit against the Mammoth Oil Co. in the district of Wyoming. Mr. Osler refused to be sworn. Appeal was made to the Supreme Court of Ontario for an opinion as to the propriety of the refusal on the part of the witnesses to answer questions. (56 O. L. Rep. 307.)

December 10, 1924: Motion in the Weekly Court, Toronto, for an order for Osler to attend for examination as witness in the suit pending in the United States District Court for the District of Wyoming. (56 O. L. Rep. 307.)

December 13, 1924: Riddell rendered opinion of the court that Osler must answer questions as to who caused him to organize the Continental Trading Co., who were its owners, and what the assets of the company. (56 O. L. Rep. 307.)

[NOTE.—The United States attempted to secure a continuance of the trial in order to procure evidence of H. S. Osler. The request was denied. (14 F. (2d) 705.)]

February 9, 1925: United States *v.* Mammoth Oil Co. Letters rogatory to any judge or tribunal having jurisdiction of civil causes in the Republic of France to take the testimony of H. M. Blackmer and J. E. O'Neil. (U. S. District Court, District Court of Wyoming.) Blackmer and O'Neil refused to testify. (U. S. Supreme Court, advance opinions, November 1, 1927.)

February 9 and 11, 1925: Appeal by Osler heard. (56 O. L. Rep. 635.)

March 11, 1925: Judgment of Riddell was affirmed on appeal by Osler. The court held that questions put to Osler must be answered. (56 O. L. Rep. 635.) [NOTE: Osler left for a hunting trip to Egypt.]

April 3, 1925: United States *v.* Albert B. Fall and Harry F. Sinclair. Criminal Cases Nos. 42303, 42304, and 42305. Indictment charging bribery and conspiracy to defraud the Government was quashed. (The Washington Law Reporter, Vol. LIII, p. 230.)

June 19, 1925: United States *v.* Mammoth Oil Co., et al. District Court, D. Wyoming. Bill to cancel the lease to Teapot Dome was dismissed. This appears to be a good contract and should not be set aside for light or frivolous reasons. "It is not only possible, but very probable, in this case, that the action taken by the Secretary of the Navy, if the contracts are fairly and honestly carried out, will actually conserve oil which would otherwise have been lost." (5 F (2d) 330.) [NOTE: In the course of the preparation of Atlee Pomerene and Owen J. Roberts for the trial of the suit of the United States to cancel the Teapot oil lease in Wyoming, the counsel for the United States found reference to Liberty bonds in Mr. Fall's bank accounts and disclosed the Continental Trading Co. Senator WALSH. CONGRESSIONAL RECORD. April 2, 1928.]

December 7, 1925: Court of Appeals of the District of Columbia. United States *v.* Albert B. Fall. No. 4362. The United States appealed from the decision of the Supreme Court of the District of Columbia sustaining a plea in abatement and quashing an indictment. The Court of Appeals reversed the decision of the supreme court. (The Washington Law Reporter, Vol. LIV, p. 25.)

March 26, 1926: Appropriation to enable the Chief Executive to institute and continue the prosecution of suits to cancel certain oil leases and incidental contracts. (69th Cong., 1st sess., H. Doc. 282.)

July, 1926: Mr. Blackmer had his counsel, Mr. Schuyler, meet him at Montreal, Canada. Blackmer had $750,000 in bonds which he held as part of the profits of the Continental Trading Co. Schuyler advised him to deposit them in trust in New York. (United States Daily, February 24, 1928. 3608:1.)

September 28, 1926: United States *v.* Mammoth Oil Co. Appeal from the District Court of the United States for the District of Wyoming. Judge Kenyon rendered the opinion of the circuit court of appeals for the eighth circuit. Reversed the decision of the district court. Declared that the lease held by the Mammoth Oil Co. had been obtained by fraud and ordered an accounting by the Mammoth Oil Co. for all oil taken under the lease and contract. (14 F (2d) 705.)

February 1, 1927: Proposed legislation canceling oil leases to extend availability of unexpended balance of appropriation carried in act approved July 3, 1926, to enable the Chief Executive to continue litigation to cancel certain leases of oil lands. (69th Cong., 2d sess., H. Doc. 675.)

March 17, 1927: Executive order revoking Executive order of May 31, 1921, which committed the administration and conservation of all oil and gas bearing lands in naval petroleum reserves Nos. 1 and 2, California, and reserve No. 3 in Wyoming, and naval shale reserves in Colorado and Utah, to the Secretary of the Interior subject to supervision of the President. (No. 4614.)

July 9, 1927: Agreement between Secretary Work and Secretary Wilbur concerning the transfer of naval petroleum reserves to the Department of the Navy pursuant to Executive Order of March 17, 1927. To become effective August 1, 1927. (Text published United States Daily, July 15, 1927.)

August 1, 1927: All naval oil reserves returned to the control of the Navy Department.

October 10, 1927: Mammoth Oil Co. *v.* U. S. The Supreme Court of the United States decided that the lease and supplemental agreement were fraudulently made to circumvent the law and to defeat public policy. No equity arises in favor of the lessee or the other petitioners to prevent or condition the granting of the relief directed by the Circuit Court of Appeals. Petitioners are bound to restore title and possession of the reserve to the United States, and must abide the judgment of Congress as to the use or removal of the improvements or other relief claimed by them. (U. S. Supreme Court, advance opinions, November 1, 1927.)

November 2, 1927: Criminal trial collapsed for want or jury after exposure of Sinclair's plot to shadow the jury. Jury dismissed. Justice Siddons declared a mistrial.

December 29, 1927: Judge Kennedy signed the decree returning naval petroleum reserve No. 3 to the Navy. This order terminated the receivership which had lasted since March, 1924 (cf. item March 13, 1924).

In accordance with the court decision, the Mammoth Oil Co. is accountable to the Government for the value of oil and other products taken under the lease and contract which had been declared void. (United States Daily, December 31, 1927. 3095:6.)

December 30, 1927: Statement of Secretary Wilbur that the United States would receive $3,000,000 in Liberty bonds and about $100,000 in cash from the receivers of Teapot Dome, representing the proceeds of petroleum sold during the period of receivership and from interest on bonds. (United States Daily, December 31, 1927. 3093:7.)

January 7, 1928: Receivership on Teapot Dome ended. (CONGRESSIONAL RECORD, 70th Cong., 1st sess. (current), 5934.)

January 9, 1928: The Senate adopted a resolution (S. Res. 101) authorizing the Committee on Public Lands and Surveys to investigate the transactions and activities of the Continental Trading Co. (CONGRESSIONAL RECORD, 70th Cong., 1st sess. (current), p. 1185.)

January 25, 1928: Hearings of the Committee on Public Lands and Surveys resumed. Examination of transactions of persons connected with the Continental Trading Co.. (United States Daily, January 27, 1928, 3333:5; 3344:1.)

January 25, 1928: Mr. Stephens, counsel for the Standard Oil Co., stated that Col. R. W. Stewart could not appear, because of important business in Cuba and Mexico. Senator WALSH instructed Mr. Stephens to advise Colonel Stewart to come to Washington at once. (United States Daily, January 26, 1928. 3333:5.)

February 2 and 3, 1928: R. W. Stewart was subpœnaed to appear before the Senate Committee on Public Lands and Surveys. Declined to answer questions. (United States Daily, February 24, 1928. 3618:7.)

February 3, 1928: Senate committee ordered the arrest of R. W. Stewart. Ordered the Sergeant-at-arms of the Senate to bring Stewart before the committee (S. Res. 132). President of the Senate to issue a warrant commanding the Sergeant-at-arms to take into custody R. W. Stewart and to bring him before the bar of the Senate. (CONGRESSIONAL RECORD, 70th Cong., 1st sess. (current), 2439–2440.)

February 3, 1928: Stewart was arrested by the Sergeant at Arms of the Senate. (United States Daily, February 7, 1928. 3447:1.)

February 4, 1928: Stewart's application for writ of habeas corpus on grounds that Senate Resolution 101 is not within the jurisdiction of the Senate because it attempts to inquire into the personal affairs of the petitioner. (February 6, 1928. United States Daily, 3437; 2.)

February 4, 1928 (S. Res. 133): The Committee on Public Lands and Surveys is authorized to employ counsel to represent the Senate in any proceedings relating to R. W. Stewart to secure his release from the custody of the Sergeant at Arms in any court. (CONGRESSIONAL RECORD, 70th Cong., 1st sess. (current), p. 2468.)

February 7, 1928: Hearings in the Supreme Court of the District of Columbia. Both parties to file briefs. (United States Daily, February 8, 1928, 3459:7.)

February 13, 1928: Brief for Stewart was filed.

Contention that Senate committee has power to make inquiry only to prosecute its legislative function. (United States Daily, February 14, 1928, 3519:1.)

February 23, 1928: The Senate Committee on Public Lands and Surveys traced $763,000 in bonds to H. M. Backmer. (United States Daily, February 24, 1926, 3607:4.)

February 23, 1928: Mr. Justice Bailey, of the Supreme Court of the District of Columbia, dismissed R. W. Stewart's petition for a writ of habeas corpus. (United States Daily, February 24, 1928, 3607:5.)

February 27, 1928: President Coolidge signed the act (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval pretroleum reserves. (CONGRESSIONAL RECORD, 70th Cong., 1st sess. (current), 3582; United States Daily, 3646:1.)

March 8, 1928: Senate Committee on Public Lands and Surveys traced $20,000 in Liberty bonds purchased from the profits of the Continental Trading Co. of Canada to the campaign deficit fund of 1920. In 1923 that sum was used to reimburse a contributor to the Republican National Committee. (United States Daily, 43:4.)

March 14–17, 1928: Senators NYE and NORBECK investigated the campaign contributions during 1921, 1922, and 1923 in Chicago in an effort to trace some of the Liberty bonds received by W. H. Hays from Sinclair. They accounted for practically all of the $60,000 which Hays sent to Chicago. (United States Daily, March 19, 1928, 137:2.)

March 19, 1928: Senator ROBINSON of Indiana charged that Sinclair had contributed to the campaign funds of Governor Smith of New York in 1920 and that Governor Smith had appointed Sinclair a member of the New York racing commission. (CONGRESSIONAL RECORD, March 19, 1928 (current), 4978.)

March 20, 1928: Public Lands and Surveys. Senator NYE announces that the Senate committee will make investigation to determine whether late President Harding was recipient of any benefits from any transactions growing out of the lease of the Teapot Dome naval reserve. (United States Daily, March 21, 1928.)

March 21, 1928: Senate Committee on Public Lands and Surveys decided to send a subcommittee to El Paso, Tex., to examine Albert B. Fall on his knowledge of the Teapot Dome case.

March 21, 1928: Senator NYE sent a telegram to Mr. Fall at El Paso asking him whether he would be willing to testify before a subcommittee. Rumor to that effect had reached Washington. Mr. Fall replied that he would not be willing to testify in advance of the Fall-Sinclair conspiracy trial pending in the Supreme Court of the District of Columbia. (United States Daily, March 23, 1928. 181:4.)

March 29, 1928: A. B. Fall's testimony was taken at El Paso by M. B. Bull, a notary public. (Washington Post, March 30, 1928.)

April 4, 1928: Trial of H. F. Sinclair postponed to enable the counsel for Sinclair to study Fall's deposition. (Washington Post, April 5, 1928.)

April 9, 1928: Retrial of Sinclair on conspiracy charge opened.

April 21, 1928: Supreme Court of the District of Columbia acquitted Sinclair of conspiracy to defraud the Government in obtaining the lease on naval oil reserve No. 3. (New York Times, April 22, 1928.)

LEASES UPON NAVAL OIL RESERVES AND ACTIVITIES OF THE CONTINENTAL TRADING CO. (LTD.) OF CANADA (REPT. NO. 1326, PT. 2)

Mr. NYE. I ask that an additional report from the Committee on Public Lands and Surveys, which is in no wise at odds with the report presented by the senior Senator from Montana but is in addition, on the same subject, may be printed, and that it also may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[S. Rept. No. 1326, pt. 2, 70th Cong., 1st sess.]

LEASES UPON NAVAL OIL RESERVES AND ACTIVITIES OF THE CONTINENTAL TRADING CO. (LTD.) OF CANADA

Mr. NYE, from the Committee on Public Lands and Surveys, submitted the following supplemental report, pursuant to S. Res. 101:

Conceived in darkness and selfishness and dedicated to the proposition that the cause of privilege and the privileged must be served!

That in a few words is the sum and substance of the real story of the looting of the naval oil reserves and the formation and operations of the Continental Trading Co. of Canada, which the Committee on Public Lands and Surveys has had under investigation by virtue of Senate Resolution 101 of the Seventieth Congress and Senate Resolutions 282 and 294 of the Sixty-seventh Congress.

In preparing this report in response to the aforementioned resolutions the desires and requirements of the Senate with relation to a report have been construed to include:

(1) The committee findings with relation to protection, or lack of protection, accorded the rights and equities of the Government of the United States in and the preservation of its natural resources as embodied in its naval oil reserves.

(2) The committee findings with relation to its inquiry into the affairs of the Continental Trading Co. of Canada; the purpose of its organization, the source of its profit, the uses to which this profit was put or the uses for which it was probably intended; its connection, if any, with the leasing of the naval oil reserves; and its influence upon the political and economic life of the Nation.

(3) In view of the developments which have been the outgrowth of the investigation, it is felt that there should be incorporated in this report a citation of such benefits as have come out of the investigation thus far.

(4) It is further felt that any final report should include a review of the contention of those men and institutions which have been thrown on the defensive as a result of the disclosures made by the investigation; that such a review should be offered for the purpose of showing how unreasonable their contention often has been, and how evasive, misleading, and false these men and institutions have in many cases been while presuming to throw light upon the matter under inquiry and while under oath to tell the truth, the whole truth, and nothing but the truth.

(5) Finally, in its report the committee is expected to at least suggest such recommendations for legislation as may be considered necessary to further safeguard the naval oil reserves or other necessary security.

THIS REPORT NOT FINAL

This report should under no circumstances be considered necessarily a final report.

The committee is still without knowledge of the uses to which about a third of the profits of the Continental Trading Co. were put. Representation is made that the one-fourth share which went to James O'Neil was finally given by O'Neil to the oil company of which he was the head official at the time he received the said profits. The bonds which were thus paid over to the oil company were not the Continental Trading Co. bonds, however. It may be that O'Neil still possesses the original bonds received as profits from the Continental Trading Co., but there has as yet developed no opportunity to ascertain this.

In addition to this quarter share of said profits, there is unaccounted for a portion of those bonds received by Harry F. Sinclair. Since the investigation has disclosed that approximately a half of his share entered channels which have been considered of a corrupt nature, it seems essential that every possible means ought to be exhausted to learn of the uses to which that portion unaccounted for was put.

Not all avenues of information with relation to the questions under investigation can be considered exhausted before the testimony of one H. S. Osler, one H. M. Blackmer, and one James E. O'Neil, has been made available. These three men were principals in the entire question under investigation, but they have all absented themselves from the continent during the time their testimony has been sought. The first has found trips abroad convenient upon occasions when it was indicated that the investigation would seek his personal testimony. The other two have been fugitives from justice since the inauguration of this inquiry in 1923.

Persistence and patience have been the first essential in winning virtually every bit of material information which has been secured by the committee. There ought not be haste and impatience now in bringing the inquiry to a quick close.

WHAT INVESTIGATION DISCLOSES

The investigation thus far discloses that the leasing of the naval oil reserves constitutes criminal conspiracy against the rights, interests, and properties of the United States Government unparalled in the history of this or any other civilized nation.

Never has the world known a case involving a degree of fraud, quite evident bribery, thievery, conspiracy, and corruption to compare with what has come to be known as the Teapot Dome-Elk-Hills-Continental Trading Co. case. The leases involved in the case are estimated to have been worth not less than $500,000,000, and were consummated, to use the language of the Supreme Court of the United States, "by conspiracy, corruption, and fraud."

The investigation has uncovered the slimiest of slimy trails beaten by privilege. The investigation has shown, let us hope, privilege at its worst. The trail is one of dishonesty, greed, violation of law, secrecy, concealment, evasion, falsehood, and cunning. It is a trail of betrayals by trusted and presumably honorable men—betrayals of a government, of certain business interests and the people who trusted and honored them; it is a trail showing a flagrant degree of the exercise of political power and influence, and the power and influence of great wealth upon individuals and political parties; it is the trail of despoilers and schemers, far more dangerous to the well-being of our Nation and our democracy than all those who have been deported from our shores in all time as undesirable citizens. And in the end the story is one of the crushing of brilliant careers when finally the light was played upon those who schemed those unhealthy schemes born in darkness.

Slow to unfold itself, and slow in being unraveled, the tale of those who engineered, aided, and abetted in the naval oil-reserve leases and the affairs of the Continental Trading Co. goes beyond the most fertile imagination. The enormity of the offenses involved in these transactions is increased by the fact that these great oil reserves, created by the acts of Presidents Taft, Roosevelt, and Wilson, were essential to the national defense and were intended to be held inviolate until they were actually needed for the use of the Navy by reason of the depletion of other oil sources or for some other great national emergency.

In addition to the startling story which the investigation itself has unfolded there are results, the direct outgrowth of facts uncovered by it, to further startle and stagger any mind which has followed the case. Among such results are the various court actions which the investigation has made inescapable, and the results of these actions.

The acquittal verdicts which followed the Fall-Doheny and the Fall-Sinclair trials have been considered most deplorable failures of justice on every side, excepting only the side of privilege. These failures have been of such nature as to prove the need for such changes in court procedure as will make advantage no more easily available to the criminal of great means than to the offender who comes out of the most lowly classes. Great means in these particular cases have won delays and purchased talent which have served to divert the mind from and cloud the real offenses and criminal acts attendant thereon. Justice has been proven, not a thing to be applied to and enjoyed by all alike, but instead a commodity to be bought and otherwise influenced by wealth, and able lawyers in the Congress and out would contribute mightily to the cause of our democracy if they would devote themselves to such legislation as would make justice reach out to one and all alike.

The delays which have been attendant upon the trial of cases growing out of the naval oil leases is not to the credit of the order that prevails now with respect to the dispensation of justice. Because of these permissible delays we become the laughing stock of the world. Then there are the ins and outs and technicalities which do not permit, when expensive legal talent is on guard and objects, the offering of all evidence bearing upon the case at trial.

The complaints offered by jurors, who voted an acquittal in one of the cases growing out of the leasing of the naval oil reserves, to the effect that one learned more about the case from the newspapers he read after being relieved from duty on the jury which voted the acquittal than he had learned during the entire course of the trial, which ran over many days, is a case in point when it is agreed on every hand that the newspapers made no false presentations in its representations. Greed will be served through means, corrupt if need be, so long as there remains the chance to play with and break down the true purpose of law. Conspiracies can be anticipated so long as conspirators are

shown to have a chance for trial before juries which can be denied knowledge of all conditions and facts attendant upon that act of conspiracy.

HISTORY OF NAVAL OIL RESERVES

There is appended or will be appended to this report a more detailed history of the naval oil reserves cases, their setting aside; their great value; the law which was intended to safeguard them; the desire of powerful groups in the oil world to win possession of them; the weight of campaign contributions to national parties by men included in these groups; and their influence in the selection of men who were to administer the affairs of government which was to exercise the duty of protecting the interests of the Government against those who sought concessions; of the manipulating, through a lax and corrupt administration of government, of the steal which gave privilege the oil reserve leases they sought; of the transfer to Secretary of the Interior Albert B. Fall by one E. L. Doheny of a hundred thousand dollars in cash contained in a little black satchel, and the transfer by Mr. Fall to Mr. Doheny of naval oil reserve No. 1; of the transfer by the same Albert B. Fall of other naval oil reserves to interests represented by Robert W. Stewart, head of the Standard Oil Co. of Indiana, and Harry F. Sinclair, high official in another oil company subsidiary to the Standard Oil Co. of Indiana, and the transfer of at least $233,000 in 3½ per cent Liberty loan bonds and cash to Fall by Sinclair; of the starting of an investigation into the leases thus gained; of the wonderful vision of the late Senator Robert M. La Follette, of Wisconsin, in instigating the investigation; of the court actions which followed; and of the tremendous drive made to halt the investigation and the means adopted by defendants with their money to stave off justice, even to the extent of engaging the greatest detective talent on the continent to influence a jury.

This history shows no branch of our Government to have been considered beyond the reach of those interests thus placed on the defensive. The administrative, the legislative, and the judicial branches all were made to feel the power which they exercised, power through political influence and the use of great wealth.

From whence did this wealth for such usage come? What was its source? Here enters the Continental Trading Co. of Canada. But, before giving thought to that, let it be recited that every penny of it came first from the pockets of the American people—taken from them through the control by a few of great natural resources often won by fraud and corruption. Thus taken from the American people, the wealth is used to corrupt the very institutions which are set up by the people to protect their interests and promote the welfare of the people. First it is poured out to influence the administrative branch of government. More of it is available to influence the legislative branch away from its duty, and still more of it is available for the engagement of most expensive legal talent and the engagement of high-priced detectives to influence activities in the judicial branch of government.

THE CONTINENTAL TRADING CO.

A contract which would, but for the Senate investigation, have reaped a profit of $8,000,000 for its originators without the necessity of a penny of capital, without risk and without effort, is the beginning of the Continental Trading Co., the affairs of which have played so integral a part in the Senate investigation of this winter. Had the existence of this organization been known in 1923, the Senate investigations might have then been ended. But it was only through the tracing several years later of the Liberty loan bonds which Sinclair delivered to Secretary of the Interior Albert B. Fall as having once been the property of the Continental Trading Co., that the probable purpose of the company became known and the corruptions and frauds traced to the doorstep of Robert W. Stewart, chairman of the board of directors of the Standard Oil Co. of Indiana, Harry F. Sinclair, chairman of the board of directors of the Sinclair Consolidated Oil Corporation, which company, together with the Standard Oil Co. of Indiana, each control 50 per cent of the Sinclair Crude Oil Purchasing Co., James E. O'Neil, president of the Prairie Oil & Gas Co., another of the Standard Oil group, and Harry M. Blackmer, chairman of the board of directors of the Mid-West Refining Co. in the Salt Creek oil fields, Wyoming, a child of the Standard Oil Co. of Indiana.

Who conceived the organization of the Continental Trading Co. of Canada is not so essential as is an understanding of the purpose of the organization. A profit to the Continental Trading Co. of more than $3,000,000 was enjoyed by Stewart, Sinclair, Blackmer, and O'Neil or their companies. This profit was first at the expense of the stockholders of their companies and the consumers of oil. Whether the purpose of the company was that of winning quietly a neat profit for the four participants, a profit that others need never know about, or whether the purpose was that of creating a fund to be used to corrupt and influence elections and public officials like Albert B. Fall, or other "slush" purposes, is a question for debate.

It is hard to conceive that these four men, Stewart, Sinclair, Blackmer, and O'Neil, would stoop to such scheming to enrich themselves at the expense of stockholders in the companies they represented, in view of the fact that all of them were men of great means.

In view of what Sinclair did with his share of Continental Trading Co. profits and the interests of all of the men and their companies concerned, it is much easier to believe that it was the purpose of the organization of the Continental Trading Co. to create a huge slush fund to be available for such purposes as have been suggested. It is true that the investigation of the committee has disclosed that only one-fourth share of these profits, that share going to Sinclair, ever entered into such channels as would call for use of a "slush" fund, but it must be borne in mind that the inauguration of these investigations in 1922 was at the time that distribution of the profits was taking place, and the participants in the profits immediately became cautious in the use of the Liberty loan bonds into the purchase of which the profits of the company were turned. In fact the testimony received by the committee discloses such caution on the part of at least one participant, namely, Robert W. Stewart. There is, under the circumstances, ample ground upon which to base the belief that the entire profit was intended for propaganda, corrupt and "slush" purposes.

The use to which the Sinclair share of the bonds was put is well set forth in the report submitted for the committee by the senior Senator from Montana [Mr. WALSH]. In addition thereto there is appended to this report a carefully prepared account of the organization and activities of the Continental Trading Co. which doubtless contains information which ought to be fully recorded. (See p. 9.)

The combined story of the facts relating to the leasing of the naval oil reserves, the Continental Trading Co., and the uses to which the profits of that company were put demonstrates a frightful influence of money upon our political and economic life as a Nation. It also demonstrates that there is realization on the part of despoilers of the influence which their means can, under the prevailing order, exercise.

In addition to the direct evidence bearing out that conclusion, the committee has heard much evidence of the nonpartisanship of many of those who give support to political parties. Witness after witness has testified before the committee to the effect that he has not confined his contributions to any one political party. The only conclusion to be drawn is that the contributions are not made because of enthusiasm for any one party, but for the sake of such returns as might be won through the winning party. Doheny, once prominently mentioned as a candidate for Vice President on the Democratic ticket, has been liberal with his contributions to both parties. Sinclair has by no means confined his contributions to one party. Liberal contributions seem, for the most part, to be in the nature of investments, the investors not caring much under the circumstances which ticket wins so long as they have made their investment with both. This is somewhat in keeping with the testimony of one witness, who declared his knowledge of one campaign which found the assistant treasurers of both major parties with offices together. This same witness, with still another, testified that in 1923 there was an agreement between the treasurers of the major parties to refrain from filing any report of campaign contributions received by them. Let it be noted, however, that one treasurer referred to, the second having since died, denied there had been any such agreement or understanding.

Laws now in force do not seem to regulate contributions as fully as is desired. One witness before the committee admitted that his corporation had made a liberal contribution to a campaign fund in direct violation of the corrupt practices act which was at the time in existence. The statute of limitations has since run.

All in all, we are confronted with the picture of a most unhealthy influence upon our life as a Nation and upon our democracy through campaign contributions. The problem is one meriting study, with a view to better regulate by legislation the source and amount of money contributed for political purposes. The great masses of people who are without great means can never hope to compete politically with influences which can pour unreasonable sums into partisan coffers.

INVESTIGATION ACCOMPLISHMENTS

In any review of benefits which have grown out of the investigations by the Committee on Public Lands and Surveys thus far, there must not be overlooked the prospect at this time for a general housecleaning in the oil industry. Powerful influences are at work to place the industry in honest hands and upon an honorable business basis. It must be admitted that the public interest will profit through such a reformation of the industry.

Also, the investigation is bound to bring some measure of political reform. It seems quite evident that in this campaign year, for example, there is going to be greater caution exercised in the use of money in the campaigns and in the source of funds collected for campaign purposes. Less money for campaign purposes is greatly to be desired.

The investigation must certainly have awakened the people of the Nation to the theft of, and the threats against, the public rights and equities in our natural resources. Such an awakening can not help but cause many people to give greater thought to their duties as electors and to the associations and connections of men who seek their favor at the polls. One very evident truth demonstrated by the investigation is that the affairs of our Government must have honest administration, or government is meaningless.

A very direct benefit accomplished by the investigation is the collection of millions of dollars of taxes properly due the Government

from sources uncovered by the investigation. A very recent report from the Treasury Department discloses the collection of something like $2,000,000, as a result of the light played by the investigation upon the Continental Trading Co. and the affairs of those who participated in its profits.

But the greatest benefit growing out of the investigation has been that confidence restored to people in government by the manner in which conspirators against the Government have been made to respond. The action of the Supreme Court of the United States, in ordering the return to the Government of the naval oil reserve leases and rights which had been given away through a program of fraud and corruption, stands out as the one great bright spot in the whole sad experience. The positive action of this great body with relation to these matters must have certainly steadied a shaken faith in justice.

A most interesting chapter of this report would be a recitation of those many interesting, sometimes amusing, efforts of those who have been on the defensive through the investigation to explain away the circumstances surrounding their participation in the affairs of the Continental Trading Co. Such a chapter must and will be written and made of record when better opportunity is afforded. For now the report must be confined merely to the following editorial taken from the issue of the Washington Daily News for April 27, 1928:

COLONEL STEWART ENTERTAINS

The Senate oil investigation has consistently suffered from lack of a comedian.

This weakness was never more apparent than during the testimony of Col. Robert W. Stewart, head of the Standard Oil of Indiana, recounting how he unfortunately stumbled into possession of $759,500 in Liberty bonds which he had a strong suspicion came from the malodorous Continental Trading Co.

It seems, according to Stewart's statement to the committee, that on November 26, 1921, a Canadian named Osler told him he was going to participate in a "squeeze play" in oil. The play had been put over in a New York hotel room in Stewart's presence a few days previously. Indeed, Stewart had signed a financial guaranty necessary to put it over.

Stewart did not think he was entitled to any of the profits which Osler determined to thrust upon him because he was connected with one of the companies being squeezed, but always a gentleman he did not want to make a scene about it. So, without inquiring about the Continental Trading Co.—who was in it or why it was—he graciously agreed to accept a share of the profits.

Then, lest there be the slightest suggestion of impropriety, he penciled a secret agreement, terminable at his option, providing that his share of the profits should be held in trust for companies with which he was associated.

Having made a righteous disposition of any profits which might come to him from the Continental deal, Stewart at once joined all of the principal parties to the transaction—Sinclair, Blackmer, O'Neil, Osler—in a special car for a trip to the Mexia oil fields in Texas.

Although he had only the vaguest kind of an idea of what the Continental Trading Co. was or why it insisted on giving him one-fourth of its profits, it never occurred to him to ask anyone of the Continental group, packed into the same car with him on a trip of many days.

Later he took a long trip with Blackmer, central figure in the Continental deal, to see former Interior Secretary Fall in New Mexico, but on that trip it seems that the Continental Trading Co. never got into the conversation.

And from time to time Stewart went to the Belmont and Biltmore Hotels in New York City and picked up packages of Liberty bonds, finally aggregating $759,500, which he had a strong suspicion were from the Continental Trading Co., but it never occurred to him to make any inquiries about the concern.

Silently, and with amazing fortitude, Stewart let bonds to which he thought he was not entitled be heaped upon him, and thence into his secret trust fund.

The big business executive whose very name is terror to the small fry in the oil business was victimized by a group insistent upon showering him with gold. He said nothing; he asked no questions; he simply endured.

At least that is the story which Stewart conveyed to the Senate committee, and the story about which the committee solemnly questioned him for hours.

The occasion was obviously not one for solemn cross-examination. It was one for uproarious laughter.

RECOMMENDATIONS FOR LEGISLATION

Perhaps instead of recommending at this time specific legislation to correct any irregularities which may have been developed by the investigation, there should rather be suggested now such lines of legislation for consideration as might prove beneficial.

The ease with which the intent of the corrupt practices act has been evaded makes apparent the need for such enactments of law as will require from year to year more accurate accounting of all receipts and expenditures for political campaign purposes, and afford a thorough and accurate recording of those accounts. Three bills, offered by Senator BRONSON CUTTING in the present session of the Seventieth Congress, are representative of such legislation as merits consideration in this connection. They are S. 4422, S. 4424, and Senate Joint Resolution 149. There can be no excuse for the ability, for example, to conceal as large a contribution as $160,000, such as was disclosed in one instance by this investigation.

Tax evasions, such as the investigation has disclosed, merits the enactment of legislation that will tighten up the machinery of Government, and make more readily available knowledge of the sources of taxable income and provide a check upon taxes paid. In this connection the Treasury Department should suggest legislation which might be needed, together with what is already provided, to meet such situations as this investigation has uncovered.

This report has already suggested the need for such changes in the law governing court procedure as will avoid delays and make justice as certain and as available to one individual as to another, no matter what their rank in our social structure may be.

The investigation has indicated need for Congress, the direct representative of the people, to pass upon and approve or disapprove any leases or transfers having to do with the naval oil reserves.

This report is respectfully submitted, not with any intent of disagreeing with the committee report submitted by the senior Senator from Montana, Mr. WALSH, but for the purpose of presenting in a little different light the story of the theft of valuable national resources belonging to the people, and the corruption attendant thereupon. The story is one of gross fraud and corruption, involving an administration of government and betrayal of confidence, which no individual, no matter how partisan he may be, dares or desires to excuse. No statesman holds a brief for those who betrayed their Government or those despoilers who betrayed those who were trusting and honoring them.

HISTORY OF THE CONTINENTAL TRADING CO. (LTD.) OF CANADA

(NOTE.—Page numbers refer to printed hearings of committee.)

The existence of the mysterious Continental Trading Co. (Ltd.), of Canada, was first brought to light in the fall of 1924, through evidence introduced in the trial of Mammoth Oil Co., Sinclair Crude Oil Purchasing Co., and Sinclair Pipe Line Co. v. United States, tracing first issue 3½ per cent Liberty loan bonds used by Harry F. Sinclair in his alleged purchase of a one-third interest in the Fall ranch properties in New Mexico. The bonds, which Sinclair gave to M. T. Everhart, son-in-law of the then Secretary of the Interior, Albert B. Fall, were traced to the New York branch of the Dominion Bank of Canada, the bank's records showing that the bonds in question had been purchased on behalf of the Continental Trading Co. by order of one H. S. Osler.

In the early summer of 1921 Col. A. E. Humphreys brought in what was known as the Mexia oil field in Texas. Humphreys and his friend, H. M. Blackmer, at that time chairman of the board of directors of the Mid West Refining Co., in the Salt Creek oil field, Wyoming, a subsidiary of the Standard Oil Co. of Indiana, met Robert W. Stewart, chairman of the board of directors of the Standard Oil Co. of Indiana, at Cheyenne, Wyo., relative to the purchase of the Mexia properties. Humphreys wanted to exchange Mexia stock for Standard of Indiana stock, as did also Blackmer, but Stewart would not consider the proposition except on a cash basis, stating that he would like to buy the oil and would give as good a price for it as anybody else. (Stewart, pp. 166, 167.) While Humphreys continued to make overtures for the exchange of stock during the summer (Stewart, p. 167; Dawes, p. 230), Stewart, through James E. O'Neil, then president of the Prairie Oil & Gas Co., was making efforts to obtain the oil on a cash purchase (Stewart, p. 170). Blackmer, in correspondence with Stewart (Stewart, pp. 168–177; Clark, pp. 103–108), was advising and making efforts to bring Humphreys and Stewart together in a deal for the oil.

In the latter part of the summer Sinclair called on Humphreys at the Waldorf-Astoria Hotel in New York and endeavored to purchase an interest in the Humphreys properties, but Humphreys informed him that he was at that time negotiating for the sale of a portion of his properties to the Pure Oil Co., of which Beaman Dawes was president, and would not be interested in selling an additional portion of his companies. (Sinclair, p. 1058.)

Stewart made a trip to the Mexia field in September (Stewart, p. 172; Seubert, p. 154), being joined en route by O'Neil, Blackmer, and C. S. Clay, Humphreys's attorney from Denver, Colo. (Stewart, p. 172; Humphreys, jr., p. 202), but no proposition was arrived at in respect to the purchase of the oil (Humphreys, jr., p. 202).

Because of the shortage of crude oil at this time and the fact that the Mexia field was considered to have vast possibilities in the production of oil and was therefore exceedingly desirable, many companies were trying to obtain the Humphreys oil, among them being the Standard Oil Co. of New Jersey, Magnolia, the Prairie Oil & Gas Co., and the Sinclair Consolidated Oil Corporation. (Stewart, p. 167.)

The Pure Oil Co. purchased from Humphreys about a 25 per cent interest in the stock, representing about $7,500,000, being approximately a one-quarter interest in both the Humphreys Mexia Co. and the Humphreys Texas Co., and advanced the money necessary to continue and operate the field. In early July or August the Pure Oil Co. purchased 1,000,000 barrels of oil from Humphreys at a dollar a barrel. In October Humphreys agreed that they (Humphreys and the Pure Oil Co.) should handle 50 per cent of the production of the Mexia field and sell the remaining 50 per cent. Dawes, pp, 226, 227.)

In the latter part of October A. E. Humphreys, jr., president of the Humphreys Mexia Co. and the Humphreys Texas Co., came east in company with his wife and several other people, amongst whom was Blackmer. During a four or five day stop at French Lick, Ind., Blackmer inquired of Humphreys whether his father would be interested in the sale of a large amount of oil (Humphreys, jr., p. 202), which opened up negotiations for the purchase of the Mexia oil. This culminated in a final meeting of Humphreys, sr., and Blackmer in New York City at 60 Broadway, the office of Humphreys's chief geologist, Fohs, on November 14, 1921 (Humphreys, sr., p. 8), where Blackmer made a proposition to buy 30,000,000 barrels of oil at $1.50 a barrel, which was accepted by Humphreys (Humphreys, jr., p. 203). The Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co., the latter company being controlled one-half by the Sinclair Consolidated Oil Corporation and one-half by the Standard Oil Co. of Indiana, represented by James E. O'Neil and Harry F. Sinclair, respectively (Sinclair, pp. 1057, 1061), were apparently the companies for which Blackmer was negotiating for the oil (Dawes, pp. 227, 228; Thomas, pp. 144–146; Humphreys, sr., p. 8).

Former Senator Charles S. Thomas, of Colorado, was called to New York by Humphreys to act as his attorney in the negotiations. He arrived there on the morning of November 15 and breakfasted at the Waldorf-Astoria Hotel with Humphreys and one or two other gentlemen connected with the Humphreys companies and the Pure Oil Co., after which Humphreys told Thomas of his agreement to sell one-half the output of the Mexia field to Blackmer—also mentioning Sinclair and O'Neil—together with any portion of the other half which was not taken by the Pure Oil Co. to the extent of 33,000,000 barrels of oil, and also a second agreement with the "same parties" for the purchase of the 50 per cent production of the entire field following the fulfillment of the contract for the 33,000,000 barrels. (Thomas, pp. 144, 145.)

At a luncheon served at 1 o'clock in a private room at 60 Broadway (Thomas, p. 145), or at the Bankers' Club (Sinclair, p. 1058), the matter was discussed in detail, there being present Blackmer, Sinclair, O'Neil, Humphreys, and Thomas. In the course of the discussion about the table, Humphreys requested that the contract should be made for 33,333,333 barrels of oil, which, if the production reached the maximum amount, would make the consideration $50,000,000, and, as he said, "I have some pride in wanting to be a party to a contract of these dimensions." About half past 2 o'clock, when those present were about to separate, Thomas asked who their attorneys were so that he might put in the afternoon with them in going over the details and expression to be incorporated in the contract, to which they replied that while the contract was of tremendous size the details of it were comparatively simple and that they did not think it necessary to see any other attorney. According to Senator Thomas, they said, "We think that your construction of the contract or drafting of it will be all right, and if we need any counsel, here is Mr. Blackmer, an attorney of experience, and you and he, of course, can thresh out any differences." Thomas went back to the Waldorf-Astoria Hotel about 3 o'clock, where he made a rough memorandum of the substance of the proposed contracts. (Thomas, pp. 145, 146.)

The next morning, November 16, at 10 o'clock, Blackmer, Sinclair, O'Neil, Humphreys, Thomas, Stewart (who was representing the Standard Oil Co. of Indiana, p. 178), and Dawes met in Blackmer's apartment at the Vanderbilt Hotel. The contract was again discussed, especially in regard to that part of the contract which provided for the purchase of oil that was not needed by Humphreys and the Pure Oil Co. in excess of the 50 per cent allowed thereunder, and following a rather heated discussion the maximum to be allotted the Pure Oil Co. was placed at 40,000 barrels per day. About 3 o'clock in the afternoon Thomas announced that as far as he was concerned he had practically all the information necessary and would, therefore, go into another room and draw up the contracts. Then at this juncture Blackmer (Thomas, p. 146; Sinclair, pp. 1060, 1064) said, "The party of the second part in this contract, Senator, is the Continental Trading Co. of Canada." Humphreys looked at Thomas and asked, "How is that, Governor?" Thomas replied that this introduced an entirely new feature into the transaction (Dawes, p. 229; Humphreys, jr., p. 203; Thomas, p. 146), and it would be necessary to learn something about the status, character, and responsibility of the corporation, inasmuch as Humphreys had informed Thomas when employing him that the contract was to be made with the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. Sinclair then stated, "Why, we will guarantee that contract. We receive the oil and we pay for it," to which Humphreys replied that was satisfied. (Thomas, pp. 146, 147.) The guaranty of the contract was discussed and agreed upon by Sinclair and Stewart. (Sinclair, p. 1070; Stewart, p. 179.)

Thomas proceeded to draw up the two contracts (one for the sale of the 33,333,333 barrels of oil to the Continental Trading Co. and the other covering the purchase by the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. of the entire 50 per cent output of the Mexia field at posted prices following the fulfillment of the contract of the Continental Trading Co.), the contract with the Continental Trading Co. containing the guaranty clause. In reply to an inquiry of Thomas relative to who was going to execute the contract for the Continental Trading Co., Blackmer stated that H. S. Osler, the president of the company, would be there the following morning. Before separating Thomas submitted his first draft and there were several minor corrections, chiefly in expression, whereupon he returned to the other room and had both the contracts corrected by a stenographer accordingly. A third contract by the Humphreys Co. for the Pure Oil Co., embodying the same terms as to price, was agreed upon, but was not actually drawn up for a month. (Thomas, p. 147.)

The next morning November 17, 1921, the same group met in Blackmer's apartment in the Vanderbilt Hotel, where they were presented to Osler, a man of about 50 years old, who was a barrister of Toronto, Canada, and the contracts and the guaranty were thereupon executed, the guaranty being signed by the Pacific Oil & Gas Co., by J. E. O'Neil, president, and the Sinclair Crude Oil Purchasing Co., by H. F. Sinclair and R. W. Stewart, "for the" directors. (Thomas, p. 147; Stewart, p. 184; Carlson, pp. 114, 115.)

Under the contract between the Continental Trading Co. and the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co., the payment for the oil was to be made on the 10th day of each succeeding month, whereas payments under the contract entered into by the Humphreys Mexia and Texas Cos. with the Continental Trading Co. were to be made on the 15th day of each month, thereby giving the Continental Trading Co. five days' grace before making payments on its purchase from the Humphreys Cos. (p. 142).

About the middle of November, 1921, Osler met a certain "gentleman" in New York, with no previous knowledge as to the nature of the business, which proved to be the purchase and sale of a very large quantity of crude oil. The "client" informed Osler at the outset that the transaction was of a confidential nature and that he did not wish his name disclosed, later revealing that he had associates who were interested with him in the matter and whose names he also desired not disclosed. In the course of the conferences the client informed Osler that arrangements had been made for the purpose of 30,000,000 barrels of oil from a Colonel Humphreys, and that arrangements had also been made for the resale of the oil at an advance of 25 cents per barrel to the Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co., and that Osler should act as counsel in preparing and settling the contracts.

The client further stated that Humphreys had imposed very onerous conditions as to the delivery, storage, and transportation of the oil, and that as litigation with Humphreys was obviously possible, it was also desired that Osler should take charge of the receipt and payment of all moneys as legal business so that Osler might be on the alert to avoid litigation. Osler reached the conclusion that if litigation did ensue as apprehended, his position would be difficult and embarrassing unless the business were incorporated. He advised his client of his position, also advising him that the incorporation of the company would not prevent carrying out the instructions and conducting the business as confidential legal business. (Osler, pp. 33, 34.)

The application for incorporation of the "Continental Trading Co. (Ltd.)" was filed by Osler's law firm, Osler, Hoskin & Harcourt, at Ottawa, Canada, on November 16, 1921, the incorporators and officials thereof being two members and three employees of Osler's firm, the company being in effect merely a corporate clerk in his office. The application and papers attached thereto were witnessed by a Harold E. Boston, also an employee of the firm. The application was approved by W. O. J. O'Meara, for undersecretary of state, on November 17, 1921. The amount of the capital with which the company was to carry on business to be not less than $500,000, and the capital stock of the company to be divided into 100,000 shares, five shares of which were subscribed to by the two members and three employees heretofore referred to (pp. 14–20). The Continental Trading Co., under an agreement dated November 17, 1921, acquired from G. Evans Atwood, of Toronto, Canada, for $500,000 certain contractorial rights, and Atwood agreed to accept 99,994 shares of the capital stock in payment and satisfaction therefor (p. 22).

The business of the company was conducted consistently with the position that the company was in effect merely a corporate clerk in the office, and Osler remained in entire charge of the matter as effectively as if no company had been formed (Osler, p. 34), requiring, according to Osler, about a half hour a month of his time during the period in which the business was going on. (Osler, p. 42.)

On the very same day that the Continental Trading Co. executed the contract with the Humphreys Mexia and Texas Cos. for the purchase of the 33,333,333 barrels of oil at $1.50 a barrel (November

17, 1921), and unknown to Humphreys, sr., Dawes, Thomas, or Humphreys, jr. (pp. 9, 201, 200, and 201), a contract drawn up by Blackmer was entered into between the Continental Trading Co. and the Sinclair Crude Oil Purchasing Co. and Prairie Oil & Gas Co. for the resale of the 33,333,333 barrels of oil just purchased at $1.50 a barrel to the latter companies for $1.75 a barrel, thereby allowing the Continental Trading Co. to realize a profit of 25 cents a barrel on the transaction. (Stewart, pp. 179, 205.)

The negotiations leading up to the resale of this oil at $1.75 a barrel by the Continental Trading Co. are very indefinite, except for the fact that those engaged in the negotiations were Blackmer, Sinclair, O'Neil, and Stewart. (Sinclair, p. 1063.) According to Stewart, Blackmer told him that if they (the Sinclair Crude Oil Purchasing Co., one-half of which is controlled by the Standard Oil Co. of Indiana and one-half by the Sinclair Consolidated Oil Corporation) wanted the oil they would have to pay $1.75 a barrel for it. (Stewart, p. 178.) Sinclair states that the price of $1.75 a barrel was mentioned on November 17, and that the only price mentioned in the presence of Humphreys, Dawes, and Thomas was $1.50. (Sinclair, p. 1063.) In regard to the transaction, Sinclair told Blackmer—who he "assumed" was "the Continental Trading Co." (Sinclair, p. 1092)—in private that he understood some one was making a 25-cents a barrel commission and that if he, on behalf of the company he was representing in the negotiations—the Sinclair Crude Oil Purchasing Co., signed the contract and made the guaranty, he would expect for his company a fair share of that 25 cents, to which Blackmer replied that he would see that this was carried out. (Sinclair, p. 1072.)

Following the execution of the contract between the Continental Trading Co. and the Sinclair Crude Oil Purchasing Co. and Prairie Oil & Gas Co., Stewart left for Chicago, and shortly after his arrival presented the contracts at a meeting of the board of directors of the Standard Oil Co. of Indiana for their approval. There was a discussion among the directors as to the difference in price of the two contracts executed on the same day, November 17, and Stewart replied that the $1.75 was the best price they could get. The directors approved the contracts because of their "implicit confidence" in their chairman, Stewart, and thereupon advised their nominees who were directors in the Sinclair Crude Oil Purchasing Co. of their approval of the making of such a contract between the latter company and the Continental Trading Co. (Seubert, pp. 138, 143.)

The board of directors of the Sinclair Crude Oil Purchasing Co., whose offices are at Tulsa, Okla., met pursuant to the call of its president, Gorge H. Taber, jr. (who did so at the request of either Stewart or Sinclair (Taber, p. 288)), on November 26, in the Standard Oil Building, 910 South Michigan Avenue, Chicago, Ill. (Carlson, p. 121.) Stewart and Sinclair were present with the contracts. Following a general meeting the directors held a board meeting, at which the contracts (the one providing for the purchase of the 33,333,333 barrels of oil from the Continental Trading Co. at $1.75 per barrel, and the other the purchase of 50 per cent of the production of the Mexia field from the Humphreys Mexia and Texas Cos. following the fulfillment of the Continental Trading Co. contract) and the guaranty of the contract (but not the contract itself (Taber, pp. 289, 290; Phillips, pp. 275, 276)) between the Continental Trading Co. and the Humphreys Mexia and Texas Cos. for the 33,333,333 barrels of oil at $1.50 a barrel, were presented by either Sinclair or Stewart.

According to H. L. Phillips, at that time vice president and now president of the Sinclair Crude Oil Purchasing Co., the company had every confidence in Stewart and Sinclair and that what they did was for the best interests of the company. (Phillips, p. 276.) Phillips had no recollection of any discussion as to why Stewart and Sinclair signed the guaranty of the contract between the Continental Trading Co. and the Humphreys Mexia and Texas Cos., inasmuch as Stewart and Sinclair were the chairmen of the board of directors of the Standard Oil Co. of Indiana and the Sinclair Consolidated Oil Corporation, respectively, both of which companies each control 50 per cent of the stock of the Sinclair Crude Oil Purchasing Co. (Phillips, p. 274.) The board of directors authorized the president and secretary to execute the contract on behalf of the company. (Phillips, p. 271.)

Arrangements had been made for the parties in the transactions to visit the Mexia field, to arrange for putting in the Sinclair pipe lines, headquarters for the company, and various and sundry other details, and also to attend a barbecue to be given by Colonel Humphreys in celebration of the fact that he had made these contracts for his oil. The party was to leave Chicago on Saturday evening, November 26, following the meeting of the board of directors of the Sinclair Crude Oil Purchasing Co. (Stewart, p. 973.)

Osler came to Chicago and saw Stewart at his office the morning of the 26th, on his way to Mexia. He told Stewart that he (Stewart) would receive a "participation" in the profits of the contracts, to which Stewart answered that "I don't care to have any of these profits; I don't think I am entitled to them." Osler replied, "Well, you can do what you want to about this matter of expending this money." (Stewart, p. 974.) Stewart, however, made no inquiry as to "why" he should receive these profits. (Stewart, p. 996.) That afternoon Stewart called in the tax commissioner of the Standard Oil Co. of Indiana, Roy J. Barnett, who agreed at the request of Stewart to act as trustee of the profits Stewart was to receive, and Stewart thereupon sat down and wrote in pencil, because he did not want the stenographer or anybody else to know anything about it (Stewart, p. 989), a trust agreement, which, according to Stewart, generally provided as follows: That Stewart assigned, transferred, and set over to Roy J. Barnett, as trustee for the Sinclair Crude Oil Purchasing Co. and the Standard Oil Co. of Indiana, as their interests might appear, all his right, title, and interest in and to any profits that might be handed to him arising out of these contracts; that any profits received should be invested in first issue 3½ per cent Liberty loan bonds, and any interest thereon should be invested in additional Liberty loan bonds; that in case of Stewart's death Barnett should turn over the bonds, property, or money, or anything that might have come to Stewart, in equal divisions to the Standard Oil Co. of Indiana and the Sinclair Crude Oil Purchasing Co.; and that in case Stewart desired at any time to terminate the trust, Barnett was then to turn over all properties in his hands to the Standard Oil Co. of Indiana and the Sinclair Crude Oil Purchasing Co., in such proportions as Stewart should direct or designate. (Stewart, p. 974; trust agreement, p. 1016.) The only time, however, that Barnett ever had the trust agreement in his possession was when he signed it. (Barnett, p. 1009.)

The trust agreement was drawn late in the afternoon of November 26, and at 6 o'clock that evening Stewart, who took the agreement with him, and the other members of the party left for Mexia. Upon his return to Chicago it was "determined" that Stewart should put the agreement in an envelope with the inscription on the outside that "In case of my death this envelope is to be opened by my executors or administrators in the presence of the then treasurers of the Standard Oil Co. of Indiana and the Sinclair Crude Oil Purchasing Co.," which envelope was sealed and placed by Stewart in his safe deposit box. (Stewart, pp. 973, 974.) The only persons knowing anything about the trusteeship were Stewart and Barnett (Stewart, p. 987) up to 1924, when Stewart told L. L. Stephens, an attorney for the Standard Oil Co. of Indiana, all about it. (Stewart, p. 988.)

With the net profits of the monthly transactions realized by the Continental Trading Co., as a result of its 25 cents a barrel profit on the oil sold to the Sinclair Crude Oil Purchasing Co. and Prairie Oil & Gas Co., were bought first issue 3½ per cent Liberty loan bonds approximating $3,080,000, which were delivered personally to H. S. Osler (usually in four separate packages of equal amounts—Howard, pp. 337, 338) from time to time at the New York branch of the Dominion Bank of Canada. Osler delivered these bonds either directly or indirectly to Blackmer, Sinclair, Stewart, and O'Neil, he himself receiving about a 2 per cent commission.

Sinclair received some of his bonds from Blackmer and some were sent to him by messenger, totaling in all $757,000. (Sinclair, pp. 1073, 1074.) However, Blackmer requested Sinclair not to clip the coupons from the bonds. (Sinclair, pp. 1079, 1080.) Two hundred and thirty-three thousand dollars of these bonds were used by Sinclair in his alleged purchase of the Fall ranch properties in New Mexico, following his obtaining of the fraudulent Teapot Dome lease on April 7, 1922, while $260,000 went to Will H. Hays in 1923 for the use and benefit of the Republican National Committee in its clearing up of the 1920 campaign deficit, $100,000 of which was subsequently returned to Sinclair. (Everhart, pp. 54, 55; Hays, pp. 460, 461.)

Stewart was handed a package by Osler at the Belmont Hotel in New York in the early part of 1922, and, without opening the package, took it to Chicago, called in Barnett, opened the package and found it contained 3½ per cent Liberty loan bonds. Stewart on four or five subsequent occasions received packages of this kind from Osler at New York, and took them out to Chicago before opening them with Barnett, the last delivery by Osler to Stewart being made in late May or June, 1923. The coupons were clipped from the bonds on June 15, 1922, December 15, 1922, June 15, 1923, and December 15, 1923. (Stewart, p. 988.) Stewart gave Barnett in exchange for the coupons personal Liberty loan bonds (Stewart, p. 975) of equal value, which, together with the bonds from Osler, were kept in Stewart's safe. The bond coupons were not clipped after December 15, 1923, because Stewart desired to avoid publicity. (Stewart, p. 988.) Stewart received from Osler in all $759,500 in 3½ per cent Liberty loan bonds. (Stewart, p. 975.)

On May 26, 1923, following negotiations between Osler and H. L. Phillips, president of the Sinclair Crude Oil Purchasing Co., after the deal had apparently been arranged by O'Neil, the Continental Trading Co. assigned its contract with the Humphreys Mexia and Texas companies for the purchase of the 33,333,333 barrels of Humphreys oil at $1.50 a barrel over to the Sinclair Crude Oil Purchasing Co. and Prairie Oil & Gas Co. for $400,000, each of the latter companies to pay $200,000 thereof. (E. W. Sinclair, pp. 304, 305; Phillips, pp. 276, 277.) Following this assignment of the contract, and as the whole business of the company had come to an end, all proceedings were taken by Osler to bring about, as far as legally possible, the dissolution of the Continental Trading Co., the charter of the corporation being returned to the State Department at Ottawa, Canada. (Osler, p. 34.)

In May, 1925, W. S. Fitzpatrick, chairman of the board of directors of the Prairie Oil & Gas Co., received in Denver a telegram from Montreal, Canada, signed by O'Neil, who had "resigned" as president of the Prairie Oil & Gas Co. on September 13, 1923, leaving for Europe early in 1924 (Fitzpatrick, pp. 259, 260), requesting Fitzpatrick and Judge Flannelly, general counsel of the Prairie Oil & Gas Co., who was then in Chicago, to meet him at Montreal. Clark H. Kounz, vice president of the Prairie Oil & Gas Co. and former secretary to O'Neil, was also there.

O'Neil told them that he had a share in the profits of the Continental Trading Co., which he had kept intact, and thought rightly belonged to the Prairie Oil & Gas Co. He had made no income-tax return on it because he did not believe it belonged to him. His doctors had advised him that he had only 18 months or 2 years to live, and he now wanted to right the matter. Inadvertently O'Neil had cashed a part of the coupons from the bonds, to cover which he had put back enough additional bonds to account for the interest derived by virtue thereof. This brought what he considered his share and the bonds replacing coupons cashed thereon up to an even $800,000. (Fitzpatrick, p. 249.) O'Neil requested Fitzpatrick not to cash the coupons because he did not wish to embarrass anybody. (Fitzpatrick, p. 255; Kountz, p. 302.)

Pursuant to O'Neil's instructions, Fitzpatrick and Kountz went immediately to New York, where, on May 20, 1925, Kountz received $800,000 in 3½ per cent Liberty loan bonds from O'Neil's son, Wayne O'Neil, and delivered them to Fitzpatrick at the hotel. (Fitzpatrick, p. 256.) Fitzpatrick took the bonds back to Independence, Kans., the office of the Prairie Oil & Gas Co., and called the members of the board of directors together and explained the situation to them. He advised them that he had accepted the bonds in settlement of any claim against O'Neil, and that if any income tax had to be paid as a result of O'Neil's possession thereof the company would do so. Fitzpatrick then turned the bonds over to the treasurer of the company, E. T. Patterson, and received a receipt therefor. The bonds were retained for awhile and then transferred to the Prairie Pipe Line Co. in payment or part payment of a note. (Fitzpatrick, pp. 249, 256, and 253; Kountz, pp. 301–303.)

In July, 1926, Blackmer advised his attorney, Karl C. Schuyler, of Denver, Colo., to meet him at Montreal, Canada, upon his arrival from Europe. Schuyler went to Montreal and had conferences with Blackmer at the Mount Royal Hotel, in which Blackmer sought Schuyler's professional advice concerning the rights to $750,000 in 3½ per cent Liberty loan bonds, which he had received for services in the purchase and resale by the Continental Trading Co. of the Humphreys oil. He told Schuyler that his rights to the bonds might be questioned by the Midwest Refining Co., of which company he had been chairman of the board of directors at the time of the Humphreys transaction, and by the Standard Oil Co. of Indiana, of which company the Midwest Refining Co. is a subsidiary, and that action might be brought against him for recovery of the bonds. Blackmer had kept the bonds intact awaiting developments, because to convert them to his own use might jeopardize the good faith of his position relative to the liability for income-tax thereon. Some coupons from the bonds had, however, been cashed and then reinvested in other Liberty loan bonds, which in turn had been placed and kept with those he had received from the Continental Trading Co. He retained one bond for himself as reimbursement for his personal expenses in connection with the matter. The bonds at this time were in a safe-deposit box in the Equitable Trust Co., New York, held in the joint names of George E. Holmes, George Gordon Battle, and Karl C. Schuyler, where they had been placed in November, 1925. (Schuyler, pp. 359, 360.)

Schuyler suggested to Blackmer that in order to place his good faith beyond question a trust be created to handle the bonds. Blackmer thereupon requested Schuyler to take possession of them, Schuyler consenting to do so subject to such terms and conditions as he might think advisable. On the evening of July 22, Schuyler left Montreal for New York, and upon his arrival there the following morning wrote Blackmer a letter, under which he (Schuyler) took possession of the bonds and informed Blackmer that he had placed the bonds (amounting in all to $763,000—$750,000 received by Blackmer from the Continental Trading Co. and the $13,000 in reinvested bonds) in box 3004 of the Equitable Trust Co., New York, and stating that he had received these bonds as Blackmer's attorney to be held pending determination of the right and title thereto, as follows:

NEW YORK CITY, N. Y., *July 23, 1926.*

DEAR MR. BLACKMER: This is to acknowledge that this day I received and placed in box 3004 Equitable Trust, Forty-fifth and Madison, New York, the bonds which came into your possession in connection with Continental Trading Co. I have checked and inclose to you list of numbers of them. This is to acknowledge and declare that I have no personal interest in these bonds of any kind or nature whatsoever and that I receive these bonds as your attorney, to be held by me pending the determination of the right and title thereto and for disposition thereof, as follows:

1. If any adverse claim be sustained by arbitration thereof or as a result of litigation, I shall deliver these bonds to the successful claimant; it is within my discretion to accept as final, without appeal, the judgment of any court of competent jurisdiction or to agree to an arbitration of a binding, final nature and accept the decision thereof as final.

2. If your ownership of these bonds is established by arbitration, result of litigation, or the running of the statute of limitations applicable (and of this I am to determine), then disposition of these bonds by me shall be as follows, as per your direction, which I hereby specify: (a) Payment of Federal income taxes thereon; (b) payment of any expense incurred by me together with a reasonable attorney's fee for conducting arbitration or litigation as the case may be; (c) delivery of the balance to you or your personal representatives.

I do not assume any responsibility, nor am I instructed, to manage, handle, or invest these bonds, coupons thereon or proceeds, but my sole responsibility is to hold these securities intact for disposition as above specified; and in no event shall I be held responsible except for fraud, willful misconduct, or gross negligence.

Sincerely yours,

KARL C. SCHUYLER.

On the advice of Frederick D. Anderson, counsel for the Midwest Refining Co., and the company's special counsel, Tyson S. Dines, the board of directors of the Midwest Refining Co., at Denver, Colo., on April 25, 1928, adopted unanimously a resolution declaring that the company had no claim on the $763,000 in Liberty loan bonds obtained by Blackmer as his share of the profits of the Continental Trading Co.

The bonds for which Stewart created a trustee in the person of the tax commissioner of the Standard Oil Co. of Indiana, Roy J. Barnett, on November 26, 1921, remained in a safe in the Standard Oil Building in Chicago until April 21, 1928, when Stewart called together such members of the board of directors of the Standard Oil Co. of Indiana as were in Chicago on the latter date. He read to them the trust agreement, recited the facts in the matter, and showed them the bonds in the safe. The directors, of whom seven out of the nine were present, decided that the $750,500 in 3½ per cent Liberty loan bonds, together with the $38,000 in additional bonds which Stewart exchanged for the coupons, should be turned over to the Sinclair Crude Oil Purchasing Co. Whereupon the treasurer and general counsel of the Sinclair Crude Oil Purchasing Co. were called in, and the bonds in question were turned over to them by Barnett, being placed in the safety deposit vault in the First National Bank at Chicago, Ill. (Stewart, p. 975.)

The following is an extract from the minutes of the Sinclair Crude Oil Purchasing Co. of April 30, 1928, showing delivery to, and acceptance by, the Sinclair Crude Oil Purchasing Co. of Sinclair's share in the profits of the Continental Trading Co.:

I, K. Porter, assistant secretary of Sinclair Crude Oil Purchasing Co., do hereby certify that the following is a true and correct copy of—

A certain statement made to the board of directors by Edward H. Chandler, general counsel, at a special meeting of the board of directors held at Tulsa, Okla., April 30, 1928.

The letter addressed by Mr. Sinclair to Mr. K. Porter, assistant treasurer, dated April 27, 1928.

The resolution adopted by the board of directors in pursuance of the offer of Mr. Sinclair, as appears in the minutes of the special meeting of the board of directors held at Tulsa, Okla., April 30, 1928.

Thereupon Mr. Edw. H. Chandler, general counsel of the corporation, announced to the board that on April 27, 1928, he attended a conference in New York City at which time Mr. H. F. Sinclair delivered to K. Porter, an assistant treasurer of this corporation, an offer in writing or letter, which reads as follows:

APRIL 27, 1928.

SINCLAIR CRUDE OIL PURCHASING CO.,
Attention Mr. K. Porter, Assistant Treasurer,
45 Nassau Street, New York City.

DEAR SIR: During the years 1922 and 1923 I received $757,000 principal amount of United States first Liberty loan 3½ per cent bonds, representing a portion of the profits which had accrued under certain contracts involving the Humphreys Mexia Co., the Humphreys Texas Co., Western Oil Fields Corporation, A. E. Humphreys, trustee, Continental Trading Co. (Ltd.), Prairie Oil & Gas Co., and Sinclair Crude Oil Purchasing Co.

By reason of the fact that Sinclair Crude Oil Purchasing Co. was involved in the transaction which gave rise to such profits, I held bonds equivalent in amount to those I received and of the same issue as those so received for the account of Sinclair Consolidated Oil Corporation or Sinclair Crude Oil Purchasing Co. I placed such bonds in a safe-deposit box with other bonds. I did not earmark or identify in any way the particular bonds received and in fact did not know the serial numbers of said bonds. The safe-deposit box in which I placed such bonds has at all times since the first receipt of such bonds, contained an amount of United States first Liberty loan 3½ per cent bonds equal or more than equal to the amount of such bonds so received and there was at all times in said safe-deposit box a memorandum showing the amount of such bonds held for the account of Sinclair Consolidated Oil Corporation or Sinclair Crude Oil Purchasing Co.

I handled the matter as I did to await the termination of agitation in Congress and of the civil suit against the Mammoth Oil Co. and

of the criminal proceeding against myself which grew out of such agitation.

Said suit and action having now been concluded, I hereby deliver to you $757,000 principal amount of United States first Liberty loan 3½ per cent bonds, together with accrued interest amounting to $142,808.75, and with June 15, 1928, and subsequent coupons attached, a list of which bonds is hereto attached. I deliver these bonds to you, however, subject to all charges and/or liabilities, if any, which may attach to said bonds, and particularly any liabilities of the Continental Trading Co. (Ltd.), for taxes which may be a charge upon said bonds.

It is of course understood that the charges and/or liabilities hereinabove referred to do not include and are not intended to include any charge and/or liability that may be asserted against me for personal income taxes growing out of the receipt and retention by me of said bonds and coupons, as distinct from taxes asserted or assessed against the Continental Trading Co. for income it received.

Very truly yours,

H. F. SINCLAIR.

I hereby accept said bonds subject to the approval of the board of directors of Sinclair Crude Oil Purchasing Co., hereby agreeing that in the event such approval is not given, said bonds shall be returned to you.

K. PORTER.

That pursuant thereto Mr. Sinclair delivered to K. Porter, subject to the approval of this board, United States Liberty loan first 3½ per cent bonds of a total face amount of $896,000, being $757,000 face amount on account of principal and $139,000 face amount of such bonds on account of accrued interest and in addition thereto $200.59 in currency, the total amount of accrued interest being figured at $142,808.75—139 bonds of $1,000 face amount at a market value of $101.3125 plus accrued interest from December 15, 1927, to April 27, 1928, amounting to $142,608.16, to which is added the currency of $200.59, made a total of $142,808.75 for the accrued interest as above set forth, and that said K. Porter, as assistant treasurer, received and has in a safe-deposit box in a bank or trust company in New York said bonds and currency awaiting the action of this board as to whether it will accept said bonds upon the terms and conditions set forth in said offer of H. F. Sinclair of April 27, 1928.

Thereupon, upon motion duly made and seconded, the following resolution was unanimously adopted:

"*Resolved*, That this corporation accept said bonds and currency in the aggregate amount of $896,200.59 upon the terms and conditions set forth in said offer or letter of April 27, 1928, of said H. F. Sinclair addressed to said K. Porter, assistant treasurer, above recited, and that said bonds and cash be placed among the assets of this corporation as other funds and securities of this corporation are and have been deposited."

K. PORTER, *Assistant Secretary.*

Dated May 7, 1928.

NAVAL OIL RESERVES AND LEASES

Mr. BLAINE subsequently said: Mr. President, I ask unanimous consent to have inserted in the RECORD a chronology of the oil scandal prepared by Mr. Edwin E. Witte, chief of the Wisconsin Legislative Reference Library.

Mr. WALSH of Montana. Mr. President, may I suggest to the Senator from Wisconsin that he have the chronology printed immediately following the reports which the Senator from North Dakota [Mr. NYE] and I submitted this afternoon.

Mr. BLAINE. I amend my request to ask that that may be done.

The VICE PRESIDENT. Without objection, it is so ordered.

The chronology referred to is as follows:

CHRONOLOGY OF THE OIL SCANDAL AS DISCLOSED TO THE PUBLIC UP TO APRIL 9, 1928

[Events set forth as they occurred, not in the order in which they were disclosed]

(Compiled by Edwin E. Witte, chief, Wisconsin Legislative Reference Library, assisted by Miss Ann Neal, April 9, 1928)

1. 1912–1915. Creation of naval oil reserves: The naval oil reserves involved in this scandal (the only petroleum reserves of the United States Navy) were the following: No. 1, Elk Hills, Calif., 38,969 acres; No. 2, Buena Vista Hills, Calif., 29,341 acres (this reserve involved in the present scandal only in a minor way); No. 3, Teapot Dome, Wyo., 9,481 acres.

The public lands included in these reserves were withdrawn from entry during the administrations of Presidents Roosevelt and Taft, and the two California areas were definitely reserved for the use of the United States Navy by President Taft in 1912 and the Teapot Dome by President Wilson in 1915.

2. February 25, 1920. Passage of oil leasing act: This act passed practically unanimously by both Houses of Congress on the recommendation of Secretary of the Navy Daniels, being questioned only by Senator LA FOLLETTE. This act was thought at the time to authorize only the drilling of "off-set" wells on the edges of the naval reserves, where considered necessary to prevent wells drilled on adjoining private lands from depleting the reserves. Later interpreted by Secretaries Fall and Denby to authorize leasing of the reserves in their entirety to private parties.

3. Summer, 1920. Activities of the oil men in the presidential campaign: Despite the fact that the Senate investigating committee in 1924 found that there was no satisfactory proof that Sinclair, Doheny, and other big oil men formed a conspiracy prior to the presidential election of 1920, to gain control of the naval oil reserves, there are many facts which, at least, suggest the possibility of such a conspiracy. Among these facts, perhaps, the most important are the following:

(a) The nomination of Warren G. Harding as the Republican candidate for President was decided upon in a "back-room" conference held in the Blackstone Hotel in Chicago during the Republican National Convention, in which two of the participants were Harry M. Daugherty, later Attorney General, and Jake Hamon, Republican committeeman from Oklahoma and a prominent oil man and an associate of Harry F. Sinclair.

(b) Leonard Wood, jr., in March, 1924, revealed that oil men offered his father the nomination for President at the Republican convention in 1920 if he would agree to appoint Jake Hamon, of Oklahoma, as Secretary of the Interior. Hamon, a close associate of Sinclair, was killed prior to the inauguration of President Harding by Mrs. Clara Smith Hamon, a woman with whom he was living in bigamy. At the trial of this woman for this murder, in March, 1921, William D. Nichols, a political lieutenant of Hamon, testified that he knew that Hamon prior to his death had been offered the position of Secretary of the Interior by President-elect Harding, and that on his deathbed Hamon asked him (Nichols) to "take direct to Harding" the matter of securing Federal appointments for several of his friends. (This testimony was given more than a year before the oil leases were made.)

(c) Both H. F. Sinclair and E. L. Doheny made large contributions to the party campaign funds in 1920—Doheny to both parties.

(d) William B. Thompson, a director of the Sinclair Oil Co., was selected to serve as treasurer of the Republican National Committee in the campaign of 1920.

(e) E. L. Doheny at this time placed on the pay roll of his companies three former members of Wilson's Cabinet—McAdoo, Gregory, and Lane. (The law firm with which ex-Secretary of War Garrison was connected was also employed by one of Doheny's companies.)

4. March 4, 1921. Appointment of A. B. Fall as Secretary of the Interior: As a United States Senator Fall was a determined opponent of conservation. He was also a close personal friend of E. L. Doheny and H. F. Sinclair. At that time was "land poor," not having paid the taxes on his New Mexico ranch for 10 years (shortly before he had described himself as "broke").

5. May 31, 1921. Transfer of control over the naval oil reserves from the Secretary of the Navy to the Secretary of the Interior: This transfer was made by an Executive order of President Harding. It was suggested by Secretary of the Interior Fall and was recommended by Secretary of the Navy Denby. This transfer was opposed by the Engineering Bureau of the Navy Department, which had charge of all matters relating to oil for the Navy. At Secretary Denby's request, the officer in charge of this bureau, Admiral Griffin, under date of May 27, 1921, prepared a memorandum setting forth the objections of the naval officers to this transfer. This memorandum Secretary Denby testified was submitted to President Harding, but it was never found in the White House files. The recommendations of Secretaries Fall and Denby to the President for the transfer were made orally, not in writing.

6. Summer and fall of 1921. Preparations for oil leases: Soon after the transfer of the naval oil reserves to the Interior Department initial steps were taken toward the leasing of these reserves. Admiral Griffin, who was opposed to the leasing policy, was relieved from his position in charge of the Engineering Bureau in the Navy Department, and replaced by Admiral Robison. This admiral previously commanded a vessel on which a son of E. L. Doheny was stationed. E. L. Doheny himself had spent some time on this vessel and discussed with the admiral the advisability of executing leases to private parties to take out the oil in the naval reserves, upon condition that they should turn back a part of this oil to the Government in storage tanks at Pearl Harbor, Hawaii, and other points. Admiral Robinson was subsequently credited by Senator Lenroot with being the real originator of the leasing and storage plan ultimately adopted.

On July 21, 1921, a contract was let to E. L. Doheny as the lowest bidder, for drilling "offset" wells in Naval Reserve Nos. 1 and 2. (This did not turn over to Doheny the entire reserves, but was, perhaps, a step in this direction.)

7. November 15–17, 1921. Organization of the Continental Trading Co. of Canada: A. E. Humphreys, a Texas oil man, on November 15, 1921, by a prearranged conference met H. F. Sinclair, Robert W. Stewart, chairman of the board of directors of the Standard Oil Co. of Indiana; James O'Neil, of the Prairie Oil & Gas Co., and Henry M. Blackmer, of the Midwest Refining Co., in New York City. At this conference Humphreys agreed to sell 33,333,333⅓ barrels of oil from his

wells, at $1.50 per barrel, to the Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co. When on the next day the same parties met with their attorneys to draw up this contract, Humphreys was advised that the real purchaser of the oil was the Continental Trading Co. of Canada. Because Humphreys had never heard of this company he refused to go on with the deal until the four men on the other side agreed, on behalf of their companies, to guarantee the fulfillment of the contract by the Continental Trading Co.

The Continental Trading Co. of Canada, party to the above contract, was actually organized on the same day at Toronto, Canada. The incorporators were Henry Smith Osler, a Toronto attorney, and employees in his office.

On the next day—November 17, 1921—Osler, as president of the Continental Trading Co., appeared in New York and signed the contract with Humphreys, which Sinclair, Stewart, and O'Neil also signed, on behalf of their companies, as guarantors. By another contract executed on the same day, the Continental Trading Co. in turn, sold the oil it was to receive from Humphreys to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co., jointly, at $1.75 per barrel—an advance of 25 cents, realized without ever handling any oil.

Up to the time of its dissolution on May 26, 1923, the Continental Trading Co. realized between $2,000,000 and $3,000,000 on its contracts. It then assigned its rights to the remaining 25,000,000 barrels to be furnished by Humphreys, to the Sinclair Crude Oil Purchasing Co., for $400,000.

The entire profits of the Continental Trading Co. were invested, from time to time, through the Dominion Bank of Canada, in 3½ per cent Liberty bonds, of which a total of $3,080,000 were acquired. These bonds, as purchased, after taking out 2 per cent, which was apparently Osler's commission, were divided into four equal packages and delivered to Osler.

Nothing was known about the Continental Trading Co. and its connection with the oil scandal until some of the Liberty bonds purchased and distributed by this company were traced to Secretary Fall by Government agents testifying in the trial of the civil suit brought by the Government to cancel the Teapot Dome lease in the United States District Court of Wyoming in April, 1925. Even now only a part of these bonds have been traced, but it has definitely been established that $233,000 were turned over by Sinclair to Everhart, Secretary Fall's son-in-law, for the Secretary (see 16 below), and $185,000 were given by Sinclair to Will Hays to help meet the deficit of the Republican National Committee in the 1920 campaign (see 23 below). Of the balance, $800,000 went to O'Neil and were assumed to have been turned over by him in 1925 to the Prairie Gas & Oil Co., but a further check has shown that the $800,000 which were given to this company by O'Neil were not Continental Trading Co. bonds. Seven hundred and sixty-three thousand dollars of the bonds went to Blackmer and are believed to still be in his possession.

Senator WALSH in an article in the New York Times on April 1, 1928, has characterized the Continental Trading Co. deal as "a contemptible private steal, the peculations of trusted officers of great industrial houses, pilfering from their own companies, robbing their own stockholders, the share of the boodle coming to one of the freebooters serving in part as the price of the perfidy of a member of the President's Cabinet."

8. November 30, 1921. "Loan" of $100,000 by Doheny to Fall: This "loan" was arranged by long-distance telephone from Fall in Washington to Doheny in New York. The money was taken in cash, all in $100 bills, by Doheny's son from New York to Washington, and then carried in a satchel by Secretary Fall to a bank at El Paso, Tex. Doheny's son took back to his father a note for this $100,000 loan; but subsequently Doheny cut off the signature and gave this to his wife. The note minus the signature was presented to the congressional committee, but the signature has never been produced, although Doheny stated he would send it to the committee. No part of this "loan" has been repaid by Fall; nor has any interest been paid thereon.

9. Winter, 1922. Negotiations of Doheny and Sinclair for leases and visit of Sinclair to Fall: Negotiations for leases to the naval oil reserves were begun with Secretary Fall about January 1, 1922, by E. L. Doheny and H. F. Sinclair. These negotiations were conducted in secret, and apparently continued several months. Fall has since testified that all negotiations for the Teapot Dome lease were conducted with Colonel Zevely, Sinclair's attorney, not with Sinclair himself, but it is of record that Sinclair visited Fall at his ranch at Three Rivers, N. Mex., late in December, 1921.

10. December, 1921, and winter, 1922. Sudden acquisition of wealth by Secretary Fall: In December, 1921, Secretary Fall bought another ranch for $91,150 and paid for it at once. In the next months he bought still another ranch for $33,000, paid his back taxes amounting to $8,000, bought blooded stock for $3,000, constructed a hydroelectric plant for $40,000–$50,000, and spent large sums in the construction of roads, the building of fences, and other improvements about his 600,000-acre ranch. It was this sudden acquisition of wealth by Secretary Fall, which first made his neighbors in New Mexico suspicious and led in November and December, 1923, to the discovery of the Doheny "loan" and the "black satchel" episode.

11. April 7, 1922. Lease of the Teapot Dome to H. F. Sinclair: This lease was made in secret, without public bids. Originally it was signed only by Fall and Sinclair, but on April 12, 1922, Secretary Denby also signed on behalf of the United States.

This lease gave Sinclair the right to exploit all of Naval Reserves No. 3 (Teapot Dome). It provided that in payment Sinclair should turn over to the Government a part of the oil, on a complicated sliding-scale basis, netting the Government on the average less than 20 per cent of the oil produced. A large part of the Government's oil, moreover, was to be returned to Sinclair for storage tanks which he was to furnish in which to keep the oil. Sinclair has testified that he expected to realize $100,000,000 profit from this lease.

The excuse advanced by Fall and Denby for this lease was that wells of oil companies in the neighborhood of the Teapot Dome were depleting this reserve. These wells were all located on the public domain and were drilled under leases granted by the Interior Department. The percentage of oil going to the Government under these leases, moreover, was considerably greater than under the Sinclair contract. Both the Circuit Court of Appeals and the United States Supreme Court, in their decisions canceling this lease, held that "the drainage danger was unquestionably not imminent enough to force immediate action in the leasing of the entire property."

12. April 14, 1922. Teapot Dome lease becomes public: The lease to Sinclair was kept secret for a week after it was executed. Senator KENDRICK, of Wyoming, several days after April 7 made inquiries at the Navy and Interior Departments as to whether the Teapot Dome had been leased and was advised that no leases had been executed. The Wall Street Journal, however, on April 14, 1921, announced the lease to Sinclair and immediately thereafter Sinclair stock enjoyed a great boom on the stock market.

In the hearings upon the oil leases before the Senate Committee on Public Lands in 1923–24 there was considerable testimony that certain persons high in Government circles speculated in Sinclair stocks after the Teapot Dome lease was executed, the persons most frequently mentioned being C. Bascom Slemp, Secretary to the President, and Senator Elkins, of West Virginia. The Senate committee, however, reported that its investigation into these rumors "revealed no facts of sufficient importance to report." In the 1928 hearings it was revealed that Will Hays, who in 1922 was Postmaster General and chairman of the Republican National Committee, did at the time speculate in Sinclair stocks but lost heavily.

13. April 15, 1922. Kendrick resolution: On this day Senator KENDRICK introduced a resolution, which was immediately adopted by the Senate, calling upon the Secretaries of the Navy and Interior to send to the Senate a copy of the Sinclair lease. This was done by these officers on April 22, 1922.

14. April 25, 1922. Doheny given preference to lease naval reserve No. 1 (Elks Hills, Calif.): A contract was given Doheny to build storage tanks for storing oil to be taken from naval reserves Nos. 1 and 2 at Pearl Harbor, Hawaii, and to transport oil thereto. This contract also provided that if naval reserve No. 1 should be leased thereafter Doheny should have first call upon such lease. This contract was awarded after public bids had been called for and received, but the contract was not in accordance with the bids. In its announcements the Government made no mention about preference in the future in leasing naval reserve No. 1, and the oil companies, other than Doheny's, did not bid on this basis. Doheny himself made one bid in accordance with the specifications and another in which he named a lower figure, if allowed a first option on naval reserve No. 1. This alternative bid was accepted by Secretary Fall.

15. April 29, 1922. La Follette investigation resolution: Resolution introduced by Senator La Follette and adopted by the Senate calling upon the Secretary of the Interior to make a complete report upon the leasing of all the naval oil reserves and directing the Senate Committee on Public Lands to investigate the entire subject.

The report called for by this resolution was made on June 7, 1922, and transmitted with a letter from President Harding in which he said that every step taken with respect to the leasing of the naval oil reserves was with his knowledge and consent.

Hearings pursuant to the La Follette resolution were not actually begun until October 22, 1923, 17 months later, due, apparently, to the fact that Senator Smoot, then chairman of the Public Lands Committee, was engrossed in the work of tariff revision. In the meantime, however, Senator La Follette interested Senator Walsh of Montana, a member of the Public Lands Committee, in this matter, and Senator Walsh devoted much time to digging out the facts which were revealed when the investigation was actually begun.

16. May 29, 1922. Continental Trading Co. Liberty bonds turn up in Fall's possession: On May 29, 1922, M. T. Everhart, son-in-law of Secretary Fall, brought $230,500 in Liberty bonds to a Pueblo, Colo., bank. These bonds were in 1925 traced by their numbers to the bonds purchased by the Continental Trading Co., which represented its profits in the deal in which Sinclair and his three associates robbed their own companies, 25 cents per barrel of oil, in the deal with Humphreys. (See 7, above.)

Everhart, by pleading that he would incriminate himself, avoided testifying about the source from which he got these bonds until February, 1928, when he told the Senate Public Lands Committee that he got them from Sinclair, together with $2,500 more of bonds, which he turned over directly to Fall.

Of the $230,500 in bonds which Everhart had on May 29, 1922, the greater part were used to pay notes which Fall, Everhart, and the Tres Rios Cattle Co. (owned by Fall and Everhart) had given to the M. D. Thatcher estate. Ninety thousand dollars were deposited to Fall's credit, of which amount $20,000 were later transferred to the cattle company and the other $70,000 sent to Fall. The latter disposed of these bonds for cash in the fall of 1922.

Fall has since claimed that Sinclair gave him these bonds to buy a third interest in the Tres Rios Cattle Co., but neither the Senate Committee nor the United States Supreme Court credited this story.

17. Summer, 1922. Steps to protect the Sinclair lease and to prevent exposure: During the summer of 1922 the Navy Department sent marines to the Teapot Dome to drive out trespassers who were engaged in drilling wells in and about this reserve. These people claimed to have leases to drill these wells, but were driven off after the Sinclair lease was executed.

Immediately after the execution of the Sinclair lease, the Navy Department transferred to sea duty Lieutenant Commander Stuart, the officer who had had immediate charge of the naval oil reserves in the Bureau of Engineering of the Navy Department. Stuart had protested against the leasing policy, even after Admiral Robison had been placed in charge of this bureau.

During this summer, also, Sinclair made a contract with the Pioneer Oil Co., under which he gave this company $1,000,000 for their claims to the Teapot Dome (which seems to have had no legal basis). Among those who shared in this $1,000,000 paid to the Pioneer Oil Co. was F. G. Bonfils, publisher of the Denver Post, which paper had run a series of articles attacking the Teapot Dome lease and had gotten hold of the facts relating to the granting of the Sinclair and Doheny leases, recited under 10 above. After this payment to the Pioneer Oil Co., the Denver Post stopped its attacks on the Sinclair lease and never published the story brought by its reporter [Stackelberg] from New Mexico.

At this time also, Carl G. Magee, who later revealed the facts regarding Fall's acquisition of wealth, was forced to sell the Albuquerque Mining Journal, because the bankers who held his notes called them, after agreements to renew. Magee previously had been warned by Senator Bursum, of New Mexico, that he would lose his paper unless he stopped his attacks on Secretary Fall.

18. December 12, 1922. Lease of naval reserve No. 1 (Elk Hills, Calif.) to E. L. Doheny: This lease was for the entire reserve. At the same time a second contract was executed with Doheny for construction of tanks at Pearl Harbor. No public bids preceded these leases.

In the hearings before the Congressional Committee, Doheny later stated that he estimated the amount of oil he would get from his several contracts and leases at 250,000,000 barrels, and gave his expected profits as $100,000,000.

19. March 4, 1923. Resignation of A. B. Fall as Secretary of the Interior: Subsequent to his resignation, Fall was employed as attorney by both the Sinclair and Doheny companies.

20. May 26, 1923. Dissolution of the Continental Trading Co. of Canada: On this date the Continental Trading Co. assigned its contract with Humphreys, under which it still stood to profit $6,250,000, without any expense whatsoever, to the Sinclair Crude Oil Purchasing Co. for $400,000. The company was then dissolved and in January or February (when the oil investigation was in progress) all its books and records were destroyed.

21. Summer, 1923. $25,000 in Liberty bonds "loaned" by Sinclair to Fall, through Colonel Zevely: This "loan" made in connection with Fall's trip to Russia at this time. The bonds involved not Continental Trading Co. bonds. This "loan" never paid, nor any interest thereon.

22. October 22, 1923–November 2, 1923. Beginning of congressional hearings: During the period the congressional committee, of which Senator Smoot was then chairman, took the testimony of Secretary Fall, H. F. Sinclair, naval officers and geologists. Nothing sensational was developed in these hearings and most of the testimony was in the nature of an attempt to justify the leases.

23. Latter part of November and early December, 1923. Sinclair makes $160,000 contribution, through Will Hays, toward payment of the deficit of the Republican National Committee in 1920 in the form of Continental Trading Co. bonds: In the Senate investigation in 1924 Hays testified that Sinclair contributed $75,000 on December 3, 1923, toward payment of the deficit of the Republican National Committee. His testimony with reference to this contribution was extremely vague, but conveyed the impression that it was made by Sinclair in cash. Through another witness, however, the committee discovered that this contribution was actually made in Liberty bonds, and these were later traced by their numbers to the Continental Trading Co.

When the Senate Committee on Public Lands resumed its hearings in 1928 Hays appeared voluntarily and testified that in addition to the $75,000 contribution he had revealed in 1924 Sinclair, in November, 1923, "loaned" the Republican National Committee $185,000 in Liberty bonds, which he disposed of as follows: $60,000 were sent to Fred W. Upham, then treasurer of the committee, at Chicago; $25,000 to John W. Weeks, then Secretary of War; and $50,000 to John T. Pratt, of New York, a member of the "Standard Oil group"; while $50,000 were never used. Hays further testified that altogether $100,000 of the bonds were returned to Sinclair, so that his total contribution (with the $75,000 revealed earlier, which was turned over to Senator COLEMAN DU PONT in bonds, to pay a note of the Republican National Committee to the Empire Trust Co., New York) made the total contributed by Sinclair toward payment of the deficit $160,000, all of which was paid in bonds.

Hays, in his testimony to the committee, was extremely vague upon the reasons for the "loan" of the $185,000 in bonds by Sinclair; but the committee, through other testimony, discovered that these bonds were taken to wealthy Republicans, who were asked to pay cash for them, and then credited on the records of the Republican National Committee with having made a contribution toward payment of the deficit to the face value of the bonds. Twenty-five thousand dollars of these bonds were "cashed" by James Patten, a Chicago grain man, and $2,000 by one Eckhardt, a Chicago miller. Some of these bonds were also taken to Andrew W. Mellon and William M. Butler, as recited in 24 following, but they refused to have anything to do with them. The testimony of Hays, however, is clear to the effect that $85,000 of Sinclair's bonds were distributed to Upham, Weeks, and Pratt, and presumably all of them were disposed of in the manner disclosed by Patten and Eckhardt.

24. November, 1923. Secretary Mellon and Chairman Butler were apprised of the Sinclair "loan" of bonds to pay the deficit of the Republican National Committee, but kept complete silence with reference to this transaction until it was revealed by other testimony: The discovery that some of the Continental Trading Co. Liberty bonds which Sinclair "loaned" to Hays, to help pay the Republican deficit, were presented to Mellon and Butler, was made when a representative of the estate of John T. Pratt gave the Committee on Public Lands a memorandum on which were given the names "Weeks," "Andy," "Butler," and "du Pont." On this lead the committee called Mellon and Butler, and both acknowledged that some of the Sinclair bonds were offered to them in November, 1923, but both refused to become parties to the scheme to thus cover up Sinclair's contribution. Mellon was asked by Hays to cash $50,000 of the bonds, kept the bonds for about 10 days, but then returned them to Hays (who seems to have sent them back to Sinclair), and, instead, himself contributing $50,000 toward payment of the deficit. Butler received $25,000 of the Sinclair bonds from John W. Weeks, but, like Mellon, sent them back.

These incidents occurred at the very time when the Senate committee was first advised of Fall's enrichment in 1922 and the suspicious circumstances pointing to Doheny and Sinclair as the source of this sudden wealth. Both Mellon and Butler knew that the bonds they were asked to cash came from Sinclair and also that the Senate committee was seeking to ascertain what contributions Sinclair made to the campaign funds. Despite these facts, however, both Mellon and Butler kept silent about this transaction until summoned by the Senate committee in 1928.

25. Ex-Secretary Fall and E. B. McLean conspire to mislead the investigating committee about the sources of the $100,000 which Fall in December, 1921, took from Washington to El Paso, Tex., in a satchel: In November, 1923, ex-Secretary Fall wrote to Price McKinney, of Cleveland, asking that he (McKinney) should testify before the congressional committee that he loaned Fall $100,000 in December, 1921. When McKinney did not reply to this request, Fall sent his son-in-law, C. C. Chase, to Cleveland to see McKinney and renew his request. McKinney refused, however, to thus perjure himself.

After the McKinney turndown, Fall wired to E. B. McLean at Washington, to meet him at Atlantic City. At this meeting at Atlantic City it was arranged that McLean should testify falsely that he loaned $100,000 to Fall.

26. November 30, 1923. First testimony suggesting graft: On November 30, 1923, the Senate Committee on Public Lands resumed its hearings on the oil leases, after nearly an interval of a month. Senator Lenroot now replaced Senator Smoot as chairman of the investigating committee, because Smoot had become chairman of the Committee on Finance.

On the very first day of the resumption of the congressional hearings, sensational testimony was offered by Carl G. Magee and other witnesses from New Mexico, detailing the facts regarding Fall's great expenditures in connection with his ranch property immediately before the oil leases were executed, as set forth under 10 above.

In the week following, H. F. Sinclair and E. L. Doheny testified, denying that they gave any money to Secretary Fall in connection with the oil leases.

27. December, 1923. Efforts by Hays to stop the Senate investigation and to mislead the committee and the public: D. H. McArthur, secretary to the late Senator Ladd, who was the ranking member of the Public Lands Committee, has recently made the statement that Will Hays, former chairman of the Republican National Committee

and Postmaster General, came to Senator Ladd and pleaded with him to stop the investigation of the oil leases, which Senator Ladd refused to do. In this statement McArthur is corroborated by ex-Senator Adams, of Colorado, another member of the Public Lands Committee.

On a deposition given by Fall on April 2, 1928, in connection with the criminal case against Sinclair (see 74 below), he makes the charge that he was urged by Hays to write the letter to the Senate Public Lands Committee, noted under 29 below, in which he falsely informed this committee that the $100,000 he received from Doheny was loaned him by E. B. McLean.

28. December, 1923. Conference of Senators Lenroot and Smoot with ex-Secretary Fall: Fall came to Washington shortly after December 15, 1922. Some time between this date and December 26th, Senators Smoot and Lenroot conferred with ex-Secretary Fall at the hotel at which he was staying in Washington, regarding the sources of his sudden wealth in the winter of 1921. Which Senator suggested this conference is not clear as each credits the other with this suggestion.

What was said at this conference is also still somewhat in doubt. Lenroot and Smoot said (after this conference became public) that they called on Fall to urge him to tell the truth about the sources of the wealth which he acquired in the winter of 1921–22, and that they were told that this money came from a loan from Edward B. McLean. Fall, in his deposition on April 2, 1928 (noted in 27 and 74), was first reported by the newspapers to have claimed that Lenroot and Smoot, on the occasion of this call, expressed fear that the Republican Party would be adversely affected if it became known that Fall's money came from Doheny, and suggested to him that he write a letter to the Senate committee to the effect that he (Fall) borrowed this money from McLean. This version of what occurred at this conference was promptly denied by both Smoot and Lenroot, and the newspapers have since reported that the first version of what Fall said in his deposition was incorrect, and that his agrees substantially with that told by Senators Lenroot and Smoot.

29. December 26, 1923. Fall advises committee that he borrowed $100,000 from McLean to finance his ranch purchases in December, 1921: In a letter addressed to the Public Lands Committee on December 26, 1923, ex-Secretary Fall pleaded that illness prevented him from appearing before the committee with reference to the testimony regarding his New Mexico expenditures in December, 1921, and the winter of 1922. In this letter he made the statement that he raised the money he spent in New Mexico by a loan of $100,000 from Edward B. McLean, publisher of the Washington Post, and that he received this amount in cash and took it to El Paso in a satchel. He also stated that he borrowed the balance of the money he spent in New Mexico from a bank at Pueblo, Colo.

30. January 3, 1924. McLean confirms Fall: On this date ex-Attorney General Palmer sent a letter to the Public Lands Committee, as attorney for McLean, in which he stated that McLean was ill in Florida, but that he wished to confirm the statement of Fall that he (McLean) loaned Fall $100,000 on an unsecured note late in December, 1921. (Fall actually took $100,000 to El Paso early in December.)

31. Last part of December, 1923, and first half of January, 1924. McLean, Fall, Slemp all at Palm Beach, Fla.: Immediately after Christmas Fall joined McLean at Palm Beach, Fla., as his guest and stayed there until about the middle of January.

After Christmas Slemp, Secretary to President Coolidge, also went to Palm Beach "to recuperate." While there he conferred frequently with both McLean and Fall. The oil scandal, however, was not discussed, according to Slemp, except that he once asked Fall what was the truth with reference to where he got the money for his New Mexico transactions, and was told to read his (Fall's) testimony.

32. Last part of December, first part of January. Frantic efforts to prevent the Public Lands Committee from taking the testimony of McLean: The frantic efforts which were made while McLean was in Florida to prevent the Committee on Public Lands from taking his testimony have come to light within the last two weeks through the action of the committee in issuing a subpœna for the production of the telegrams sent to and from McLean in Washington. These telegrams have disclosed that:

(a) Messages were exchanged daily between McLean and his employees in Washington, reciting efforts made to get Members of Congress and others of political influence to see Senator WALSH and other members of the committee to prevent efforts to take McLean's testimony.

(b) A number of the telegrams sent to and by McLean were in the secret code of the United States Department of Justice, which appointed McLean a $1 per year employee in 1921. Many of these messages were sent by one Duckstein, an employee in the Bureau of Criminal Investigation in the Department of Justice and also an employee of McLean.

(c) McLean installed a private wire from Washington to Palm Beach, whose operator was E. W. Smithers, chief telegrapher at the White House. All messages sent over this private wire were destroyed each evening; and the contents of none of them have as yet been disclosed. The installation of this private wire was decided upon by McLean on December 22, 1923, upon the advice of one of his secretaries, Major, that this wire "will give you quick access to the White House." Smithers hired to take charge of this private wire December 28. Actually used from January 9.

33. January, 1924. Disappearance of all witnesses connected with the Continental Trading Co. of Canada and destruction of all its records. Sinclair left for Europe before Christmas, 1923, taking with him all his records relating to the Teapot Dome and all his canceled checks. He did not return until March, 1924, and then refused to testify.

Fall left Palm Beach for New Orleans about the middle of January with Colonel Zevely, the attorney for Sinclair. He intended to "go abroad for his health" from New Orleans, but before he could leave was served with a subpœna to appear before the Senate committee.

Everhart, Fall's son-in-law, remained in this country, but was able at this time to avoid testifying, by pleading that his testimony might incriminate him. In 1928, after Congress had changed the law to bar this excuse, Everhart testified in a frank manner and revealed the fact that he got the Continental Trading Co. bonds which he took to Pueblo (see 16 above) from Sinclair for Fall.

Blackmer and O'Neil, at this time, left this country for France and neither has ever returned. Letters rogatory were issued for both to testify in the Government case against Sinclair in 1925, but both declined to do so. Thereafter both made short and secret visits to Canada, O'Neil to turn over the part of the Continental Trading Co. boodle which went to him to his company, and Blackmer apparently to keep his company from getting his share. After these secret visits to Canada, both O'Neil and Blackmer returned to Europe and are still there, despite the fact that they have made themselves subject to a penalty of $100,000 for failing to respond to a subpœna to testify in the criminal trial against Fall and Sinclair, under a statute enacted by Congress allowing subpœnas to be served in foreign countries and providing for a maximum $100,000 penalty to be enforced against their property in this country for failing to obey such subpœnas.

Stewart at this time went to South America and while he later returned to this country successfully dodged all subpœnas. When the Senate committee resumed its hearings in 1928, however, he was persuaded by John D. Rockefeller, jr. (the largest stockholder in the Standard Oil Co. of Indiana, of which Stewart is president), to come from Cuba to Washington to testify. On the stand, however, Stewart refused to answer the questions regarding the distribution of the Continental Trading Co. profits, and for this he has been indicted for contempt. (See 71 below.)

Osler, the president of the Continental Trading Co., did not leave Toronto, but when in 1924 the Government sought to compel him to testify in the Teapot Dome suit he refused to do so on the ground that his relations with this company were those of an attorney for his clients, and hence privileged. The United States Government then appealed to the Canadian courts to compel Osler to testify, and on December 13, 1924, Justice Riddell, of the Supreme Court of Ontario, decided that Osler would have to testify. From this decision Osler took an appeal, but the appellate division of the Supreme Court of Ontario also decided against him on March 12, 1925. In the meantime, however, Osler went to Egypt to hunt lions and did not return to Canada until after the trial of the Teapot Dome suit, and hence he has never been compelled to reveal what he knows about the Continental Trading Co. and the use made of its ill-gotten gains.

34. January 7, 1924. Walsh resolution instructing President to start suits to cancel oil leases: This resolution, amended to place the prosecution of these suits in the hands of special prosecutors instead of the Department of Justice, passed January 29, 1924.

35. January 9, 1924. The Senate Public Lands Committee sends WALSH to Florida to take McLean's testimony. Lenroot wires Fall that WALSH has no authority to take his testimony: The resolution passed by the committee read as follows: "That Senator THOMAS J. WALSH be, and is hereby, appointed a subcommittee to take the testimony of Edward B. McLean at Palm Beach, in the State of Florida, or elsewhere, and any other witness whom the said Senator THOMAS J. WALSH may require to attend before him by subpœna; and authority is hereby given to the said committee to issue subpœnas in the name of the committee to require the attendance before him of said Edward B. McLean or any other witness."

On the same day Fall wired Chairman Lenroot from Palm Beach as follows: "Am I to understand from recent telegram sent McLean that you have given Walsh authority to subpœna me as witness? Wire answer."

To this telegram Senator Lenroot replied: "There was no such intention. Walsh stated he might wish to examine McLean's secretary or other employees who might be there and that was only purpose of his authority to subpœna."

36. January 11, 1924. McLean acknowledges that he did not loan $100,000 to Fall: On this date Senator Walsh at Palm Beach took McLean's testimony, to the effect that he did not loan $100,000 to Fall, but only gave him a check for this amount, which Fall later returned uncashed. Fall on the same day refused to appear before Senator Walsh to testify, but sent him a note stating that this last story of McLean was correct.

Subsequent testimony has thrown grave doubt upon even this last story of McLean. It has been established that in December, 1921, when McLean, according to this story, gave Fall the check for $100,000 which he is supposed to have returned, McLean had less than $9,000 in the bank. It has also been established, by the testimony of Major, McLean's secretary, that the lie told to the committee by Fall and McLean as to the $100,000 loan, was framed at a meeting of these men at Atlantic City months before the oil hearings began. (See 25 above.)

37. January 12, 1924. Telegram from President Coolidge to McLean at Palm Beach: "Prescott is away. Advise Slemp with whom I shall confer. Acknowledge."

38. January 16, 1924. Telegram from Asst. Attorney General E. W. Rochester to McLean: Gave McLean the tip that the Senate committee would investigate whether he (McLean) had $100,000 in any bank in December, 1921, when, according to his testimony, he gave Fall a check for $100,000 as a loan, which he later returned uncashed.

39. January 24, 1924. Doheny acknowledges that he "loaned" Fall $100,000 November 30, 1921: Doheny's reason for making this loan, he testified, was that he and Fall were old friends and that he felt that Fall was entitled to great credit for his services while in the Senate in fighting for the rights of Americans in Mexico.

Doheny's testimony at this time was supplemented by further testimony on February 1, in which it was brought out that he cut Fall's signature off the $100,000 note, which the Secretary gave him in return for the "loan."

40. January 25, 1924. Colonel Zevely testifies that Sinclair loaned $25,000 in Liberty bonds to Fall in the summer of 1923: (The facts with reference to this "loan" are set forth in 21 above.)

41. January 28, 1924. Resolution for dismissal of Secretary Denby: This resolution was introduced by Senator ROBINSON.

42. January 29, 1924. "Principal" telegram Bennett to McLean. This telegram sent by Bennett, managing editor of McLean's Washington Post to McLean at Palm Beach, read as follows: "Saw principal. Delivered message. He says greatly appreciate and sends regards to you and Mrs. McLean. There will be no rocking of the boat. He expects reaction from political attacks."

Bennett has since testified that the "principal" referred to in this message was Senator CURTIS, of Kansas. Senator CURTIS, however, has denied that he talked to Bennett. Senator HEFLIN, in a speech in Congress in 1924, claimed that the "principal" referred to is clearly President Coolidge.

43. January 29, 1924. Resolution directing President to start suit to cancel oil leases and to engage special prosecutors for this purpose passed by Congress: Under this resolution President Coolidge first appointed Silas H. Strawn and ex-Attorney General Gregory as prosecuting attorneys. Both names were later withdrawn when it was discovered that both had been attorneys for oil companies (Gregory directly for Doheny). In lieu of these two attorneys, ex-Senator Pomerene, of Ohio, and Owen J. Roberts were appointed. These appointments were confirmed about the middle of February. Subsequently, a third prosecuting attorney was appointed to deal with the California leases, a Mr. Knight, of San Francisco.

44. February 2, 1924. Fall refuses to testify further: On this day Fall, pursuant to subpœna, appeared before the Senate committee, and read a statement denying the jurisdiction of the committee and declining to testify on the ground that he might incriminate himself. The committee then excused Fall and secured from the Senate a readoption of the resolution authorizing its investigation.

45. February 7, 1924. Resolution adopted by Senate confirming the authority of the Committee on Public Lands and Surveys to continue its investigation of the oil leases: This resolution was adopted because the authority of the committee was questioned, on the theory that its powers conferred by the La Follette resolution in the preceding Congress expired with that Congress, on March 3, 1923.

46. February 11, 1924. Senate adopts resolution asking Denby to resign as Secretary of the Navy: In reply to this resolution President Coolidge issued a statement to the effect that he would not ask Secretary Denby to resign.

47. February 11, 1924. "X" telegram Bennett to McLean: This telegram read as follows: "'X' telephoned me last night. Said tell you not to worry." Bennett testified that "X" was Attorney General Daugherty.

48. February 12, 1924. Telegram Coolidge to McLean: "Thank you for message. You have always been most considerate. Mrs. Coolidge joins me in sending kindest regards to Mrs. McLean."

On behalf of the President it has been stated that this message was sent in response to wire of McLean congratulating the President on his stand with reference to demand of the Senate for Denby's resignation.

49. February 15, 1924. Resignation of Denby: This resignation took effect March 10, 1924.

50. March 11, 1924. Ladd succeeds Lenroot as chairman of the Public Lands Committee: During much of the time that the Senate Public Lands Committee conducted its hearings in 11923–24 (November, 1923–March, 1924), Senator Lenroot was unable to attend, being ill.

51. March 11, 1924. Starting of Government suits for the cancellation of the oil leases: Suits were brought for the cancellation of both the Teapot Dome and Elk Hills leases, and (as noted under 64 and 66 below) were ultimately successful.

52. March 22, 1924. Sinclair defies Senate and refuses to give further testimony: Sinclair was recalled by the committee to be questioned further upon his transactions with Fall. His refusal to testify practically marked the end of the senatorial investigation in 1924, although the committee's report was not filed until June, 1924. (See 54 below.)

53. March 28, 1924. Resignation of Attorney General Daugherty: This resignation seems to have been practically requested by President Coolidge, although, in accepting the same, the President praised Daugherty for his services. This resignation resulted rather from the facts revealed through the investigation of charges brought by Senator WHEELER relating to Daugherty's conduct of the office of Attorney General, than to anything connected with the oil leases.

54. March 30, 1924. Indictment of Sinclair for contempt for refusal to answer the questions of the Senate Public Lands Committee: This indictment was returned in the District of Columbia after the Senate had voted to refer Sinclair's contempt to the district attorney. For the outcome of this case see 65 below.

55. June 5, 1924. Criminal indictments against Fall, Sinclair, and Doheny: These indictments were returned in the District of Columbia. Fall and Sinclair were indicted for conspiracy, Fall and Doheny for conspiracy, and Fall, Doheny, and his son for bribery.

On April 6, 1925, the Supreme Court of the District of Columbia quashed the indictments against Fall and Doheny on the ground that improper witnesses had been brought before the grand jury. The United States acquiesced in this decision in so far as the conspiracy charge was concerned, but appealed from the finding quashing the indictment for bribery. Upon this appeal the Court of Appeals of the District of Columbia on December 7, 1925, sustained the Government and held the original indictments for bribery to be good. New indictments for conspiracy were returned against Fall and Doheny on May 27, 1925. (For the outcome of these criminal cases, see 63, 67, and 75 below.)

56. June 6, 1924. Report of Senate Committee on Public Lands and Surveys upon its investigation of the oil leases: This was the majority report of the committee and was signed by Senators Ladd, Norbeck, A. A. Jones, Adams, Kendrick, Dill, Walsh, and Pittman. This report strongly condemned the oil leases and characterized the transactions connected therewith as "essentially corrupt."

The minority of the committee did not file its report until January 15, 1925. (See 59, below.)

57. Summer, 1924. The oil scandal in the presidential campaign: The revelations unearthed in the oil-scandal investigation figured very prominently in the presidential campaign, both the Democratic and Progressive platforms trying to fasten responsibility for this scandal upon the Republican administration. The Republican platform said that "the recent congressional investigations have exposed instances in both parties of men in public office who are willing to sell official favors and men out of office who are willing to buy them, in some cases for money and in others of influence," and called for "the speedy, fearless, and impartial prosecution of all wrongdoers." It also said, however, that "no greater wrong can be committed against the people than the attempt to destroy their trust in the great body of their public servants" and condemned attempts to do this for partisan advantage.

58. September 30, 1924. The first information about the Continental Trading Co. and its connection with the bribery of Fall by Sinclair revealed to public: The discovery of the Continental Trading Co. and its connection with the Teapot Dome lease was the work of Atlee Pomerene and Owen J. Roberts, the special prosecutors for the Government, and of detectives connected with the United States Treasury Department whom they employed.

The facts regarding the Continental Trading Co. were revealed at this time in an affidavit filed in the Canadian courts at Toronto by the special prosecutors in an attempt to obtain process to compel H. S. Osler, president of the Continental Trading Co., to give a deposition about the operations of the company and the disposition of its bonds for use in the Government suit to cancel the Teapot Dome lease, which suit was then pending in the United States District Court of Wyoming. (See 33, above.)

59. January 15, 1925. Report of the minority of the Senate Public Lands Committee upon the oil leases: This report was signed by Senators Smoot, Stanfield, Bursum, Cameron, and Spencer. This report amounted practically to a defense of the oil leases and sought to fasten responsibility for inaugurating the leasing policy upon the preceding Democratic administration. It also condemned the majority of the Public Lands Committee for having devoted a great deal of "unwarranted and unnecessary" time in running down "mere rumors," and said that this action of the majority had "produced an impression in the country concerning the investigating inclinations of the Senate that was exceedingly unfortunate, and one neither the Senate nor the country is likely soon to forget."

60. May 28, 1925. United States district court holds lease to Doheny invalid: This decision was rendered in the case of United States v. Pan American Petroleum Co. (6 Fed. (2d) 43) by Judge McCormick, of the

United States District Court of the Southern District of California. This was the "first blood" drawn by the Government in the suits growing out of the oil leases. In his decision in this case Judge McCormick found the dealings between Fall and Doheny to have been "contra bonos mores and against public policy" and held that the Government was entitled to an order in equity setting aside the Elk Hills lease.

From this decision an appeal was taken by Doheny to the Circuit Court of Appeals, Ninth Circuit, which, however, on January 4, 1926, upheld the trial court (9 Fed. (2d) 761), and from this decision to the Supreme Court, which also upheld the Government (see 64 below).

61. June 19, 1925. Decision of Judge Kennedy, of the United States District Court of Wyoming, upholding the Sinclair lease: This decision (reported in U. S. *v.* Mammoth Oil Co., 5 Fed. (2d) 330) was rendered, after a long trial, in April, 1925, in which the United States established the fraudulent character of the Continental Trading Co. and traced $90,000 of the Continental Trading Co. bonds to Fall. Direct proof that these bonds came from Sinclair, however, was lacking, because everybody connected with the Continental Trading Co. had put himself outside of the jurisdiction of the court. The Government's request to hold the case open until the testimony of H. S. Osler (then in Africa) could be taken was refused by Judge Kennedy.

62. September 28, 1926. The circuit court of appeals reverses the trial court and sets aside the Teapot Dome lease: This decision (reported in 14 F. (2d) 705) was rendered by Circuit Judge Kenyon upon the appeal of the Government from the decision of Judge Kennedy noted under 61 above.

63. December 16, 1926. Acquittal of Fall and Doheny on a conspiracy charge: This was a jury verdict, arrived at after a long trial, and after Fall and Doheny had made every effort to quash the indictments. (See 55 above.)

64. February 28, 1927. The United States Supreme Court cancels the Doheny lease to the Elk Hills reserve: This was the final stage of the Government civil suit to set aside the Doheny lease, the earlier stages of which have been noted under 60 above. The Supreme Court's opinion was delivered by Justice Butler and was unanimous. It rested upon the conclusion that this lease was "corruptly secured."

65. March 3, 1927. Sinclair convicted of contempt of the Senate and sentenced to three months in jail: This conviction was premised upon Sinclair's refusal to answer questions put to him by the Public Lands Committee in March, 1924, which is noted under 52 above.

Sinclair has taken an appeal from this conviction for contempt and this appeal is still pending.

66. October 10, 1927. The United States Supreme Court cancels Teapot Dome lease: This decision (reported in 48 Sup. Ct. 1) was the final outcome of the Government suit in equity to set aside the Sinclair lease to the Teapot Dome, earlier phases of which are noted under 51, 60, and 61 above.

In this decision (opinion by Justice Butler) the Supreme Court most severely scored Fall as "a faithless public officer" condemned the Continental Trading Co. as having been "created for some illegitimate purpose," and said that the lease of April 7, 1922 (11 above) was made "to circumvent the law and defeat public policy."

Not only did the Supreme Court set aside the Teapot Dome lease, but it also held that Sinclair's company could not recover the tanks and other property it had already put on the naval reserve, preparatory to draining this reserve. The court held that only Congress could give Sinclair relief in this matter of recovering his investment in the Teapot Dome lease.

67. October 17–November 2, 1927. Trial of Sinclair and Fall on criminal charge of conspiracy, resulting in a mistrial, due to jury tampering: This trial occurred in the court of Justice Siddon of the Supreme Court of the District of Columbia. After this trial had proceeded for three weeks, the Government asked for a mistrial, because evidence indicating jury tampering was published in a Washington newspaper.

A long-drawn-out investigation of this jury tampering followed, in which it was established that Sinclair and some of his friends employed the Burns Detective Agency to shadow the jurors in the Fall-Sinclair trial. Some evidence was also presented that one juror was offered a direct bribe on behalf of Sinclair. The final outcome of this investigation was the conviction of Sinclair, Burns, and two others for contempt, which is noted under 70 below.

68. January 9, 1928. The Senate adopts resolution directing the Public Lands Committee to resume its investigation of the oil leases: This resolution was offered by Senator NORRIS on January 4, 1928, and was premised mainly upon the new evidence revealed since 1924, particularly the Continental Trading Co. transaction.

69. January 24, 1928 to date. New hearings upon the oil leases by the Senate Public Lands Committee: These hearings have been conducted intermittently and are to be resumed. The main line of inquiry in these hearings has been the tracing of the Continental Trading Co. bonds.

While hardly as sensational as the testimony in the first hearings in 1923 and 1924, these new hearings have given the public a much more complete picture of the oil scandal and particularly of the Continental Trading Co. phase of this scandal, than was extant before. The high spots in this new testimony have been the following:

(a) The testimony of Everhart, Fall's son-in-law, which has established that the Continental Trading Co. Liberty bonds which Everhart took to Pueblo, were given him by Sinclair to be turned over to Fall. (See 16 above.)

(b) Information about the $160,000 contribution, in the form of Continental Trading Co. Liberty bonds by Sinclair toward payment of the Republican National Committee deficit in November, 1923, which is discussed in 23 and 24 above. This information has been gotten piecemeal and in spite of apparent attempt to mislead the committee (see also 72 below).

(c) Proof for the first time that, in addition to Secretaries Fall, Denby, and Daugherty, two other members of President Harding's Cabinet, Hays and Weeks, were implicated in the oil scandal, at least, to the extent of having knowledge of and trying to cover up the Sinclair contribution to pay the Republican deficit. In addition, moreover, Secretary Mellon and Chairman Butler of the Republican National Committee of 1924, have been shown to have had knowledge of the Sinclair contribution, but failed to disclose this information to the investigating committee in 1924. (See 24 above.)

70. February 3, 1928. Robert W. Stewart, president of the Standard Oil Co. of Indiana, and an associate of Sinclair in the Continental Trading Co., defies the Senate and is subsequently indicted for contempt: Stewart came from Cuba to testify, after having previously dodged all subpœnas (see 33 above), but on the stand refused to answer questions about the disposition of the Continental Trading Co. bonds. For this refusal he was reported to the Senate as a contumacious witness and, at the request of the Senate, was arrested and charged with contempt. He was thereafter released from jail upon a writ of habeas corpus, but after a hearing this writ was dissolved by Justice Bailey of the Supreme Court of the District of Columbia and Stewart ordered held for trial. From this order, Stewart took an appeal on April 2, 1928, to the appellate court of the District.

71. February 21, 1928. Conviction of Sinclair and William J. Burns for jury tampering in trial of Fall and Sinclair for conspiracy in October and November, 1927: This was the final outcome of the investigation following the mistrial in the Fall-Sinclair conspiracy case, discussed in 67 above. After a prolonged preliminary investigation, Sinclair, William J. Burns, his son, Sheldon Burns, and Mason Day and Sheldon Clark, officers of oil companies with which Sinclair is connected, were cited for contempt of court. After trial all of these defendants except Clark were found guilty, and Sinclair was sentenced to 6 months in jail, Day to 4 months, and William J. Burns to 15 days in jail, while Sheldon Burns was fined. From this conviction these defendants have taken an appeal, and all of them are free on bonds.

72. March 1, 1928. First testimony establishing that Sinclair contributed $160,000 in Continental Trading Co. Liberty bonds to help pay the Republican deficit in 1920 (see 23 above): The first testimony to this effect was given by Will Hays, who appeared voluntarily to state that in addition to the $75,000 which he testified in 1924 Sinclair contributed to pay the Republican defict Sinclair also "loaned" the Republican National Committee $185,000 in bonds, of which all but $85,000 were subsequently returned to him. Hays in his testimony at this time, however, denied that these bonds were turned over to others who cashed them and were credited with the contribution really made by Sinclair, and also failed to disclose that the $75,000 contribution made by Sinclair about which he testified in 1924 likewise took the form of Continental Trading Co. bonds and was really part of the same transaction. When later the committee developed that some of these bonds "loaned" by Sinclair were turned over to Chicago parties to be cashed and also that they were offered to Mellon and Butler (see 23 and 24 above), Hays pretended to know nothing about what was done with the bonds, although forced to acknowledge that he approached Mellon (Hays explained his silence upon this action on the ground that he did not think it was of any importance because Mellon would not enter into the deal.)

73. March 10, 1928. Discovery of fact that Secretary Mellon and Secretary Butler were approached to cash the Continental Trading Co. Liberty bonds which Sinclair turned over to Hays for the Republican deficit: This discovery was made through the filing with the committee of all memoranda of the late John T. Pratt relating to the Republican deficit, by the administrators of his estate, on the subpœna of the committee. As recited in 24 above, this memoranda included a slip on which were written the names "Weeks," "Andy" (or "Handy"), "Butler," and "DU PONT."

74. April 2, 1928. Deposition by Fall implicating Will Hays and, perhaps, Senators Lenroot and SMOOT in the attempt to mislead the Senate Public Lands Committee in December, 1923, with regard to the $100,000 Fall received from Doheny: This deposition was taken for use in the conspiracy trial of Sinclair, which is noted under 75, below. Its contents are not yet definitely known, but all accounts agree that this deposition charges Will Hays with having induced Fall on December 27, 1923, to write his letter in which he reported that the $100,000 which Doheny gave him was a loan from McLean (see 27, above). The newspapers also first reported that Fall in this deposition charged Sena-

tors Lenroot and SMOOT with having given him the same advice on the occasion of their visit to him in December, 1923 (see 28, above), but this is now denied.

75. April 9, 1928. Opening of new trial of Sinclair for conspiracy: This new trial was made necessary by the mistrial in the case against Fall and Sinclair in October and November, 1923. (See 67, above). This time Sinclair is being tried alone, because Fall is reported to be dying. Fall's deposition for use in this case, in which he claims that there was nothing wrong in his dealings with Sinclair, was taken April 2, 1928.

FLEET SUBMARINE

Mr. HALE. Mr. President, House bill 13248 came over to the Senate this morning, and has been referred to the Committee on Naval Affairs. I ask unanimous consent that a similar bill, which has been reported to the Senate from the Committee on Naval Affairs, be indefinitely postponed, that the Committee on Naval Affairs be discharged from the further consideration of this bill, and that it be taken up and acted upon.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Let it be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill (H. R. 13248) to authorize an increase in the limit of cost of one fleet submarine was read, as follows:

Be it enacted, etc., That the limitation imposed in the Navy Department and naval service appropriation act, fiscal year 1925, on construction and machinery expenditures on account of one fleet submarine (mine-laying type), increased to $6,300,000 by the act of March 2, 1927 (44 Stat. L. 1343), is hereby further increased to $6,500,000.

The PRESIDENT pro tempore. The Senator from Maine moves that the Committee on Naval Affairs be discharged from the further consideration of the bill.

The motion was agreed to.

Mr. HALE. I now ask for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Mr. President, I should like a little explanation of the bill to which the Senator refers.

Mr. HALE. Mr. President, the bill simply increases the limit of cost on the mine-laying submarine *V–4*, which was launched last fall and put into commission some months ago. There are certain improvements on it which have not yet been made, and could not be made because the vessel had reached the limit of cost allowed under the law. This bill increases the limit of cost $200,000. One of her periscopes has not been put on, because they have not had the money to finish her up.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the Senate bill on the same subject will be indefinitely postponed.

CONTRACTS BY THE SECRETARY OF WAR TO BE IN WRITING

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following:

"*Provided*, That this act shall cease to be in effect after June 30, 1930"; and the Senate agree to the same.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.
W. FRANK JAMES,
L. A. FROTHINGHAM,
WILLIAM C. WRIGHT,
Managers on the part of the House.

The report was agreed to.

Mr. REED of Pennsylvania. I ask for the immediate consideration of the report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. KING. Let it be read.

The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read the report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FRANK MURRAY

Mr. LA FOLLETTE. From the Committee on Indian Affairs I report back favorably, without amendment, H. R. 3539, and ask for its immediate consideration. It is for the relief of an Indian who, the committee believes, was illegally banned from his reservation. The bill has passed the House. It has the approval of the Secretary of the Interior and the Bureau of the Budget, which is very unusual. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3539) for the relief of Frank Murray, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to investigate the removal of Frank Murray, a member of the Bad River Band of Chippewa Indians, and an allottee upon the Bad River Reservation in Wisconsin, from said reservation; and if he shall find that such removal by officers and agents of the Government was illegal, the Attorney General concurring, he shall so certify to the Secretary of the Treasury.

Upon such certification being made to the Secretary of the Treasury, he is hereby authorized and directed to pay to said Frank Murray the sum of $3,000 to compensate him for injuries to his business and property by reason of such illegal removal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LA FOLLETTE. I ask unanimous consent that Order of Business 1359, Senate bill 2441, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL CANDIDATES

Mr. SHEPPARD. Mr. President, at the request of Rev. Atticus Webb, Anti-Saloon League superintendent of Texas, I ask that his address at Eastland, Tex., on May 20, 1928, on the subject "Can a wet President hurt prohibition?" be inserted in the RECORD.

There being no objection, the address was ordered to be inserted in the RECORD, as follows:

CAN A WET PRESIDENT HURT PROHIBITION?

An address delivered at a mass meeting in the First Baptist Church, of Eastland, Tex., at 8 p. m., Sunday, May 20, 1928. When Dr. W. T. Turner, the pastor, introduced Dr. Atticus Webb, the Sunbeam Band, led by Mrs. W. T. Turner, greeted him with the following song:

"Mr. Webb, how do you do?
Mr. Webb, how do you do?
As you lead the league in Texas,
We're praying for you.

Mr. Webb, we're for you,
Mr. Webb, we're for you,
As you fight the liquor forces
We're all for you.

Mr. Webb, fight hard! be true!
Mr. Webb, fight hard! be true!
As we hold the fort for temperance
We're counting on you."

Dr. ATTICUS WEBB. My friends, your greetings touch me tenderly. I thank Doctor Turner for his gracious words of introduction and these dear children for their gracious song of greeting and pledge of loyalty to me in the temperance work.

To one who accepts the current propaganda it is surprising that the American people still tolerate the Volstead Act. It is supposed to impeach our reputation for common sense. On the other hand, it may be a vindication of our common sense in refusing to be stampeded by propaganda and in insisting upon facts.

Common observation reveals the absence from our streets of the large numbers of drunks we used to meet. The bleared eyes and red noses are also conspicuous by their absence. They point us to the police blotters, but while there are reports of drunks, they are far fewer than formerly. Just what proportion of them are "repeaters" we are not informed. The number of drunks reported may be all from a very few who are arrested frequently.

SIGNS OF IMPROVEMENT

When we turn to reliable data this supposition is strengthened. Three recent reports, one by Judge Gemmill, of Chicago, one by the World League Against Alcohol, and one a special Federal census report, each remarkably corroborating the other, all combine in telling us that we are having 500,000 drunks annually fewer than we had under the saloon régime.

DECREASED DRUNKENNESS

Chronic drunkenness has about disappeared from the land. This is evidenced by the fact that practically all the Keely institutes and other institutions for treating chronic drunkenness have had to close their doors. Those that have not done so admit that their main support now comes from the treatment of other diseases.

Deaths from alcoholism were around 60,000 per year during saloon days, but have now dropped to about 2,000 per year, though the liquor used to-day is admittedly far inferior to that of the bar.

Dr. Irving Fisher estimates that only about 10 per cent as much liquor is drunk now as in former days. Henry Ford corroborates him in a recent statement. He said that in pre-Volstead days in every block of 5,000 workmen at least 100 of them gave constant trouble from drink. Now, in such a block of 5,000 fewer than 10 give trouble.

In Chicago, a city infested with bootleggers who operate under the protection of politicians, the night court has been discontinued, and it was expressly stated that prohibition had left it with so little to do that it was not justified. For generations under the saloon régime it had done a flourishing business.

These and many other well-known facts seem to the great impartial citizenry to contradict the propaganda of the day so that it fails to impress voters who make intelligent observations.

Much has been written about the great "crime wave" which the wets charge up to prohibition. But in November, 1924, the Federal Government released a census report comparing those in prison for crime in 1910 with those in prison for similar crimes in 1923. This report revealed a general decrease in crimes of about 50 per cent, except hijacking and one or two other spectacular forms made possible by the automobile.

A WIDER SHARING OF PROSPERITY

In the industrial field the harvest has been equally as great for good. In 21 basic industries the production per man has had an increase of 34 per cent. This increased efficiency enables the factories to pay better wages and is the basis of a prosperity as remarkable as it was unexpected by those who had not accepted at face value the promises of dry advocates as to what would come from abolishing the saloon.

If, when we get better wages, the cost of living goes up equally, we get no benefit from increased wages. Our standard of living is determined by dividing our wages by the cost of living. Formerly when this was done it was noted that as the wages advanced, so did the cost of living advance, keeping the standard of living on a level. For 40 years this never varied more than 4 per cent, except once. In 1897 it varied 7 per cent. The first year after the enactment of the Volstead Act this standard of living rose 28 per cent above the level it had maintained for 40 years. This was made possible by the increase in efficiency arising from increased sobriety prevalent under the eighteenth amendment.

A recent statement from our Internal Revenue Department indicates that we now enjoy a 43 per cent higher standard of living than we did before the ratification of the eighteenth amendment.

The distribution of this prosperity has been more general because sober men can handle their financies better than can those whose brains are befuddled with liquor. When America went dry there were a little more than 10,000,000 individual savings accounts. To-day there are more than 46,000,000 individual savings accounts.

It used to be that when we talked of closing the saloons, they would tell us that the saloon was the poor man's club. Where would he go? Since closing 200,000 "poor men's clubs" we have built 2,000,000 homes for those who used to patronize the saloon. The home is the "poor man's castle." We have open 10 "castles" for each "club" closed.

Oh, it is a wonderful story, this harvest we are reaping from the eighteenth amendment. This is why sensible and sane American citizens turn a deaf ear to the highly financed campaign of propaganda. They are too busy reaping the harvest from prohibition to listen to its traducers' howl about the calamities that are befalling us under the Volstead Act. They are more interested in its harvest than in its "modification."

A FAIR SHARE OF THE CREDIT

Some one may ask: "Do you give prohibition all the credit for all these good things?" No, no; not at all. This would not be fair. But Roger W. Babson, probably the world's greatest statistician, declares that prohibition is a big factor. Few men in America have the confidence of our thinking men like Herbert Hoover. He gives prohibition credit for being a tremendous factor in our increased prosperity. Recently a British industrial commission closed a three-months' investigation of our prosperity, and in their report to their government gave prohibition as a big factor in our prosperity.

But Dr. Irving Fisher, of Yale, has set himself to the task of working it out in exact terms. When testifying under oath before the United States Senate investigating committee, April, 1926, he said: "Personally I am inclined to believe that prohibition has saved and added much more than $6,000,000,000 that I have estimated as a safe minimum per year." Six billion dollars per year means that prohibition is annually worth $52 to each man, woman, and child, or $260 to each normal family of five. This is one mighty good reason why the sane, sensible citizen is so little interested in "modifying the Volstead Act." He knows a good thing when he sees it, and is unwilling to exchange it for something that gives no such promise of good.

But can you find evidence of this $6,000,000,000 bonus that the eighteenth amendment is giving us each year? We think so. When it was ratified the total wealth of the United States was estimated at $220,000,000,000. One year ago last December it was estimated at $375,000,000,000. This was an increase of $155,000,000,000. Now, take Doctor Fisher's estimated increase, due to prohibition exclusively $6,000,000,000 annually—and add to it $2,000,000,000 from the pre-Volstead liquor bill. It gives you $8,000,000,000 per year. In seven years our increased wealth due solely to prohibition equals $56,000,000,000 and leaves $99,000,000,000 due to other causes.

OF CURRENT POLITICS

In spite of the great harvest of good that we are reaping from the eighteenth amendment the outlawed liquor traffic has been conducting a tremendous propaganda for the last eight years to discredit prohibition, to convince the public that it is a farce and a failure, to discourage the dry forces, to discredit those persons and organizations standing for the law, all with the ultimate purpose of bringing back the licensed saloons. This propaganda has doubtless cost them into the millions. This year they believe that the political situation places their goal within their reach and that they will be able to collect the dividends on their eight years' investment in propaganda.

This year we are witnessing the grand attack of the outlawed liquor traffic. Their objective is to capture the citadel of American Government and place a friend of the bootleggers in the White House.

For nearly a year they have been sending agents from the liquor centers of the East into Texas to get their grappling hooks in on our political leaders, and they have succeeded with some of them. They are now drawing in their hooks and you see these politicians dancing to the music of the bootleggers' brigade. They have covered the entire southland in similar efforts and have gone into the West.

By all the crookedness known to corrupt politics they are endeavoring to place on your ticket and mine as a candidate for President one who would nullify the eighteenth amendment. When they have done so they are coming to you and me and ask us to O. K. at the ballot box what they have arranged in secret caucus.

My friends, it is this that they order you and me to O. K. at the ballot box next November. But I say unto you that, if you and I are more loyal to our country than we are to our party, truer to our God than we are to our political leaders, we will balk at that proposition.

Evidently they are afraid of the dry sentiment of the South, for they are diligently endeavoring to convince the public that a wet man, though President, could not hurt the cause of prohibition, and as proof they say that such a President can not repeal the eighteenth amendment without the consent of the people, nor repeal or modify the Volstead Act without the consent of Congress, and that, therefore, he could not hurt the cause of prohibition.

THE HARM TO PROHIBITION THAT A WET PRESIDENT COULD DO

As President he will have the right to appoint every man in the United States who will have anything whatever to do with enforcing our national prohibition laws. He will appoint the Federal prohibition agents and everyone else charged with the responsibility of catching violators of the Volstead Act, and he will also appoint the Federal attorneys and their assistants, and everyone charged with the responsibility of prosecuting those that are caught, should any be caught.

WHOM WOULD HE APPOINT?

It is the rule of politics that the man who wins office is allowed to make his appointments from among his own bunch. Even his political enemies will allow him this privilege. "To the victor belong the spoils."

This wet man, winning the office of President upon the one issue of prohibition, will know that but for the support given him by the outlawed liquor traffic he would never have been elected. But who are the outlawed liquor traffic? They are the rumrunners, the moonshiners, the bootleggers, and their patrons. These constitute the bunch from which the President will make his selection for office.

Now, friends, consider this fact: A friend of the bootleggers in the White House, knowing that he owes his office to their backing, appoints those who are to catch them and those who are to prosecute them from among their own bunch. Pray tell me, then, who will enforce prohibition?

The President will also have the right to appoint the Attorney General of the United States, and constitute the whole Department of Justice. There is where the prosecutions head up, where the policies are formed, and from where the orders are issued as to who shall be prosecuted or not.

He will also have the right to appoint the Treasurer of the United States and constitute the whole Department of the Treasury. There is where nine-tenths of the trouble with enforcing national prohibition has arisen. A friend of the bootleggers has been the Treasurer.

This Treasurer's department is where the Federal prohibition agents, the custom officers, the revenue agents, and the Coast Guard all head up. There is where the policies are formed and the orders are issued to those in the field as to whom they shall catch and whom they shall not catch.

My friends, you will see that to put the friend of the bootleggers in the White House means to put absolutely all of the machinery for enforcing our national prohibition laws into the hands of its enemies. Then for them to tell you that this could not hurt prohibition is an insult to your intelligence.

It also impeaches our sincerity. They tell you that this wet President would have to let the eighteenth amendment remain and ask you and me to be satisfied with it as a dead letter in our Constitution and not to desire that it be enforced. That means to charge you and me with hypocrisy when we asked for the eighteenth amendment, and assumed that it was not prohibition in fact but merely in name that we sought.

APPOINTING THE JUDGES

This wet President will also have the right, when a judge dies or resigns from the infirmities of old age, to appoint his successor. It is a well-known fact that a large part of our trouble in enforcing the Volstead Act originates with the court, but, passing over the lower judges, let us consider the Supreme Court of the United States.

The Supreme Court, as you know, interprets the law and the Constitution. It may not, however, have occurred to you that their interpretation of the law becomes the law and the Constitution under which we must live. A second thought will convince you that this is true.

It makes no difference what a legislative body may mean when they write certain language in a bill. When that bill becomes the law and the court interprets that language, regardless of what the legislature meant, their interpretation of the language becomes the law of the land. Likewise, it makes no difference what the people may mean when they write certain language into their Constitution, as the eighteenth amendment. When the Supreme Court interprets that language, the court's interpretation becomes the Constitution under which we live.

Well-informed lawyers tell me that nine-tenths of the laws under which we live is court-made law, and not legislative-made law. This is a question on which I am not competent to pass, but you will see the importance of the personnel of the court.

The Supreme Court of the United States is made up of nine members; five of them, a bare majority, may render an opinion. It so happens that many of the important opinions concerning the eighteenth amendment or the Volstead Act, opinions whereon hang the integrity of the law, opinions whereon hang the efficacy of the law in carrying out the mandates of the eighteenth amendment—these opinions were handed down by five members of the court, the other four vigorously protesting.

Suppose we elect a wet President, and one of these five should die. He will have the right to appoint his successor, and that successor will certainly take his stand with the other four. They then will become five, the majority, and the present five will become four, the minority, and helpless to protect the Volstead Act or the eighteenth amendment.

WETS ARE NOW PLANNING JUST SUCH AN ATTACK

Under date of May 2 the Associated Press, from New York, brought the news that the National Constitution Liberty League (a wet organization) proposed to endeavor to force upon the Supreme Court a new consideration of the question whether or not the eighteenth amendment was legally and constitutionally adopted. This question has already been passed upon by the Supreme Court and its legality and constitutionality thoroughly sustained. We quote from the Associated Press statement:

"Mr. Cuvillier (chairman of the league) said it is the hope of the league that due to four new justices having taken their places on the supreme bench since the cases were originally heard, a rehearing might result in a different construction of the eighteenth amendment. The original decision upholding the amendment as constitutional was a divided opinion."

My friends, you can see why now they are turning heaven and earth in order to capture the citadel of the American Government for the bootleggers and to place their friend in charge.

The members of this court are old men, generally. One has already celebrated his eighty-seventh birthday, two others their seventieth birthdays, and the youngest man on the court his fifty-fifth birthday. By the course of nature you may expect them to rapidly die off or resign from the infirmities of age. When they do, the President in power will appoint their successors. It is generally believed that the one who is in power during the next eight years will, during that period, have appointed by far the majority of the entire court.

If that President is a friend of the bootleggers, his appointees will also most likely be their friends, and by one stroke of the pen they could cut the heart out of the Volstead Act or paralyze the eighteenth amendment.

In saying this we do not impeach their sincerity, for it is a well-known fact that even courts are not entirely immune to their own personal convictions on liquor questions.

THE GREAT POWER TO ENFORCE OR DEFEAT THE ENFORCEMENT OF OUR LAWS BY OUR PRESIDENT

My friends, we Texans have been in the habit of making a bitter fight for the election of a dry governor of our State. We always say that we want a dry governor to insure the enforcement of our dry laws.

But let me call your attention to the fact that the laws of Texas do not put into the hands of the governor of our State more than 1 per cent of the power in enforcing our dry laws that the laws of the United States put into the hands of the President. Yet with this limited power last year, with a dry governor, we had 25 per cent more convictions of bootleggers than the year before, with the wet governor.

To-day we have 50 per cent more criminals in our penitentiary than we had when the present governor entered upon his duties January a year ago. If with these limited powers our governor has such tremendous power in the enforcement or the defeat of the enforcement of our laws, what must be said of a President with almost unlimited powers!

Consider this comparison: Suppose that our governor had the right to appoint every sheriff in our State, every deputy sheriff, every constable, every judge, every prosecuting attorney, and every justice of the peace, what would his powers be to enforce or defeat the enforcement of our dry laws? This is exactly what is granted the President, for he appoints every man in the United States who has anything whatever to do with enforcing our national prohibition laws.

Now, my friends, you can see why they are spending their millions to capture the citadel of our American Government in behalf of the outlawed liquor traffic.

By common consent it is recognized that the laws of the United States grant more power to its President than do the laws of any other nation. There may be some exceptions among some little monarchies, with which we are not acquainted. Of course, we do not here include the dictators. They are irregular. But no king, no emperor, no president, nor ruler of any nation of consequence other than ours has the power we grant to our President.

THE SUPREME ISSUE WE FACE

My friends, in view of the above facts, the real issue that we face this year is whether or not we shall take this law written into our fundamental charter, the Constitution, written there after one hundred years' fighting on a thousand moral battle fields, written there at a tremendous cost of labors, and toils, and heartaches, and sacrifice, sometimes even to their life blood, by the heroes of righteousness sweeping down the history of our Nation; written there in defense of the childhood of our land, of the womanhood of our land, and of the homes. To the sons and daughters of these heroes of righteousness inheriting the blessing of this greatest law ever written upon the statutes at such a tremendous price the question is: Shall we prove ungrateful to those who won this victory by now laying the law into the hands of the most powerful ruler in all the world to do with it as he pleases, knowing beforehand that his supreme wish is to destroy that law?

In view of this issue, the real issue of to-day, I repeat with emphasis, when they have laid their plans to put the friend of the bootleggers into the White House and ask you and me to O. K. those plans at the ballot box, if you and I are more loyal to our country than we are to our party, truer to our God who holds the destiny of nations in His hands than we are to the petty politicians who will trade our country for a mess of pottage or a place at the "pie counter," then you and I will refuse to O. K. their plans. Our supreme duty is first to our country!

HON. F. M. SIMMONS

Mr. McKELLAR. Mr. President, yesterday an article was printed concerning my splendid friend, Senator F. M. SIMMONS, and on May 26, 1928, an editorial was published about Senator SIMMONS in the Winston-Salem Journal. Both articles pay him richly deserved compliments; and I ask unanimous consent to have them printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

WASHINGTON BUREAU,
NORTH CAROLINA ASSOCIATION OF AFTERNOON DAILIES.

By Robert M. Lynn

WASHINGTON, D. C., May —.—In one of its aspects the remarkable address of Senator SIMMONS, of North Carolina, on the subject of Gov-

ernor Smith's candidacy has not been written about. That aspect was the exposure of the speaker's inner self, drawn from the depths of his being—a revelation of character to colleagues and associates so simply done, so unaffectedly and spontaneously disclosed, that the effect was dramatic. His contribution to the debate moved veteran Members profoundly. It reached them in the vital heart region under the surface of case-hardened exteriors which most of them have acquired and wear protectively.

One got the impression that here was a man casting to the winds every consideration except one, and that the lofty purpose to vindicate the dignity of manhood, come what might. In a moment it was quite apparent that the speaker was setting out to unburden his mind and heart of things which had made him suffer—things which the voice of prudence selfishly had admonished him to keep buried in his soul that worldly profit might be his portion.

It might be likened to the breaking up of the great deep of a tortured soul, long silent in perhaps mistaken loyalty to others, with elemental inner voices crying out against compromise in a great crisis which, real or fancied, his judgment convinced him was at hand. When he arose to speak it is open to question whether Senator SIMMONS intended to so utterly lay bare his most profound convictions upon the subject under debate. It easily may be that in the stress of emotion long restrained he found himself under the imperative urge of his finest instincts to vindicate essential character.

Looking back over the speech it does not appear to have been an attempt at oratorical effect. It is eloquent, but the eloquence is of that rare type where the moving effect upon listeners is produced by the evident sincerity of the speaker and where one senses unaffected, unconscious revelation of the very life of a good man. The comparatively brief address not only informed the Senate why Senator SIMMONS does not indorse the aspirations of Governor Smith. It did this also: It drew aside the curtain and permitted a glimpse of the world into which the speaker was born, with its ideals, its philosophy of government and politics, and, too, its preconceptions or prejudices. It made plain how the orator came by his convictions and established their verity.

Long after SIMMONS's arraignment of Smith has passed out of mind, Senators will remember the speech because it revealed to them the real character of the man. And its admirable quality made its own appeal.

The writer listened to the Nation's champion spellers, boys and girls, one day last week. Among the eager young contestants was an 11-year-old girl from the West. She proved a splendid speller, though she did not win the first prize. But her spelling will not be remembered by the audience. The child had a marvelously sweet voice. Whenever the word came round to her the whole audience would listen in rapturous silence while vocal melody rippled through the hall. The charm was in the voice, in the pronunciation of the word and of each letter as the child spelled it through. We were glad when she spelled the word correctly, but chiefly because it insured our hearing her spell another. Interest in her correct spelling was incidental. The voice revealed character, and the listening company took the charming child into their hearts.

[Editorial from the Winston-Salem (N. C.) Journal of April 26, 1928]

AN IMMORTAL SPEECH

Senator SIMMONS has had too much experience to be merely elated at the hearty reception accorded his already famous address in the Senate Wednesday. But the veteran legislator is no doubt deeply moved by the favorable reaction that has followed the deliverance of that stirring speech. If the candidacy of Governor Smith for the Democratic presidential nomination is defeated in North Carolina, that result will be due in no slight degree to the masterful analysis of the situation presented by the senior Senator on the floor of the Senate. That analysis constitutes perhaps the most effective campaign document that the opponents of Governor Smith possess.

Echoes from Washington indicate that the speech by Senator SIMMONS was easily the masterpiece of this session of Congress. Delivered with feeling and earnest conviction, the address was wholly free from invective, tirade, personal reflections, scathing abuse, and all the other objectionable features with which some speakers seek to adorn their outbursts. The Senator impugned the motives of no one, called no one a liar, and laid nasty charges and mean accusations at the feet of no one.

The only regrettable feature in connection with the Simmons speech is the circumstance that it was not delivered sooner in the Senate. But even as it is, it will prove a powerful factor in the precinct meetings to be held to-day throughout the State. Senator SIMMONS defined the grounds for his opposition to Governor Smith as the record of Tammany and the avowed "wet" character of Tammany's presidential candidate. With these two facts as the backbone of his remarks, he delivered the now immortal address delineating his views on the Smith question.

Senator SIMMONS sounded a high note of idealism when he declared that he would give up willingly all his property and every one of the numerous honors which the people of North Carolina have heaped upon him rather than see Tammany succeed in having its candidate invested with the mantle of the party presidential nomination. This assertion was no mere gesture. It had the quality of sincerity and genuineness that wins men. That is why his speech is being acclaimed as the masterpiece of all the contributions that have been made to the discussion of the issues in the present presidential campaign.

After quoting the immortal declaration of Senator SIMMONS, the News and Observer says of it:

"No North Carolinian, whose heart is in the right place, no matter what his presidential preference may be, can read the above declaration by the senior Senator from North Carolina without involuntary admiration and respect. It is the sincere declaration of a man grown gray in public service, and honorable public service, betrayed and flouted by men who without his help would have held no public position, who is animated by the spirit of Luther: 'I can do no otherwise, God help me.'"

FARM RELIEF

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York World of Saturday, May 26, 1928, with reference to the McNary-Haugen bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

THE TERMS: UNCONDITIONAL SURRENDER

Mr. Coolidge has never acted more boldly than when he put his name to the message vetoing the McNary-Haugen bill. This message is not a mere veto of an unworkable and unsound measure. It is an uncompromising defiance of the whole philosophy of the farm bloc. Mr. Coolidge was not content to reject the McNary-Haugen bill as it is written. He went far beyond that and took the occasion to denounce the principles for which the agrarian wing of his own party has fought. The message is a declaration that the Coolidge-Mellon-Hoover wing of the Republican Party will not permit the agricultural producer to obtain governmental privileges equivalent with the governmental privileges enjoyed by industrial producers.

The President is perfectly uncompromising in his position. He intends to maintain high protection for industry and he does not intend to give agriculture its equivalent. He does not offer the farm bloc any alternative even to save their faces. He orders them to surrender and to abandon their cause. He tells them that their ideas are a "Preposterous economic and commercial fallacy," that their proposals are "futile," that they are "repugnant" to "the spirit of our institutions," that they are "naive," "cumbersome and crudely camouflaged," and so on and so on. He is not content to veto the McNary-Haugen bill. He insists upon holding up those who voted for it to contempt. He not only rejects the measure, he humiliates its sponsors.

If the Republicans of the farm bloc submit at Kansas City, allow the platform to indorse the philosophy of this message, and consent to the nomination of Mr. Hoover on such a platform, they will acknowledge that they have ceased to count in the councils of their party. And if after that the Republican candidate is elected the Coolidge-Mellon-Hoover wing of the party will have demonstrated what it now believes to be the fact, that the western Republicans are of so little real importance that it is not even necessary to be courteous to them. Mr. Coolidge has taken the position that the faction devoted to protected big business must rule the Republican Party. The leaders of the farm bloc are offered no quarter. They can fight or they can surrender. Mr. Coolidge has staked the immediate future of his party on the theory that they will surrender.

They usually do surrender, and nobody is farseeing enough to say now whether they are strong enough and resolute enough to withstand the overwhelming political force which the administration wields. But whether they fight or surrender, one thing is clear. The historic alliance between eastern industry and western agriculture which began with the first election of Abraham Lincoln is no longer an alliance of equals. The industrial faction has taken charge of the party and governs it in its own interest. The agrarian faction is a second-rate collection of camp followers with preposterous, futile, and un-American notions in their heads.

No doubt Mr. Coolidge and his supporters would have preferred to avoid the necessity for such a sharp declaration that they mean to rule the Republican Party. They would as politicians have preferred to rule the party without having openly to defy so important a section of their constituency. But they were forced into a situation by the second passage of the McNary-Haugen bill where they had to choose between defying the farm bloc and losing the confidence of their industrial supporters. For years they neglected the agrarians. For years their attitude toward the claims of agriculture has been negative. They have had clear notions as to what was wrong in the remedies proposed, but no clear notions and no action in the wrongs which the remedies were de-

signed to correct. As a result the farm bloc has developed an independent philosophy and independent leadership which has now come into irreconcilable conflict with Coolidge Republicanism.

That would not have happened had Mr. Coolidge's sympathies been broader than Mellonism. There has been plenty of time and plenty of opportunity for a statesmanship which recognized that an equalization of privileges is in the interest not only of agriculture but of industry as well. But for such statesmanship there was needed a man who could see over the heads of Pennsylvania Republicans like Mr. Mellon and of Massachusetts textile manufacturers like Chairman Butler, a man who, though a protectionist, was not a cast-iron protectionist of the narrowest sort. Mr. Coolidge is not such a man, and the result is that he has brought his party to a pass where it must either reject his leadership or go before the country naked by proclaiming itself the party of special privileges to eastern big business.

GOV. ALFRED E. SMITH

Mr. EDWARDS. Mr. President, I ask unanimous consent to have printed in the RECORD a brief item appearing in the New York Times of March 4, 1928, with reference to Gov. Alfred E. Smith.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, March 4, 1928]

HUGHES PAYS TRIBUTE TO GOV. ALFRED E. SMITH

Charles Evans Hughes, president of the city bar association, in presenting Gov. Alfred E. Smith to the members of that association yesterday described him as not only holder of the highest office in the State "but as one who represents to us the expert in government and, I might say, a master in the science of politics." Mr. Hughes further said:

"If we had the customs of other lands, he would long ago have been elevated to the peerage. We would have started him, perhaps, as Baron Oliver. Then later we would have made him the Earl of Manhattan, and finally the Duke of Albany. But we do better than that. He long since became a member of high distinction of the fine aristocracy of public service—the American peerage. We have watched him, some of us carefully, all with fascination. The title that he holds is the proudest title that any American can hold, because it is a title to the esteem and affection of his fellow citizens."

INTERPARLIAMENTARY UNION

Mr. BORAH. From the Committee on Foreign Relations I report with an amendment the bill (H. R. 13930) to authorize an appropriation for the American group of the Interparliamentary Union. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in lines 5 and 6, to strike out the words "authorized to be."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill making an appropriation for the American group of the Interparliamentary Union."

BOULDER DAM

Mr. ASHURST. Mr. President, during the heat and sensation of the debate on the Boulder Dam bill at an early hour this morning I used some caustic verbiage toward the Senator from New York [Mr. COPELAND] and the Senator from Iowa [Mr. BROOKHART] whilst they respectively occupied the Chair. I now perceive that these expressions were offensive, and not justified. I probably could whisper a secret apology into their ears, but that would not satisfy me, and should not satisfy them; and I now, therefore, in the open Senate, in the place where the offensive language was used, tender to each of them my sincere apology.

Mr. COPELAND. Mr. President, I will detain the Senate but a moment to say the few words I want to say. I want to thank the senior Senator from Arizona [Mr. ASHURST] for his very manly statement. As far as I am concerned, I have no feeling about the matter. The Senator knows we all love him. I love him, and my hope is that he will be reelected to succeed himself. If the people of Arizona are at all appreciative of noble service, they will send him back, because he has fought valiantly for his State on all occasions, and especially on this one.

Mr. ASHURST. Mr. President, I can reciprocate the statement of the Senator very heartily.

POST-OFFICE CONTRACTORS

The PRESIDENT pro tempore. The Chair, in his capacity as chairman of the Committee on Post Offices and Post Roads, reports back favorably from the Committee on Post Offices and Post Roads the bill (H. R. 12952) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," and he calls the attention of the senior Senator from Georgia [Mr. HARRIS] to the bill.

Mr. HARRIS. Mr. President, this bill is reported unanimously by the Committee on Post Offices and Post Roads, and I hope there will be no objection to its passage.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAVE HOFFMAN

The PRESIDENT pro tempore Still acting in his senatorial capacity, the Chair reports back favorably from the Committee on Post Offices and Post Roads the bill (S. 4588) for the relief of Gustave Hoffman, to which he calls the attention of the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read if the Senator requests, but the Chair will state that it is a bill which has already passed the Senate in a different form.

The bill was read, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, in respect of eligibility for retirement, the Commissioner of Pensions is authorized and directed to pay to Gustave Hoffman, formerly a letter carrier in the Postal Service at St. Paul, Minn., an annuity computed as provided in section 4 of such act of July 3, 1926, as amended, in the same manner as if he had continued in the service after May 2, 1917, until the date he would have been eligible for retirement. Payment of such annuity shall date from the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. LOUIS C. BRINTON

Mr. FLETCHER. Mr. President, I ask unanimous consent to discharge the Committee on Claims from the further consideration of the bill (H. R. 7492) for the relief of Capt. Louis C. Brinton, and I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and the committee is discharged.

Is there objection to the request of the Senator that the Senate proceed to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, ARKANSAS

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably the bill (H. R. 13108), granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport.

Mr. ROBINSON of Arkansas. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. BINGHAM presented the views of a minority of the Select Joint Committee on the Harriman Geographic Code System, appointed under the provisions of Public Resolution No. 70, Sixty-ninth Congress, approved March 4, 1927, which were referred to the Committee on Printing and ordered to be printed as part 2 of Senate Document No. 159.

INVESTIGATION OF THE TARIFF COMMISSION

Mr. ROBINSON of Arkansas. Mr. President, I desire to present the report (Rept. No. 1325, pt. 1) of the select committee on the investigation of the Tariff Commission, appointed pursuant to Senate Resolution 162, Sixty-ninth Congress, first session. I will not attempt now to discuss the report, but will take occasion to do so early in the next session. I submit with the report certain testimony taken by the committee, and ask that the report be printed.

The PRESIDENT pro tempore. Does the Senator wish to have it printed as a document or in the RECORD?

Mr. ROBINSON of Arkansas. I ask that it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report is as follows:

To the Senate of the United States:

The select committee of the Senate organized under Senate resolution 162 (69th Cong., 1st sess.) respectfully submits its report as follows:

The Senate resolution creating this select committee and defining its powers and duties is as follows:

"*Resolved,* That a special committee composed of five Senators, three of whom shall be members of the majority (and include one who is a Progressive Republican), and two of whom shall be members of the minority, said committee to be appointed by the Vice President, is hereby authorized and directed to investigate the manner in which section 315 (the flexible provision) of the tariff act of 1922 has been and is being administered. The inquiry shall have a particular reference to the regulations and procedure of the Tariff Commission, the powers exercised and the functions performed by said commission, and to the institution, investigation, hearing, and decision of cases arising under said section.

"Said inquiry shall also comprehend the agents and processes employed by the Tariff Commission in proceedings to ascertain the difference in costs of productions in the United States and in competing countries, as well as the method of ascertaining which country constitues the principal competing country within the meaning of said tariff act of 1922.

"The committee may inquire into any and all other facts, circumstances, and proceedings which it deems relevant in arriving at an accurate conclusion touching the operation and administration of the tariff laws. The committee shall also investigate the appointment of members of said commission and report to the Senate whether any attempt has been made to influence the official action of members of said commission by any official of the Government or other person or persons; and if so, what were the means or methods so used?

"The committee shall promptly report its proceedings, findings, and recommendations to the Senate."

By subsequent resolution the Senate continued until the end of the present Congress the authority of the committee and made available for its use all funds remaining unexpended.

EVIDENCE

The evidence has been transcribed and printed temporarily in 10 parts and consists of 1,461 pages of printed matter. An index, which is believed to be adequate for a full examination of the record, was prepared at the request of the committee under the supervision of Mr. E. P. Costigan, until lately a member of the United States Tariff Commission. This index with the testimony is submitted to the Senate as a part of this report.

BRIEF SUMMARY OF TARIFF COMMISSION HISTORY

It appears from an examination of the hearings before the select committee that as early as 1865 a revenue commission functioned in recommending changes in revenue laws and in advising modifications in tariff laws. From 1866 to 1870 the Commissioner of Revenue, Hon. David A. Wells, was authorized to report facts and suggest changes in the revenue laws.

In 1882 a temporary Tariff Commission was created by Congress. This commission consisted of nine commissioners, who held hearings at various places in the United States, and submitted to the Congress in 1882 recommendations for tariff legislation. The commission expired and Congress took no immediate action, but it has been asserted that the tariff act of 1883 was impressed with the work of the commission.

From 1888 to 1891 studies relating to the cost of production were carried on by the Department of Labor, particularly with reference to iron, steel, glass, textiles, coal, and coke.

The tariff act of 1909 authorized the President to "employ such persons as might be required" to determine whether other governments were unduly discriminating against our commerce.

The board appointed by President Taft first consisted of three members and later five. It collected and reported to Congress information on various schedules, and in 1912 ceased to function for lack of appropriation.

In 1913 a division in the Bureau of Foreign and Domestic Commerce known as the cost of production division was established and conducted studies on various commodities and schedules pertaining to the tariff. In the meantime sentiment in favor of the creation of a permanent tariff commission had been growing and found expression in the platforms of the various political parties.

THE TARIFF COMMISSION

By title 7 of the revenue act of 1916, the United States Tariff Commission was created with power to investigate and report upon tariff regulations between this and foreign countries. The commission was also authorized to report on special subjects when requested by the President, the Ways and Means Committee of the House, the Finance Committee of the Senate, or either branch of Congress.

For a full definition of the powers of the commission as defined in the act of 1916 see pages 249–250.

For information respecting the personnel and changes in the early tariff history see pages 270–271 of the hearings.

FLEXIBLE PROVISION OF 1922

The origin of the flexible provision is stated in the testimony by Mr. Page, a former member of the commission (p. 40 of the hearings), to have been in a conference at the White House during Mr. Harding's administration. There had been previous discussion of the subject by various Members of the Congress. When the conference occurred the tariff act had passed the House of Representatives and was in the Senate. Mr. Page made the following among other statements:

"Chairman ROBINSON. What occurred at the conference at the White House to which you have referred?

"Mr. PAGE. There was a discussion of the expediency of eliminating from the act the proposal to base duties upon domestic rather than upon foreign values. At least the press had been approximately unanimous in opposing that provision. The difficulties of administration, the confusion that would arise from the change, had been impressed upon the members of the Finance Committee of the Senate, and they felt that if something could be substituted for it which would accomplish the purpose that Members of the House had had in mind in adopting that provision, it would improve the act, and it would be desirable, both as an economic measure and likewise for the political impression that it would make upon the country.

"Senator LA FOLLETTE. May I ask who were present at the conference, if you remember?

"Mr. PAGE. I can not be certain of all those who were present. All of the gentlemen who were at that time members of the Tariff Commission were present. Senator SMOOT was present. Mr. Hoover was present. Whether there were others at the time, I do not remember.

"Chairman ROBINSON. Was the President there?

"Mr. PAGE. The President was there.

"Chairman ROBINSON. Were there any members of the Committee on Ways and Means of the House of Representatives present?

"Mr. PAGE. There were none.

"Senator BRUCE. Who was President then?

"Mr. PAGE. President Harding."

This conference was held November 28, 1921. A draft was prepared at the suggestion of President Harding. (Pp. 258, 259 of the hearings.)

It seems from the testimony that the general expectation as to the manner in which the flexible provision (sec. 315 of the act of 1922) would operate would be to result in reductions rather than increases. The present chairman of the Finance Committee, who was actively connected with the preparation of the flexible provision, said, as appears at pages 1192, 1193 of the CONGRESSIONAL RECORD for August 10, 1922:

"I think the Senator has heard me make the statement before on the floor of the Senate that if the President is given this power I think there will be many, many more occasions when he will exercise it in lowering rates than in increasing them; in fact, if the conditions become normal, I expect the President of the United States to lower, I was going to say, the majority of rates."

Objections were urged to the flexible provision on the ground that section 315 conferred on the President legislative powers and constituted an abdication by Congress of its authority. Other grounds of opposition were presented sounding in questions of public policy. (Pp. 260, 261 of the hearings.)

ANALYSIS OF SECTION 315

It is believed that a fair analysis of section 315 appears in the hearings at page 264.

The section provides that the President, after investigation showing the need therefor, may increase or decrease rates of duty and change the classification of articles so as to equalize the cost of production in the United States and the principal competing countries.

If such cost can not be equalized in that way, the President may substitute as a basis of assessing ad valorem duties the selling price of competitive articles in all the principal markets in place of the foreign market value of the imported article. The President's power to increase rates is limited to 50 per cent and does not apply at all if the American price is substituted.

The incorporation of the flexible provision, section 315 of the tariff act of 1922, produced an important effect on the proceedings of the Tariff Commission. (P. 264 of the hearings.)

OPERATION OF FLEXIBLE PROVISION

Prolonged study has been devoted by the select committee to the manner in which the flexible provision has operated.

Former Commissioner Page anticipated its failure and resigned from the commission in part because he did not believe the commission could function to advantage under it. (Page 39 of the hearings.)

Doctor Taussig expressed in his testimony the opinion that the flexible provisions imposed a certain strain upon the commission, provoked pressure upon it by interested parties and invited the exertion of influence to secure a different character of personnel on the commission from that which might have served in the absence of the flexible provision. (Pages 7 and 32 of the hearings.)

Your committee believes that the evidence justifies the conclusion that the enactment of the flexible provision of the tariff worked a radical change in the functions actually performed by the commission. Since the passage of the act of 1922 and up until the hearings were concluded the commission devoted its labors largely, not to say almost exclusively, to the consideration of cases under the flexible provision with no substantial result of general importance to the public.

Controversies of such acute character arose in the commission that certain of its members became suspicious of the good faith of others and bitter disputes, sometimes personal, occurred, resulting about the time this select committee was created in a partial breakdown and a threatened complete breakdown of the Tariff Commission. It is not the purpose of your select committee to review the details of these sharp differences within the commission, but it is apparent to the committee that the commission as a body was not functioning in an impartial or quasi judicial manner, as we believe it was the intention of Congress that it should function. Some members who had come on the commission had formerly been the agents of business interests or enterprises directly concerned in the administration of the tariff laws, and we believe that these failed in a proper appreciation of the true functions of their office.

In the opinion of this select committee public confidence in the Tariff Commission was impaired by the appointment of members in the habit of appearing before congressional committees on behalf of proposed legislation; as, for instance, in the cases of Messrs. Marvin and Burgess, and by the refusal of Mr. Glassie to recuse himself in the sugar case when three fellow commissioners insisted that the interest of members of his family in the subject matter of the investigation should be held to disqualify him in that case.

The usefulness of the commission has been also diminished by the appointment of one or more members lacking in knowledge and training with respect to tariff subjects.

Without attempting in this report to analyze the various cases brought before the commission under the flexible provision of the tariff law, it seems sufficient to point out the fact that the flexible provision has resulted in increases by the Executive of important duties, and in no substantial reductions being made in important cases where the commission found facts justifying lower duties.

The cases for investigation instituted by the United States Tariff Commission for the purpose of section 315 (the flexible provision) of the act of 1922 with the findings regarded as warranted by members of the commission and the action of the President thereon as of June 9, 1927, when the hearings were concluded, are printed as Appendix "A" to this report. Up to March 19, 1928, comprising approximately six years of operation of the act of 1922 increases have been made in 19 cases, many of which are of relative importance, while only five decreased duties have been put into effect, all of them applying to commodities of unimportance, such as mill feed, live bobwhite quail, paint-brush handles, phenol, and cresylic acid.

Important cases resulting in no final action prolonged for a period ranging from four to five years, include sugar, cotton hosiery, linseed oil, halibut, and Canadian logs.

The constitutionality of the flexible provision of the act of 1922 was assailed in both Houses of Congress. It has, however, been decided in court proceedings. In the case of J. W. Hampton, jr. & Co., petitioner *v.* the United States, decided by the Supreme Court of the United States on the 9th of April, 1928, the court through Chief Justice Taft held that it constitutes a valid delegation of power on the part of the Congress.

The evidence shows that foreign manufacturers are reluctant, and in many instances refuse, to furnish to the commission the data essential to the successful and accurate operation of the formula, and even a commission ideally constituted would find it a difficult task in many cases to administer the act in a manner satisfactory to the public.

Commissioner Dennis attributed the unsatisfactory administration of the flexible provision largely to personnel and factional differences among the members of the commission (p. 139 of the hearings), and expressed the belief that the flexible provision should be retained. He believed that as the commission was then constituted the administration of the flexible provision was a failure (p. 140 of the hearings). He particularly complained as to the manner in which the lower duty cases had been dealt with by the commission (p. 140 of the hearings). For a description by Mr. Dennis of the wrangle which took place in the commission as then constituted see pages 193, 194, 198, etc.

Upon the whole record the select committee make the following recommendations for legislation. Members of the committee will probably present bills to carry out the same.

RECOMMENDATIONS

The committee recommends:

(1) That the flexible provisions of the tariff act of 1922, particularly section 315, be repealed.

Among others the following reasons are given to support this recommendation:

(a) Experience has not demonstrated the practical value of the provision. The administration of it has absorbed almost the entire time of the commission without corresponding benefits.

(b) It is impracticable for the President to devote the time and attention essential to the proper performance of the duties imposed upon him by the flexible tariff law. The Chief Executive is already overburdened with executive duties.

(c) Tariff making and revision under our Constitution are legislative duties, and to impose such responsibilities on the President as are carried in the flexible provision confuses legislative and executive responsibility.

(2) It is believed that the Tariff Commission should be made a congressional agency, and should recommend duties and report the same direct to the two Houses of Congress. Various plans for organization of the commission have been suggested. It should be accomplished in such a manner as to relieve the President of acting on the commission's reports, and to restore tariff rate making to the legislative branch of the Government.

(3) If the United States Tariff Commission is to be continued its prestige can only be restored and maintained by safeguarding against membership on the board of former representatives of special interests or organizations concerned directly with the work of the commission. Membership on the commission should be made attractive by liberal compensation and by expanding the powers of the body so that it may report at the beginning of each session of Congress information and recommendations.

(4) The findings and recommendations of the commission when reported to Congress should be made public.

Respectfully submitted.

JOS. T. ROBINSON.
WM. CABELL BRUCE.
ROBERT M. LA FOLLETTE, Jr.

Summary table of investigations instituted by the United States Tariff Commission for purposes of section 315 of the tariff act of 1922, showing the findings regarded as warranted by members of the commission and the action of the President thereon

FINAL REPORT SENT TO THE PRESIDENT

[Prepared as of June 9, 1927]

Investigation No.	Commodity	Date instituted	Instituted in response to—	Nature of request	Date of hearing	Report to President		Action by the President		Ad valorem equivalent based on foreign value [1 7 17]	
						Date of report	Findings regarded as warranted by members of commission	Nature of action	Date of proclamation or statement	Of rate of duty specified in act of 1922	Of new duty made effective by presidential proclamation
1	Oxalic acid	Mar. 27, 1923	Application and decrease.	Increase and decrease.	Nov. 5, 1923	Dec. 19, 1924	Marvin, Culbertson, Lewis, Costigan, Burgess, Glassie, concurred. Increase from 4 cents to 6 cents per pound.	Increase 4 cents to 6 cents per pound.	Dec. 29, 1924	81.63 per cent.	122.45 per cent.
2	Diethylbarbituric acid and derivatives (barbital or veronal).	do	do	Increase	Nov. 7, 1923	Nov. 6, 1924	Marvin, Culbertson, Lewis, Costigan, Burgess, Glassie, concurred. Existing rate of duty to be assessed on American selling price.	Basis of assessment changed to American selling price; no change in duty.	Nov. 14, 1924	25 per cent	96.68 per cent.
3	Barium dioxide	do	do	Increase and decrease.	Nov. 9, 1923	May 14, 1924	Marvin, Culbertson, Lewis, Costigan, Burgess, Glassie, concurred. Increase from 4 cents to 6 cents per pound.	Increase 4 cents to 6 cents per pound.	May 19, 1924	56.98 per cent.	85.47 per cent.
4	Casein	do	do	Decrease	Aug. 13, 14, 1923, Sept. 25, 1923, June 23, 1924.	Mar. 15, 1926	Marvin, Dennis, Glassie, Baldwin, Brossard, concurred. Data do not warrant change of duty. Conclusion, but not all reasons therefor, concurred in by Mr. Costigan.				
6	Potassium chlorate	do	do	Increase and decrease.	Nov. 14, 1923	Apr. 2, 1925	Marvin, Culbertson, Costigan, Burgess, Glassie, Dennis, concurred. Increase from 1½ cents to 2¼ cents per pound.	Increase 1½ cents to 2¼ cents per pound.	Apr. 11, 1925	40.87 per cent	61.31 per cent.
7	Sodium nitrite	do	do	Increase	Sept. 10, 26, 1923, Oct. 6, 1923.	Apr. 26, 1924	Marvin, Culbertson, Lewis, Costigan, Burgess, Glassie, concurred that facts warrant increase in rate from 3 cents to 4½ cents per pound.	Increase 3 cents to 4½ cents per pound.	May 6, 1924	69.77 per cent	104.65 per cent.
9	Iron in pigs	do	do	do	Apr. 20, 1926	Feb. 2, 1927	Marvin, Dennis, Glassie, Brossard, Lowell concurred. Increase from 75 cents to $1.125 per long ton. Costigan submitted separate statement; legal problem raised by use of invoice prices; doubts validity of findings as to principal competing country.	Increase 75 cents to $1.125 per ton.	Feb. 23, 1927	4.39 per cent	6.58 per cent
11	Paint-brush handles.	do	do	Decrease	July 17, 1923 Sept. 6, 1923.	Oct. 2, 1926	Dennis, Glassie, Brossard, Lowell, concurred facts warrant decrease from 33⅓ per cent to 16⅔ per cent ad valorem. Marvin and Costigan absent on official business.	Decrease, 33⅓ per cent to 16⅔ per cent.	Oct. 14, 1926	33⅓ per cent	16⅔ per cent.
12	Sugar	do	do	do	Jan. 15–18, 21–24, 1924.	July 31, 1924 [2] Aug. 1, 1924 [3]	Culbertson, Costigan, Lewis: Decrease on 96° sugar, from 2.202 cents to 1.54 cents per pound; on Cuban, 20 per cent less to 1.2307 cents.	Action postponed.	June 15, 1925		
					Mar. 27, 1924 Mar. 28, 1924	Nov. 14, 1923 [4] Nov. 17, 1924 [5]	Marvin, Burgess: Available data seem to warrant slight increase in duty; incompleteness of data render it impossible to determine amount. Glassie not participating.				
13	Cotton warp-knit fabric.	do	(6)		Nov. 16, 1923 [6]	June 12, 1925	Marvin, Glassie, Dennis: No change warranted. Costigan: Concurs in conclusions on grounds of inadequacy of data.	No change	Oct. 3, 1925		
14	Cotton warp-knit fabric gloves (knit on a warp-knitting machine).	do	Application.	Increase	Nov. 16, 1923	June 12, 1925	Marvin, Dennis, Glassie Embroidered: Basis of assessment to be changed to American selling price; rate from 75 per cent to 50 per cent. Unshrunk, under 40 loops: Existing rate of 50 per cent to be assessed on American selling price. Shrunk, single fold, or 40 loops per inch or over, not over 11 inches: Increase from $2.50 per dozen and 10 cents for each additional inch to $3.75 and 15 cents, respectively, subject to limitations of par. 915 that duty shall in no case be less than 40 or more than 75 per cent ad valorem. Having 2 folds or more, not over 11 inches: Increase from $3 per dozen and 10 cents for each additional inch, to $4.50 and 15 cents, respectively, subject to limitations of par. 915. Dennis: Concurs as to facts and conclusions, calls attention to changed conditions in competition. Costigan: No change warranted on basis of existing data. Submitted separate statement.	do	do		
15	Cotton hosiery	do	Application.	Increase	Nov. 20, 1923; Jan. 10, 11, 30, 1924.	Dec. 22, 1926	Report transmitted to President; not acted upon to date; according to established practice of commission, reports treated as confidential until released by President.				
16	Wall pockets	do	Increase	Application	July 24, 1923	Oct. 1, 1925	Marvin, Dennis, Glassie, Baldwin, Brossard, concurred data do not warrant action. Costigan absent.	No change	Oct. 3, 1925		

18	Linseed oil	May 4, 1923	do	Increase and decrease.	Mar. 5–7, 1924	Mar. 3, 1925	Under data then before the commission, following findings appear warranted; Marvin, Burgess, Glassie, decrease from 3.3 to 2.7 cents per pound; Culbertson, Costigan, decrease from 3.3 to 2.44 cents per pound; Lewis, decrease from 3.3 to 2.43 cents per pound.	Report returned to commission Feb. 6, 1926; additional information requested.			
24	Print rollers	do	do	Increase	Jan. 29, 1924; Feb. 4, 5, 1924.	Oct. 7, 1925 [8] Oct. 24, 1925 [9] Nov. 16, 1925 [10] Apr. 17, 1926 [11]	Marvin, Dennis, Glassie, Baldwin, Brossard: Increase from 60 to 72 per cent ad valorem. Costigan: additional data favored; existing data, if used, would indicate decrease to 57 per cent ad valorem.	Increase 60 to 72 per cent.	June 21, 1926	60 per cent	72 per cent.
25	Taximeters	do	do	do	Feb. 12, 26, 1924; Mar. 12, 1924.	Oct. 1, 1925 [12] Oct. 15, 1925 [13] Nov. 16, 1925 [14]	Marvin, Baldwin, Brossard: Basis of assessment changed to American selling price. Existing rate of $3 per meter and 45 per cent ad valorem changed to $3 per meter and 27.1 per cent ad valorem, assessed on American selling price (transportation not included). Dennis: Basis of assessment changed to American selling price. Existing rate of $3 per meter and 45 per cent changed to $3 per meter and 26.2 per cent ad valorem, assessed on American selling price (transportation included). Costigan: Data insufficient to justify change. Glassie: Absent on official business.	Basis of assessment changed to American selling price; rate changed from $3 per meter and 45 per cent ad valorem to $3 per meter and 27.1 per cent ad valorem.	Dec. 12, 1925	54.52 per cent	105.74 per cent.
33	Wheat and wheat products.	Nov. 14, 1923	do	do	Nov. 23, 27, 1923; Feb. 18, 19, 25, 26, 1924.	Mar. 4, 1924	Wheat: Marvin, Burgess, Glassie: Increase from 30 cents per bushel to 45 cents; Culbertson, Lewis, Costigan: Increase from 30 cents per bushel to 42 cents. Wheat flour, semolina, etc.: Marvin, Burgess, Glassie: Increase from 78 cents per 100 pounds to $1.11; Culbertson, Lewis, Costigan: Increase from 78 cents per 100 pounds to $1.04. Bran, shorts and by-product feeds: Decrease from 15 to 7½ per cent ad valorem. Commission concurred except Mr. Marvin, who appended statement against action on bran, shorts, and by-product feeds for lack of raw material costs.	Wheat increased from 30 cents to 42 cents per bushel; flour increased from 78 cents to $1.04 per 100 pounds; mill feeds decreased from 15 to 7½ per cent.	Mar. 7, 1924	Wheat, 30.58 per cent; flour, 30.56 per cent; mill feeds, 15 per cent.	Wheat, 42.91 per cent; flour, 40.75 per cent; mill feeds, 7½ per cent.
36	Gold leaf	Apr. 5, 1924	do	do	May 18, 28, 1925	July 22, 1925	Marvin, Dennis, Baldwin: Increase from 55 to 82½ cents per 100 leaves. Costigan: Decrease from 55 to 54 cents per 100 leaves.	Increased 55 to 82.5 cents per 100 leaves.	Feb. 23, 1927	46.89 per cent	70.33 per cent.
37	Men's sewed straw hats.	May 29, 1924	do	do	June 12, 1924; May 4, 1925; May 14–16, 1925.	July 17, 1925 [15] Feb. 4, 1926 [16]	Marvin, Dennis, Costigan, Glassie, Baldwin, signed report. Costigan added statement in part concurring and in part dissenting. Valued at not over $9.50 per dozen: Marvin, Glassie: Basis of assessment changed to American selling price; rate changed from 60 to 50 per cent ad valorem (transportation not included). Costigan, Dennis, Baldwin: Increase from 60 to 88 per cent ad valorem (transportation included). Valued at over $9.50 per dozen: Marvin, Glassie: Increase from 60 to 69 per cent ad valorem (transportation not included). Costigan, Dennis: Decrease from 60 to 55 per cent ad valorem (transportation included). Costigan: Separate statement.	Increase from 60 to 88 per cent ad valorem on straw hats valued at $9.50 or less per dozen.	Feb. 12, 1926	Under $9.50, 60 per cent. Over $9.50, 60 per cent.	Under $9.50, 88 per cent. Over $9.50, 60 per cent.
38	Butter	July 14, 1924	Senate resolution.	Increase	Apr. 21, 22, 1925	Feb. 25, 1926 [18] Mar. 2, 1926 [19]	Marvin, Glassie, Baldwin: Increase from 8 to 11.9 cents per pound. Brossard: Increase from 8 to 12 cents per pound (statutory limit). Dennis and Costigan: Submitted separate statements, taking exception to exclusion of centralizer costs and various other matters, and find no change of duty warranted.	Increase from 8 to 12 cents per pound.	Mar. 6, 1926	19.97 per cent	29.96 per cent.
39	Swiss cheese	Aug. 9, 1924	President	do	Dec. 11, 1925	Apr. 16, 1927	Marvin, Dennis, Brossard, Lowell: Increase from 5 cents per pound but not less than 25 per cent ad valorem to 7½ cents per pound but not less than 37½ per cent ad valorem. Costigan: Data insufficient.	Increase from 5 cents per pound but not less than 25 per cent ad valorem to 7½ cents per pound but not less than 37½ per cent ad valorem.	June 8, 1927	25 per cent	
40	Halibut	Aug. 11, 1924	do		Aug. 10, 11, 1925	Nov. 2, 1925	Report transmitted to the President; not acted upon to date. According to established practice of commission, contents of report treated as confidential until released for publication.				
44	Bobwhite quail	May 19, 1925	Application	Decrease	Sept. 10, 1925	Sept. 28, 1925	Marvin, Dennis, Glassie, Baldwin, Brossard, concurred, decrease from 50 to 25 cents per bird. Costigan not participating.	Decrease from 50 to 25 cents per bird.	Oct. 3, 1925	106.11 per cent	53.06 per cent.
48	Methanol	July 24, 1925	do	Increase	June 17, 1926	Oct. 25, 1926	Marvin, Dennis, Glassie, Brossard, Lowell, concurred: Increase from 12 to 18 cents per gallon. Costigan absent on official business.	Increase from 12 to 18 cents per gallon.	Nov. 27, 1926	25.44 per cent	38.16 per cent.

Footnotes at the end of table.

Summary table of investigations instituted by the United States Tariff Commission for purposes of section 315 of the tariff act of 1922, showing the findings regarded as warranted by members of the commission and the action of the President thereon—Continued

HEARINGS COMPLETED, FINAL REPORTS IN PREPARATION OR BEFORE THE COMMISSION

Investigation No.	Commodity	Date instituted	Instituted in response to—	Nature of request	Date of hearing	Report to President		Action by the President		Ad valorem equivalent based on foreign value [1 7 17]	
						Date of report	Findings regarded as warranted by members of commission	Nature of action	Date of proclamation or statement	Of rate of duty specified in act of 1922	Of new duty made effective by presidential proclamation
8	Mirror plates	Mar. 27, 1923	Application	Decrease			Combined with investigation No. 26, cast polished plate glass.				
21	Phenol	May 4, 1923	do	do	Jan. 24, 25, 1924						
22	Cresylic acid	do	do	do	Jan. 24, 25; Feb. 14, 1924.						
26	Cast polished plate glass.	May 5, 1923	do	Extension of investigation No. 8.	Nov. 23, 24, 30; Dec. 1, 1925; May 9–13, 1927.						
27	Logs of fir, spruce, cedar, etc.	July 2, 1923	do	Decrease	Aug. 3, 6, 1923	Oct. 20, 1923	Reconsidered as investigation No. 35				
35		Apr. 1, 1924	do	do	Aug. 4–7, 1925						
29	Magnesite and magnesite brick.	Aug. 11, 1923	do	Increase and decrease.	Oct. 1; Dec. 5, 1923; June 21, 22, 1926.						
32	Lace (machine made).	Oct. 25, 1923	do	do	Dec. 10, 11, 1923; Dec. 15, 16, 17, 1925; Feb. 15, May 17, 18, 1926.						
34	Vegetable oils	Feb. 8, 1924	do	Decrease	Mar. 7, 8, 10–12, 1924; Apr. 3, May 25–29, 1926.						
42	Bentwood chairs	Apr. 23, 1925	do	Increase	June 6, 7, 8, 1927						
43	Rag rugs	Apr. 24, 1925	do	do	July 20, 1926						
45	Granite	July 24, 1925	do	Increase and decrease.	July 15, 28–29, 1926.						
47	Edible gelatin	do	do	Increase	Jan. 27, 1927						
50	Barium carbonate	Jan. 8, 1926	do	do	May 23, 1927						

FIELD WORK COMPLETED, TABULATION IN PROGRESS, AND PRELIMINARY STATEMENTS OF INFORMATION IN PREPARATION

23	Brierwood pipes	May 4, 1923	Application	Increase							
41	Table, kitchen, and toilet china, etc.	Mar. 19, 1925	do	Decrease							
46	Glue	July 24, 1925	do	Increase							
49	Sodium silicofluoride.	do	do	do							
51	Fluorspar	Jan. 8, 1926	do	do							
52	Milk and cream	Mar. 4, 1926	Senate resolution.	do	Mar. 25, 26, 1926						
53	Tartaric acid	do	Application	do							
54	Cream of tartar	do	do	do							
55	Peanuts	May 26, 1926	Senate resolution.								
56	Soya beans	do	do								
57	Cottonseed	do	do								
62	Maple sirup and sugar.	Feb. 25, 1927	Application	Decrease							
63	Cherries	Mar. 22, 1927	do	Increase							

FIELD WORK NOT COMPLETED

58	Onions	July 23, 1926	Application	Increase							
59	Flaxseed	Aug. 4, 1926	do	Increase and decrease.							
60	Eggs and egg products.	do	do	Increase							
61	Oriental rugs	Oct. 28, 1926	do	do							

INVESTIGATIONS RECENTLY INSTITUTED

64	Sodium phosphate	May 26, 1927	Application	Increase							
65	Whiting	do	do	do							
66	Potassium permanganate	do	do	do							
67	Perfume and toilet bottles	do	do	do							
68	Cylinder, crown and sheet glass (window glass)	do	do	do							
69	Imitation pearls and pearl beads	do	do	do							

INVESTIGATIONS TEMPORARILY SUSPENDED

5	Logwood extract	Mar. 27, 1923	Application	Increase	Nov. 12, 1923						
10	Swiss pattern files	do	do	do							
17	Artificial flowers	do	do	do							
19	Synthetic phenolic resin	May 4, 1923	do	Decrease							
20	Smokers' articles made of synthetic phenolic resin	do	do	Increase							
28	Metallic magnesium	July 27, 1923	do	do							
30	Rare sugars	Aug. 11, 1923	do	do							
31	Amino acids, etc	do	do	do							

[1] Ad valorem equivalents are based on average of the unit values for the months preceding and following the change of rate. Exceptions are as follows: Barbital, new duty computed upon the value of imports for the entire year 1925. Complete import statistics are not available for any month, but are available for the year. Potassium chlorate, equivalent of old and new duty computed on value of imports for June, 1925, the first month for which imports of potassium chlorate are reported separately. Iron in pigs, equivalent of old and new duty computed on value of imports for December, 1926.

[2] Final report by Culbertson, Lewis, and Costigan.

[3] Final report by Marvin and Burgess.

[4] Supplementary information, in response to President's request, by Marvin and Burgess.

[5] Supplementary information, in response to President's request, by Culbertson, Lewis, and Costigan.

[6] Extension of investigation No. 14.

[7] Ad valorem equivalents are based on average of the unit values for the months preceding and following the change of rate. Exceptions are as follows: Taximeters, old and new duty computed on value of imports for January, 1926, the first month in which imports of taximeters are reported separately. Gold leaf, equivalent of old and new duty computed on value of imports ($1.17 per 100 leaves) for November, 1926. December import figures were not used because the value ($0.71 per 100 leaves) was not representative of imports for the entire year, which averaged $1.08 per 100 leaves.

[8] Final report by Marvin, Dennis, Glassie, Baldwin, Brossard.

[9] Separate dissenting statement by Costigan.

[10] Report by Marvin, Glassie, Baldwin, Brossard, on dissenting statement of Costigan.

[11] Supplementary report by Marvin, Dennis, Glassie, Baldwin, Brossard, concerning transportation.

[12] Final report by Marvin, Dennis, Baldwin, Brossard.

[13] Separate dissenting statement of Costigan.

[14] Report by Marvin, Baldwin, Brossard, on dissenting statement of Costigan.

[15] Final report by Marvin, Costigan, Glassie, Dennis, Baldwin. Included a separate statement by Costigan.

[16] Report resubmitted to President together with statement on transportation. (Statement not printed as data contained therein are of confidential nature.)

[17] Ad valorem equivalents are based on average of the unit values for the months preceding and following the change of rate. Exceptions are as follows: Quail, equivalent of old and new duty computed on value of imports for February, 1926, the first month in which imports of quail are reported separately. Methanol, equivalent of old and new duty computed on value of imports for November, 1926

[18] Report by Marvin, Dennis, Glassie, Baldwin, Brossard; with comment by Dennis and memorandum by Costigan.

[19] Statement of Marvin, Glassie, Baldwin, and Brossard, and separate statement by Costigan.

Mr. REED of Pennsylvania subsequently submitted the following minority report (Rept. No. 1325, pt. 2):

Senate Resolution 162, Sixty-ninth Congress, first session

I can not agree with the foregoing recommendations. I agree, however, that the record of the Tariff Commission has been disappointing, and that its action has been so slow that the purposes of the law of 1922 have largely been frustrated. The reasons for this, in my judgment, have been three: First, a continued wrangle among the members of the commission upon almost every question coming up for decision, accompanied by great personal bitterness between some of the individuals involved. No commission, court, or legislature could function well under such conditions. Second, an honest disagreement within the commission as to the necessity of seeking direct evidence of foreign costs of manufacture from the books of the foreign manufacturers, instead of relying upon the natural inference that their cost must be less than the average of their factory invoice prices. Together with this, there has existed a disagreement as to the inclusion of transportation costs as an item in the calculation of comparative costs of production. Third, the fear of criticism from fellow members and from the public has led the members of the commission to aim at an extreme accuracy in cost data, with the result that by the time the information has been assembled and digested conditions have changed and the data have ceased to be correct.

Most of these difficulties have disappeared. Changes in the personnel of the commission have put an end to the bickering that has prevented efficient work in the past. The use of invoice prices as evidence of foreign costs, and the inclusion of transportation costs in comparing American and foreign costs of placing the same goods in the same American markets, have been settled by opinions of the Attorney General. It is hoped that this greater harmony in the commission, and this greater certainty in these principles of procedure, will lead to speedier conclusion of the cases under consideration. Neither the "flexible-tariff" provisions of the law of 1922 nor the commission itself, can fairly be judged until opportunity has been given to the commission to function under these changed conditions.

For these reasons, I do not favor any change in the law at the present time.

DAVID A. REED.

The views of former Senator James W. Wadsworth, jr., were subsequently set forth in the following letter to Senator REED of Pennsylvania:

I have read the report of the majority of the select committee appointed to investigate the Tariff Commission, as well as the minority report submitted by the Senator from Pennsylvania, Mr. REED, both reports having been printed in the CONGRESSIONAL RECORD of May 29, 1928. My knowledge of the exhaustive testimony taken by the select committee, of which I was at the time a member, and my recollection of the lengthy discussions which took place during the period of the investigation, impel me to concur in the views expressed by Senator REED in his minority report. As urged by him, and, indeed, as indicated in the majority report, the Tariff Commission was in no condition to undertake the functions assigned to it under the provisions of section 315 of the tariff act. I venture to say that no body of men, torn and distracted as was the Tariff Commission in the period following the enactment of section 315, could perform any important function much less one involving pioneering in a new field. Furthermore, in certain important particulars the law itself fails to be sufficiently explicit, with the result that much time was consumed in securing authoritative opinions for the guidance of the commission. Such delays can not always be anticipated by the legislative body responsible for the enactment of the law. That they have occurred in this case does not convince me that the principle of the law is unsound. Believing as I do that the flexible tariff provision can be administered successfully, and that such an administration would be highly beneficial to the country, I can not bring myself to subscribe to the contention that the effort must be abandoned. Section 315 should be given a decent chance, something it did not have during the period following its enactment. Substitute experience for inexperience, certainty of procedure for mere groping, and cooperation for strife, and we shall have established a useful governmental agency.

J. W. WADSWORTH, Jr.

Mr. LA FOLLETTE. Mr. President, I have no objection, as I am one of the signers of the report, but I ask unanimous consent that I may be permitted to file additional views on or before the 10th day of December, 1928.

The PRESIDENT pro tempore. Without objection, that order will be entered.

Mr. REED of Pennsylvania. Mr. President, I was a member of that committee, but have not signed the report, because I disagreed with a few of the statements in the report, and with most of the conclusions. Therefore I ask permission later in the day to file a report and have it printed in the RECORD immediately following the report submitted by the Senator from Arkansas.

The PRESIDENT pro tempore. Without objection, that order will be entered.

(See further discussion of this matter on page 10643.)

COLLECTION OF INDEBTEDNESS DUE UNITED STATES

Mr. NYE. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the bill (S. 4514) to authorize the Secretary of War to purchase certain property and real estate, to protect the interests of the United States, conveyed by the Charleston Industrial Corporation of Charleston, W. Va., in trust to secure the payment of certain indebtedness due to the United States and I submit a report (No. 1322) thereon.

I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceed to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to bid at any receiver's sale which may be had at the order and direction of the United States District Court for the Southern District of West Virginia, and, if the Secretary of War deems necessary for the protection of the United States in the collection of the indebtedness due from the Charleston Industrial Corporation to the United States, to purchase at said sale any and all property that may be sold, which was conveyed to the Kanawha National Bank of Charleston, W. Va., by two certain trust instruments executed by the Charleston Industrial Corporation, dated September 16, 1922, and July 15, 1925, respectively, to secure the payment to the United States of certain indebtedness arising out of contracts with and the transfer of said property by the United States to the Charleston Industrial Corporation: *Provided, however,* That the amount so bid by the Secretary of War, and the price at and for which said property may be purchased, shall not exceed the amount that shall be due to the United States from said Charleston Industrial Corporation by reason of said indebtedness at the date of such sale.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE INDIANS

Mr. THOMAS. Mr. President, on behalf of the Committee on Indian Affairs I report back favorably the bill (S. 4464) authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes. This is a local bill, affecting the Cherokee Tribe of Indians. Last night the House passed an identical bill, House bill 13753. I ask that that bill be substituted for the Senate bill, and also for immediate consideration.

The PRESIDENT pro tempore. Is there objection to substituting House bill 13753 for Senate bill 4464? The Chair hears none, and it is so ordered. Is there objection to the request for immediate consideration?

There being no objection, the bill was read twice by its title, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13753) authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POINTE AUX HERBES LIGHTHOUSE RESERVATION

Mr. RANSDELL. Mr. President, from the Senate Committee on Claims I report back favorably the bill (H. R. 13644), authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe aux Herbes Lighthouse Reservation, La. This bill has passed the House. I ask for immediate consideration.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FARM RELIEF

Mr. McKELLAR. Mr. President, Gov. John J. Cox, of Tennessee, delivered a most excellent speech on farm relief before the Farm Board of Sullivan County, at Pleasantville, Tenn., May 24, 1928. I ask unanimous consent to print this speech in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Two thousand five hundred years ago, 600 years before Christ was born, Aesop, the wisest counselor of all time, the adviser of Croesus, the richest man of the ancient world, advised farmers to organize in his great fable of the old farmer, his warring sons, and the bundle of sticks. This wise man at that early date saw the necessity of organization for the protection of farmers. Through all the centuries since farmers have made every effort to organize, but each effort has been a failure. Their vast numbers, their diversity of interest, seems to make organization for relief impossible. Yet when Congress votes the farmer relief the President vetoes the measure and advises farmers to organize.

Every suggestion the President makes for farm relief, except curtailing middlemen, would, if carried into effect, raise the price of bread and meat to the poor. Statistics show the balance of trade in favor of this country to be $870,000,000 per annum. The export of farm products to be $1,870,000,000 per annum. The $870,000,000 balance has made this Nation the richest and most prosperous on earth.

But for the farmer the balance would be against us $1,000,000,000 per year and would bankrupt our Nation. The farmer has made this wealth for our people. In doing so he has bankrupted himself. The larger the farmer the more complete the bankruptcy.

The President says if the farmer is given a subsidy all other interests will ask for subsidies. They are already getting subsidies—manufacturers, railroads, banks, utilities—65 per cent receiving, 35 per cent, the farm, paying. The farmer feeds and clothes us, creates our wealth; and if subsidies are handed out, the farmer should stand first in line. Is there no relief for the farmer's son? Paying subsidies to others has brought his downfall. I am opposed to all subsidies, but all must receive subsidies before all are denied subsidies. This is a Government by majority—65 beats 35.

The President says the farm relief bill is unconstitutional. A constitutional way has been found for relief to all other interests.

It is proposed to lend more money to the farmer. He already owes more than he can pay. When I was a boy, it was considered a disgrace to mortgage your farm. Now, there are few productive farms not mortgaged. Farmers are no longer buying farms for homes. If farmers do not get relief their mortgages will soon be foreclosed. The mortgagees will become the owners. Then, less than 10 men will meet in one room and fix the price of farm products without reference to supply and demand, seed time and harvest, sunshine and shower, drought and pests. Would it not be better to levy a tax on wealth, wealth created by farmers, and pay a subsidy to the farmer than to permit a condition that will raise the cost of living on the common people?

If the financial interests take over the farms, peasant farming will be established in this country with overseers and foremen. Peasantry destroys patriotism. The hired man does not fall in love with the soil. The recruiting stations for our captains of industry will pass forever. The great naturalist, John Burroughs, said:

"No race that does not take to the soil can long hold its country. In the struggle for survival, it will lose its country to some incoming race that loves the soil."

The farmer is looking to the Senate as his reliance. In my opinion, the wisest provision of our National Constitution is the one limiting the membership of the Senate to two Members from each State. Predatory interest can never control a majority of the States. Already has the manhood of the Senate stopped at the outer door the representatives of such interest. It will continue to do so.

The farmer is told that his relief lies in tariff reduction. I believe in tariff reform, but, living at Bristol, surrounded by Kingsport, Johnson City, Bemberg, Glantzstoff, Elizabethtown, Appalachia, and Damascus—Bristol, the gateway to the great Tennessee Valley that possesses one-fifth of the potential water power of America, with the manufacturing North turning to the South, with the starvation labor of Europe anxious to compete with our labor that has been the farmer's loyal friend—I deem this an inopportune time to tinker with the tariff.

You ask, "When shall it be done?" And I answer, when some Ford shall take over Muscle Shoals, develop Cove Creek, and other great water power, make this valley the Ruhr of America—the workshop of the world—produce a better article at a lower price, capture the markets of the world, the tariff wall will fall of its own weight. The only tariff we shall need then will be to protect our farmers against the cheap wheat, corn, and meats of Australia and South America.

When President Coolidge vetoed the McNary-Haugen bill, he raised the greatest campaign issue that has been fought in this country since 1860. That issue was the slavery of the black man. It carried Abe Lincoln into the White House. The campaign issue of 1928 will be the slavery of the white man, the farmer, and it will sweep the Democrats into power.

LAKE CHAMPLAIN BRIDGE

Mr. DALE. Mr. President, I report back favorably from the Committee on Commerce the following bills, for which I ask immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the first bill reported?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4560) authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt. (Rept. No. 1323), which had been reported from the Committee on Commerce with an amendment.

The amendment was, on page 1, line 9, after the word "navigation," to insert "between a point"; on page 2, line 1, before the word "point," to insert "and," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Elisha N. Goodsell, of Alburgh, Vt., his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Elisha N. Goodsell, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Elisha N. Goodsell, his heirs, legal representatives, and assigns are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New York, the State of Vermont, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. Elisha N. Goodsell, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of New York and Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War

may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable cost of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Elisha N. Goodsell, his heirs, legal representatives, and assigns, shall make available all his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to Elisha N. Goodsell, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt."

KANAWHA RIVER BRIDGE, WEST VIRGINIA

The bill (H. R. 13399) authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LAWRENCE RIVER BRIDGE, NEW YORK

Mr. DALE. From the Committee on Commerce I report back favorably without amendment the bill (S. 4566) authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y., and I submit a report (No. 1321) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the New York Development Association (Inc.), a corporation organized under and by virtue of the membership corporation law of the State of New York, having its office and principal place of business at Watertown, N. Y., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the easterly channel of the St. Lawrence River at a point suitable to the interests of navigation at or near Collins Landing, in the town of Orleans, Jefferson County, N. Y., to some suitable and convenient point on Wellesley or Wells Island, and also a bridge and approaches thereto from the westerly side of Wellesley or Wells Island to Hill Island, sometimes known as LaRue Island, and also a bridge from said Hill Island across or over the westerly or Canadian channel of the St. Lawrence River to some suitable or convenient point between Brockville and Gananoque, in the Province of Ontario, Dominion of Canada, so far as the United States has jurisdiction over the waters of said St. Lawrence River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. That the New York Development Association (Inc.), its successors and assigns, shall commence the construction of said bridge within two years and shall complete the construction thereof within five years after the passage and approval of this act.

SEC. 3. That there is hereby conferred upon the New York Development Association (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of New York needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 4. That the said New York Development Association (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and in accordance with any laws of New York applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 5. That the right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New York Development Association (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had concurred in Senate Concurrent Resolution 22, authorizing and directing the President of the Senate and the Speaker of the House of Representatives to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5.30 o'clock p. m.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 126. An act for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased;

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 363. An act for the relief of Louise M. Cambouri;

S. 433. An act for the relief of Harry C. Bradley;

S. 443. An act for the relief of Larry M. Temple;

S. 444. An act for the relief of H. C. Magoon;

S. 471. An act for the relief of Agnes McManus and George J. M. McManus;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes;

S. 1645. An act for reimbursement of W. H. Talbert;

S. 1981. An act for the relief of the owner of Dry Dock No. 6;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2076. An act authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.;

S. 2336. An act for the relief of Nina MacDonald, Zenus V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2673. An act for the relief of James E. Trussell;

S. 2738. An act for the relief of C. R. Olberg;

S. 2788. An act for the relief of Charlie McDonald;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3794. An act for the relief of R. E. Hansen;

S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana;

S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama;

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 13039. An act to amend the World War veterans' act, 1924;

H. R. 13512. An act to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

S. J. Res. 5. Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States;

S. J. Res. 130. Joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest;

S. J. Res. 155. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela; and

H. J. Res. 238. Joint resolution providing for the granting of veterans' preference in civil-service examinations.

BOULDER DAM

Mr. ODDIE. Mr. President, I ask that there be printed in the RECORD a report from the State engineer of Nevada, Hon. George W. Malone, who is also chairman of the association of State engineers of a number of Western States, and a member of the Colorado River Commission of Nevada. This report is on the Boulder Canyon Dam problem and contains much valuable data in concise form, also transcript of part of the record of the Committee on Irrigation and Reclamation of the Senate, which passed on this matter and reported the bill favorably. I think it will be helpful to the Members of the Senate to have this information before them in order that they may familiarize themselves with the fundamental facts relating to this great project before the bill comes up for final action in the December session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

BOULDER CANYON LOWER COLORADO RIVER POWER AND WATER SET-UP, JANUARY 1, 1928—PRESENTING THE FACTS

[This report presented to the Seventieth Congress, first session; House Committee on Irrigation and Reclamation, January 13, 1928; Senate Committee on Irrigation and Reclamation, January 20, 1928]

Part 1—Power set-up

IRRIGATION AND RECLAMATION CONGRESSIONAL COMMITTEES, SEVENTIETH CONGRESS, FIRST SESSION, 1928

Senate: LAWRENCE C. PHIPPS, Colorado, chairman; WESLEY L. JONES, Washington; CHARLES L. MCNARY, Oregon; FRANK R. GOODING, Idaho; TASKER L. ODDIE, Nevada; SAMUEL M. SHORTRIDGE, California; HIRAM W. JOHNSON, California; ROBERT B. HOWELL, Nebraska; MORRIS SHEPPARD, Texas; THOMAS J. WALSH, Montana; JOHN B. KENDRICK, Wyoming; KEY PITTMAN, Nevada; FURNIFOLD MCL. SIMMONS, North Carolina; C. C. DILL, Washington; and HENRY F. ASHURST, Arizona.

House: ADDISON T. SMITH, Idaho, chairman; NICHOLAS J. SINNOTT, Oregon; ELMER O. LEATHERWOOD, Utah; SCOTT LEAVITT, Montana; CHARLES E. WINTER, Wyoming; PHIL D. SWING, California; SAMUEL S. ARENTZ, Nevada; JOHN C. ALLEN, Illinois; FREDERICK M. DAVENPORT, New York; C. B. HUDSPETH, Texas; WILLIAM C. LANKFORD, Georgia; J. B. REED, Arkansas; MILES C. ALLGOOD, Alabama; SAM B. HILL, Washington; JOHN MORROW, New Mexico; LEWIS W. DOUGLAS, Arizona; and S. HARRISON WHITE, Colorado.

THE COLORADO RIVER COMMISSIONS CAN BE REACHED THROUGH

Wyoming: Frank C. Emerson, governor, Cheyenne.
Colorado: Delph Carpenter, commissioner, Denver.
New Mexico: Francis C. Wilson, commissioner, Santa Fe.
Utah: George H. Dern, governor, Salt Lake City.
Nevada: George W. Malone, secretary, Carson City.
Arizona: Mulford Winsor, secretary, Phoenix.
California: F. H. McIver, secretary, Imperial.

NEVADA'S RECOMMENDATIONS AS OUTLINED IN DETAIL IN TESTIMONY AND REPORT SUBMITTED

1. That Nevada and Arizona should benefit from the proposed development, at least to the extent that she would benefit if developed by private capital, second only to Government payments and any reasonable reserve.

2. That the power be not sold as low as the repayments to the Government will permit, but should be sold at a competitive figure, comparable with the cost of power available elsewhere for these markets.

3. That arrangements be made for the sale of the power so that fair offers may be had and that legitimate bidders be not handicapped.

4. That suitable readjustment periods be arranged for the power charges per kilowatt-hour and also for the proper charges for other service rendered.

5. That proper charges be made for other service rendered—flood control, silt control, irrigation water storage, and domestic water storage.

6. That the States shall have the right to withdraw, upon proper notice, certain blocks of power to be used within their own State.

7. That a board be arranged for from the three lower States to assist the Secretary of the Interior or any agency supervising the sale of the power and other service rendered in an advisory capacity to fix the proper charge per kilowatt-hour for power and proper charges for other service rendered.

8. That an attempt be made to equalize in some manner between the three States the benefits from reclamation financing.

9. That after the Government advancement is entirely repaid the benefits from this development accrue to the States.

BENEFITS

We are convinced that if the above recommendations are carried out the project is economically sound and will support legislation containing these provisions.

There will be benefits from this enterprise; whether or not Congress recognizes that fact is beside the question. If they do not recognize it, they will all accrue to the particular projects being financed in the set-up. If they do recognize it, then in the event the benefits are sufficient, the two States who own the site may benefit. (Page 43, cross-examination.)

FOREWORD

The Colorado River and Boulder Dam, due to political activities, voluminous advertising, and congressional difficulties, has become a byword in the western country.

There have been tons of printed matter distributed on various phases of the subject, purporting to prove certain conditions, and in the main colored to fit the particular district or organization financing the propaganda.

ENGINEER

Therefore we have engaged a board of engineers, consisting of H. W. Crozier, of San Francisco, one of the foremost power experts on the Pacific coast; Thomas R. King, of the engineering firm of King & Malone, Reno, Nev., who has had both engineering and construction experience; and Stanley Palmer, professor of electrical engineering, University of Nevada, as a board to pass on any engineering conclusions pertinent to our State.

In this paper we have made an earnest effort to analyze and present the power set-up that has been included to carry the cost of the development.

It is not practicable in this short space to include all of the data leading up to the conclusions here presented, but we are ready at any time to take these matters up and discuss them fully whenever necessary.

COMMISSION

The Nevada-Colorado River Commission, Gov. F. B. Balzar, chairman; George W. Malone, State engineer and secretary of the commission; Charles P. Squires; Roy W. Martin; E. W. Clark; and Charles B. Henderson are a unit in deciding to employ these methods to arrive at the facts, regardless of what they may show, so that Nevada may not take a position that might jeopardize the original object of the development.

We have consistently maintained that our State should benefit from the proposed development, at least to the amount that she would receive if developed by private capital, during the amortization period, and after the Government is fully repaid the benefit to the States should materially increase.

During the three-State conference held in San Francisco from December 1 to 18, inclusive, the three lower basin States were represented by five outstanding power experts: For California, E. S. Scattergood, of the Los Angeles Light & Power Co., and L. S. Ready, of San Francisco; for Arizona, Charles Cragin, chief engineer of Salt River project, and B. F. Jacobsen, of Los Angeles; for Nevada, H. W. Crozier, of San Francisco.

These men agreed substantially in their computations on similar set-ups, except on the question of steam stand-by service required in con-

nection with Boulder Canyon power, the Nevada and Arizona engineers holding with the Government that no steam stand-by plants were necessary because of reasons noted elsewhere in this report, and that if any stand-by service should be necessary only a very nominal amount would be chargeable direct to the Boulder Canyon power.

Charles Cragin, chief engineer for the Salt River project, agreed with the Nevada engineers; California agreed except in the matter of necessary steam stand-by service in connection with Boulder Canyon power; while Thomas Maddox and B. F. Jacobsen, also representing Arizona, Mr. Maddox being one of the Colorado River Commission, showed a slightly larger "spread" between Boulder power delivered in the power market and steam electric power developed at that point, due to certain changes made in the estimates of cost of the project.

The writer acted as chairman of the three-State conference held in San Francisco during November and December, 1927, where Arizona, California, and Nevada engineers made an earnest attempt to arrive at a correct set-up for the Boulder Canyon power, and the following data is in line with the results obtained at that time, based on investigations set down in Weymouth report.

It is not anticipated that all of the benefits mentioned in this report *will obtain* immediately upon completion of the project, but any legislation or agreement should be so written that, as the silt is controlled and the irrigation and domestic water is used, they can be taken into account and a proper distribution be made.

POWER DEVELOPED, BLACK OR BOULDER CANYON

With a dam 550 feet high and a reservoir capacity of 26,500,000 acre-feet, there would be 22,000 second-feet of continuous flow at this time, which would develop approximately 850,000 firm horsepower on an average head of approximately 475 feet and would provide 13,000 second-feet flow and 550,000 firm horsepower after full irrigation development upstream.

Long before Bullshead Reservoir is needed for regulation it will be developed for power purposes.

Bullshead Reservoir when completed will allow 550,000 firm horsepower to be developed at Boulder Canyon after full irrigation development above and below, which is predicted as 75 years or longer and will, in addition, develop 100,000 firm horsepower.

With either Bullshead or Parker Reservoir constructed, the water supply in the lower river can be entirely controlled without interfering with the proposed firm-power output.

BIBLIOGRAPHY

Weymouth report; 9 volumes, a Government report made up at a cost, including field investigations, of nearly $400,000, and is the last word in Government reports on the Colorado River. The writer has a copy of this report.

Water Supply Paper No. 556, by E. C. Larue.

Fall-Davis report, Document 142.

Arizona Engineering Commission report.

Sixty-seventh Congress, second session, H. R. 11449 (5 parts).

Sixty-eighth Congress, first session, H. R. 2903 (8 parts).

Sixty-eighth Congress, first session, House Document 92.

Sixty-eighth Congress, second session, Senate 727.

Sixty-ninth Congress, first session, Senate Resolution 320 (6 parts).

Sixty-ninth Congress, first session, H. R. 6251 and H. R. 9826 (2 parts).

Sixty-ninth Congress, second session, Boulder Canyon reclamation project (5 parts).

THE WEYMOUTH REPORT

The detail investigations made by the Department of the Interior, which resulted in the so-called "Weymouth" report, were made while Mr. Weymouth held the office of Commissioner of Reclamation.

The report was finished in 1924, and consisted of eight volumes of typewritten matter; there was another volume gotten out later when certain United States Geological Survey information became available, making nine volumes in all. Volume No. 9 was a summation of the data on the Colorado River development, including data from former reports.

This report contains the latest and most complete investigations that have ever been made on the Colorado River; there was a very substantial appropriation made for this work and $391,000 was expended, but no funds were ever made available for printing it.

Any reports made subsequent to 1924 are simply compiled from this work, since any superficial examination will not reveal further information.

In this report the Department of the Interior concludes that the Boulder or Black Canyon site is the only one available that is below all principal tributaries, not otherwise being controlled, with sufficient capacity for flood, irrigation, and silt control, and that will develop enough power within reach of the available markets to repay the cost of construction, and any subsequent report must decide likewise, for it is the only detail data available.

This work goes very thoroughly into the matter of foundations, capacities, and detail estimates of all of the available sites on the Colorado River, including detail geology, and, in the case of Black and Boulder Canyons and others, contains detail results of drilling foundations; also very complete detail estimates on power-plant installations and transmission lines.

The construction estimates were thoroughly checked by both Mr. Hill and Mr. Wiley, two of the most widely known engineers on the Pacific coast, and there is no doubt of their ability and experience.

Through the courtesy of the Department of the Interior the writer has had a copy of this report available.

ABSORPTION PERIOD

There have been some questions asked as to a possible deficit during the amortization period.

Fifty years are allowed for the return of the original investment, this in addition to the 10-year construction period, for which time the interest is included in the original appropriation, making a total of 60 years from the beginning of construction until advancement is repaid.

The 50 years are utilized by allowing 9 years for absorption of the power by the power markets, during which time interest, operation and maintenance, and depreciation are charged; then in the remaining 41 years the original advancement is repaid in 41 equal installments.

We estimate on past records that the entire amount will be taken up within six years, and under this condition there will be no deficit. Other engineers familiar with conditions in southern California, with the increasing tendency of large manufacturers to establish there, estimate three years, which would create an extra fund during the allowed absorption period.

It should be borne in mind that the plant is to be constructed in several units, and investments would not be made until justified.

BOULDER OR BLACK CANYON

The project here considered in detail is the Boulder or Black Canyon set-up; this site is located about 55 miles above the State line between Nevada and California, where the Colorado River forms the boundary between Nevada and Arizona, which site is the subject of proposed legislation at this time.

It is proposed to construct a dam 550 feet high to impound 26,500,000 acre-feet of water for flood and silt control and irrigation purposes and to generate power to pay the cost; this contemplates 1,000,000 installed horsepower, or 550,000 firm horsepower, at 55 per cent load factor and equals 3,600,000,000 kilowatt-hours per year.

Set-up according to Department of Interior estimates

	Cost estimate	Interest included
Dam	$41,500,000	$55,000,000
Power plant	31,500,000	35,000,000
All-American canal	31,000,000	35,000,000
Interest during construction	21,000,000	
Total	125,000,000	125,000,000

The plan as outlined in the Swing-Johnson bill provides that the dam, power plant, and all-American canal shall be financed by advances from the United States Treasury, bearing 4 per cent interest, and provided that the total amount must be repaid within 50 years after the completion of the project.

Interest has been included in the original proposed advancement, during the construction period. We have, therefore, considered a nine-year absorption period, following completion of the works, during which time the power would be completely utilized.

Records for past years show that the rate of increase of firm horsepower in the southwestern power markets has been of the rate of about 75,000 horsepower per year; the installed horsepower is always at least twice the amount of the firm; Boulder Dam, as estimated, will be 550,000 firm or 1,000,000 installed horsepower on the contemplated 55 per cent load factor. Therefore, it is estimated that, at the rate of 150,000 horsepower per year, installed, the 1,000,000 horsepower will be absorbed in about six years—some engineers predict even a shorter time, due to the increased consumption after the cost is stabilized by a large block of hydroelectric power. These records are taken from volume 8, Weymouth Report, and on this basis there should be no loss over the nine-year absorption period (see p. 18).

Fifty years is the length of time assumed after the project is constructed, for the Government investment to be returned. The 50 years include a nine-year absorption period, during which time the entire power output is assumed to be absorbed by the market and interest, operation and maintenance and depreciation charges only will be carried, then in the last 41 years the original investment will be returned in 41 equal installments, in addition to the above-mentioned charges.

Cost of annual operation during amortization period—41 years exclusive of 9-year absorption period

4 per cent interest and annual payments	$6,250,000
Operation and maintenance, dam and plant	700,000
Operation and maintenance, all-American canal	500,000
Depreciation on total cost power plant, three-fourths per cent	262,000
Total yearly charges	7,712,000

It is said by some that our depreciation item is low, but the total amount allowed conforms to that allowed for private projects in California (see p. 18).

Three billion six hundred million kilowatt-hours, corresponding to 550,000 firm horsepower, equals 2.14 mills per kilowatt-hour at switchboard, including the all-American canal complete, carried by the power—on basis of $7,712,000 annual expense.

If the lands under the all-American canal would, as was suggested in the Secretary's letter to Congress in 1927, pay the cost of amortization and operation and maintenance, the cost per kilowatt-hour would be reduced .376 mills, leaving 1.76 mills per kilowatt-hour to provide for the total payments on dam, power plant, and interest on all-American canal, and if the set-up was, as originally provided in the proposed legislation last year, that the all-American canal be constructed under the reclamation act, thereby no interest being charged and contracts with the lands benefited providing for original cost return and operation and maintenance before construction should be started, then the cost per kilowatt-hour would reduce further by the amount of the average interest, or .249, making the power bear only the cost of the dam and power plant, which would be 1.511 mills per kilowatt-hour at the switchboard on basis of 3,600,000,000 kilowatt-hours, or 550,000 firm horsepower.

Cost of power at switchboard in mills per kilowatt hour

Including dam and power plant	1.511
Including dams, power plant, and interest all-American canal	1.76
Including dam, power plant, and all-American canal	2.14

The above figures represent the cost of the power at the switchboard under the outlined conditions, based on 550,000 firm horsepower.

TRANSMISSION LINES

Six 220,000-volt, 3-phase circuits are proposed to carry the Boulder Canyon power to the power markets; the length of this line has been variously estimated, but the 300 miles which follow closely the line of the Union Pacific Railroad seems to be a conservative estimate. The cost of this line, including stepdown substations, transformers, condensers, and intermediate condenser substations, is believed to be conservatively estimated at $50,000,000, including interest during construction.

Some comment has been made on the amount of depreciation allowed on the transmission lines in this setup. The amount used here is comparable with similar projects under private management in California. Then again, the sum of $50,000,000, including interest, has been assumed as the cost, where the Department of the Interior estimates five lines costing $45,000,000, including interest, to be ample (see p. 18).

According to engineers and such internationally recognized transmission experts as Frank G. Baum, of San Francisco, transmission costs may be materially reduced within 10 years, on account of higher voltage lines, etc., so that a smaller number of lines would be required (six circuits are now contemplated) to be constructed as needed.

Cost of annual operation during amortization period of 35 years

	Per cent	Cost	Mills
Interest	5	$2,500,000	0.695
Annual payments	1.107	553.500	.1538
Depreciation (see p. 18)	1.25	625,000	.1933
Operation and maintenance	1	500,000	.1388
Total	8.35	4,178,000	1.1609

3,600,000,000 kilowatt-hours, corresponding to 550,000 firm horsepower annual charges of $4,178,000, is equal to 1.16 mills at the switchboard.

	Cost at switchboard	Cost at power market assumed 12 per cent line losses
Dam and power plant	1.511	1.72
Transmission line	1.160	1.32
Total	2.671	3.04

The power delivered into the power markets, without any reference to the all-American canal, is 3.04 mills.

All-American canal—41 years amortization exclusive of 9-year absorption period

		Mills per kilowatt-hour at switchboard	Mills per kilowatt-hour in power market
Average annual interest	$896,000	0.249	0.283
Average annual payment	854,000	.237	.270
Operation and maintenance	500,000	.139	.158
Total	2,250,000	.625	.711

Cost of Boulder Dam power in power market on basis of 12 per cent loss from Boulder Canyon

Item:	Mills
Cost, excluding all-American canal	3.04
Cost, including all-American canal interest only	3.323
Cost, including all-American canal interest and amortization	3.593
Cost, including all costs of all-American canal	3.751

DEPRECIATION

Relative to the depreciation item, which is thought to be low by some as assumed in this report, it is probably not understood.

If the "straight line" sinking fund method of depreciation is adopted, it means that for any given life in years of a piece of property of known value a certain sum is set aside each year so that at the end of that life the total amount will replace the property.

The sinking-fund method of providing for depreciation consists of setting aside a lesser sum, which, invested at compound interest, would, when set aside, annually plus the compound interest in the aggregate amount to the life of the property. This method is adopted here and is approved by utility commissions.

Item	Amount	Life	Equivalent straight line
	Per cent	*Years*	*Per cent*
Hydroelectric plants	0.75	28	3.57
Transmission line	1.25	30	2.34
Steam-electric plants	2.25	22½	4.45

Steam power costs at the power market

	Annual charge (per cent)	Mills per kilowatt-hour
Return on investment	7.50	
Depreciation (see p. 18)	2.25	
Operating expense	1.80	0.00019
Stand-by fuel (1.1 barrel/kilowatt):		
$1.00 per barrel	1.00	
$1.25 per barrel	1.25	
Operating fuel		.00200
$1.00 per barrel		.00200
$1.25 per barrel		.00250
General expense	.25	
	12.80	.00219 and .00269

Steam electric power in mills per kilowatt-hour at particular load factor, 25-year amortization period

FUEL OIL

	55 per cent	60 per cent	67 per cent
$1.00 per barrel	5.12	4.89	4.58
$1.25 per barrel	5.68	5.43	5.15

35-year amortization period

FUEL OIL

	55 per cent	60 per cent	67 per cent
$1.00 per barrel	4.86	4.66	4.37
$1.25 per barrel	5.42	5.20	4.94

NOTE: 25-year amortization period and Government interest rate is comparable to no amortization payments and 7½ per cent interest.

The foregoing estimates are made for comparative purposes and based on plant cost of $100 per kilowatt, with an added cost of $10 for transmission purposes, making a total cost of $110 per kilowatt of installed horsepower.

To new power plants constructed in the power market under conditions that now obtain a performance of 13,270 British thermal units, equivalent to 480 kilowatt-hours per barrel of oil, may be expected. This item will range from somewhat under 13,000 British thermal units to about 14,000 British thermal units at present.

If power plants can be financed on the basis of a total rate of 7½ per cent annually, such as is obtained by the public-utility corporations now operating steam power plants, and which is equivalent to public financing on a 5 per cent basis with 25 years partial payments, the above estimate of costs will apply.

It has been suggested that a decrease in steam costs might come about through the use of mercury vapor or the use of higher pressures, but it is the opinion of engineers that the increased cost of the mercury vapor in the first case and the increased cost of construction in the second will preclude any material reduction.

DIFFERENCE IN COST OF BOULDER CANYON POWER DELIVERED TO THE POWER MARKET AND STEAM POWER GENERATED AT THAT POINT

Steam power assumed 60 per cent load factor, 25-year amortization period, and $1 oil—4.89 mills per kilowatt-hour

	Steam power mills per kilowatt-hour	Boulder Canyon power mills kilowatt-hour	Difference mills kilowatt-hour
Steam, including transmission line	4.89		
Cost, excluding all-American canal		3.040	1.85
Cost, including all-American canal interest only		3.323	1.567
Cost, including all-American canal interest and amortization		3.593	1.297
Cost, including all costs of all-American canal		3.751	1.139

Engineers for California, on a basis of the inclusion of the all-American canal interest only, arrived at a difference of 0.92 mill after deducting 0.51 mill for steam stand-by service; this would make 1.43 mills difference as against 1.567 as noted above, which is comparable.

[NOTE.—$500,000 equal 0.14 mill in the Boulder Canyon set-up; 550,000 firm horsepower=3,600,000,000 kilowatt-hours per year; and 1 mill per kilowatt-hour=$3,600,000 per year on the Boulder Dam set-up; 1 horsepower=0.75 kilowatt-hour; 1 kilowatt=1,000 kilowatt-hours.]

STAND-BY STEAM POWER FOR USE IN CONNECTION WITH BOULDER POWER

Conclusions of engineers appear to vary somewhat as to the necessity for steam stand-by service in connection with Boulder Canyon power delivered into the power market, meaning idle plants to take up the load in case of failure of regular service; engineers in the employ of the California-Colorado Commission, including Doctor Durand, member of the Secretary's fact-finding commission, who has been employed by Los Angeles for some time, hold that idle steam stand-by service is necessary to the extent of approximately 0.4 mill, but our engineers favored the conclusion of the Government in this matter, as shown in the Weymouth report, that very little, if any, stand-by service was directly chargeable to Boulder Canyon power, for the following reasons:

1. Due to the all-western hook-up that will no doubt obtain at that time, and, in fact, does now to a certain extent.

2. Transmission lines on a six-line basis of 200,000 horsepower capacity each, means one extra line when running full capacity, and with a possible overload to 240,000 horsepower each, would mean that four lines will carry 960,000 horsepower, which would practically mean the peak load, leaving two extra lines available, and no difficulty is anticipated in switching from one line to another in case of trouble.

3. It will require approximately 240,000 horsepower to pump 1,500 second-feet, or 1,000,000 acre-feet per year of domestic water over the divide; a total lift of approximately 1,600 feet; this will mean a substantial decrease in the distance that approximately one-half of the 550,000 firm horsepower developed at Boulder Dam must be transmitted, and, in addition, by the aid of small storage reservoirs which are already largely constructed near Los Angeles, it can be so arranged that an interruption of this service will not be serious, thus entirely obviating need for stand-by service on more than one-half of the total supply.

4. With 550,000 firm horsepower it is not anticipated that the load will be above 700,000 horsepower over 35 per cent of the time, and not over 800,000 horsepower over 10 per cent of the time; therefore, except during short periods of peak loading, three extra lines would be available in case of trouble.

5. The increase in the use of power in the available markets is at the rate of approximately 150,000 installed horsepower per year; therefore only at the end of the absorption period would the balance of hydroelectric and steam electric power be top-heavy in favor of hydroelectric. It is contemplated that approximately 1,000,000 horsepower of steam electric power will be constructed during the period of construction of Boulder Dam, so the balance will be in favor of steam power until practically the end of the absorption period. Then, when all of the Boulder power is in use, more steam electric will be generated and again gaining the economic balance of approximately 20 per cent steam and 80 per cent hydro, making more steam power available, which, with possible overload, will in part act as stand-by in addition to extra transmission lines; and after the absorption period the balance will swing back to steam, until further hydroelectric power is brought in.

[NOTE.—A report submitted by Mr. Van Norman, assistant city engineer, of Los Angeles, stated that it would require 390,000 horsepower to pump the domestic water over the divide for the southern California cities.]

LOAD FACTOR

At the beginning of operation plant will develop 1,600,999 horsepower at 55 per cent load factor, and probably 70 per cent will be the peak, and will develop 1,000,000 horsepower at 88 per cent load factor; then as irrigation develops will drop back to probably 60 per cent load factor in 50 years.

The extra power developed, called dump power, can be sold for something, probably 1 mill per kilowatt-hour, which will materially boost the revenues during the earlier years, besides making up for the slightly under 100 per cent sale of the firm power.

Load factor for the Boulder Canyon is assumed 55 per cent as set up in Weymouth report.

SOURCE OF ADDITIONAL REVENUE

1. Flood control.
2. Silt control.
3. Water for irrigation.
4. Water for domestic use.

Five hundred thousand dollars is reported to be the amount expended annually upon levee construction and repairs. Of this amount, the greater part could be diverted toward the construction cost of the proposed dam with no greater assessment. Flood control would also remove a menace, which at this time makes land values in the Imperial Valley extremely unstable, interest rates are high, and there is no demand for the lands.

Five hundred thousand dollars is expended annually in removing silt from the ditches and canals; this problem will not be entirely eliminated at once, but after the proposed construction is completed it will immediately decrease, and, as the silt already deposited is worked over, will gradually adjust itself. A considerable portion of this amount could be applied to the silt-control storage, with no further assessment on the land.

Irrigation storage will stabilize the water supply on the lands now under cultivation and bring in approximately 300,000 acres additional. This will eliminate pumping on some of these lands and furnish a gravity system. If this land alone could stand $40 per acre, it would mean an additional sum of over $500,000 annually from this source, including interest.

Domestic storage will furnish 1,000,000 acre-feet of water for southern California cities at an estimated cost of $19.50 per acre-foot. This is where a considerable amount of the Boulder Canyon power will be used to pump it over the divide. Water for irrigation is now costing from two to nearly three times the estimated cost, so that an additional charge of $2 per acre-foot should not be unduly burdensome, and that considering the per capita use in southern California cities of 150 gallons per day, and that there are nearly 326,000 gallons in 1 acre-foot, that $2 per acre-foot which would be added to the water account of 72 people per month would be hardly noticeable; $2,000,000 would be added to the revenue from this source alone.

This would make a total of $3,500,000 from the four sources mentioned above, entirely aside from returns on the power, which is not unreasonable when the savings are effected as outlined above.

Mr. Lester S. Ready, former chief engineer of the California Railroad Commission and now in the employ of the California-Colorado River Commission, in a report to some of his California constituents in August, 1927, recommended that the service rendered in storing the irrigation silt and domestic water by the proposed construction may be worth up to $2,800,000. Even this amount would mean that the all-American canal, costing a total of $2,250,000 per year, would be carried and $550,000 additional, or about 50 cents per acre-foot on domestic water, considering the all-American canal of $2,250,000 carried by the benefits from flood control, silt, and storage for irrigation, and would mean a delivery of the Boulder Canyon power into the power market at well under 3 mills, as against 4.89 mills for steam electric power.

Quoting Mr. Ready further, from his August, 1927, report, he finds that the annual operating cost of the dam, power plant, and all-American canal, including interest and amortization payments, is $7,515,000, which is slightly under our own conclusions, and that a 2.5-mill charge at the switchboard will probably be justified, and at that rate the return would be $9,000,000, and with $2,000,000 from all other sources, instead of $2,800,000 would make $11,000,000 annual income, as against $7,515,000 annual outlay, leaving $3,466,000 annual surplus, and that a 2-mill charge at the switchboard on the same basis would leave $1,685,000 annual surplus—this on a basis of a 40-year amortization period.

This surplus, he concludes, could be used to retire the investment under the 40-year period, or lower the rate for power to the consumers, and finds further that the cost of the dam could be doubled and the project still be feasible.

METHODS BY WHICH AN AGREEMENT MAY BE HAD TO ASSURE NEVADA AND ARIZONA OF BENEFITS FROM THE CONSTRUCTION

1. Fix at the switchboard a price of 3 mills per kilowatt-hour and split all above the cost to the Government, on a 41-year amortization period, between Arizona and Nevada; power can then be delivered into the power markets at less than 4.5 mills, which is four-tenths mill under anticipated cost, if plants constructed at this time, and 1.5 mills under present cost, according to testimony before the California Railroad Commission.

2. A board of control to be appointed, consisting of three members, one to be appointed by the governor of each of the lower States, to assist the Secretary in the sale of the power and to secure adequate revenue from other sources, the Government to be paid first, then the three States of Arizona, California, and Nevada, to split the remainder between them, California's one-third to apply on the all-American canal until paid for, then to go to reduce the price of power to the purchaser, with suitable readjustment periods.

3. That a board of control be created and the power sold the same as above outlined and reasonable charges made for flood and silt control and irrigation and domestic water, but all the money received to be used to retire the amount expended by the Government at the earliest possible date; then the Government to retain control, and to deduct for operation, maintenance, and depreciation, the remainder to be divided between Arizona and Nevada.

[NOTE.—Whatever agreement is had, to assure Arizona and Nevada of reasonable return through the proposed development of their natural resources, that they be allowed in addition to withdraw, upon reasonable notice, certain blocks of power for use in their own States.]

CONCLUSIONS

1. That the States of Arizona and Nevada should receive an amount from the proposed development at least equal to the benefits that they would receive if this natural resource were developed by private capital, and upon reasonable notice be allowed to withdraw certain amounts of power for use in their own State.

2. That the power developed can be delivered into the available power markets, meeting competitive power costs, guarantee the Government investment and still meet the conditions outlined above, with a margin to spare, considering the set-up from the data gathered from the Weymouth report.

3. That the power can be delivered into the power markets for 4.5 mills, which is 1.5 mills under present plant cost, according to testimony before the California Railroad Commission, and 0.40 mill below anticipated cost, if plants were to be constructed at this time, and amortize the Government investment within from 15 to 18 years, proper charges being made for other benefits, irrigation, domestic water, flood, and silt control.

4. That overwhelming opinion of engineers and men who have studied the fuel situation is that steam electric power will never be produced in the southwestern power markets cheaper than is possible at this time; that the increased cost of fuel and construction costs will offset any decrease from other causes.

5. That it was the opinion of Arizona, California, and Nevada engineers who attended the three-State conference in San Francisco that the Government estimates for the construction of the project were liberal, if proper mehods were employed in prosecuting the work, based on the Weymouth report set-up.

RECOMMENDATIONS

First. That provision be made in any legislation for the States of Arizona and Nevada to benefit from the proposed development, and that provision be made for withdrawal of power upon proper notice for use in their own States, or that provision be made in any legislation to accept the provisions of an agreement between any of the lower States relative to distribution of benefits.

Second. That whatever method is used to provide for or recognize an agreement between the lower basin States relative to water and power, that a board be created as suggested to assist the Secretary in determining proper charges to be made for power, flood and silt control, and irrigation and domestic water storage.

Third. That the charges for power be not made as low as the repayment of Government charges will permit, but that the charges be comparable to and on a competitive basis with available power elsewhere for these markets.

FUEL COSTS AND RELATION TO STEAM-ELECTRIC POWER

Fuel costs are very uncertain, and are the most important variable factor in the steam-electric power set-up.

The southwestern market is at this time controlled by the oil supply, the legitimate price of which is approximately $1 per barrel, and in the judgment of men who have studied the fuel situation coal will begin gradually taking the place of oil in a comparatively short time, and that the change will come rapidly when the cost of oil reaches $1.30 to $1.40 per barrel. Utah is probably the most favored coal supply.

Coal supply

Location:	British thermal units per pound
Colorado	12,800 to 13,800
Utah	11,300 to 13,000
Alaska	13,176 to 14,800
Vancouver Island	11,100 to 13,400

To utilize coal in these markets will require large storage facilities, pulverizing machinery, etc.

Due to the limited oil fields near these power markets the fuel cost will stabilize near the turning point from oil to coal, which is apparently about $1.30 per barrel of oil.

It will be noted from the tables given on page 19 that $0.25 difference per barrel of oil makes approximately 0.5 mill difference in cost per kilowatt-hour, so that it is concluded that the increase in fuel prices will at least offset any reduction in costs that it is possible to make within the next few years.

The ratio of barrels of oil to tons of coal is approximately 4 to 1.

EQUIVALENTS

WATER

One acre-foot of water is that quantity that will cover an area of one acre 1 foot deep.

One second-foot flowing continuously 24 hours equals 1.98, or approximately 2 acre-feet.

One second-foot of water equals 1 cubic foot of water passing a given point every second, equals 7.48 gallons per second, equals 448.83 gallons per minute.

One acre-foot equals 325,850 gallons, or 43,560 cubic feet.

POWER

One second-foot falling 8.81 feet equals one horsepower, 100 per cent efficiency.

One second-foot falling 11 feet equals one horsepower (HP), 80 per cent efficiency (commonly used for estimating purposes).

Load factor is the ratio of the average power to the peak power.

One HP (horsepower) equals 750 kilowatt-hours.

One kilowatt equals 1,000 kilowatt-hours.

Firm horsepower equals installed horsepower multiplied by the load factor.

Three billion six hundred million kilowatt-hours equal 1,000,000 installed horsepower, or 550,000 firm horsepower on 55 per cent load factor.

SUMMARY

Arizona, most feasible project, 229,800 acres, 806,400 acre-feet.

Arizona, total irrigable, 891,000 acres, 2,673,000 acre-feet.

California, most feasible projects, 851,000 acres, 3,620,750 acre-feet.

California, total irrigable, 1,123,000 acres (this item includes 1,000,000 acre-feet for Los Angeles), 5,613,000 acre-feet.

Duty, consumptive use, above Laguna, 4.35 acre-feet.

Duty, consumptive use, below Laguna, 3 acre-feet.

Duty, pumping, head gate diversion, 4 acre-feet.

Duty, pumping, net duty on land, 3.25 acre-feet.

Evaporation, annually exposed surface Boulder Canyon, approximate, 5 depth.

Los Angeles, to get 1,000,000 acre-feet and is included in California's irrigable projects.

Mexico, 200,000 acres, 850,000 acre-feet.

Nevada, most feasible projects, 15,000 acres, 63,730 acre-feet.

Nevada, total irrigable, 80,000 acres, 340,000 acre-feet.

Power, firm horsepower available present time from 550-foot dam of 26,000,000 acre-feet capacity, approximately, 800,000 horsepower.

Power, firm horsepower available with full irrigation development from 550-foot dam and 26,000,000 acre-feet storage, 550,000 horsepower.

Water available for irrigation and domestic use in United States in the lower basin, 8,250,000 acre-feet.

Water available for power, on basis of 26,000,000 acre-feet capacity reservoir, 21,500 second-feet.

Water available for power on basis of full upstream irrigation development, approximately, 13,000 second-feet.

Water available for power on basis of full irrigation development of river with Bullshead or Parker for reregulating purposes, approximately, 13,000 second-feet.

Water, short, for complete lower basin development (this includes the 1,000,000 acre-feet item for Los Angeles), 375,980 acre-feet.

FOREWORD

Due to the widely divergent statements relative to the acreages available for irrigation development in the three lower basin States, the writer has considered it important that all the information available be compiled and collected in such a manner that a perspective of the lower basin irrigation development can be gained without wading through all of the voluminous reports on this subject; and the data is especially pertinent at this time, since the subject of water division will be a vital factor in any agreement reached.

In this brief résumé of the data on the Colorado River an attempt has been made to collect from the various reports—Document 142, Water Supply Paper 556, the Arizona Engineering Commission report, the Weymouth report, and various other reports—certain pertinent data pertaining to acreages, duty of water, consumptive duty, etc.

There are certain projects on which detail surveys are not complete, notably the Gila project in Arizona, and others on which opinions differ widely as to the correct gross and net acreages. Therefore it has been necessary to insert these acreages according to the best information available, with explanatory footnotes.

The writer has been assisted in this work by the following engineers: E. B. Debler, hydraulic engineer, Bureau of Reclamation, Denver, Colo.; R. I. Meeker, special deputy State engineer, Interstate Rivers,

Denver, Colo.; George M. Bacon, State engineer, Salt Lake City, Utah; William Herbert W. Yoe, State engineer, Santa Fe, N. Mex.; John Whiting, State engineer, Cheyenne, Wyo.; Thomas Maddox, member Colorado River Commission, former State engineer, Phoenix, Ariz.; M. J. Dowd, chief engineer Imperial irrigation district, Imperial, Calif.

It is not understood that each of the engineers mentioned agree in every detail with this report, but from data furnished by each of them an attempt has been made to arrive at a fair set-up for the lower basin.

DUTY OF WATER

Gross duty equal total amount diverted from the stream per acre.

Net duty equal total amount delivered to the land per acre.

Consumptive duty equals the amount actually consumed, meaning the difference between the gross amount diverted and the return flow to the stream (see p. 45).

SUMMARY OF WATER-SUPPLY DATA ON COLORADO RIVER

[From pages 101 to 123, United States Geological Survey Water Supply Paper No. 556, Water Supply and Flood Control of Colorado River Below Green River, Utah.]

Values in acre-feet per year

Colorado River at Lee Ferry: Average recorded flow, 1911–1923, computed from records of Green, Grand, and San Juan Rivers, 16,100,000. (Table 2, col. 6, pp. 104–106.)

Colorado River at Lee Ferry: 1911–1923 records extended back to 1895 to include dry cycle, 1895–1906, 15,200,000. (Table 3, col. 6, p. 108.)

Reconstructed River at Lee Ferry: This item is variously estimated at from 16,000,000 to 17,000,000 acre-feet, and, taking into account prior dry periods, it is estimated at even less than 16,000,000, 16,600,000. (Deducted from Table 6, cols. 4 and 5, p. 110.)

Colorado River at Lee Ferry: Corrected for depletion by irrigation, period 1895 to 1922, one complete cycle, 14,350,000. (Table 8, col. 3, p. 112.)

Estimated present consumption, upper Colorado Basin above Lee Ferry, 2,365,000. (Table 6, col. 4, p. 110.)

Estimated future consumption in river flow, upper Colorado Basin above Lee Ferry, 5,470,000. (Table 8, col. 4, p. 112.)

Estimated total present and future consumption in upper Colorado River Basin above Lee Ferry, 7,835,000. (Table 8, col. 4, p. 112.)

Future average yearly river flow at Lee Ferry after deduction of combined present and future water consumption by irrigation in upper Colorado River Basin, 8,880,000. (Table 8, col. 5, p. 112.)

Lower Colorado Basin Co. obligation at Lee Ferry, 7,500,000. (See Colorado River compact.)

COLORADO RIVER BASIN WATER SUPPLY

(Based on long-time mean covering wet and dry cycles. Recorded flow corrected for depletion by irrigation)

The figures represent approximately the total yearly flow of the Colorado River Basin, unreduced by irrigation consumption; in other words, the run-off of the reconstructed river. Upper and lower basin terms fit definitions of same in Colorado River compact, as drafted at Santa Fe, N. Mex., November, 1922.

TABLE 1.—*Total basin water supply*

Reconstructed river	Values in acre-feet	Per cent
Upper Colorado River Basin	16,600,000	84
Lower Colorado River Basin, less evaporation from the Gila River and Colorado River below Black Canyon, 1,500,000	3,100,000	16
Total	19,700,000	100

TABLE 2.—*Colorado River compact allocations*

Compact November, 1922	Values in acre-feet	Per cent
Upper Colorado River Basin	7,500,000	38
Lower Colorado River Basin	8,500,000	43
Unallocated surplus	3,700,000	19
Total	19,700,000	100

NOTE.—The problem of a reconstructed river is a controversial matter and is included here as a fair average of the various opinions. The unallocated surplus is variously estimated between two and five million acre-feet.

TABLE 3.—*Water supply data*

VALUES IN ACRE-FEET

Reconstructed Colorado River at Lees Ferry		16,600,000
Inflow to Colorado River between Lees Ferry and above mouth of Gila River:		
Utah (Kanab, Virgin Rivers)	225,000	
Nevada (Virgin)	75,000	
Arizona (other tributaries)	1,180,000	
	1,480,000	
Evaporation approximately 1,000,000, Black Canyon to Yuma	1,000,000	
		480,000
Reconstructed Gila River:		
New Mexico supply	443,000	
Arizona supply	2,677,000	
	3,120,000	
Evaporation approximately 500,000 on Gila River	500,000	
		2,620,000
Total water resources, Colorado River Basin		19,700,000

TABLE 4.—*Lower Colorado Basin water resources*

VALUES IN ACRE-FEET

Average yearly water supply:	
Utah	[1] 225,000
Nevada	[1] 75,000
New Mexico	443,000
	743,000
Arizona	3,857,000
Total	4,600,000
Evaporation from Black Canyon to Yuma, including Gila River, approximately 1,500,000	3,100,000

NOTE.—Figures for evaporation estimated for normal flow of both Colorado and Gila Rivers.

TABLE 5.—*Arizona water production, Colorado River Basin*

GILA RIVER SYSTEM

Average yearly values in acre-feet:		
Gila River at Kelvin		787,000
Salt River at McDowell		1,470,000
Verde River at McDowell		609,000
Aqua Fria at Glendale		181,000
Hassayampa		23,000
Consumption above gauging stations		50,000
		3,120,000
New Mexico production—		
Gila at Guthrie, Ariz.	244,000	
San Francisco at Clifton	199,000	
	443,000	
Gila system production in Arizona		2,677,000

TABLE 6.—*Summary—Arizona water contribution*

Average yearly values in acre-feet:		
Gila system production		2,677,000
Main Colorado River—		
Little Colorado River	200,000	
Williams River	75,000	
Other tributaries	900,000	
	1,175,000	
Total water production in Arizona		3,852,000

NOTE.—No allowance for evaporation in these figures.

TABLE 7.—*Showing flow of Colorado River*

LOWER COLORADO RIVER FLOW—CLIMATIC YEAR

[Records of United States Geological Survey]

	Lees Ferry	Grand Canyon	Topok	Yuma[1]
1921			21,543,000	19,437,000
1922	16,372,000		18,999,000	17,554,000
1923	16,135,000	[2] 16,965,000	18,175,000	17,056,000
1924	12,462,000	13,012,000	13,839,000	12,819,000
1925	11,300,000	11,800,000	11,700,000	11,827,000
1926	14,000,000	14,400,000	14,300,000	13,835,000

[1] U. S. R. S. station.
[2] Oct. 1 to Nov. 11 estimated from Lees Ferry record.

NOTE.—There is some question of the reliability of the Topok measurements and the fact that it is a new station is to be considered.

TABLE 8.—*Evaporation amounts in acre-feet annually*

With adequate storage on lower Colorado River, such as Boulder Canyon with 26,000,000 storage, supplemented by small reservoir at Bullshead or Parker, water supply available from Colorado River would be fully conserved.

The first draft on this supply will be reservoir evaporation, the following list indicating the most likely arrangement and losses therefrom, giving elevation water surface:

	Acres
Lees Ferry (Glen Canyon) Dam, 3127–3513, average reservoir area	50,000
Power dams, Glen Canyon-Havase, average reservoir area	20,000
Bridge Canyon, 1207–1773, Havase, average reservoir	15,000
Boulder (Black) 645–1197, Havase, average reservoir	95,000
Bullshead, 502–645, Havase, average reservoir	21,000
Parker, 358–457, Havase, average reservoir	39,000
Total area	240,000
Average loss in addition to losses occurring under present conditions, feet depth	3.5

[1] Virgin Gila.

MEXICAN USES

The above supply contemplates upstream development which will very closely correspond to anticipated flow at Lees Ferry under compact in critical period, but average flow remains sufficient so that Mexican allotment would entirely have to be supplied from this equaled flow. In the absence of Mexican treaty it is being assumed Mexico will be awarded sufficient water for 200,000 acres, requiring, at 4.25 acre-feet per year, 850,000 acre-feet.

Total supply after full development of upper basin

Mean flow at Lees Ferry		8,880,000
Average gain to Boulder Canyon		1,460,000
River losses below Boulder Canyon	400,000	
Evaporation on developed river below Lees Ferry, 240,000 acres at 3.5 depth	840,000	
Mexico, 200,000 acres duty, 4.25	850,000	
		2,090,000
Total available supply for use in the United States below Lees Ferry		8,250,000

Evaporation over exposed surface at Boulder approximately 5 feet depth annually.

TABLE 9.—*Consumptive use and duty of water, Arizona and California projects, Colorado River*

[Values in acre-feet]

	Gravity		Pumping	
	Above lag. cons. use	Below lag. cons. use H. G. diversion	H. G. diversion	Net duty on land
Senate Document 142, Problem of Imperial Valley and vicinity, p. 38	3.00	4.4	3.5	3.3
Weymouth Report, United States Reclamation Service on Colorado River, vol. 3, p. 160, Inc. Chucawalla		4.0	4.5	3.0
All-American Canal, Mead, Schlecht & Grunsky, p. 35		4.44		3.33
Bulletin 6, Irrigation Requirements of California, p. 184		4.0	4.44	3.0
Report of Arizona Engineering Commission on Arizona Land Irrigable from the Colorado River		[1] 4.0		3.0
Water Power and Flood Control, Water Supply 556	3.00	4.5	4.5	3.38
Average	3.00	4.35	4.00	3.25

[1] 4.0 acre-feet duty on basis of lined canal and tunnel which would require a somewhat lower duty with unlined canals.

Average as noted is assumed for calculations in this report.

NOTE.—The average duty is obtained as noted for the reason that practically every investigation has developed somewhat different amounts and it is desirable to arrive at some figure to be used comparable with the various results.

TABLE 10.—*Most feasible projects in California and Arizona*

(Net for United States irrigation use. Required for projects under way and projects not under way, but of most feasible character)

Project	Area		Water		Acre-feet
	Arizona	California	Arizona	California	
Bullshead	500		1,500		1,500
Hardyville	2,300		6,900		6,900
Mohave Valley	24,000		72,000		72,000
Parker Valley [1]	110,000		330,000		330,000
Palo Verde		79,000		237,000	237,000
Yuma	93,000	15,000	396,000	63,750	459,750
Imperial Valley [2]		685,000		3,014,000	3,014,000
Coachella Valley [3]		72,000		306,000	306,000
Total	229,800	851,000	806,400	3,620,750	4,427,150

[1] Indian project.

[2] All American with Coachella Valley pumping area and West Side Mesa omitted.

[3] Coachella Valley 72,000 acres includes only gravity lands according to later surveys information furnished by Imperial Irrigation District.

NOTE.—Nevada's gravity lands, 11,000 acres—46,750 acre-feet.

NOTE.—Nevada feasible acreage, 15,000 acres—63,730 acre-feet.

TABLE 11.—*Future water-supply conditions in lower Colorado River*

UPSTREAM DEVELOPMENT

Extent of development in upper basin assumed as in Weymouth report of February, 1924, which was also used as basis for water-supply computations by LaRue in W. S. Paper No. 556, except that there has been added power development in Colorado River in Dark Canyon (a short distance below mouth of Green River), as indicated on page 796 (vol. 6) of the hearings on Senate Resolution 320, Sixty-ninth Congress, first session.

LOWER BASIN DEVELOPMENT

Development on tributaries below Lees Ferry has been assumed as indicated in the Weymouth report of February, 1924. The plan for river regulation below the mouth of Green River has been assumed as indicated on page 796 of the hearings on Senate Resolution 320, Sixty-ninth Congress, first session. At and above Bridge Canyon, Ariz., the arrangement of dams would correspond to that on Plate 3, W. S. Paper No. 556.

Below Bridge Canyon the following dams would be built:

Dam	Present river surface	Maximum water surface behind dam
Boulder	645	1,197
Bullshead	502	645
Parker	358	457

TABLE 12.—*Gains and losses in acre-feet*

Year	Lees Ferry to Topok	Topok to Laguna	Lees Ferry to Laguna
1922	+2,627,000	−1,445,000	+1,182,000
1923	+2,040,000	−1,119,000	+921,000
1924	+1,377,000	−1,020,000	+357,000
1925	+400,000	+127,000	+527,000
1926	+300,000	−465,000	−165,000
Average	+1,349,000	−784,000	+565,000

Present loss from Boulder Canyon to Topok estimated at 300,000 acre-feet annually, making flow at Boulder Canyon 1,650,000 acre-feet greater than at Lees Ferry. This gain will be reduced to 1,460,000 acre-feet with future developments on Little Colorado, Virgin River, etc. (See p. 18, vol. 3, Weymouth Report of February, 1924.) This estimate of depletion compares with estimate of 260 second-feet (188,080 acre-feet) by Larue (see bottom p. 119, W. S. Paper No. 556).

The present average annual loss from Boulder Canyon to Leguna Dam is 865,000 acre-feet. Future losses through the Mohave, Parker, and Palo Verde Valleys are accounted for under consumptive irrigation uses, thus making present losses in these localities available for beneficial use. These losses are estimated at 2.5 acre-feet per acre for 200,000 acres, or 500,000 acre-feet annually, leaving a future loss from seepage, undeveloped areas, and undeveloped river channel of roughly 400,000 acre-feet.

TABLE 13.—*Water supply*

		Acre-feet
Mean flow at Lees Ferry		8,880,000
Average gain to Boulder Canyon		1,460,000
Total available from Colorado River		10,340,000
Reservoir and river losses—		
Reservoir evaporation, average exposed area of reservoirs from Glen Canyon to Parker, inclusive, 240 Canyon, to Parker, inclusive, 240,000 acres. Average rate of loss in excess of present losses, 3.5 feet.		
	Acre-feet	
Average annual loss	840,000	
River losses below Boulder Canyon	400,000	
Total nonbeneficial uses		1,240,000
Balance for beneficial uses		9,100,000
Mexico, estimated, 200,000-acre duty	4.25	850,000
Total for use in United States		8,250,000

TABLE 14.—*Source of Colorado River waters available for lower basin under future conditions*

		Acre-feet
Gain, Lees Ferry to Boulder Canyon		1,460,000
Less loss, Boulder Canyon to Laguna Dam		400,000
Net gain, Lees Ferry to Laguna Dam		1,060,000
	Acre-feet	
Contributed by New Mexico (Little Colorado system)	50,000	
Contributed by Utah (Virgin River, Kanab Creek, etc.)	100,000	
Contributed by Nevada	20,000	
		170,000
Net inflow creditable to Arizona		890,000

SUMMARY

	Acre-feet
Contributed by upper basin	8,880,000
Contributed by Utah	100,000
Contributed by Nevada	20,000
Contributed by New Mexico	50,000
Contributed by Arizona	890,000
Net supply (for reservoir evaporation and beneficial uses)	9,940,000
Reservoir losses (largely in Arizona)	840,000
Mexico, estimated 200,000-acre duty, 4.25 [1]	850,000
Net supply for beneficial use in United States	8,250,000

[1] There is some question whether or not the water finally allotted Mexico should all come from the main stream or should be furnished by the entire lower stream system. If the latter should be the case, it would have more water to be allotted the States from the main stream.

TABLE 15.—*Colorado River projects below Boulder Canyon Reservoir*

Project and tract	Average pumping lift	Irrigation area	Acre-feet (acre)	Total acre-feet	Arizona		California	
					Irrigation area	Consumptive use	Irrigation area	Consumptive use
Bullshead to Mohave Valley	80 feet	9,000	3.0	27,000	9,000	27,000		
Mohave Valley	None	25,000	3.0	75,000	24,000	72,000	1,000	3,000
Parker Reservation	None	104,000	3.0	312,000	104,000	312,000		
Parker-Gila Valley project:								
Parker Valley	None	12,000	3.0	36,000	12,000	36,000		
Blythe area	None	50,000	3.0	150,000			50,000	150,000
Palo Verde Mesa	None	12,000	3.0	36,000			12,000	36,000
Do	90 feet	43,000	3.0	129,000			43,000	129,000
Chucawalla Valley	90 feet	136,000	4.35	592,000			136,000	592,000
Gila Valley	235 feet	632,000	3.0	1,896,000	632,000	1,896,000		
Palo Verde Valley	None	79,000	3.0	237,000			79,000	237,000
Cibola Valley	None	16,000	3.0	48,000	16,000	48,000		
Miscellaneous tracts	25 feet	3,000	3.0	9,000	2,000	6,000	1,000	3,000
Yuma project (valley)	None	64,000	3.0	192,000	48,000	144,000	16,000	48,000
Yuma project (mesa)	72 feet	44,000	3.0	132,000	44,000	132,000		
Imperial irrigation district	None	515,000	4.35	2,240,000			515,000	2,240,000
All-American Canal	None	211,000	4.35	918,000			211,000	918,000
Do	80 feet	59,000	4.35	257,000			59,000	257,000
City of Los Angeles				1,000,000				1,000,000
Total		2,014,000		8,286,000	891,000	2,673,000	1,123,000	5,613,000

NOTE.—Nevada lands available for irrigation:

	Acres	Acre-feet
Gravity	11,000	46,750
Pump	69,000	293,250
Total	80,000	340,000

NOTE.—According to later surveys, by Imperial Valley, additions California lands:

	Acres
West side	10,000
West Mesa	23,000

TABLE 16.—*Most feasible acreage*

State	Acres	Acre-feet
California	851,000	3,620,750
Arizona	229,800	806,400
Nevada	15,000	63,730
Total	1,095,800	4,490,880

TABLE 17.—*Total irrigable acreage*

State	Acres	Acre-feet
California	1,123,000	[1] 5,613,000
Arizona	891,000	2,673,000
Nevada	80,000	340,000
Total	2,094,000	8,626,000

[1] Includes 1,000,000 acre-feet domestic water.

TABLE 18.—*Average discharges of principal tributaries*

(S. Doc. 142)

	Per cent of total discharge	Discharge in acre-fee	Square miles	Per cent of tota area	Acre-feet per square mile
Green River	32	5,510,000	44,000	18	125
Upper Colorado (Grand River)	40	6,940,000	26,000	10	267
San Juan River	14	2,700,000	26,000	10	104
Other areas except Gila	8	1,560,000	91,000	39	16
Gila	6	1,070,000	57,000	23	19
Total	100	17,780,000	244,000	100	70

TABLE 19—*Drainage basin, area by States*

(S. Doc. 142)

	Square miles
Wyoming	19,000
Colorado	39,000
New Mexico	23,000
Arizona	103,000
Utah	40,000
Nevada	12,000
California	6,000
Area in United States	242,000
Area in Mexico	2,000
Total	244,000

TABLE 20—*Drainage basin, area by basins*

(S. Doc. 142)

	Square miles
Green River	44,000
Upper Colorado (or Grand River)	26,000
San Juan River	26,000
Fremont River	4,600
Paria	1,400
Escalante	1,800
Kanab	2,200
Little Colorado	26,000
Virgin	11,000
Miscellaneous	44,000
Gila	57,000
Total	244,000
Area including San Juan and all above	108,000
Above Boulder Canyon and below mouth of San Juan	53,000
Below Boulder Canyon and above Gila	24,000
Gila River Basin	57,000
Total	242,000

CONCLUSIONS

First. That with the contemplated storage at Boulder Canyon of 26,500,000 acre-feet there is water available for more than the acreage, feasible of irrigation at this time, including 1,000,000 acre-feet for domestic use.

Second. That with the contemplated storage at Boulder Canyon there will be a shortage of water in the lower basin for full irrigation development after full development above Lees Ferry; this shortage, estimated, will amount to 376,000 acre-feet, or 86,400 acres, after supplying 1,000,000 acre-feet for domestic use.

GEO. W. MALONE,
State Engineer, Nevada, Secretary Colorado River Commission.

BOULDER CANYON—COLORADO RIVER DEVELOPMENT—UNITED STATES SENATE COMMITTEE HEARINGS, IRRIGATION AND RECLAMATION COMMITTEE, WASHINGTON, D. C., JANUARY 20, 1928.

Part 2—Water set-up

(Statement and cross-examination by PHIPPS, JOHNSON, HAYDEN, and PITTMAN)

EQUIVALENTS

WATER

One acre-foot of water is that quantity that will cover an area of 1 acre 1 foot deep.

One second-foot flowing continuously 24 hours equals 1.98, or approximately 2 acre-feet.

One second-foot of water equals 1 cubic foot of water passing a given point every second, equals 7.48 gallons per second equals 448.88 gallons per minute equals 1 acre-foot, equals 325,850 gallons, or 43,560 cubic feet.

POWER

One second-foot falling 8.81 feet equals 1 horsepower, 100 per cent efficiency.

One second-foot falling 11 feet equals 1 horsepower, 80 per cent efficiency (commonly used for estimating purposes).

Load factor is the ratio of the average power to the peak power.

One horsepower equals 0.75 kilowatt-hour.

One kilowatt equals 1,000 watt-hours.

Firm horsepower equals installed horsepower multiplied by the load factor.

Three billion six hundred million kilowatt-hours equal 1,000,000 installed horsepower or 550,000 firm horsepower on 55 per cent load factor.

Whenever a charge of mills per kilowatt-hour is mentioned in this report, it means mills per kilowatt-hour on 3,600,000,000 kilowatt-hours per year; $500,000 additional income equals 0.14 mills per kilowatt-hour on 3,600,000,000 kilowatt-hours per year in this set-up.

One mill per kilowatt-hour on 3,600,000,000 kilowatt-hours equals $3,600,000 per year.

One mill equals one-tenth of 1 cent.

FOREWORD

Some doubt may arise in the minds of those not entirely familiar with the Colorado River situation as to the exact position taken by the Nevada Colorado River Commission.

The Nevada commission, F. B. Balzar, chairman; George W. Malone, State engineer and secretary of the commission; Charles P. Squires, Roy W. Martin, E. W. Clark, and Charles B. Henderson, are entirely in accord with the fundamental principles outlined on page 1, upon which the following statement and cross-examination are hinged.

The writer acted as chairman of the San Francisco three-State conference, held December 1-18, 1927, subsequent to the Denver seven-State conference, and the statement as outlined in this transcript conforms to the results obtained at that time.

The three-State conference was attended by the following power experts, in addition to the State commissions: For California, E. S. Scattergood, of the Los Angeles Light & Power Co., and L. S. Ready, of San Francisco; for Arizona, Charles Cragin, chief engineer of the Salt River project, and B. F. Jacobsen, of Los Angeles; for Nevada, H. W. Crozier, of San Francisco.

Our commission employed H. W. Crozier, power expert of San Francisco; Thomas R. King, of King & Malone, engineers, Reno, Nev.; and Stanley Palmer, head of electrical engineering, University of Nevada, as a board to work with power experts representing other State commissions in arranging a feasible financial set-up.

A report has been made on the power and water set-up of the lower basin, based on the results of the San Francisco conference; the following statement is taken from it. This report was submitted for the record of the United States Senate, Committee on Irrigation and Reclamation, January 20, 1928.

In Secretary Work's letter to Congress of December, 1926, he pronounced the project feasible by collecting only $1,500,000 per year from other service flood and silt control and irrigation and domestic water, and that the project could repay the Government investment under 25 years, and, including a 9-year absorption period, would make a total of 34 years from the date of completion of the project until the Government would be repaid.

Under the proposed legislation 50 years is allowed after completion of the project, including the 9-year absorption period, which leaves 41 years to repay the initial investment instead of 25 years.

Amortization, 25 equal payments	$5,000,000
Amortization, 41 equal payments	3,048,780
Total	1,951,220

The difference in annual payments between 25 and 41 equal payments is approximately $1,950,000. This amount would be available on the Secretary's own set-up, changing nothing but the amortization period, and could be diverted either to the States or to amortize the Government investment in a much shorter period.

This does not take into account revenues above $1,500,000 from other than power sources, which a study of the situation seems to justify.

A copy of the report on the power and water set-up can be secured by addressing George W. Malone, State engineer, Carson City, Nev.

It is not to be assumed that Nevada has taken an arbitrary position in these matters, but has submitted her statement, power report, conclusions, and recommendations as a basis to work out legislation, incorporating such principles as the committee may consider advisable.

NEVADA'S RECOMMENDATIONS AS OUTLINED IN DETAIL IN TESTIMONY AND REPORT SUBMITTED

First. That Nevada and Arizona should benefit from the proposed development, at least to the extent that she would benefit if developed by private capital, second only to Government payments and any reasonable reserve.

Second. That the power be not sold as low as the repayments to the Government will permit, but should be sold at a competitive figure comparable with the cost of power available elsewhere for these markets.

Third. That arrangements be made for the sale of the power, so that fair offers may be had and that legitimate bidders be not handicapped.

Fourth. That suitable readjustment periods be arranged for the power charges per kilowatt-hour, and also for the proper charges for other service rendered.

Fifth. That proper charges be made for other service rendered—flood contol, silt control, irrigation-water storage, and domestic-water storage.

Sixth. That the States shall have the right to withdraw, upon proper notice, certain blocks of power to be used within their own State.

Seventh. That a board be arranged for from the three lower States to assist the Secretary of the Interior, or any agency supervising the sale of the power and other service rendered, in an advisory capacity to fix the proper charge per kilowatt-hour for power and proper charges for other service rendered.

Eighth. That an attempt be made to equalize in some manner between the three States the benefits from reclamation financing.

Ninth. That after the Government advancement is entirely repaid the benefits from this development accrue to the States.

We are convinced that if the above recommendations are carried out the project is economically sound and will support legislation containing these provisions.

There will be benefits from this enterprise; whether or not Congress recognizes that fact is beside the qeustion. If they do not recognize it, they will all accrue to the particular projects being financed in the set-up. If they do recognize it, then in the event the benefits are sufficient, the two States who own the site may benefit. (P. 43, cross-examination.)

AFTER RECESS

The hearing was resumed at 2 o'clock p. m., pursuant to recess.

The CHAIRMAN. The committee will come to order, please. I have a letter from the Governor of Nevada, which I will read, addressed to the chairman of the committee:

Hon. LAWRENCE C. PHIPPS,
Chairman Senate Committee on Irrigation and Reclamation,
Washington, D. C.

MY DEAR SIR: This will advise you that Hon. George W. Malone, State engineer of Nevada, will act as my personal representative, and also as chairman of Nevada's Colorado River Commission at the hearing before the committee on the Swing-Johnson bill relating to the construction of the Boulder Canyon Dam or any other bills affecting the Colorado River.

Any courtesy extended to him and his fellow members of our commission will be appreciated by the writer.

Very truly yours,

F. B. BALZAR,
Governor of Nevada.

Mr. Malone, are you ready to proceed?

Mr. MALONE. Yes, sir.

STATEMENT OF MR. GEORGE W. MALONE, STATE ENGINEER OF NEVADA AND SECRETARY OF THE COLORADO RIVER COMMISSION

Mr. MALONE. Mr. Chairman and members of the Committee, our governor, F. B. Balzar, desires me to say that he regrets his inability to appear before your committee and, further, that Nevada is for the development of the Boulder Canyon project, providing a way can be found to deal fairly with the interested States.

Our State has expended considerable time in the preparation of data, reviewing both the water and power set-ups, and they are submitted with the hope that the situation may be somewhat clarified.

I acted as chairman of the three-State conference at San Francisco, held subsequent to the Denver seven-State conference, and the power report submitted herewith is in line with the results obtained at that time.

The Nevada-Colorado River Commission is ready and willing to negotiate with Arizona and California for the purpose of forming an agreement relative to the water and power situation on the Colorado River at this or any other time.

Our commission desires to see each of the States in the Colorado River Basin treated fairly and will recommend that our Senators and Congressmen support any legislation that in our judgment accords such treatment.

Nevada has claimed 300,000 acre-feet of water to be used within her borders, and Arizona and California have always conceded her right to that amount. She could no doubt use more water than is claimed if allowed an unlimited period for development, but is only claiming what she thinks can be used within a reasonable time, and both States have conceded her claim.

SUMMARY OF POWER SET-UP ON LOWER COLORADO RIVER

Costs given in mills mean mills per kilowatt-hours on 3,600,000,000 kilowatt-hours per year, corresponding to 1,000,000 installed horsepower, or 550,000 firm horsepower on 55 per cent load factor. Annual charges include depreciation operations and maintenance in all cases. I will read the summary of results relative to power, and will request that the reports on both the water and power set-up be placed in the record.

Item:	Cost
Dam, including interest during construction	$55,000,000
Power plant, including interest during construction	35,000,000
Transmission line, including interest during construction	50,000,000
All-American canal, including interest during construction	35,000,000
Annual cost, including interest and amortization, 41-year period, including dam, power plant, and all-American canal (9-year absorption period equal to 50 years)	7,712,000

	Mills per kilowatt-hour
Power cost at switchboard, including dam and power plant, including interest and amortization 41-year period (full period 50 years)	1.511
Power cost at switchboard, same basis, and including dam, power plant, and all-American canal, corresponds to 7,712,000 annual charges	2.140
Power cost at switchboard, same as above, including dam, power plant, and transmission line	2.671
Power cost delivered in market, including dam, power plant, and transmission line	3.040
Power cost in markets, including dam, power plant, and all-American canal interest only, including transmission line	3.323
Power cost delivered in market, including dam, power plant, all-American canal as present proposed legislation, including transmission line	3.751
Steam-electric power cost at market, based on $1 per barrel fuel oil, 60 per cent load factor, 25-year amortization period, and $110 per installed kilowatt-hour, including transmission	4.89

There has been considerable talk of possible deficit during the absorption period, or during the time estimated that all of the power will be taken up by the markets, following the construction period.

Interest during construction is included in the original estimate, then nine years are allowed for the full amount of 550,000 firm horsepower to be marketed; this power is made up of units, to be constructed as needed, and the interest on original investment and operation and maintenance only will be paid during this period, then the last 41 years, making a total of 50 years, the original investment will be repaid in 41 equal installments.

We estimate in our power set-up that the total amount of power will be absorbed by the markets within six years, and on that basis there would be no deficit; it is estimated by some a much shorter time; but if by any chance it took a longer period, the deficit, if any, would have to be made up before the States could benefit.

CONCLUSIONS AND RECOMMENDATIONS

First. That the States of Arizona and Nevada should receive an amount from the proposed development at least equal to the benefits that they would receive if this natural resource were developed by private capital, and upon reasonable notice be allowed to withdraw certain amounts of power for use in their own State.

Second. That the power developed can be delivered into the available power markets, meeting competitive power costs, guarantee the Government investment, and still meet the conditions outlined above, with a margin to spare, considering the set-up from the data gathered from the Weymouth report.

This Weymouth report compiled all the data up to date, and in addition secured an enormous amount of detailed data and made estimates at an approximate cost to the Government of $400,000, and is the last word in the Government reports.

Senator JOHNSON. Is that the unpublished report we have?

Mr. MALONE. Yes; that is the unpublished report.

Senator JOHNSON. That the Senator and I have been trying to get printed as a public document, but, because of the cost, they denied it. That is your understanding, Senator?

Senator ASHURST. That is true, Senator.

Mr. MALONE. I will say that Nevada spent about $500 copying it for themselves.

Third. That the power can be delivered into the power markets for 4.5 mills, which is 1.5 mills under present plant cost, according to testimony before the California Railroad Commission, and .40 mill below anticipated cost, if plants were to be constructed at this time, and amortize the Government investment within from 15 to 18 years, proper charges being made for other benefits, irrigation, domestic water, and flood and silt control.

Fourth. That overwhelming opinion of engineers and men who have studied the fuel situation, is that steam-electric power will never be produced in the southwestern power markets cheaper than is possible at this time; that the increased cost of fuel and construction costs will offset any decrease from other causes.

Fifth. That it was the opinion of Arizona, California, and Nevada engineers, who attended the Three-State Conference in San Francisco, that the Government estimates for the construction of the project were liberal, if proper methods were employed in prosecuting the work, based on the Weymouth report set-up.

RECOMMENDATIONS

That provision be made in any legislation for the States of Arizona and Nevada to benefit from the proposed development and that provision be made for withdrawal of certain blocks of power upon proper notice for use in their own States, or that provision be made in any legislation to accept the provisions of an agreement between any of the lower States relative to distribution of benefits.

PROBLEMS BEFORE COMMITTEE

In this great development there is an infinite number of important questions any one of which can be discussed at great length.

In the construction of any great project to control floods and silt and in the marketing of the power to return the investment, practically every problem that can be imagined will arise, and each a subject that would in its proper place be interesting discussion.

We have therefore read and endeavored to digest all of the reports, hearings, etc., to be found on this subject and have collected and correlated what in our opinion are pertinent to any development on the lower river.

You are interested as a committee to pass on any suggested legislation in the following five particulars:

First. Whether or not any development should be made by the Government on the lower Colorado River.

Second. Location of site best suited to the requirements.

Third. Cost of project.

Fourth. How best to arrange the financial set-up for the least ultimate cost to the Government.

Fifth. The States' interest in the development.

GOVERNMENT DEVELOPMENT

The flood and silt menace on the lower Colorado is a terrific problem. Floods will ruin the Imperial Valley and Yuma lands faster on occasion but not any more surely than continual heavy silt deposits.

It is the policy of the Government to assist in every possible way in serious flood-control problems, and incidentally in this case silt coming down the river in the future will be controlled.

Among the incidental benefits occurring by virtue of this development will be the reclaiming of large areas in both Arizona and California and a comparatively small acreage in Nevada, the supplying of domestic water for southern California cities, and development of power to assure the return of the investment, and since there are seven States interested in the problems they will require the services of a disinterested agency.

LOCATION OF SITE

A storage site to include the necessary benefits should have—

First. Capacity of twenty to twenty-five million acre-feet located below important tributaries.

Second. Located as near as possible to place of use of water and economic distance for transmission of power.

Third. High enough to develop sufficient power to pay the cost.

There are three sites that fulfill a part of the requirements:

"Topok, Glen Canyon, and Boulder or Black Canyon."

Topok has sufficient capacity, is below all tributaries not otherwise being controlled, and the construction cost is comparable with other sites, but it would necessitate moving several miles of railroad in difficult country and inundating the town of Needles, and it has been pronounced not practicable to make these changes, and it is not high enough to develop power to pay construction.

Glen Canyon has sufficient capacity, but even if construction costs were comparable, it is located above the Little Colorado River, whose waters can not be economically controlled on the stream itself, and the increased distance over which irrigation water would necessarily have to be regulated would cause an appreciable increased loss, and it is not within economic transmission distance of the power markets, thus definitely eliminating the project from returning the investment through the sale of power.

Boulder or Black Canyon is below all principal tributaries not otherwise capable of being economically controlled, has sufficiently capacity for flood control, and the power market is within economic distance.

COST

The cost of the project is estimated to be $125,000,000, including interest, during construction, including dam, power plant, and all-American canal.

This estimate is set up by Government engineers after the expenditure of nearly $400,000 in careful detail surveys, including foundation investigations, and these estimates were checked by Mr. Hill and Mr. Wiley, two of the most widely known consulting engineers on the Pacific coast. There can be no doubt of their ability and integrity. These results are set up in very great detail in the Weymouth report, a Government document of eight volumes.

FINANCIAL SET-UP

The power set-up for the Boulder project shows by this method that the Government advancement can be returned within a reasonable time. This is shown in detail in the report.

STATES' INTEREST

California's interest is, of course, in the fact that the power, domestic water, and a large portion of the water for irrigation are used to develop her State, and that the floods and silt will be controlled.

Arizona's interest is that a large portion of the water will go to develop her State. The records show that she has 891,000 acres to be developed through this project, and that her natural resource is being utilized by this development, and also that the floods and silt will be controlled with reference to the Yuma project. I understand that the Government is at this time financing the levee work.

Nevada's interest is that she has a very small amount of land, approximately 80,000 acres, that may be irrigated, and that she may obtain cheap power near the development; this will also obtain in Arizona; however, this is limited, because when small blocks of power are transmitted any distance, transmission costs make it an uneco-

nomic procedure; and that her natural resource is being utilized for the development of this project.

Nevada has only one other site, Bullshead, where a small amount of power can be generated in the future; this site is below Boulder Canyon.

She is convinced that if the site were not taken for this purpose that it would be developed, and that it would then become part of the wealth of the State.

The commissions of the seven States have agreed upon one point and that is that Nevada and Arizona should benefit from the development by virtue of the site being located within their borders; it is only left to determine the method by which this can be accomplished

Nevada has never contended that the Government is bound to allow her anything for the use of this site, but in the event profits are made from this development, Congress has the right to direct where they shall go, and, in justice, who would have a better right to participate in these benefits than the States within whose borders the site is located?

Our only request, then, is that arrangements be made whereby proper charges can be made for the service rendered—flood control, silt control, and irrigation and domestic water storage—and that this be added to the income from power and that the States of Arizona and Nevada participate in the excess over the payments due the Government, and that the charges for power be not made as low as the repayments to the Government will permit, but low enough to successfully compete with power from other sources. We believe that a supervisory board could be created from the three States to assist the Secretary of the Interior in determining where these charges shall be fixed.

SUGGESTIONS TO FORM BASIS OF POWER AGREEMENT BETWEEN THREE LOWER STATES

First. Fix at the switchboard a price of 3 mills per kilowatt-hour and split all above the cost to the Government on a 40-year amortization period between Arizona and Nevada. Power can then be delivered into the power markets at less than 4.5 mills, which is four-tenths mill under anticipated cost if plants were to be constructed at this time, and 1.5 mills under present cost, according to testimony before the California Railroad Commission.

Second. A board of control to be appointed, consisting of three members, one to be appointed by the governor of each of the lower States to assist the Secretary in the sale of the power and to secure adequate revenue from other sources, the Government to be paid first; then the three States of Arizona, California and Nevada, to split the remainder between them, California's one-third to apply on the all-American canal until paid for; then to go to reduce the price of power to the purchaser, with suitable readjustment periods.

Third. That a board of control be created and the power sold the same as above outlined, and reasonable charges made for flood and silt control and irrigation and domestic water, but all the money received to be used to retire the amount expended by the Government at the earliest possible date; then the Government to retain control and to deduct for operation, maintenance, and depreciation, the remainder to be divided between Arizona and Nevada.

Whatever agreement is had, to assure Arizona and Nevada of reasonable return through the proposed development of their natural resources; that they be allowed, in addition, to withdraw, upon reasonable notice, certain blocks of power for use in their own States.

At the San Francisco conference held in November and December, 1927, the three lower States were represented by engineers as well as their respective commissions, and at that time, after thoroughly investigating the power set-up, the California commission made a definite offer of $700,000 annually to each of the States of Arizona and Nevada. This amounts to practically four-tenths mill per kilowatt-hour, and some members of the Arizona delegation indicated that they would recommend that 1,080,000 for each, amounting to six-tenths mill per kilowatt-hour be accepted, with a provision that the two States be allowed to participate in any excess over that amount; this was closer than ever before to an agreement.

When it became evident that we would not close at that time I, as chairman, on December 18, wired the four upper State governors, suggesting that they do nothing to oppose the legislation until we had an opportunity to continue the conference in Washington, where we could confer with the congressional committee and the heads of departments and formulate some plan satisfactory to Congress; we are ready and willing to do this now.

In closing, will again say that we believe that Congress has the right to determine where the benefits from this development shall go, and we believe that proper charges should be made for service rendered in addition to the income from power and that the charge for this power should be comparable to available power elsewhere for these markets and that the two States should benefit, coming second only to the Government payments.

Nevada is convinced that the development is economically and physically sound if proper care and supervision is exercised in the following particulars:

First. That charges be made for power comparable to available power elsewhere for these markets.

Second. That the charges now made and expended for flood control be diverted to amortize the Government investment on the dam, as these expenditures become unnecessary by reason of the flood-control works.

Third. That the assessments now made and expended on cleaning canals and ditches be diverted to amortize the Government investment, as this work becomes unnecessary by reason of silt-control works.

Fourth. That a proper charge for irrigation storage be made on the three or four hundred thousand acres of new land receiving water by virtue of this development when it is able to support such charge.

Fifth. That a proper charge be made for water stored for domestic purposes for southern California cities when this water is utilized.

Sixth. That a board be created to assist the Secretary of the Interior in the determination of these charges.

In the report herewith submitted for the record all of these questions are taken up in detail, and we are ready to discuss them at any time.

The Nevada Commission will recommend the support of legislation that—

First. Takes into account a fair distribution of benefits accruing from this development, coming second only to the Government payments.

Second. Three hundred thousand acre-feet of water for Nevada.

Third. Right to withdraw, upon proper notice, certain blocks of power for use within the State.

These items may or may not be mentioned specifically in the legislation, but may be handled in the manner that the judgment of this committee may direct.

The 300,000 acre-feet of water has already been agreed to by both Arizona and California.

The CHAIRMAN. Mr. Malone, you spoke of the estimated cost of the dam and appurtenant structures supposed to be erected at Black Canyon. What is your own personal view as to the adequacy of the estimates? Are you prepared to express an opinion as to whether or not the $125,000,000 should be sufficient for this purpose?

Mr. MALONE. I will say in answer to that, Senator PHIPPS, that the only way anyone could check estimates would be by the expenditure of an enormous amount of money. The detail surveys that have been made on the Colorado River no one, I believe, questions—in other words, the capacity of the reservoirs, the height of the dam to do the necessary regulatory work, the distance across to be covered by the dam. In other words, the volume, etc., of the material for the dam no one questions.

The CHAIRMAN. And the possibilities for adequate foundations?

Mr. MALONE. That I am coming to. The foundation has been drilled, has been investigated, just as we would do it. Nearly all engineers have done some of that work. There is always an element of uncertainty, but in your estimates, whatever elements of uncertainty there were, the engineers were careful to allow for contingencies. I assume that this has been done. I have the highest regard for Mr. Weymouth, who is now in Mexico for the J. G. White Co., on the same kind of work, building dams for reclamation projects, and I have no reason to doubt he has made these allowances. Then, again, Mr. Hill and Mr. Wiley have checked them, and, as I say, the only way to go back of that is to spend an enormous amount of money, which none of us are prepared to do, and unless you did that your opinion is worth as much as mine as to whether he has done the thing properly or not.

The CHAIRMAN. Given a dam structure 550 feet in height, what would be about low water?

Mr. MALONE. Approximately 400 feet above the stream bed.

The CHAIRMAN. At what point in elevation or height of the dam would the water be taken out for the production of hydroelectric power and for irrigation?

Mr. MALONE. Well, that will vary, Senator; it may be the maximum height in case floods filled it to that particular point or the draught had not been such as to keep it down, or it may be the minimum height. I will not say what the minimum is definite, but I think the range is 400 feet to 540 feet.

The CHAIRMAN. That is really what I was trying to arrive at—the minimum at which water would be taken out.

Mr. MALONE. Approximately 400 feet.

The CHAIRMAN. If it were taken out at that elevation, it would not be taken out at that point when the dam was full or at the highest point.

Mr. MALONE. No.

The CHAIRMAN. It would be taken out at different points, depending on the amount of water impounded. Now, with flood control would there be conflicts? Would it be necessary, in order to assure flood control at all times, to take it out from a lower level than the approximate 400 feet?

Mr. MALONE. It would not. There is about eight or ten million acre-feet capacity estimated necessary for flood control. Now, it would be necessary, probably, during the period when floods would be liable to come down at any time, to keep that somewhat below the high-water mark, but it depends entirely on the time it would take water from

certain tributaries to reach the dam, certain floods to reach the dam, and the speed at which it could be emptied in case floods started to come down, and it has been computed, the records will show, that taking care of the condition you mentioned, that the water can be so regulated to develop the 550,000 firm horsepower. In other words, if the elevation of the water surface was 450 feet instead of 540 feet, it would simply take more water to generate the same amount of power at that height.

Therefore, it has been computed that over a long term of years, with that volume of storage, that your storage capacity and water is ample for the generation of 550,000 firm horsepower. Does that answer your question?

The CHAIRMAN. Yes; it does, to my satisfaction. What is the acreage estimated that is allowed for the accumulation of silt?

Mr. MALONE. Five million acre-feet, and according to the estimates the silt comes down at the rate of from 100,000 to 125,000 acre-feet per year, which would mean the volume of storage allowed for silt would last approximately 50 years, and then, of course, before the capacity of the reservoir was seriously affected, would probably be another 50 or 75 years.

The CHAIRMAN. Is it possible to have sluice gates, or outlets, near the base of the dam that would permit the flushing out of the silt in times of high water without the pressure being too great?

Mr. MALONE. I do not think it is practicable. We have the same problems in a small way in reservoirs that are smaller. It has never proved practicable at all. It will sluice out to a certain distance back of the gates, but it will fill up too far back to be touched by any sluicing process. You would have to have your reservoir nearly empty in order to get the velocity any distance back of your dam.

The CHAIRMAN. I know it has been recommended by none of the engineers.

Mr. MALONE. I do not believe it is practicable.

The CHAIRMAN. And they have agreed with you in that feature. Now, what is the distance from Black Canyon to what would be the available market for the power produced? Would that be the distance to Los Angeles or some other point?

Mr. MALONE. That is your only market of any extent. There will be certain small blocks of power, no doubt, used in our own State.

The CHAIRMAN. There would be other enterprises pick up small amounts along the line of the transmission lines, but Los Angeles is the only available market at the present time?

Mr. MALONE. It is the market which is supposed to take up that amount of power; yes, sir.

The CHAIRMAN. What is the distance in miles from the site of the dam, approximately?

Mr. MALONE. It has been variously estimated, but the distance we estimate is the one set down in the Weymouth report, 300 miles.

The CHAIRMAN. Three hundred miles?

Mr. MALONE. Yes, sir.

The CHAIRMAN. And you have stated a figure of 12 per cent as the anticipated line loss in any transmission of power for a distance of 300 miles. On what do you base that, Mr. Malone?

Mr. MALONE. I simply took that estimated loss because it is recommended by outstanding power experts. The Government, I believe, estimates in one of their set-ups 14 per cent, but 14 per cent is the highest I have ever seen used. The reason I adopted the 12 per cent was because in San Francisco, during our last conference, we went into that very thoroughly, and Mr. Ready, who is with the California Railroad Commission, Mr. Scattergood, with the Los Angeles Light and Power Bureau, and Mr. Cragen, with the Salt River project of Arizona, and Mr. Maddock and Mr. Jacobsen, also representing Arizona, and Mr. Crozier, employed by our State, all agreed that 12 per cent was ample, so we adopted that figure.

The CHAIRMAN. I wanted to have your statement on that point, because it struck me as being rather low.

Mr. MALONE. Fourteen per cent is the highest I have heard estimated at all, and since these four or five outstanding men agreed that 12 per cent was enough, we adopted it.

The CHAIRMAN. In your statement during your testimony you used the figures that we have used, that have been used in the Swing-Johnson bill; that is, they arrive at $125,000,000 aside from any estimate of the cost of the transmission lines.

Mr. MALONE. Yes.

The CHAIRMAN. You had not made any separate estimates of your own?

Mr. MALONE. I simply took the figure because it is set up that way in the Weymouth report on those items. If you exclude any of the items you change it that much, but, as I said before, there has been no comprehensive detailed surveys made, except the Weymouth investigations, and anyone who tries to make an independent estimate by changing the figures, by either the volumes or distances, or whatever might be taken into account, I believe is doing it without proper consideration. If we go back of the Weymouth report it will be necessary, from our point of view, for Congress to appropriate further money and go ahead and make a new investigation.

Mr. Weymouth, who held the office of commissioner of reclamation at that time, supervised the expenditure of approximately $400,000 in the preparation of this report, and at that time definitely recommended that the development be located at Black Canyon, and further recommended that the dam be constructed 550 feet high for flood and silt control and the storage of irrigation and domestic water, and that 550,000 firm horsepower be developed to help pay the cost, and sets out in eight volumes in very great detail just how this can be done.

Absolutely no investigations have been made by the Government or any of its agents since that time, but have taken all of their information from this report and have made no new recommendations not made substantially by Mr. Weymouth at that time.

I have been down the Colorado River into Imperial Valley, Yuma irrigation district, and old Mexico, and have seen practically all of the reservoir sites on the lower river, but a superficial examination such as is possible to be made in that manner does not reveal further information than that contained in the report, so anyone must conclude as Mr. Weymouth has done unless you make another very substantial appropriation and do the work over.

The CHAIRMAN. You gave the figure of 3.04 mills delivered as the cost of the hydroelectric power without, of course, including anything for the all-American canal, but including all other elements of cost?

Mr. MALONE. Yes.

The CHAIRMAN. Does that include depreciation or amortization?

Mr. MALONE. Yes, sir.

The CHAIRMAN. And interest?

Mr. MALONE. And interest.

The CHAIRMAN. You have given a figure of 4.89 mills as the present cost of producing power by steam, with oil at $1 per barrel.

Mr. MALONE. Not as it is being produced at this time, but if you were able to build your plant, starting at this time, with the efficiency, etc., they are capable of getting.

The CHAIRMAN. But is it not a matter of fact that it is being produced to-day in some of the more modern plants at much less than $4.89?

Mr. MALONE. I do not believe it is in that particular vicinity with the cost of fuel oil $1 per barrel.

The CHAIRMAN. The particular vicinity you have in mind being the Los Angeles market?

Mr. MALONE. Yes.

The CHAIRMAN. With a plant at tidewater, which is practically Los Angeles. I don't have the exact figures in my mind that I could quote, but that figure seems to me higher than those I have heard of.

Mr. MALONE. May I explain that I believe you have heard these costs where they are picking up stray lots of oil and gas. They have their engines so arranged that they can burn gas or oil and use either as fuel, and they pick up the fuel in odd lots much cheaper than a dollar. I believe some of it as low as 60 cents a barrel for oil. I imagine that is where you got your lesser costs.

The CHAIRMAN. That is not what I understood to be the fact. I understood it to be the practice in the modern, up-to-date steam plant, with oil at practically the figure you state, $1 a barrel, on account of the advances that have been made in the art of producing the power by steam, in which they are now securing something over double the output in kilowatt-hours that they did two or three years ago from a barrel of oil.

Mr. MALONE. They are getting the highest efficiency that we know anything about down there, I believe, somewhere around 13,500 British thermal units, and that means somewhere around 460 to 480 kilowatt-hours per barrel of oil.

The CHAIRMAN. Those are the exact figures that have been quoted to me—13,500 British thermal units and 460 to 470 kilowatt-hours per barrel.

Mr. MALONE. I believe they would come very close to the figure I gave you. However, I would be glad to go into the details if you have the time.

The CHAIRMAN. Well, if you can supplement your statement here to-day by giving us some figures as to the actual cost with present-day practices we would be glad to do it.

Mr. MALONE. It is the figures which I would give you on that efficiency.

The CHAIRMAN. Then you think any further inquiry that you might make of the power-producing companies and the results that they are getting to-day with what we call commercial crude oil, such as they would buy if they had to buy in large quantities right along, would not vary the figure you have submitted here.

Mr. MALONE. If it cost a dollar per barrel it would not change it very much.

The CHAIRMAN. Is it the tendency to-day for power companies furnishing the public with power to develop the possibilities of their hydroelectric resources or to devote their energy to further developing steam plants?

Mr. MALONE. It depends altogether upon the availability of the hydroelectric projects. In southern California the hydroelectric projects that are still left to develop are much more expensive than those which have been developed, and would run well over this figure. If you happen to be closer to your hydroelectric development, or the water supply is more dependable, like it will be on the Colorado River, then I think

they would turn their energy toward the hydroelectric plants again; but in your southern California territory your water supply is very indefinite. There have been years within the last 10—I think 1924 was the shortest year—when practically all the hydroelectric development was very uncertain, and that turned you toward the steam development more than anything else.

The CHAIRMAN. The information that I have picked up in a general way, without having endeavored to keep informed at all times as to the progress of the art, indicated to me that more and larger developments were being made in steam plants than in hydroelectric plants over the past three or four years, which was my reason for propounding the question to you. If, as you tell us, the transmission over 300 miles will result in a line loss of only 12 per cent——

Mr. MALONE. On large amounts of power, such as this?

The CHAIRMAN. On large amounts of power, naturally.

Mr. MALONE. I am satisfied that is a condition you will find that the hydroelectric plants of southern California that are still available for development will cost much more than most of the resources that have already been developed, and will run higher than your steam costs, but if you were in a territory where your water supply was stable and everything tended toward a steady dependable power, like it will on the Colorado, with the proper development you would have an entirely different condition.

The CHAIRMAN. Now, on the understanding that your market would be Los Angeles or its vicinity, where the hydroelectric power produced at Black Canyon would necessarily come into competition with the power produced by steam, you feel that there is a certain margin of profit or difference between the cost of the two which would permit of taking off a considerable amount for interest, amortization of the plant, and also a little for a tax or return of some kind, if you wish to call it a royalty, to the States of Nevada and Arizona, where the plant is to be located. Is that your contention?

Mr. MALONE. I will answer you this way, Senator Phipps; in this set-up I have endeavored to give you the cost of each unit. That is, the cost delivered at the power market, leaving out certain units and including certain others, and in this report which will be presented here for the record I have gone into very great detail into the question of interest on the all-American canal, and operation and maintenance, so that you can take each one and see what it amounts to. I do not say there is sure to be a margin, including all the features in the bill that are now included, if no charge is made for any other service rendered. What I have endeavored to say here is that our results show a margin. Of course, they are theoretical results. Your dam may cost you more than you figure or some other thing might happen, but I am convinced—I say I am convinced, our engineers whom we employed in San Francisco for this work, Arizona's engineers and Los Angeles's engineers, were convinced that if the Weymouth report is correct in its set-up, which, as I say, you can not go back of, for if you do it will require another appropriation and another investigation, so taking that as a basis and making the proper charge for your silt control and your flood control and for your domestic water and irrigation water, we were convinced that there will be a margin; yes.

The CHAIRMAN. Now, you have stated that in your calculations you figured that it might be nine years before the full capacity of the power plants at the dam could be utilized by marketing. Isn't the contention of Nevada that on the completion of the works and when operation is begun of the power plants that then the allowance to Nevada should attach immediately?

Mr. MALONE. It is our idea that our participation in any profits would only begin when there are profits. We are setting it up so that we are certain profits will be there, and on proper supervision—that is what we are concerned about—proper supervision and that proper charges be made. We will not participate in any benefits until such time as the project is on a paying basis. In other words, if we made an agreement with California—I do not think it was ever in our minds; this was aside from your legislation entirely—it was never in our minds to collect anything until such time that enough power was marketed so that it was paying its own way and the margin was there.

In answer to your nine-year absorption-period question I estimate it will take six years. This is based on the proposition that the records show that from 125,000 to 150,000 installed horsepower is the increase from year to year in the power being used in southern California. Now, installed horsepower is about double, just for rough calculation purposes, the firm horsepower always. Then the estimate I have assumes that a million installed horsepower would be taken up in approximately six years, and if it is, there will de no deficit. Mr. Durand, I understand, says two or three years. That is a possibility, because there will be other manufacturers coming in, and I do not doubt that at all, although I did not take a stand as optimistic as that. But I have allowed 9 of the 50 years. That is the reason we take the remaining 41 years for amortization payments, making the 50-year period, and to see whether or not there would be a margin as balanced against the steam power.

The CHAIRMAN. Given the installation of the plants, and all that, and the beginning of operations, if at the end of the nine-year period no profit had been derived over and above that required to meet the charges and amortization and interest, the State of Nevada would not expect to collect any revenue from the proposition.

Mr. MALONE. Not if, in addition, proper charges had been made for the other services rendered as I outlined.

The CHAIRMAN. Charges for other services rendered. Just what have you in mind?

Mr. MALONE. I mean the flood control, silt control, the irrigation water, and the domestic water. It would be perfectly possible to supervise this project so that there would be absolutely nothing available for anybody, simply by giving the service free of charge, flood control, silt control, and storing water for irrigation of new lands without any charge, and for domestic water without any charge, and then being lenient on the price of power. There could very easily in that set-up be no margin for anybody. You can even be below your requirements very easily. But our only contention is that if these other proper charges are made, and that is the idea of some assistance being given to the Secretary, not in any way taking from him his authority or superseding whatever he feels is his proper field, but assist him in the preparing of data supporting and determining what charges should be made and what charges are proper to be made on power, so that it will be a good set-up, and it is just the same as any other proposition in that respect, that the proper charges be made.

The CHAIRMAN. What do you have in mind as to the course you would pursue if it were given to you to allocate the overhead and investment?

Mr. MALONE. I beg pardon.

The CHAIRMAN. If you were called upon to allocate the overhead charges and other costs pertaining to the enterprise? To illustrate, would you take into consideration, or would you say that a certain proportionate amount of the cost of the dam should be assessed as against flood control, a certain other amount assessed as against the all-American canal, irrigation included, and another for power?

Mr. MALONE. Yes; that is the proper theory. You have a condition at this time—I would not want to make any definite statement as to how much it is costing. It is costing somewhere between $300,000 and $500,000 annually in the matter of levees and control works made necessary by the lack of flood control. While the point here is that if you built the dam and this expenditure is therefore necessary, or any part of it, for further protection, you can reasonably divert a part of that toward payments for the dam itself and make no further charge or no greater charge on the land than is being made at this time, and this only obtains during the amortization period. And the same with silt control. Silt control costs over a half million dollars annually in the cleaning of ditches and canals, so I am informed, and while that will not be entirely eliminated to start with it will be gradually eliminated. Therefore a part of these charges could be very properly diverted toward the cost of those works. Then in the all-American canal there are 400,000 acres of new land. If you are going to pay for the all-American canal as set up in this bill, by assessment of power, why not make a proper charge on this land?

I do not say $75, or $40, or $50 an acre, but a proper charge, which will no doubt be obvious at that time—an impartial arrangement in the matter—and make that proper charge, whatever it is, as it goes under cultivation, the same as we always have to do under reclamation work out there, even under reclamation districts. We have to pay back the original costs, and where we do not, we make arrangements for payments the same as this absorption period, and have what is known as 10–20-year bonds many times. The first 10 years would pay the interest and operating expenses, and the next 10 years the original investment and operating expenses and interest, and we have that all figured out to start with.

Then, the domestic water: You have 1,500 second-feet of water, which will make 1,080,000 acre-feet per year. The estimate is about $20 per acre-foot delivered over the Divide, taking over half the power that is available to do that, over half the 550,000 firm horsepower. Two dollars an acre-foot added to that will still be so far below the present charges for irrigation water over there that it will not be noticed; and as to domestic water, where the per capita allowance is about 150 gallons, and considering there are approximately 326,000 gallons in an acre-foot, $2 per acre-foot would be lost entirely. You can not find it, and that would amount to $2,000,000 in revenue, which in turn amounts to over .5 mill per kilowatt-hour additional revenue in this set-up.

The CHAIRMAN. You think there should be a charge for the water taken in addition to the amount that will necessarily be charged in the power consumed in pumping water to the elevation necessary to transport it?

Mr. MALONE. Yes, for the reason that that is not an unreasonable charge. As I say, $20 per acre-foot for domestic water is nothing, and, so far as some of the irrigation water in that particular country is concerned, is very low.

The CHAIRMAN. Is it your opinion that given this dam complete that further dikes or other flood protection along the lower reaches of the river would be rendered unnecessary?

Mr. MALONE. Not entirely, but much less expense would be necessary.

The CHAIRMAN. Even with the San Carlos or Coolidge Dam, you would still think flood protection necessary?

Mr. MALONE. Some levee construction will always be necessary because you will always have a flow of some kind and varying at intervals. In other words, the studies show that if the amount of storage I have just outlined is provided, it will hold the maximum flow of about 40,000 second-feet, which is quite a flow of water at that, and will necessitate some levee construction at all times, but nothing in comparison to the present, I should say.

The CHAIRMAN. I want to ask you, Mr. Malone, do you believe an agreement among the three lower basin States may be reached in the near future?

Mr. MALONE. I believe, Mr. Phipps, that it would be possible to reach an agreement if you could get everyone to say exactly what they would do. That is the problem. We are willing to say what we will do. I can not say that all of us are at this time. I believe that an agreement is possible, if this were so.

The CHAIRMAN. You think that decided progress, or satisfactory progress in negotiations has been secured during the past six months.

Mr. MALONE. If the two statements were sincere in California and Arizona which I read to you. I will not say that the Arizona commission offered to do this, but some of their delegates offered to recommend it. Their proposal amounted to about $350,000 more per year for each of the States than California offered to agree to. That was the difference when we finally adjourned our meeting. I will not say that the Arizona commission said they would accept that, simply some of their delegates indicated that they would recommend it, so I do not know for sure about an agreement.

The CHAIRMAN. Do I understand you are within 400,000 acre-feet in arriving on a settlement of the water, and $350,000 per year in revenue in arriving at an agreement?

Mr. MALONE. It was so indicated by those two statements. I would not say that now, however.

The CHAIRMAN. I have nothing further. Have you some questions, Senators?

Senator JOHNSON. Are you the State engineer of Nevada now, Mr. Malone?

Mr. MALONE. Yes.

Senator JOHNSON. There were five things that you discussed. Very hastily I go over them. First, whether there should be any development at all. You answered that in the affirmative, that there should, did you not?

Mr. MALONE. In my opinion, there should.

Senator JOHNSON. Secondly, was the site. The site, in your opinion, should be the Black Canyon.

Mr. MALONE. Yes, sir.

Senator JOHNSON. Thirdly, was the cost. You agree that the cost can be kept within the limit of the cost indicated in the bill, do you not?

Mr. MALONE. Based on the Weymouth report, which is all we have, and which, I think, has gone into it in very great detail.

Senator JOHNSON. And you believe it to be accurate?

Mr. MALONE. I believe it is.

Senator JOHNSON. The next was the best arrangement for a financial set-up. You have read what the Secretary of the Interior has reported, have you not?

Mr. MALONE. Yes.

Senator JOHNSON. And the financial set-up of the bill is satisfactory to you. I am not speaking now of division among States at all.

Mr. MALONE. What do you mean, the inclusion of everything that is now included?

Senator JOHNSON. Yes, sir.

Mr. MALONE. I believe it would be perfectly satisfactory with us if the proper charges were made as I outlined.

Senator JOHNSON. The last one you discussed was the matter of the State benefits. To that I advert for a moment. The entire project must be paid out of power, must it not?

Mr. MALONE. I might change that just a little. It might be guaranteed out of power, but I would not say that the entire project would have to be paid for out of power.

Senator JOHNSON. Well, substantially, isn't that so?

Mr. MALONE. No, sir; I do not believe it is.

Senator JOHNSON. Who would pay for it?

Mr. MALONE. As I outlined, we need $7,712,000 per year—that is, after the amortization period has begun. Some of the estimates are slightly under that. This is a couple of hundred thousand dollars over what Secretary Work submitted in a letter last year. Two million or two and a half million could easily be collected from the sources I have mentioned without any undue hardship if the conditions, or after the conditions as I outlined them here, have come about, and if they are not going to come about the object of the development is lost.

Senator JOHNSON. Well, the amortization of the proposition is what I was referring to particularly. That is from power, isn't it?

Mr. MALONE. I would not make any distinctions.

Senator JOHNSON. You would say that the amortization may be made from the various sources you have indicated?

Mr. MALONE. Yes, sir.

Senator JOHNSON. The largest of those, of course, is power.

Mr. MALONE. It is one thing we are sure of.

Senator JOHNSON. And without it you could not undertake the project, could you?

Mr. MALONE. I do not think so. I believe it is necessary, as I have said, to guarantee the cost through the power, but to be sure there is supervision enough so as to know you are getting the proper charges made——

Senator JOHNSON. I am not quarreling with you on that.

Mr. MALONE. No. I am just outlining them again, and that the power be not sold below, too much below other sources of power but simply low enough to make it competitive.

Senator JOHNSON. All right. Put it the other way around. You have got to rely upon the sale of power in order to have this project at all, haven't you?

Mr. MALONE. In my opinion; yes.

Senator JOHNSON. Yes. Now, the only market there is for this power is Los Angeles, isn't it, or southern California?

Mr. MALONE. Southern California; that is not the only market but the main market.

Senator JOHNSON. Without that market it would be impossible to finance this scheme at all?

Mr. MALONE. I think it would at this time.

Senator PITTMAN. Just another question. And without the dam site in Arizona and Nevada there would not be any project.

Mr. MALONE. That is undoubtedly so.

Senator PITTMAN. I said that because you had forgotten to mention the other two States.

Senator JOHNSON. No; I did not forget the other two States in the slightest degree.

Senator ASHURST. The trouble is that the Senator can not forget them.

Senator JOHNSON. No; that is perfectly obvious. I do not want to forget them either. I realize the alliance, and I am not complaining about it in the slightest degree.

Senator ASHURST. Keep that out of the record.

Senator JOHNSON. My dear sir, I do not complain about it.

Senator PITTMAN. The only alliance that exists, to my knowledge, between Arizona and Nevada—because there has never been a word spoken between them, and I wish to say that our commission is not tied to any proposition whatever—the only alliance, Senator, is a natural alliance made necessary by the position so far of California.

Senator JOHNSON. Well, I deny that, of course, because the last session of Congress will demonstrate that exactly, and the previous history of the entire project will demonstrate, too, who is accurate in that regard.

Mr. MALONE. I welcome your questions, Senator.

Senator JOHNSON. Oh, I realize that. I understand that you and the California people who met in San Francisco met on terms of amity, of course.

Mr. MALONE. And Arizona included.

Senator JOHNSON. All three of you sat down there and talked at great length about the matter.

Mr. MALONE. Yes.

Senator JOHNSON. In an honest endeavor on the part of every one of you, I assume——

Mr. MALONE. Yes.

Senator JOHNSON (continuing). To try to reach a conclusion in respect to it. There wasn't any desire, such as may have been indicated here, on the part of the California representatives not to reach a conclusion with you, was there?

Mr. MALONE. I would not say so. I believe it was sincere on the part of both Arizona and California.

The CHAIRMAN. I would like to say a word here. I have not heard any such allusion made.

Senator PITTMAN. What I mean by this is not the efforts of the commission to agree with Nevada or with Arizona. What I mean, Senator, is the form of cross-examination that you were just participating in which was leading to the conclusion that everything should be borne by power. That was the system of it. That it had to be borne by power, and it was unfortunate that there would not be anything left for the State of Nevada as a compensation.

Senator JOHNSON. Oh, no; that was not the point of it at all. I have in my mind very clearly—I do not think you will disagree with it—that without power and the possibilities of power from this project, why, the project could not go on at all.

Senator PITTMAN. Not at all.

Senator JOHNSON. And that is what I was examining him about. And that the only place you can sell power in reality is in southern

California under the circumstances. There is not any doubt on that score, I take it, and there ought to be no disagreement between us in respect to it.

Now, if I read the record correctly Congressman DOUGLAS asserted that the power set up in connection with the Boulder Dam project was economically unsound and would not permit or justify the payment of revenue therefrom to Arizona and Nevada. You do not agree with that, do you?

Mr. MALONE. I do not agree with that, considering the outline I made for proper charges.

Senator JOHNSON. Yes. Now, as part of your estimated cost of power from the project delivered in central markets, do you include the cost of steam stand-by to make such power reliable or steam stand-by for delivery from a distance, say, of 300 miles?

Mr. MALONE. I do not agree with your conclusions, and I may say that our engineers, our power experts, do not agree, and two of Arizona's engineers took the same view, and Charles Cragin, of the Salt River project, agreed that there might be a certain amount.

Senator JOHNSON. I really do not know what transpired at San Francisco, so I am asking you if you included those stand-bys.

Mr. MALONE. Yes; I appreciate that. Your engineers figured five-tenths of a mill would be required for steam stand-by service to make this power reliable in the power markets.

Senator JOHNSON. Exactly.

Mr. MALONE. We do not agree with that as I say, and Charlie Cragin figured that perhaps twenty-five one-hundredths of a mill, or something like that, would be required. In other words, a very small amount in comparison to your engineers' assumptions that would be directly chargeable to Boulder Canyon power, and I will say why briefly, and that is covered in the report which I will submit, and it can be studied by the committee if they so desire. Over one-half of the power, or about 240,000 horsepower, will be needed to lift 1,500 second-feet over your divide. That will be a much decreased distance—perhaps 200 miles; maybe 175 miles for that part of the power. Your own people can verify that. And then, too, on that particular power, by aid of small reservoirs at the point, and also near Los Angeles—they are already constructed, most of them, near Los Angeles—a small interruption in service, as much as would ever come about, except in a catastrophe that is impossible to gauge, you would not be handicapped. Therefore you only have left about 200,000 horsepower to figure steam stand-by on. This is taking for granted you are going to do what you maintain you are going to do with your water.

Senator JOHNSON. Well now, pardon me. Would steam stand-by at all be necessary? We will not go into the cost of them for the moment.

Mr. MALONE. The reason that I say I do not believe the amount you estimate will be necessary, I do not base it entirely on my judgment. I base it on the judgment of power experts employed by us and others. That with your all-southwestern hook-up that you have now practically and will have complete by that time, meaning all your different companies in the West are practically hooked up, even up in Nevada they are hooked up over there to California, and along with the steam plants that are necessary for economic balance between the hydroelectric and the steam power, meaning by that your base load is more economic in most cases to carry by hydroelectric, and your peaks by steam, simply because your steam investment is smaller, and as it stands idle your interest is smaller and when it is running it costs more; but if it is only running on peaks and short periods it is a more economic proposition to carry your peaks by your steam. Your hydroelectric costs more to install, or it costs more in this case on account of transmission, etc., but in turn it is a more reliable power and it does not cost so much to operate. Therefore you have your economic balance between steam and hydroelectric, and that a possible overload on this steam obviates to some extent the stand-by that you might otherwise need. What I am getting at is you have possible overloads on steam plants and you have hook-ups from various plants. Therefore each plant in the western country does not necessarily need the full amount of stand-by service, if you get what I mean; only a small amount would be directly chargeable to Boulder Canyon.

Senator JOHNSON. Yes; I will get what you mean if you will answer me directly.

Mr. MALONE. All right, I will.

Senator JOHNSON. Do you require in transmitting 300 miles of power steam stand-by?

Mr. MALONE. The reason it is impossible to answer you yes or no—I have to explain in each case; each case would be different.

Senator JOHNSON. Well, if you will just tell me if it is not so I will not trouble you further.

Mr. MALONE. In this particular case is what you want to know?

Senator JOHNSON. In this particular case would steam stand-by be essential?

Mr. MALONE. Yes; but a very small amount chargeable to Boulder Canyon. You did not ask that before.

Senator JOHNSON. Well, that was what I meant.

Mr. MALONE. You might possibly need half of what the California engineers included, but I do not think under any consideration you would need the full amount.

Senator JOHNSON. Are you speaking now in matters of cost or matters of amount?

Mr. MALONE. Both.

Senator JOHNSON. Well, as I understand you, you would need steam stand-by?

Mr. MALONE. You might need some. Twenty-five one-hundredths mill would probably be the maximum.

Senator JOHNSON. Is that taken in your estimate that you have given here?

Mr. MALONE. No.

Senator JOHNSON. That was the point I was getting at entirely.

Mr. MALONE. I just add to that, however, for the record, that in our opinion you need a very small amount on account of this project and it is gone into fully in the report.

Senator JOHNSON. By that you mean you do not need steam stand-by?

Mr. MALONE. That in my opinion a very small amount may be needed. I say it is a controversial question and there is no use of me saying that I know exactly what will come about when this project is entirely utilized.

Senator JOHNSON. Exactly. And at any rate any cost of those steam stand-bys is not included in the estimates that you have given here?

Mr. MALONE. No.

Senator JOHNSON. Correct, sir. Now is it not a fact that there are improved processes, tremendously improved processes that are being put into operation now for cheapening power from steam?

Mr. MALONE. In what regard?

Senator JOHNSON. I don't know. In many regards.

Mr. MALONE. Yes. I will try to answer that, although, of course, it is impossible to answer it. It is a controversial question, too. They have a process by which mercury vapor is used to increase the efficiency, and they also have a possibility of increasing the boiler pressure to increase the efficiency.

Senator JOHNSON. The reason I ask you the question, I will tell you, is because I read a statement by a gentleman—his name I forget; he is the president of one of the big southern power companies—in which he said that because of the improved processes and the cheapening in the production of power by steam he did not care anything about this power at Boulder Dam. I don't know whether he was in earnest or whether he was not, but at any rate that was the published statement that I saw.

Mr. MALONE. Our conclusions are, after studying the situation thoroughly and employing such power experts as I mentioned a while ago, that he was either mistaken or not serious.

Senator JOHNSON. I see.

Mr. MALONE. But, of course, that is a controversial question. But with regard to these increased pressures in boilers, it is the consensus of opinion among engineers that there will be some slight decrease, possibly, but that the increased cost in the construction will offset in a large measure any possible reduction in costs due to that fact, and that, with the mercury vapor, the increased cost of that product itself will do the same thing. And also it is the opinion of every disinterested fuel expert that I have been able to find on the Pacific coast that your fuel will become a problem in a few years, and that any decreased cost, if not offset otherwise, would be by the increase in fuel. Understand, those are all questions that you can get expert opinions on, and they will differ.

Senator JOHNSON. Well, I was asking you as an expert, because I confess I know nothing about it, but I saw this report of the increased facilities, the improvements that were enabling them in the vicinity of Los Angeles to produce power from steam at a greatly reduced cost. Are you familiar with that, Mr. Chairman? Did you see anything about it?

The CHAIRMAN. I read the same statement, I believe, and I think that from that I may have derived the figures that Mr. Malone himself agreed upon.

Senator PITTMAN. If that is true, then the Government would build the dam, depending entirely on the power to pay for it, and nobody will buy it.

Senator JOHNSON. Well, don't think that I am vouching for the statement of the gentleman who made the statement. I beg you not to think so.

Senator PITTMAN. I do not know who he is, but I have an idea.

Senator JOHNSON. Well, don't get me into the attitude of vouching for the statement of somebody that is at the head of a power company, please.

Mr. MALONE. When you referred to me, Senator, as an expert—I used to think I was an expert, but the further I go the more experts I consult on this kind of project.

Senator JOHNSON. You are a little like the rest of us. None of us are experts. Don't you think that the Government, considering what it has done and is doing in other reclamation projects, relieving settlers from interest, and so on, could fairly and reasonably relieve the all-American canal from interest charges?

Mr. MALONE. Under a bill, I believe introduced by yourself last year, the all-American canal was under the reclamation act, where there are

no interest charges, and provided that contracts be made prior to the construction of the all-American canal, providing for the payments, etc.

Senator JOHNSON. Well, I am asking you if you do not think that is a perfectly just thing under the circumstances?

Mr. MALONE. You could eliminate the interest and still make just charges. I do not say in this report that you shall pay any certain amount, but pay for the service rendered. Pay the just charges, whatever they are. And we consider that the Secretary should have some assistance from men who are on the ground, or are familiar with conditions, to determine what those just charges are.

Senator JOHNSON. Your plan, however, would provide that the Secretary should have the control?

Mr. MALONE. Oh, yes.

Senator JOHNSON. They would be advisers to him in respect to the matter, solely?

Mr. MALONE. I think it would be necessary that he be in control. Any board merely acting in an advisory capacity, I should say.

Senator JOHNSON. Merely in an advisory capacity.

Senator PITTMAN. Senator, may I ask you a question there on that same subject?

Senator JOHNSON. Sure.

Senator PITTMAN. Do you happen to know what amount per annum the interest would amount to on the all-American canal project?

Mr. MALONE. On what they call the straight-line basis, about $890,000—$896,000, I believe.

Senator PITTMAN. Eight hundred and ninety-six thousand dollars?

Mr. MALONE. Per year.

Senator PITTMAN. Now, let me ask you what the State of Nevada would think about it if $896,000 added to the cost of the power was such an amount that there would be no profit for distribution for Nevada? Would Nevada favor paying that interest?

Mr. MALONE. We would like to be treated fairly in the matter, and I would leave that to the judgment of the committee. I would not say that it all should be given to one State. The point I have tried to make in my reports is that there will be profits in this enterprise. Whether your committee recognizes that fact or not is beside the question. If you do not recognize it, they will all go toward the particular thing that is being financed in the set-up. If you do recognize it, then in case the profits are sufficient, the two States who own the site may benefit.

Senator PITTMAN. The reason I am asking your permission to interrupt here, Senator, is this: I am merely trying to ascertain the position to take in the matter. I am frank with you. And I have not conferred with Mr. Malone in this matter, and I am trying to understand his report, too, as much as you.

Senator JOHNSON. Well, I am not familiar with it, I confess to you. All of the charges that you have suggested are charges that should be made in the interest of increased power revenue, are they not?

Mr. MALONE. Not power revenue, Senator. All the charges that I suggest should be made would be made on a fair basis to the particular projects financed, and which would be made with a view of returning the investment to the Government in the proper time, and also allowing a fair return to the States furnishing the dam sites, if you please.

Senator JOHNSON. Yes. You would not expect, as I understand your plan, any profits to accrue to either of the States until after those profits had begun to come in?

Mr. MALONE. I would not expect anyone to borrow money to pay the State of Nevada.

Senator JOHNSON. Well, it would not be a question of borrowing money, perhaps, but you would wait until the project was self-sustaining, or until profits were coming in before, of course, you would pay any profits out, would you not?

Mr. MALONE. Well, that was the particular point on which I would like very much to have a board assist the Secretary, because it is very easy to make a showing, for instance, that your domestic water costs you so much that you can not at this time afford to pay for it. But if the facts were gathered by a board and laid before the Secretary, they could be judged on the facts of the case as to where the water was going and what charges were being made for it, whether or not the returns justified it. That is what I mean, Senator.

Senator JOHNSON. I see. Well, thank you very much, Mr. Malone. I wish to God there was some other place that Los Angeles could get domestic water than the Colorado River, but I don't know any other place.

Mr. MALONE. Well, why should you wish that, Senator?

Senator JOHNSON. Well, then we would not have any troubles, perhaps.

Mr. MALONE. There might be worse troubles, Senator.

Senator JOHNSON. No; if we could protect Imperial Valley in some fashion and give domestic water to southern California in some other way than by the erection of any of these works, I would love it, I confess to you. It is no pleasure to be here in opposition—well, never mind; excuse me for that.

The CHAIRMAN. Are there any further questions of the witness?

Senator PITTMAN. I just want to ask one further question there. Under the set-up in the Johnson bill would there be any profit on this power?

Mr. MALONE. With no revenues from any other source, Senator?

Senator PITTMAN. Just as he sets it up in his bill.

Mr. MALONE. There would be a theoretical small profit, but as suggested, there probably will be extra expense here and there that might very properly consume the entire margin unless proper charges are made. I would say that the set-up shows a profit on power alone.

Senator PITTMAN. Your set-up that you have there is made on the basis of paying interest on the investment in the all-American canal, is it not?

Mr. MALONE. There is a set-up in my report that takes every item set up in the Senator's bill into account, and then the separate items, what they amount to, which, by the way, are in your office, Senator. I wish I had them here.

Senator PITTMAN. And what margin does that leave between the cost and the market price of other power in the market at Los Angeles?

Mr. MALONE. With everything included, about an even mill; 1.1 mills theoretical margin.

Senator PITTMAN. Based on the set-up?

Mr. MALONE. The entire set-up.

Senator PITTMAN. The set-up in the Johnson bill?

Mr. MALONE. Yes.

Senator PITTMAN. That is all.

The CHAIRMAN. Anything further?

Senator HAYDEN. I attended the Denver conference when you were present and saw the States come very close in accord, and I was very much interested in your statement of the result of the conference at San Francisco. I understood you to say that the California offer was approximately four-tenths of a mill per kilowatt-hour as compensation to Arizona and Nevada, and that certain members of the Arizona commission offered to recommend approximately six-tenths of a mill per kilowatt-hour.

Mr. MALONE. Certain members of their delegation. I do not know whether they are even members of the commission. I do not hold the commission to that, you understand.

Senator HAYDEN. I understand, but those were figures that were seriously discussed.

Mr. MALONE. Yes.

Senator HAYDEN. Being a difference then on the basis of things of approximately about two-tenths of a mill per kilowatt-hour?

Mr. MALONE. Yes.

Senator HAYDEN. I was anxious to get those facts fixed firmly in my mind. I noticed in the course of your testimony, and I made some figures here, where you set up as the price of power laid down in Los Angeles, taking into consideration the set-up in the bill, at 3.75 of a mill, 3.75 per kilowatt-hour. And then I understood you to say that leaving out the set-up in the bill with respect to the all-American canal, that that power could be laid down in Los Angeles for 3.04.

Mr. MALONE. Yes; that was the statement I made.

Senator HAYDEN. Well, subtracting the one from the other, then the subsidy to the all-American canal in the bill amounts to seventy-one one-hundredths of a mill? Am I correct in that assumption?

Mr. MALONE. Yes; the difference amounts to that.

Senator HAYDEN. Well, if that is true, then there is a subsidy in the bill of over seven-tenths of a mill for the all-American canal, whereas California has offered to Nevada and Arizona only four-tenths of a mill by way of compensation, and Arizona, as was explained by the representatives of Arizona, has asked for only six-tenths of a mill?

Mr. MALONE. For the two States.

Senator HAYDEN. The two States. So the set-up that exists in the bill carries more by way of subsidy to the all-American canal than was asked by the representatives of Arizona in San Francisco as compensation to the two States?

Mr. MALONE. Yes. And in that connection, Senator, I want to say this: There is some difference of opinion between myself—I won't include too many members of the Nevada commission; I will speak for myself—but I believe they are in accord with me on that. We have always considered that the all-American canal does benefit all of the seven States to whatever extent that it might assist in the gaining of an agreement with Mexico at the proper time, but I or our commission are not in position to judge what that would be. You members of the committee are in a position to judge that. I have always considered there was some benefit. What that benefit is, it is probably not anything like as much as is included, but, whatever it is determined to be, it is perfectly all right with us. Arizona insists, on the other hand, and they argue it, and in some ways it looks like it is well taken, that it is no benefit whatever to the other States; but, as I say, the Members of Congress and the members of this committee are far better able to judge what benefits there would be in that particular than any commissions.

Senator HAYDEN. As I understood you to answer Senator JOHNSON, you would have no objection to the construction of the all-American canal as an ordinary reclamation project, without interest, for the

benefit of the lands in that section of the country, and it would be a positive advantage to the scheme to have it done in that way. In other words, this seven-tenths of a mill that is charged to power by having the all-American canal constructed as an ordinary reclamation project would be removed?

Mr. MALONE. Interest on the all-American canal amounts to, as I say, about $896,000 a year on a straight-line basis, meaning the average over the period, which in turn amounts to almost exactly a quarter of a mill in this set-up. That could be eliminated if the Senator's bill was drawn, as it was last year at one time, so that the all-American canal would be constructed under the Reclamation Service, contracts being made with the lands prior to starting construction, the same as you have it on the dam in regard to power, and then there would be no interest, and the lands would pay the cost. Does that answer your question?

Senator HAYDEN. Yes. I can see that. Now, the set-up in the bill, as I remember, last year provided for $31,000,000 for the construction of the all-American canal. The bill itself provides for the construction of the canal from the Laguna Dam into the Coachella Valley. My understanding of that $31,000,000 figure is that it would only carry the canal through the sand dunes and into what now comprises the irrigation district. That there would be some eighty-odd miles for the additional canal, and the figures for that, I think, are some $11,000,000, if I remember right, to carry out the purpose of the bill. Have you in your set-up counted on $31,000,000, or a total of $42,000,000 for that purpose?

Mr. MALONE. We have counted on $31,000,000—it is either $31,000,000 or $31,500,000. I have it in my report; and in addition the interest during the construction of the canal, which would only be a part of the 10 years as outlined for the dam, making a total of $35,000,000, including interest during construction and the original cost of the canal. Now, I am not exactly clear where the end of the canal would be, Senator, and I would not answer it without referring to the Weymouth report. You can get it from the report if you desire.

Senator HAYDEN. My recollection of the Weymouth report is that the cost of the all-American canal proper, carrying it only through the sand dunes, would be $31,000,000, and that there would be an additional cost of $11,000,000 to carry it from that point to the Coachella Valley. Now, the bill provides for delivery water into the Coachella Valley. So it seems to me that if the plan of the bill was carried out you would have to make your figure $42,000,000 instead of $31,000,000 and base your calculations on that assumption.

Mr. MALONE. I would be very glad to clear that point up for the committee. I am satisfied that Thomas Maddock or myself could do it. I could tell you, though, definitely in a day or so.

Senator HAYDEN. That is all.

Senator JOHNSON. Was not the only proposition that was made by Arizona in writing the proposition that was made in Denver of 1 mill?

Mr. MALONE. No, Senator. In that same proposition were included three others, or two other propositions signed by two Arizona men and two Nevada men, or three. I think Senator PITTMAN signed it with us. We had him there as our legal adviser. And two or three California men included two or three other propositions which were fairer to California, or closer—or a lower figure, put it that way, than 1 mill.

Senator JOHNSON. At any rate, it is in writing?

Mr. MALONE. Yes.

Senator JOHNSON. Very well. But the proposition was in writing?

Mr. MALONE. Yes; the proposition was in writing. And so are the others in writing.

Senator JOHNSON. So we can obtain that?

Mr. MALONE. Yes.

Senator JOHNSON. You say there were other propositions in writing in San Francisco?

Mr. MALONE. No; no propositions were made in writing. We simply held sessions, without keeping a record, simply so we could talk freely. I am not here quoting to bind anybody. Your commission is not bound by anything I say, because it was understood that if we did not arrive at an agreement it was off like that, and we would start new again.

Senator JOHNSON. All right. That is all.

The CHAIRMAN. Anything further? If not, that will be all, Mr. Malone. We thank you.

The above is a complete transcript of the statement and cross-examination before the United States Senate Committee on Irrigation and Reclamation made by the writer, January 20, 1928.

Full explanation of the power and water set-up on the lower Colorado River is contained in a report, copy of which can be obtained by addressing the writer, Carson City, Nev.

GEO. W. MALONE,
State Engineer, Nevada,
Secretary Colorado River Commission.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On May 28, 1928:

S. 162. An act for the relief of William M. Sherman;

S. 342. An act for the relief of George B. Booker Co.;

S. 362. An act to provide for the advancement on the retired list of the Navy of Lloyd Lafot;

S. 379. An act for the relief of William R. Boyce & Son;

S. 445. An act for the relief of the Florida East Coast Car Ferry Co.;

S. 456. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 1217. An act for the relief of Albert Wood;

S. 1646. An act for the relief of James M. E. Brown;

S. 1852. An act to correct the naval record of John Lewis Burns;

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2586. An act for the relief of the owner of the Coast Transit Division barge *No. 4;*

S. 2733. An act to amend the military record of Joseph Cunningham;

S. 2802. An act to provide for the appointment of midshipmen at large by the Vice President of the United States;

S. 3308. An act to confer jurisdiction on the Court of Claims to hear and determine the facts in the claim of John L. Alcock;

S. 3338. An act authorizing the sale of certain lands on Petit Jean Mountain, near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas;

S. 3427. An act authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired);

S. 2227. An act for the relief of F. L. Campbell;

S. 3903. An act to provide for the reinterment of bodies now interred in the grounds of St. Francis de Sales Church, in the District of Columbia;

S. 4376. An act for the relief of Harry M. King;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 120. Joint resolution authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans quartermaster intermediate depot unit No. 2.

On May 29, 1928:

S. 19. An act for the relief of Frank Topping and others;

S. 374. An act for the relief of Lulu Chaplin;

S. 605. An act for the relief of Capt. Clarence Barnard;

S. 764. An act for the relief of J. F. Nichols;

S. 1287. An act for the relief of the Near East Relief (Inc.);

S. 1434. An act for the relief of Mattie Holcomb;

S. 1448. An act for the relief of Omer D. Lewis;

S. 1594. An act for the relief of Capt. Joseph W. Loef;

S. 1637. An act for the relief of Martha Henson;

S. 1691. An act for the relief of William A. Light;

S. 2306. An act for the relief of William E. Thackrey;

S. 2473. An act for the relief of Will J. Allen;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2516. An act for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;*

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;

S. 2697. An act for the relief of Hattie M. McMahon;

S. 2764. An act for the relief of Nelle McConnell;

S. 2966. An act for the relief of Oliver C. Sell;

S. 3201. An act for the relief of Paul D. Carlisle;

S. 1122. An act for the relief of S. Davidson & Sons;

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3868. An act authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes;

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes; and

S. J. Res. 82. Joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio.

STEAMSHIP "ALABAMA" SILVER SERVICE SET

Mr. BLACK. Mr. President, I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill H. R. 13182, which provides that the Secretary of the Navy shall have authority to deliver to the State of Alabama a silver service set which was contributed by the State to the steamship *Alabama*. It is recommended by the Secretary of the Navy.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. I have no objection.

The PRESIDENT pro tempore. Without objection, the committee will be discharged. Is there objection to the immediate consideration of the bill?

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ANDREW VIRGINIA JOHNSON

Mr. BLACK. Mr. President, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (H. R. 4380) for the relief of Martha Andrew Virginia Johnson, which passed the House, to pay $180 to a soldier who failed to sign his name where the gratuity was to go to his mother. That is the sole question involved, and the amount is $180. If the committee shall be discharged, I will ask that the Senate immediately consider the bill.

The PRESIDENT pro tempore. Is there objection to discharging the committee from the further consideration of the bill? The Chair hears none, and it is so ordered. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. CURTIS. Mr. President, I suggest that we begin at the beginning of the calendar and call from that point so that we may reach all the unobjected bills on the calendar.

The PRESIDENT pro tempore. The Chair will say to the Senator from Kansas that nothing has been disposed of from the calendar yet. These are all reports of committees or motions to discharge committees.

CONVICT LABOR

Mr. WALSH of Massachusetts. Mr. President, in view of the parliamentary situation which will probably prevent action during the present session upon the convict labor bill, I ask that a letter written by the junior Senator from Missouri [Mr. HAWES] which very clearly, concisely, and ably sets forth the progress of this bill and the arguments in its favor, with which I am in accord, be printed in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D. C., May 26, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Thanks for your letter, inclosing telegram concerning the convict labor bill. It is another evidence of your fine interest in this legislation for which I am grateful, as joint author of the bill, and for which also, I am sure, both labor and capital and the women's group are equally grateful.

The bill now before the Senate was passed by the House last week by the overwhelming majority of 303 to 39, after six hours' debate, this being the third time the measure, or similar bills, have passed that body. The vote would have been even greater had the entire membership been present. For instance, 11 votes from New Jersey would have been for the bill, but the delegation was absent, due to the New Jersey primary.

A careful poll indicates that an overwhelming majority in the Senate is ready to vote for the bill, and only a very small minority can be counted on to oppose it.

The bill has not become a law before, because it has always been blocked by a Senate filibuster in the closing hours of a session. The same methods are again being employed—refusal to permit a vote.

As amended the bill grants three years in which managements of penal institutions may readjust their institutional affairs to meet whatever situation may arise, as the bill will not go into effect until the expiration of that time. This was a concession on the part of the proponents of the bill in compliance with requests of officials of several States.

Support of the measure comes from three distinct elements in our national life; the American Federation of Labor, the General Federation of Women's Clubs, and manufacturers representing more than $2,500,000,000 in invested capital, and an important group determined to bring national prison reform.

WIDE SUPPORT OF BILL

Through all of its State and local organizations the Labor Federation, with its 5,000,000 members, has appealed to Congress to pass this bill in the name of men and women working industrially who feel the resulting evil of competition with cheap prison labor.

The manufacturers seek this legislation in fairness to industries which have already suffered the ill effects of ruinous competition with smuggled prison-made goods.

The General Federation of Women's Clubs makes its appeal in the name of 14,000 women's clubs throughout the country, whose 2,000,000 members are interested in women workers in industry and in a great national prison reform looking to the proper employment and rehabilitation of the prisoner himself.

Also supporting the legislation will be found numerous other organizations of varied character, among them the national organization for the blind, whose industry—the broom business—is rapidly being wrecked by the concentration of prison labor in broom making.

The open opposition to the bill is largely confined to certain prison officials in States where prisoners are employed in the manufacture of articles thrown on the open market in competition with free labor and free capital.

The undercover opposition to the bill, an insidious opposition working in the dark and dealing in misrepresentations, is the prison contractor who does not come out in the open to defend his tainted business, but who works through agents, to mislead the public and Congress.

The first propaganda calculated to mislead was the charge that the total output of the prisons was a small percentage of the total output of the manufacturers and could not interfere with either private capital or free labor.

The fallacy of such an argument is apparent. The total volume of convict labor as compared to the total of manufacturing products of the Nation has nothing to do with the problem. Although this total prison output is actually large, amounting to something between $45,000,000 and $55,000,000 a year, the disastrous effect of it is found, not in its extent, but by falsely labeling the prison products and smuggling them into States to be sold on the open market, the prison contractor is in a position to depress an entire industry.

With such smuggling going on in a few concentrated industries the result is obvious.

Both labor and capital insist they are struggling against ruinous competition with prison products, and they are best qualified to determine this.

ANONYMOUS PROPAGANDA

Coincidental with the circularization of Congress by a committee of prison officials opposing this legislation anonymous communications were sent to persons in some 20 or 30 States.

The signed circulars which have been sent to Members of Congress recite statements made by a few prison officials to the committees of the Senate and House before whom exhaustive hearings on the question were held.

Nearly every prison official who signed the circulars was heard by these two committees composed of Members of the House and Senate representing 21 States.

It is significant that after hearing these opponents, cross-examining them, weighing their ideas and their theories, to say nothing of their charges, the two committees each reported this legislation favorably, there being but one dissenting vote on each of the Senate and House committees.

The record of the House debate is an eloquent answer to the statements made in these circulars. The vote of 303 to 39 in the House is a definite answer of that body as to the weight of the statements.

Therefore, the details of these circulars need not be discussed here, with the possible exception of a cunning attempt to mislead Congress into the fear that the legislation might interfere with the work of prisoners on prison farms in the raising of raw materials.

No single State in the Union has ever passed a bill against the sale of agricultural products, and it is a far stretch of the imagination and a far-fetched conclusion that at some future occasion any State might write a law prohibiting the sale of agricultural products. And the hearings are replete with statements of the proponents of the bill that no such State legislation has ever been contemplated. Every opponent of the bill knows, or should know, that the bill seeks only to end the smuggling of manufactured products.

This is one of the specious arguments advanced by the prison contractor in an effort to protect his profits made through prison-manufactured products. He, of course, has no interest whatever in agriculture, but the far-fetched idea gave him an opportunity to raise a false fear.

May I call your attention to a few facts in connection with the four New England States from which certain opposition to this legislation is emanating?

CONNECTICUT

The last available figures published by the United States Department of Labor, based on a survey made in 1923 and printed in 1925, show that in Connecticut the average number of prisoners in the State penal institutions was 916; the average in productive labor in the same institutions was 528.

The total estimated valuation of products manufactured in the Connecticut prisons was $2,308,000. The total estimated valuation of prison products made in Connecticut and sold outside of that State was $1,808,000, and only $500,000 worth inside the State.

The Connecticut prisons, according to the report, were operated on the "piece price" system, which differs only slightly from the contract system.

Under the contract system the State feeds, clothes, and guards the convicts. The contractor engages with the State for the labor of the convicts. He pays so much per capita for the prisoner's services and supplies the raw materials and superintends the work.

The piece price system differs principally in the method of paying for the convict's services. Under this system, instead of paying so much per capita for the services of the convict, the contractor pays an agreed price for the piecework done by the prisoner, or so much per "piece" or article. The supervision of the work is usually under a prison official, but witnesses at the hearings testified that very frequently the contractor had an agent in the prison actually doing the superintending.

I do not have before me a report of the Connecticut prison for 1923; but in the same bulletin of the Department of Labor from which the other figures are taken, it is stated that the Connecticut prison received $125,000 for the services of its convicts who turned out products valued at $2,300,000.

NEW HAMPSHIRE

The same bulletin shows that in the same year the total valuation of products produced in the New Hampshire penitentiary was $233,000.

Of the $233,000 worth of products, only $3,400 worth were sold within the State of New Hampshire and $229,000 sold outside the State.

RHODE ISLAND

The bulletin shows that in the State of Rhode Island, where certain prison officials have been active in opposition to this bill, the total production of prison-made products was $1,400,916.

Of this amount of manufactured products only $4,652 were sold in the State of Rhode Island.

Dumped upon the markets of other States, frequently in violation of the laws of other States, were $1,396,264 worth of convict-made goods from the State of Rhode Island.

The Bulletin shows that Rhode Island prisons operated under the piece-price system.

VERMONT

In the State of Vermont the Bulletin shows a total of $672,563 worth of prison-made products.

Of this large total, only $9,080 worth were sold in the State of Vermont.

A total of $663,485 worth of prison products were dumped into the open markets of other States, frequently in violation of State statutes.

The Vermont prisons, the Bulletin shows, are operated under the piece-price system.

The complaint of these States against this legislation is solely because they desire to continue the unmoral practice of selling from three-fourths to practically all of their prison products in other States, which States prohibit their own prisons from selling their products within their own borders.

In opposing this legislation they make an unconscionable appeal to be permitted to violate the expressed opinion of another State, as written into its laws, to the disadvantage of that State. In effect they demand the right to violate the laws of a neighbor and friendly State. It is an appeal to protect the business of smuggling contract goods into another State.

And by defeating the laws of friendly and neighbor States these States also make it possible for the prison contractor to defy the laws of all States and interfere with whatever prison reforms may be desired or contemplated by any State.

Convict-made goods manufactured, for instance, in Ohio, New Jersey, Pennsylvania, or New York can not be sold in those States under their own laws. The people of those States, through their legislatures, have written into their laws the protection of free capital and free labor from prison labor. Your own State of Massachusetts has taken progressive steps in this matter.

And yet Connecticut, New Hampshire, Vermont, and Rhode Island, among others, may dump their prison-made products into Massachusetts, New York, Ohio, Pennsylvania, New Jersey, or any other State, to the enrichment of the prison contractor and the detriment of honest men who either labor for their wages or invest their capital in industry.

NEW JERSEY

It is interesting to note that in New Jersey during the term of Gov. WALTER EDGE, now a Member of the United States Senate, the prison contract system was in effect.

Governor EDGE saw its waste and unfairness. He decided to place the penal institutions of his State on a business basis, and enlisted the interest of Mr. Dwight Morrow, at present United States ambassador to Mexico.

A survey was made, and Mr. Morrow assumed a place at the head of the board in charge of New Jersey's penal institutions. The contract system was abolished by him and the State-use system inaugurated. Ambassador Morrow served for four years, 1917 to 1921; a business-like administration was inaugurated and New Jersey's convicts to-day do not make products to be dumped into the open market, but manufacture only those products needed by the State institutions of New Jersey.

New Jersey took an early lead in such reform and is attempting to protect private capital and free labor from smuggling of convict-made goods. But the States of Vermont, New Hampshire, Connecticut, and Rhode Island may now send their convict-made unlabeled or falsely labeled products into New Jersey and nullify and defy New Jersey laws.

Senator EDGE and Senator EDWARDS, also a former Governor of New Jersey, have both been active in their support of this legislation, having had experience in a State living up to the principle underlying this bill.

CONSTITUTIONALITY

Recently an unsigned brief attacking the constitutionality of the convict labor bill was sent to Members of the Senate.

During the House debate on this bill its constitutionality was discussed, and so conclusive were the arguments made by able attorney Members of the House that the legal phases of the bill were sustained by the overwhelming vote.

The chairman of the Labor Committee of the House, Mr. KOPP, of Iowa, made a forceful speech on the subject and presented a comprehensive brief as to the constitutionality of the bill.

Mr. Donald R. Richberg, appearing as counsel for the American Federation of Labor before the Senate and House committees during the hearings, satisfied the members of these committees as to the constitutionality of the bill in an exhaustive brief.

It is significant to note also that Congressman L. C. DYER, acting chairman of the House Judiciary Committee, voted for the bill, as did Congressman HATTON SUMNERS, of Texas, ranking Democrat on the Judiciary Committee.

May I call your attention to the fact that the unsigned brief which was circulated to Senators in opposition to the bill takes up several pages of discussion without mentioning the Wilson Act, the language of which formed the basis for the drafting of the present convict labor bill, or the re Rahrer case, the Supreme Court decision in which the Wilson Act was sustained and the broad principles laid down as to the power of Congress in the matter of divesting statutes.

You will note in the unsigned brief, also, a lengthy discussion of the child labor laws, and the decisions under which they were declared unconstitutional.

It is significant to note in this connection that an eminent attorney, appearing against this bill before the House committee, representing, by the way, the State of Connecticut, on direct question stated that in his view the child labor case could not be accepted as a precedent against the proposed convict labor bill.

The proponents of the bill do not doubt the constitutionality of the bill. They would not urge the passage of an unconstitutional act; it is the prison contractor, the opponent of the measure, who advances this pet expedient of otherwise silenced opposition.

A CHARACTERISTIC APPEAL

The object of the telegram received by you from the warden of the Missouri penitentiary is apparent.

The Missouri delegation in the House, both Republican and Democratic, with the exception of one absentee, voted solidly for this bill. Both United States Senators from Missouri have spoken for it.

These representatives know Missouri. And so an appeal is made by the Missouri warden to a Senator in Massachusetts, more than 1,000 miles away. Unfortunately the writer of the telegram forgot to note that the Massachusetts delegation voted solidly for the bill in the House.

The opposition to this bill at first claimed that it would result in idleness among the prisoners by forcing the States into the State-use system.

Not satisfied with hearsay statements on this subject, I wrote to responsible executives of New York, Ohio, Pennsylvania, New Jersey, and other States, and obtained the facts concerning prison employment under the State-use system.

These facts, completely disproving the claims of the opposition made on hearsay evidence, were given to the Senate by me on April 17.

Some time ago there came to my attention a report of the State auditor of Missouri which throws additional light on this particular phase of the problem.

The following two excerpts are taken from the Report of the State auditor of Missouri in connection with the penitentiary's finances:

"About 2,200 is the largest number employed at one time, and this leaves a small army of about 1,100 or 1,200 men unemployed that must be fed and clothed 365 days in the year.

* * * * * * *

"It is also true that every outside industry is not a financial success, farms not excepted. There is entirely too much lost motion, too many trucks and automobiles operated, and too many leaks in these outside industries that are not accounted for."

Responsible officials in State use States declare that prison idleness is a disappearing problem in their penitentiaries; examiners for the State auditor of Missouri find that in the Missouri penitentiary, where products are manufactured and dumped into the open market "there is a small army of about 1,100 or 1,200 men unemployed * * *."

As a matter of fact, the bill now before Congress in itself has nothing to do with the employment of prisoners. After its passage, any prison management may employ its prisoners as it sees fit. The only change to be brought about with this Federal legislation as the initial step is to force the penitentiaries to sell their products in compliance with the laws of the State in which they are to be sold. At least one large penitentiary in the United States now labels its products "prison-made" and operates its penitentiary profitably, selling its products on the market.

The honest sale and distribution of prison products will put the prison contractor out of business, and the $40,000,000 or $50,000,000 worth of prison products now being sold through him will find their way to sale in an honest fashion, which is all that the proponents of this bill desire.

There are some honest opponents of this legislation; there are some prison officials who do not take the broader view, and there are those who prefer to go on as at present because it is the easy way, but the prison contractor is the real opposition to this bill and his organized opposition in an underhanded way has been difficult to meet. His work has been under cover and in the dark.

Thanking you for your continued interest, I am,

Very sincerely yours,

HARRY B. HAWES.

WORLD WAR VETERANS' LEGISLATION

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD a communication from the assistant general counsel for the United States Veteran's Bureau, setting forth in detail the legislation affecting war veterans that has been passed during the present session. It will be helpful to the war veterans to have this summary of new legislation concisely presented.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, May 29, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: In accordance with your suggestion, there is submitted herewith a redraft of the résumé of legislation enacted at this session of Congress for the benefit of veterans of the World War which had previously been submitted to you. The redrafted résumé has been amplified in certain respects so as to explain in succinct manner the various amendments adopted.

1. Hospitalization: On May 23, 1928, the President approved Public, 480, Seventieth Congress, "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes," which authorizes an appropriation of $15,000,000 for the construction of additional hospital and out-patient dispensary facilities for the United States Veterans' Bureau; $7,000,000 of the total amount authorized by this act was appropriated in the second deficiency bill approved May 29, 1928 (Public, 563, 70th Cong.).

This construction program is to provide additions to or replacement of facilities at Bedford, Mass.; Oteen, N. C.; North Chicago, Ill.; St. Cloud, Minn.; Palo Alto, Calif.; American Lake, Wash.; Chillicothe, Ohio; Maywood, Ill.; Walla Walla, Wash.; North Little Rock, Ark.; Tuskegee, Ala.; Excelsior Springs, Mo.; Tucson, Ariz.; Northport, Long Island, N. Y.; Fort Snelling, Minn.; Sheridan, Wyo.; and the erection of a ward of 100 beds at Walter Reed Hospital (Army), Washington, D. C. It also includes new hospital projects to replace the existing structurally unsuitable Government-owned facilities at Philadelphia, Pa., and the leased facilities at Kansas City, Mo. Further, it authorizes construction of new facilities in the Kentucky and the southern New England areas, and includes an amount to supplement funds heretofore authorized for the erection of a permanent hospital in Louisiana. There is provided a special fund to permit of the revamping of other bureau hospitals to meet the changes in the hospital load and to erect a ward for women patients in the vicinity of Washington, D. C.

One of the important questions raised in connection with the consideration of this legislation was the mandatory provisions of section 202, paragraph (10) of the World War veterans' act, 1924, in so far as the hospitalization of neuropsychiatric patients was concerned. The Director of the Veterans' Bureau, by the issuance of Director's Decision No. 375, has held that hospitalization under the first provision of section 202 (10) of the act, as amended, is mandatory, and further, that hospital facilities under the control and jurisdiction of the bureau are equivalent to Government facilities. The Congress recognized to some extent the need for additional hospital facilities to meet the requirements for hospitalization under this section by adding authority for construction over and above that recommended by the Veterans' Bureau, which recommendation was based to a large extent on cases where the disabilities are service connected.

This measure further authorizes the President to accept from any State or other political subdivision, or from any corporation, association, individual or individuals, any building, structure, equipment, or grounds, suitable for the care of the disabled with due regard to fire or other hazards, state of repair, and all other pertinent considerations. The last section of Public, No. 480, repeals section 4 of the act entitled "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924," approved March 3, 1925. Had this section of the previous law not been repealed it would have been necessary, upon the completion of the hospital program authorized therein, which would have taken place some time during the current year, to have discontinued the use of other than Government facilities for Veterans' Bureau patients.

2. Adjusted compensation: On May 29, 1928, the President approved an amendment to the World War adjusted compensation act, as amended (Public, No. 570, 70th Cong.), which contains the following important provisions:

(1) The time for filing applications for benefits under the World War adjusted compensation act is extended two years, from January 1, 1928, to January 2, 1930.

(2) The Secretary of War or the Secretary of the Navy, as the case may be, is authorized, where the records of the department show that an application has been filed within the required time, but the application itself can not be found, to certify to the Veterans' Bureau the adjusted service credit of the veteran, the application of the veteran being presumed in the absence of affirmative evidence to the contrary to have been valid when originally filed. This will permit the extension of benefits to veterans and their dependents in cases where the applications have been lost after receipt in the proper department.

(3) The death of a veteran is presumed where he has been absent from his home and family for a period of seven years during which no intelligence of his existence has been received.

(4) Provision is made that where the person entitled is a minor, mentally incompetent, or under other legal disability payment may be made to the legally constituted guardian, curator, or conservator of the person entitled to payment, or to the person found by the director to be otherwise legally vested with the care of the person entitled to payment or of his estate. It is provided that prior to receipt of notice by the bureau that any such person entitled to payment is under such legal disability payment may be made to such person direct.

(5) Authority is given to the veteran to designate more than one beneficiary under his adjusted service certificate.

(6) False and fraudulent statements in connection with securing duplicate certificates are brought within the penal provisions of the law.

3. Disabled emergency officers: On May 24, 1928, the House and Senate passed by two-thirds vote Public, No. 506, Seventieth Congress, "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," which provides for the retirement of ex-emergency officers of the World War who incurred physical disability in line of duty and who have been or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, with pay at the rate of 75 per cent of the pay to which they were entitled at time of discharge from their commissioned service, this pay to be in lieu of all disability compensation to which they are entitled under the World War veterans' act, as amended. This act also accords these ex-emergency officers the privilege of hospitalization and medical treatment from the Veterans' Bureau. It further provides that these ex-officers shall be entitled to the same privileges as are now provided or may hereafter be provided for the officers of the Regular Army, Navy, or Marine Corps retired for physical disability incurred in line of

duty. The same class of officers who have been, or hereafter may be, rated less than 30 per cent and more than 10 per cent permanently disabled by the United States Veterans' Bureau for disability resulting directly from such war service and incurred in line of duty are entitled to have their names placed on the appropriate emergency officers' retired list with the rank held by them when discharged from their commissioned service, but without retired pay, and are entitled only to such compensation and other benefits as are now or may hereafter be provided by law or regulations of the United States Veterans' Bureau, together with all privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty.

The act provides that the retired list created thereby of the officers of the Army shall be published annually in the Army Register, and said retired lists of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register.

4. World War veterans' act, as amended: On May 29, 1928, the President approved an amendment to the World War veterans' act, as amended, which contains many notable amendments, the most important of which are as follows:

(1) A statute of limitations on insurance suits providing that suits on contracts of insurance must be brought within six years after the claim accrues or one year after the passage of the act, whichever is the later. Heretofore, under the conformity act, the statutes of limitations of the different States applied.

(2) Authority for payment of expenses of original appointments of guardians.

(3) Authority is granted the director for the waiver of recovery of payments made to any person who, in the judgment of the director, is without fault on his part, and where, in the judgment of the director, such recovery would defeat the purpose of benefits otherwise authorized, or would be against equity and good conscience. In all cases where waiver of recovery is made the disbursing officers are relieved from liability. The previous law only permitted the waiver of payments which had been made to a beneficiary and provided no relief for disbursing officers.

(4) The next change provided by the amendatory act is administrative in nature and authorizes the director to contract for the service of translators. This amendment was to facilitate translation of foreign mail which is received in the Veterans' Bureau from practically all the countries in the world.

(5) Authority is granted for the purchase of transcripts of records, including all evidence of trial of litigated cases.

(6) Authority for the payment of expenses of medical examinations, and inspections when necessary, in connection with the reinstatement of insurance, for the determination of the fact of permanent and total disability for insurance purposes, and the date of beginning and termination thereof.

(7) Authority for the payment of death compensation to children after the age of 18 and until the completion of education or training (but not after the age of 21 years).

(8) Authority for the payment of dependency compensation to parents irrespective of the time the dependency arises, but to continue only during the existence of actual dependency, and not until the death of the parent, as formerly provided.

(9) Provision for the payment of $107 for burial and funeral expenses in all cases in which the director, in his discretion and with due regard to the circumstances of the case, may decide. Contracts for burial services are authorized to be made within the limits of the amount allowed without regard to the laws prescribing advertisement for proposals for supplies and services or the awarding of contracts to the lowest bidder. This will permit the bureau to procure the best funeral for the money, regardless of the provisions of the Revised Statutes requiring the acceptance of the lowest bid. It is further provided that no deduction shall be made from the amount allowed because of any contribution toward the burial by a State, county, municipality, or other political subdivision.

(10) Provision to authorize the director, in his discretion, to apportion compensation where the veteran is a patient in the hospital or for any other reason is separated from his wife and children. This amendment is designed to overcome the difficulty encountered in the former law under which an apportionment was mandatory, regardless of the circumstances surrounding the separation, which resulted occasionally in an apportionment of the veteran's compensation to an undeserving wife.

(11) The time for filing proof of claim was extended to April 6, 1930, and the director was authorized, in his discretion, to extend the time for filing claims to April 6, 1930.

(12) The rates of compensation for widows and children receiving compensation under an accrued right under the war risk insurance act was equalized so as to make them entitled to the same amount as is payable to widows and children receiving benefits under the World War veterans' act.

(13) The provision permitting the payment of Government insurance to a restricted class was amended in so far as converted insurance is concerned. There is no longer any restriction on the designation of beneficiaries for converted insurance.

(14) Provision was made for reconversion of insurance to policies carrying a lower rate of premium, where the insured is in good health, provided, however, that no reconversion may be made to the five-year level premium form of policy. This amendment is effective as of June 7, 1924.

(15) Provision is made for the granting of converted insurance to any person who has heretofore applied or been eligible to apply for yearly renewable term insurance or United States Government life insurance, provided such person is in good health and furnishes evidence satisfactory to the director. The provisions of this section apply only to persons in the military or naval forces of the United States during the World War, and no more than $10,000 insurance may be carried by any one person at any time, nor can any person who has surrendered his United States Government life (converted) insurance for its cash surrender value apply for such insurance to the extent of the amount so surrendered.

(16) Provision is made for the inclusion of a new clause in the United States Government life (converted) insurance policy whereby an insured who is totally disabled for a period of 12 consecutive months shall be paid disability benefits under the contract as though he were permanently and totally disabled. This clause will be inserted only upon application and upon payment of the necessary premium. Benefits under this clause do not prejudice the rights of an insured who is otherwise permanently and totally disabled.

(17) Compensation which is uncollected by reason of the provisions of section 310 of the war risk insurance act, as amended, or section 210 of the World War veterans' act, 1924, as amended, which limit the period over which retroactive compensation is payable, is made available for the purpose of the revival of insurance under section 305 of the World War veterans' act, as amended. This provision places the legislative stamp of approval upon the bureau's construction of this section, and nullifies the ruling of the Comptroller General that the law would not permit the use of compensation uncollectible by reason of the provision limiting retroactive payments for the revival of insurance.

Very truly yours,

J. O'C. ROBERTS,
Assistant General Counsel.

PROPORTIONAL REPRESENTATION IN CHOOSING PRESIDENTIAL ELECTORS

Mr. WALSH of Massachusetts (by request) submitted a concurrent resolution (S. Con. Res. 23), which was referred to the Committee on Privileges and Elections, as follows:

Whereas the existing practice of having all the presidential electors in each State elected in one block, and of having the votes of such electors all cast for the presidential candidate who receives the largest number of votes, is detrimental to the interests of the Nation, because—

(1) It deprives of representation in the Electoral College, always some minority, often a large minority, and sometimes even a majority, of the votes of each State;

(2) It unjustly causes a part of the numerical strength of the voters of the State to be counted for candidates of whom they disapprove, thus giving in effect more than one vote to each citizen of the most numerous party, though that party may be a minority of the whole number of voters;

(3) It places an undue strain of excitement and temptation to corruption upon those States in which the principal parties are equally divided, and in which therefore each of the principal parties exerts itself to become the most numerous one;

(4) It deprives States in which either of the principal parties is sure of receiving a majority (or even a plurality) vote of the benefit of discussion and instruction of citizens in the principles of government and the issues of the day, which would result from an active effort to secure their votes;

(5) It deprives the National Government of the benefit of participation in its affairs by that great host of citizens in the sure States who, on the one hand, can not by voting give worth-while expression to their convictions, or who, on the other hand, because of the practical changelessness of election results in their States, fail to take that interest in national affairs which patriotism demands;

(6) It nullifies the efforts of truly patriotic, thinking citizens who vote according to conviction by placing elections mainly in the hands of those who vote accordingly to habit; and

Whereas proportional representation (both by the single transferable vote method used in England, Ireland, Canada, and some cities of the United States, and by the list method used in various continental European countries) has proved in practice to be easily workable, satisfactory to the voters, and just to all parties; and

Whereas the process of electing the President and Vice President of the United States is of grave import to the welfare of the Federal Government, yet Congress has no authority to modify it, because Article II, section 1, of the Constitution gives to the legislature of each State the sole authority to direct the manner of appointing the presidenial electors for that State: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That is is the sense of the Congress that the legislatures of the several States should establish by appropriate legislation proportional representation in the choosing of presidential electors, and that the Secretary of State is hereby requested to transmit a copy of this resolution to the governors of the several States.

Mr. WALSH of Massachusetts, to accompany the concurrent resolution, presented a letter, together with notes, on the matter of proportional representation in the Electoral College, which was ordered to be printed in the RECORD, as follows:

1753 KILBOURNE PLACE,
Washington, D. C., May 17, 1928.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: You suggested that I prepare an argument in favor of the resolution, which you are to introduce by request, regarding the presidential election. Inclosed is such an argument, about 500 words long, which may be of use as a starter and which you, of course, can adapt as you see fit.

I am also submitting a revised form of the resolving paragraph, but am not sure it is any better. The differences are that it recommends to the legislatures instead of saying they ought; it makes reference to the national interest, and it provides for sending to all the members of the legislatures.

Hoping you may find it advisable to introduce the resolution at this session at the time when people are thinking about this subject of elections, and that good may come from it, I am,

Very respectfully yours,

WM. C. LEE.

NOTES ON PROPOSED RESOLUTION FOR PROPORTIONAL REPRESENTATION IN ELECTORAL COLLEGE

The customary practice of having all the presidential electors in each State elected in one block and their votes all cast for the presidential candidate who receives the largest number of votes is detrimental to the interests of the Nation, because it practically disfranchises the minority of the voters, since their votes do not count for the candidate they favor but are actually counted in favor of one they oppose. This is worse than not counting them at all.

To correct this condition does not require any amendment to the Federal Constitution, nor any act of Congress; but it can be corrected by State action, due to a provision in the Constitution which has received but little public attention, namely, that the manner of choosing presidential electors is placed under the authority of the State legislatures.

In view of the fact that the choosing of these electors determines who shall be the Chief Magistrate of the Federal Government, it may properly be discussed by Congress; yet since action can be taken only by the State legislatures, it seems fitting for Congress to call the attention of the States to the situation and suggest to them that suitable action be taken by the legislatures for the relief of the United States. Congress is frequently called upon to act for the relief of States and subdivisions of States, and we have here a case where reciprocal action is needed.

Senate Concurrent Resolution —— points out the disadvantages of the present block system of choosing presidential electors and the feasibility, as shown by experience, of having them chosen in such a way as to give proportional representation to the various parties; and it recommends to the State legislatures that the principle of proportional representation be embodied in the law.

Sometimes it is objected to proportional representation that it is contrary to the principle of majority rule, but this is not the case. The majority of the voters are entitled to a majority of the representation in the Electoral College, but not to the whole of it. The minority is justly entitled to its proportional minority share.

The present system is too often plurality rule rather than majority. Many States are carried in the election by a plurality vote, and then the numerical strength of all the other groups of voters is counted in favor of the one that has a plurality. Thus the majority are counted in favor of just one minority. This is not majority rule.

But even if a State is carried by a majority for one ticket, this is no reason why all the votes of the State should be counted for that ticket. The place where the majority should be effectual is in the Electoral College. By the present system we may at any time have a false majority in the Electoral College which does not represent a majority of the voters.

In each State every class of voters (whether the total majority party, the various elements of the majority party, the principal minority, or minor minorities) should have their due representation in the Electoral College; then let the Electoral College determine the choice of President. This is in accordance with the spirit and the definite intention of the Constitution. To make up a fictitious majority in the Electoral College by counting the votes of the minority in each State in favor of the majority (or plurality) ticket is utterly unjust.

There would be many advantages in having the Electoral College majority made up according to the principle of proportional representation, rather than in the manner now prevalent. Some of these are indicated in the resolution which I have introduced. (S. Con. Res. —.) These can be secured by some of the States, whichever ones will take the necessary action, even though other States of the Union continue to deprive themselves.

REVISED FORM FOR THE RESOLVING PARAGRAPH, PAGE 3

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it would be an advantage to the Nation if the legislatures of the several States would by proper legislation establish proportional representation in the choosing of presidential electors; and on behalf of the Federal Government it is recommended to the respective legislatures that such action be taken.

The President of the Senate is requested to transmit copies of this resolution to the governors and the members of the legislatures of all the States.

SPRAY-PAINTING DEVICES

Mr. COPELAND. Mr. President, in connection with Senate bill 4186, which refers to the regulation of the use of spray-painting devices in connection with Government buildings and structures, whether done by direct labor or under contract, I wish to call the attention of the Senate to a paper read by Dr. Andrew F. McBride, commissioner of labor of the State of New Jersey, and one of the very able physicians of this country, at the convention of the Association of Labor Officials of the United States and Canada held in New Orleans, La., last week.

As this paper will give the members of the Senate Committee on Education and Labor, to whom Senate bill 4186 was referred, and the other Members of the Senate who may be interested in the subject a very adequate statement as to what is behind this bill, I am asking that it be inserted in the RECORD. It is perhaps not necessary for me to say that Doctor McBride was, at the time of his appointment as commissioner of labor of New Jersey, and is now, rated as one of the ablest physicians in New Jersey. He has specialized in the industrial side of the physician's work and is an authority not only on industrial diseases, as the term is technically known, but upon the general effects of industry in all of its forms upon the human system. Doctor McBride was elected president of the Association of Governmental Labor Officials of the United States and Canada, to which I have referred, at the New Orleans convention, and he is also president of the International Association of Industrial Accident Boards and Commissions, which is an association of State officials having in direct charge the administration of workmen's compensation laws.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The use of the spray gun has penetrated so many industries and has been employed for such a wide variety of purposes that it is obvious that a new problem involving industrial health has arisen that will require expert engineering attention based on scientific technical investigation and research for its solution. If the materials used by the spray gun were nontoxic in their action and the only problem involved were to prevent dust particles from being inhaled by the operator, the intricacies of the situation would not be so pronounced, for exhaust-ventilation methods probably could be devised which, coupled with care and intelligent usage of apparatus, would afford a reasonable measure of health protection for operators. The facts are, however, that extremely dangerous and poisonous substances are used by the air gun, including benzol and lead, while silicates in a number of industries are involved, presenting a complicated and difficult industrial problem for solution.

The spraying of surface coatings by compressed air was introduced in this country as a practical method about 1890, at which time the apparatus used was of crude construction, but the results achieved from the viewpoint of economy in operation and quality of work secured were so satisfactory that the use of the spray gun began to increase rapidly until now it is used in an ever-increasing range of industrial activities, including the painting of buildings and the coating of innumerable objects from small metal parts in the novelty industry to large hides having extensive surfaces in the animal-leather industry. Engineering improvements in this type of equipment have kept pace with its increasing usage in such a manner that the quality of the work has improved to an extent that indicates that there will be, in the future, a much wider application of the industrial use of spray-brush apparatus.

At the present time the three outstanding health hazards that confront industry from the use of the spray-brush apparatus include benzol, lead, and silica. In the case of benzol its presence is found in a large number of coating compounds, including dope finishes used in the animal-leather industry as well as lacquers used for coating metal and wooden objects. The lead risk may be found in all cases where lead

paints or enamels are used by the spray brush. Silica includes the free silica that may be present in vitreous enamels. The spraying of vitreous enamels in the manufacture of sanitary ware, refrigerator linings, stove parts, milk tanks, etc., involves a risk to health, because the finely suspended silica dust is present and is taken into the lungs through the breathing efforts of the operator. This matter was given attention by Dr. Leonard Greenburg in his studies of the industrial-dust problem.

It is only within the last 10 years that possible health hazards in the use of the spray gun have been brought to the attention of industrialists, for prior to that time we do not find mention made of this risk by investigating experts whose industrial studies form the basis of what is known at the present date of industrial medicine. In the Hygiene in the Painters' Trade, by Dr. Alice Hamilton, published in 1913, there is no mention made of spray coating, which would seem to show that at that time the practice of using the spray gun in the painting industry was extremely limited. R. P. Albaugh, M. D., in 1915 discussed in the Ohio Public Health Journals a fatal case of slow poisoning in the person of a young man employed as a sprayer in a varnishing department, while the American Journal of Public Health, volume 6, No. 5, November, 1915, published an article on the dangers connected with the spray method of finishing and decorating. In 1917 Wade Wright, M. D., in the Monthly Labor Review, United States Bureau of Labor Statistics, mentioned cases of lead poisoning that he had diagnosed during the first year of his industrial clinical experience at Boston, which included an operator of a spray brush. In the Journal of Industrial Hygiene, April, 1922, volume 3, N. C. Sharpe reported the result of an investigation to determine the hazard to the health of operators using the spray machine for painting. This was probably the first really extensive study of the process of spray coating from the standpoint of the hazard of lead poisoning that had been made up to that time. In our State, in 1917, tentative standards were proposed by the Department of Labor covering the use of lacquers, shellacs, enamels, and japans, more with a view of protecting property and life from the resulting effects of fires than because of the health hazards involved, although at that time the department recognized fully the risk to health that was inherent in this process and established a rule that in all cases where it was possible to use the spray gun under a hood it should be done, and the hood should be constructed and arranged in such a manner that a free flow of air should be produced through the front of the hood of at least 100 lineal feet per minute in order to remove poisonous substances that might pollute the breathing zone of the worker.

We were deeply impressed about this time with the risk to health that was involved in the use of the spray brush because of a large number of cases of lead poisoning that occurred in a vitreous enamel plant. In this plant hoods were used, fans were operating in what to the casual observer would seem a satisfactory manner, but poisoning cases occurred that brought forcibly to the attention of the department the fact that health conditions were unstable. An examination of the apparatus seemed to show that the hoods were not of proper construction and that by enlarging their size and increasing the volume of air through the hoods, a reasonable degree of protection could be secured. This was done with the result that reported cases of lead poisoning ceased, although I am convinced now that a careful check of health conditions in these kinds of plants where exposures cover a long period of time would show that the health of susceptible individuals, at least, would be affected.

The studies made by N. C. Sharpe are extremely interesting, because they were probably the first that were made to determine the nature of working conditions that surrounded spray-brush operations. During a three-day experiment in spraying a wall the operator worked from four to five hours daily. The urine for the 24 hours following showed the presence of 0.3 milligram of lead. The plates exposed for half-hour periods indicated that with lead paints sprayed with the apparatus used at that time, lead was deposited 11 feet to the right of the operator and 3 feet behind the operator. In other cases where small objects were being coated in a cabinet provided with suction no lead was recovered from the air samples, although plates exposed at various points indicated that at certain positions in the neighborhood of the sprayer lead was deposited. The efficiency of various types of masks was tested in order to determine the degree of protection afforded the spray painter. He found that fine wire gauze masks afforded no protection whatever, while a mask of gauze and cotton made as thick as possible without causing constrained breathing reduced the lead present in 10 cubic meters of air from 90 to 10 milligrams.

A mask of gauze, cotton, wool, and charcoal, from 104.2 milligrams to 3.33 milligrams, but this mask was so uncomfortable that no workman could wear it. Masks of gauze and cotton wool, moistened with a 5 per cent solution of sodium sulphide, reduced the amount of lead present from 232 milligrams to 12.4 milligrams for 10 cubit meters of air, while a similar dry mask (that is, without the presence of sodium-sulphide solution) permitted 11.7 milligrams for 10 cubic meters of air to pass through. While the author called attention to the risk of poisoning from the inhalation of volatile fumes, used in paint, it was concluded that there was no danger from lead poisoning in spraying small objects if they were placed in an exhaust cabinet and provided with efficient exhaust ventilation. He concluded that when lead is present in paint that is used in spraying walls inside a building, there is real danger of lead absorption, but that in exterior painting there would probably be less risk from poisoning if the painter took advantage of the prevailing air currents. In this connection, especially on the subject of respirators, it should be remembered that the experiments made by the United States Bureau of Mines show that while it is possible to filter out dust the resistance to breathing is so pronounced that workmen could not wear them for any extended period of time.

The next important step in the investigation of this subject was made when Henry Field Smyth, M. D., Dr. P. H., assistant professor of industrial hygiene, University of Pennsylvania, made an exhaustive study of the problem in 1925 in the State of Pennsylvania under the State department of labor and industry. Thirty-two different industrial groups, comprising 233 plants using the spray gun in the production of furniture or small metal objects, were visited and studied. Ninety-one analyses were made for benzol, 22 for lead, 26 for dust, while 168 air-velocity determinations were made. In addition, 383 physical examinations were made and 43 specimens of urine were analyzed for lead, while special studies on benzol concentrations and exhaust ventilation in an experimental booth especially constructed for the purpose were conducted in the laboratory of hygiene, University of Pennsylvania. While no clearly marked clinical cases of poisoning were revealed in the course of the Pennsylvania studies, an appreciable proportion of workers exposed to benzol showed the disturbed blood picture characteristic of early poisoning.

This appeared to be the result of using lacquers and similar finishes having a benzol content, and it caused a feeling that exposure to this substance in certain industries was much more common than had been generally realized. The Pennsylvania study clearly demonstrated that there are three major health hazards which may be involved in the use of the spray gun for interior work. Where paints and enamels contain a definite proportion of lead, plumbism may result. Where benzol thinners are used in the dilution of paints or lacquers sprayed upon interior surfaces of structures or upon manufactured articles, there is danger of benzol poisoning, while vitreous enamel used in making bath tubs and similar vitreous ware frequently contributes finely divided silica to the atmosphere sufficient to create a silicosis hazard. Doctor Smyth found that both benzol and lead were often present in large amounts in the air breathed by the industrial sprayer, and that of 127 lacquer sprayers examined 5 plus per cent showed white blood cell counts indicative of benzol poisoning and 39 plus gave a disturbed picture. The study showed that 18 per cent of the men engaged in paint spraying showed stippled cells, while the examination of eight spray painters engaged in structural painting showed no cases of lead poisoning, it should be remembered that Doctor Smyth had but little opportunity to observe spray painting of buildings as only a small number of contracting firms used the spray gun, and in these cases employees were occupied with spray painting only a part of the time so that their exposure was probably not continuous. As far as lead is concerned the results seem to show that when paint materials contain more than 1 per cent of lead the amount inhaled during the working day is sufficient to cause toxic action, while where the content of the material goes above 5 per cent, poisonous action is sure to result no matter where the material is used, whether under the booth or not, and whether a respirator is used or not. A very serious condition was found in those plants where during moist weather a so-called "retarder" was employed. Investigation showed that this material was acetone oil and the men who used this "retarder" were obliged to quit work for one or two days after its use. The study also showed that but little had been known of the use of the spray gun in the work of applying vitreous enamels to steel or cast iron. It must be remembered that certain enamels contain soluble lead, while in other enamels the lead is insoluble. Those enamels which contain soluble lead show the same poisoning results as other lead-containing materials, while those which do not contain soluble lead, although they offer no lead risk expose the worker to silicosis. It was found that even with good exhaust ventilation 17 workers in 44 examined were affected with silicosis, and it should be especially noted that not one of the 17 affected had worked longer than one year at this occupation.

At the Cleveland Congress of the National Safety Council in 1925 the importance of making an unbiased study of health hazards of spray coating was recognized (as the results of the Pennsylvania study had not been published) and a special steering committee to carry on the work was appointed. This steering committee in turn appointed a spray-coating committee of 23 members representing Federal and State bureaus, universities, national health organizations, insurance companies, organized labor, and manufacturers of materials and equipment used in spray-coating operations. This committee at the outset recognized the fact that three outstanding health hazards obviously arose from the use of benzol, lead, and silica, and the investigations were conducted with the idea of determining the health risk that arose in industries where these substances were used in spray-gun processing. The investigation covered a large number of plants, physical examinations were made of operators, the results

were carefully noted, air velocities were measured to determine, if possible, the speed at which air should travel in order to provide safe working conditions, and in general the whole subject matter and all circumstances relating thereto were given practical and technical consideration. The results of the study showed that in many plants exhaust hoods were in service that were not giving the workers a fair measure of protection, and that in order to remove poisonous substances from the vicinity of spray-gun operators it would be necessary to produce air velocities in hoods very much higher than it had been the custom to develop heretofore. The physical examinations showed that a large number of people in the spray-coating industry were being affected by the poisonous compounds that were used in the spray guns and that measures of protection taken at that time were quite inadequate.

The committee thought that in the case of benzol the presence of this substance in spray paints was entirely unnecessary, for plants were in operation that used nontoxic lacquers successfully, and as a matter of fact many lacquer manufacturers had seen the wisdom of discontinuing the use of benzol and of replacing it with toluol as the hydrocarbon thinner for nitrocellulose lacquers. In the case of lead used in interior spray paints it was decided that there is no necessity for using lead base spray paints for such purposes as other materials are available which are entirely satisfactory in many varying light tints. It was further suggested that manufacturers experiment to find suitable colors to replace the lead pigments commonly used in automobile undercoats.

The investigators gave special consideration to the question of protecting the workers by means of masks or respirators, and it was found that the filtration type respirator, when constructed on effective lines, provided such a high resistance to the breathing of the worker that it would be impossible for a man to do vigorous physical work while wearing an effective filtration-type respirator. For many years these respirators have been used in lacquer and paint spraying operations for the purpose of filtering poisonous solvents and harmful lead particles from the air. While it is possible for the filtration-type respirator to collect solid particles in the air if the layers are numerous enough in the respirator, it probably would have little or no value in filtering volatile poisonous solvents that pass into the atmosphere. Nothing need be said of the Army gas mask, because while it is effective it is too uncomfortable and cumbersome to be worn for any continuous working period. The respirator with a positive air supply which bathes the face in fresh, pure air and maintains a constant outflow through the normal leakage spaces gives satisfactory results, but on the whole it is better not to place too much dependence on any available type respirator at this particular period of time.

The final conclusion of the committee urged as a most important and fundamental recommendation that manufacturers of paints, lacquers, shellacs, varnish, and vitreous enamels to be used in spray coating should, so far as possible, eliminate benzol, lead, and free silica from their products, and where this has been done should clearly label such products as containing less than a certain maximum amount of lead, benzol, or free silica, as the case may be, and that employers using the spray gun for indoor and booth work should, so far as possible, insist on obtaining and using only material so labeled. The far-reaching effects of the investigations herein noted should not be underestimated for their practical health values in demonstrating to the industrial world the pernicious effects that follow the practice of asking workers to suffer exposures that endanger health will, no doubt, do much to arouse the industrial conscience and enable the establishment of reforms based on sound, democratic procedure.

It is much better that these things that affect the health of industrial workers on a large scale be done by voluntary action and popular consent than for industry to refuse to recognize the dangers and thereby compel the State to use its police power in the establishment of drastic reforms to protect its industrial workers.

FARM RELIEF

Mr. COPELAND. Mr. President, I ask to have printed in the RECORD an article prepared by the American Farm Bureau Federation on the McNary-Haugen bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WILL THE CONSUMER PAY?—THE MCNARY-HAUGEN BILL AND THE COST OF LIVING

(Prepared by the Washington offices of American Farm Bureau Federation)

One of the best evidences that the McNary-Haugen bill will bring real relief to agriculture is that the measure is overwhelmingly supported by the farmers.

It is significant that little protest has been heard from the great mass of consumers of farm products. The American Federation of Labor, one of the most powerful organized groups of consumers in this country and one which has never been averse to voicing its protest in vigorous terms whenever its interests are endangered, has gone on record unequivocably in favor of the McNary-Haugen bill as an act of justice to the American farmers.

FEDERATION OF LABOR APPROVES

Mr. Edgar Wallace officially representing that organization appeared before the House Committee on Agriculture on April 10, 1926, and urged the committee to give its approval to the McNary-Haugen bill.

In reply to a question as to whether organized labor would oppose this legislation if it should definitely raise prices, Mr. Wallace replied, "Absolutely not, even though we had to help pay. I have said that many times."

He declared that this was the attitude of labor, and explained that labor would fear instead "that some great corporation would get hold of all the foodstuffs. These are the ones who would raise the prices," he said, "but we have no fear that under Government supervision, with the farmers taking part, that this proposed law would result in undue raising of prices of the food upon which we depend for our living. We have not any fear of that. We would fear some selfish interest cornering the whole supply and telling the farmer then what they shall get and telling us what we shall pay. That has been done in many of the productive industries."

Indorsing the McNary-Haugen bill as an act of justice to the farmer, he placed his organization unequivocally on record in behalf of this measure.

PROMOTES EMPLOYMENT IN CITIES

The McNary-Haugen bill will bring the farmer increased purchasing power with which to buy manufactured goods. This means increased business for the manufacturing plants and industrial concerns. And this in turn means increased employment for laborers in these plants. It means also that the influx of farmers to the cities will be checked, thus checking the danger of an oversupply of labor in the cities. Labor has more to fear from unemployment and wage reductions due to an oversupply of labor coming from the farms to the cities if this bill is not passed than labor has to fear from an increase in the cost of living if this bill is passed.

INCREASES FARMERS' CAPACITY TO PURCHASE CITY GOODS

It is very significant that business organizations which have products to sell to the farmers are beginning to realize in increasing numbers that something must be done quickly to boost the purchasing power of the farmers, who constitute one of the most important markets and outlets for manufactured goods. They are coming more and more to the support of the McNary-Haugen plan, presumably attracted by its widespread support by the farmers and its adequacy to deal with the surplus problem. Among these might be cited examples among numerous interests, bankers who deal principally in loans to farmers, fertilizer dealers, business organizations in rural areas, a prominent fountain-pen manufacturer, and others.

BENEFITS TO CITY DWELLERS

Senator ROYAL S. COPELAND, of New York City, who may be expected to be concerned for the welfare of great consuming groups, coming, as he does, from the largest city in the United States, has been a strong advocate of the McNary-Haugen bill primarily because of the importance of maintaining the farmer's purchasing power as an outlet for manufactured products. In an address before the annual convention of the American Farm Bureau Federation in Chicago on December 6, 1927, Senator COPELAND warned of the potential dangers to city laborers if farm relief is not given. He insisted:

"Unless there can be found a means for farm relief, the cities will have bread lines to feed the unemployed."

He declared that—

"The condition of the farmer is of tremendous interest to the urban dweller. Overcrowding in the greater centers means undue competition and lowered wages for them." * * *

He cautioned against a short-sighted policy that would refuse to help stabilize agriculture for fear of higher retail prices. He declared:

"My training as a sanitarian has taught me the importance of an abundant supply of the essential foodstuffs. We can not have healthy and vigorous babies without an unfailing flow of pure milk. Good bread, the corn and meat products, the fruits of the orchards, and the vegetables of the garden are vital to the highest type of good health, and proper nourishment is essential to good citizenship.

"It must be apparent, then, that the city dweller regards with concern what is happening upon the farm. He knows that while happiness is the most elusive thing in the world, there can be no happiness in any home where there is economic distress. Any group suffering from this cause must be an unhappy group, and there is no doubt that the farmer, particularly the one-crop farmer, is in economic distress."

NO RIGHT TO DESTROY AGRICULTURE

In a speech before the Senate on June 12, 1926, in behalf of the McNary-Haugen bill, Senator COPELAND pointed out that—

"While labor has improved its condition and the manufacturer has improved his, the farmer has not had any chance to improve his condition."

And he declared:

"We have no right, Senators, to permit agriculture to breakdown."

Then he told why the consumers in the city would benefit if real farm relief were given:

"It is common to say that agriculture is a basic industry of our country. What would we do without it? It is not a question alone of what the farmers raise for us and what they give us to keep us alive, but they buy our products. Every citizen in my great city, New York, has an interest in whether the farmers in the Middle West are prosperous or not, because we have things to sell. We have clothing, dresses, and hats and cuffs and collars and everything else to sell. We have furniture to sell. The farmers of this country are the great purchasers of those products. They can not buy if they have no money. So I urge upon Senators to give consideration to this great agricultural problem. Let us not, because we are divided, because the farmers have been divided, make that an excuse for going home without taking some steps for the relief of this great group."

HIGHER FARM PRICES DO NOT NECESSARILY MEAN HIGHER PRICES TO CONSUMERS

An increase in farm prices does not necessarily result in an increase in the cost of living to the consumer. Practically all farm products are processed in some way and pass through many agencies after leaving the farm before they are purchased by consumers. It is estimated by Macklin, Grimes, and Kolb in a recent book entitled "Making the Most of Agriculture," that "processing as a marketing service is thus indispensable for four-fifths of all farm products. Most of this work under modern conditions is done by middlemen. Seven-tenths of the farm products used for food are unfit for consumption until they are processed." In support of this statement the following table was offered, which shows the percentages of various food products which are processed in some way before sold to consumers:

Percentage of 38 cents spent for food [1]	Processed	Not processed
Meats and fish, including poultry and shellfish	34.3	
Grain products	17.4	
Vegetables		10.1
Milk and cream		9.6
Butter and fats	8.6	
Eggs		5.7
Fruits and nuts		5.0
Sugar and molasses	4.5	
Cheese	1.0	
Miscellaneous	3.8	
Total percentages	69.6	30.4

[1] Henry C. Sherman: Chemistry of Food and Nutrition, 1918. Macmillan Co.

The cost of the raw material entering into the finished food product or the finished garment manufactured from cotton or wool frequently represents only a relatively small factor in the total cost of the finished product.

According to the recent report of the Federal Trade Commission on the baking industry, the producer of wheat receives only a little over 1 cent for the wheat necessary to bake a pound of bread retailing at about 8½ cents; or, in other words, the farm price of wheat represents only about 13 per cent of the retail price of bread. The following table taken from this report shows the margins exacted by each agency from the farm to the consumer. If the farmer's margin between what he paid out and what he received were shown it would probably show a deficit as compared with the gross margins which all of the middlemen show.

TABLE NO. 1.—*Distribution of the consumer's price of a pound of bread for the years 1922–1924*

Items	Margins: Cents per pound of bread	Margins: Per cent of retail price	First cost, cents per pound of bread
Producer of wheat	1.145	13.40	
(Price received by producer, covering all costs and net profit on flour content of wheat required for 1 pound of bread.)			
Country elevator	.068	.79	1.145
(Gross margin including all costs above wheat cost and net profit on flour content of wheat required for 1 pound of bread.)			
Transportation and terminal agencies for wheat	.278	3.25	
(Gross margin including all costs and net profit on flour content of wheat required for 1 pound of bread.)			
Flour miller	.406	4.75	1.491
(Gross margin, including all costs above wheat cost and net profit on flour required for 1 pound of bread.)			
1. Cost above wheat ..... cents .331		3.87	
2. Net profit ..... do .075		.83	
Transportation agencies for flour	.263	3.08	
(Gross margin, including all costs and net profit on flour required for 1 pound of bread.)			
Wholesale baker	5.110	59.77	2.160
(Gross margin, including all costs above flour cost and net profit on 1 pound of bread.)			
1. All costs except ingredients ..... cents 3.538		41.38	
2. Ingredient costs other than flour ..... do .921		10.77	
3. Net profit ..... do .651		7.62	
Retail grocer	1.279	14.96	7.270
(Gross margin, including all costs above bread cost and net profit on selling 1 pound of bread.)			
Total gross margins (retail price)	8.549	100.00	

HOLDING SURPLUS WOULD NET FARMER HIGHER PRICE

A comparison of the farm prices of wheat and the retail prices of bread over a period of years shows that farm prices of wheat even under existing conditions can fluctuate to a considerable extent without affecting appreciably the retail price of bread. The following table, used in part by Chester H. Gray, Washington representative of the American Farm Bureau Federation, in his statement before the House Committee on Agriculture on March 26, 1926, and based on figures published by the United States Department of Agriculture, shows the spread in prices of wheat at the time of harvest as compared with the price just before the next harvest season:

Summary of trend in recent years

	Cents per bushel
1922 average harvest price (July, August, September, October)	103.7
1922 average preharvest price (March, April, May, June)	116.1
Difference in price	12.4
1922 average harvest price	93.9
1923 average preharvest price	105.8
Difference	11.7
1923 average harvest price	90.3
1924 average preharvest price	97.7
Difference	7.4
1924 average harvest price	116.6
1925 average preharvest price	151.5
Difference	34.9

This table shows that the farm prices of wheat rose 12.4 cents per bushel following the harvest season of 1921 and the period just preceding the harvest season of 1922. The next year the price increased 11.7 cents per bushel. These increases took place despite a general downward trend in the price of wheat during the period of 1921–1923. This shows how dumping of the surplus on the market at harvest time unduly depresses the price below the real value at harvest time and enhances the price later, when most of the product has left the farmers' hands. During the next season the price of wheat rose 7.4 cents per bushel, and in the following season it rose 34.9 cents per bushel during a similar period of time. This shows that the dumping of the farmers' wheat on the market within a short time causes a temporary depression of price which results in benefits to the middlemen who take advantage of the public to buy up all stocks of wheat at low prices and market them in an orderly manner at considerably enhanced prices in later months.

ORDERLY MARKETING NEED NOT RAISE RETAIL PRICES

What effect do these increases in the farm prices of wheat have on the retail prices of bread? A comparison of average retail prices of bread during the months, July, August, September, and October, with the average retail prices during the months of March, April, May, and June in the succeeding year, shows the following results:

Average retail price of bread for 51 cities combined

Year	Per pound
	Cents
1921 (July, August, September, October)	9.65
1922 (March, April, May, June)	8.8
Difference in price (lower)	.85

Average retail price of bread for 51 cities combined—Continued

Year	Per pound
	Cents
1922 (July, August, September, October)	8.8
1923 (March, April, May, June)	8.8
No change.	
1923 (July, August, September, October)	8.8
1924 (March, April, May, June)	8.8
No change.	
1924 (July, August, September, October)	8.85
1925 (March, April, May, June)	9.4
Difference (higher)	.55

COMPARE FARM PRICES AND RETAIL PRICES

Comparing these two tables in the 1921–22 period, the price of wheat increased 12.4 cents per bushel, whereas the retail price of bread declined 0.85 cent or nearly 1 cent per pound. In the 1922–23 period the price of wheat advanced 11.7 cents per bushel, whereas the retail price of bread remained unchanged; in the 1923–24 period the farm price of wheat advanced 7.4 cents per bushel, whereas the retail price of bread remained unchanged. In the 1924–25 period the farm price of wheat advanced 34.9 cents per bushel, whereas the retail price of bread increased only about one-half cent per pound.

EFFECT ON BREAD PRICES IN NEW YORK CITY

To use a specific instance, the retail price of bread in New York City covering the same periods was perhaps even more striking by comparison.

Comparing these figures with the changes in the prices of wheat given above shows that the farm price of wheat in the period 1921–22 rose 12.4 cents per bushel, whereas the retail price of bread during the same period declined nearly one-half cent per pound; in the period 1922–23, the price of wheat rose 11.7 cents per bushel, whereas the retail price of bread in New York City declined about one-seventh of 1 cent per pound; in the period 1923–24, the farm price of wheat rose 7.4 cents per bushel, whereas the retail price of bread in New York City declined one-tenth of 1 cent per pound; in the period 1924–25, the farm price of wheat rose 34.9 cents per bushel, whereas the retail price of bread in New York City only increased one-tenth of 1 cent per pound.

Average retail prices of bread, New York City

Year	Cents per pound
1921 (July, August, September, and October)	10.1
1922 (March, April, May, and June)	9.7
Difference (lower)	.4
1922 (July, August, September, and October)	9.75
1923 (March, April, May, and June)	9.6
Difference (lower)	.15
1923 (July, August, September, and October)	9.6
1924 (March, April, May, and June)	9.5
Difference (lower)	.1
1924 (July, August, September, and October)	9.5
1925 (March, April, May, and June)	9.6
Difference (higher)	.1

In other words, the rise in the farm price of wheat between the harvest season of one year and the preharvest season in the succeeding year had little or no effort on the retail price of bread in New York City, even though there was a fluctuation of as much as 34.9 cents per bushel in the farm price of wheat. Therefore, it is reasonable to conclude that if the McNary-Haugen bill makes it possible for the farmer to avoid dumping his crops on the market and thus secure the benefit of the rise in price after harvest which now benefits the middlemen and speculators, this will not unduly raise the retail prices of food.

OTHER FACTORS CAUSE HIGH RETAIL PRICES

What has been said concerning the small cost of the wheat in a loaf of bread may be said, also, to a more or less degree of many farm products. There are so many other cost factors entering into the processing of farm products before they reach the consumer that the price which the farmer receives for the raw product is not always the determining factor in changing the retail price. The labor cost is often a very high factor, and it is this item more than the farm price which is keeping up the level of the retail prices of goods manufactured from farm products.

Other important factors entering into the cost of living by adding to the cost of the finished product after it leaves the farm are: High freight rates, manufacturing costs, including overhead with generous allowance for high-salaried executives, excessive profits of middlemen, high operating costs by reason of high-priced machinery, expensive plants, expensive public services, expensive advertising campaigns, as well as watered stock. Whereas the index figure indicating the level of farm prices dropped from 205 in 1920 to 136 in 1926, the index figure of union wages per hour (May 15 basis) increased from 199 in 1920 to 250 in 1926—the highest level of any year in the period 1913–1926. The index number for the earnings of New York factory workers (June basis) increased from 222 in 1920 to 229 in 1926—the highest level of any year in the period 1913–1926. Thus other factors besides farm prices are responsible mainly for maintaining the high cost of living.

According to a study of the canned vegetable and fruit industry by the Federal Trade Commission in 1918, the cost of the raw materials in the canning of corn represented only 32 per cent of the total cost. the cost of tomatoes, 37 per cent; peas, 29 per cent; string beans, 25 per cent; pears, 33 per cent; peaches, 32 per cent. The cost of the leather in a pair of shoes varied in 1918–19 from 22.6 per cent to 34 per cent of the total cost, and the cost of the raw stock in 1918 was 68 per cent of the total cost of the finished sole leather, and 67 per cent of the total cost of the finished upper leather, according to a study made by the Federal Trade Commission.

The average selling price of a pair of shoes increased in the period 1918–19 in varying amounts from 14 cents to $1.27 per pair, whereas the cost of the raw stock for leather manufacture increase but one-fifth of one cent per pound in the case of sole leather, and 9.6 cents per foot in the case of upper leathers, thus showing that other factors besides the cost of the raw product are mainly responsible for the increase in the retail price of shoes.

HOW MUCH RAW COTTON IN A SHIRT

In the case of cotton, the actual amount of raw cotton by weight used in the manufacture of many articles is so small as to be a minor factor in determining the total cost of the completed product. For example, a shirt which contains less than one-half pound of raw cotton and for which the farmers receive less than 10 cents, may retail at $1.50 or more. It does not seem reasonable, therefore, that an increase in the price of cotton should have any material effect on the ultimate price which the purchaser pays for a cotton shirt.

HOW MUCH WOOL IN A SUIT OF CLOTHING?

A study made by the Joint Commission of Agricultural Inquiry published in Part IV of its report (H. Rept. 408, 67th Cong., 1st sess., Oct. 15, 1921) still further substantiates the fact that the cost of the raw materials produced by farmers constitutes a relatively small factor in the price paid by the consumer for the finished products manufactured from these raw materials in the case of many commodities. For example, the cost of the cloth in a typical three-piece suit of men's clothing represents only about 18 per cent of the price paid for the suit by the consumer. The amount of raw wool or raw cotton contained in this cloth would likewise represent a small proportion of the cost of the cloth to the clothing manufacturer, so that the price received by the farmer for the raw cotton or raw wool necessary for the manufacture of a suit of men's clothing would probably represent not more than 5 or 10 per cent of the retail price paid, or approximately $42 paid by the consumer for a suit of clothing.

The price received by the farmer for oats used in the manufacture of rolled oats represents only about 18 per cent of the retail price paid by the consumer.

The price received by the farmer for corn represents only about 21 per cent of the price paid by the consumer for corn flakes manufactured from corn.

FARM PRICES COMPARED WITH RETAIL PRICES

Changes in the prices received by the farmer are not necessarily directly reflected in changes in prices paid by consumers. For example, the price of hogs received by the farmers increased 3.4 cents per pound in 1924 as compared with 1923, whereas the retail price of bacon decreased 1.4 cents per pound in 1924 as compared with 1923. The price received by farmers for hogs declined about three-tenths of a cent per pound in 1923 as compared with 1922, whereas the retail price of lard to the consumer increased seven-tenths of a cent per pound in 1923 as compared with 1922.

FARM PRICE INCREASED—RETAIL PRICE UNCHANGED

In the case of oats, the price received by the farmer increased 5.6 cents per bushel in the crop year of 1922–23 as compared with the crop year of 1921–22, whereas the retail price of rolled oats to the consumer remained unchanged in 1923 as compared with 1922.

FARM PRICE INCREASED—RETAIL PRICE DECREASED

In the case of corn the price received by the farmer decreased 1.6 cents per bushel in the crop year of 1919–20, as compared with the crop year of 1918–19, whereas the retail price of corn flakes to the consumer increased 0.2 of a cent per 8-ounce package; the price received by the farmer for corn increased 22.4 cents per bushel in the crop year of 1922–23 as compared with the crop year of 1921–22, whereas the retail price of corn flakes to the consumer decreased 0.3 of a cent per 8-ounce package in 1923 as compared with 1922.

FARM PRICE LOWER—RETAIL PRICE HIGHER

In the case of canned tomatoes the price received by the farmer for tomatoes for canning decreased 80 cents per ton in 1925 as compared with 1924, whereas the retail price of No. 2 cans of tomatoes to the consumer increased 0.4 of a cent per can; the price to the farmer increased 91 cents per ton in 1923 as compared with 1922, whereas the retail price of No. 2 canned tomatoes decreased 0.5 of a cent per can.

In the case of beef the price received by the farmer for live steer at Chicago decreased 3 cents per pound in 1920 as compared with 1919, whereas the retail price of sirloin steak to the consumer increased 2 cents per pound; the price received by the farmer for live steers increased 0.7 of a cent per pound in 1922 as compared with 1921, whereas the retail price to the consumer decreased 1.4 cents per pound in the case of sirloin steak and 1.5 cents per pound in the case of chuck roast. The price received by the farmer for live steers decreased 0.3 of a cent per pound in 1924 as compared with 1923, whereas the retail price to the consumer increased 0.6 of a cent per pound in the case of chuck roast and 0.5 of a cent per pound in the case of sirloin steak. The price received by the farmer for live steers decreased 1.1 cents per pound in 1926 as compared with 1925, whereas the retail price to the consumer increased 0.9 of a cent per pound in the case of chuck roast and increased 0.7 of a cent per pound in the case of sirloin steak.

FOOD AND CLOTHING ARE ONLY HALF OF LIVING COSTS

Another fact to be considered is that nearly one-half of each dollar spent by the consumer, or in other words, nearly one-half of the cost of living is spent for other purposes than food and clothing. According to estimates by Professors Macklin, Grimes, and Kolb, published in their book entitled "Making the Most of Agriculture," "Of each dollar spent by the consumer, food represents 38 cents and clothing 17 cents, a total of 55 cents."

In view of the fact that a considerable proportion of the clothing worn is not made from products grown on American farms, but of imported silk, the total spent for products made from farm commodities would be somewhat less than 55 cents out of each dollar, especially when the imported food, such as bananas, coffee, tea, and other products, are taken into consideration also. In other words, when the consumer's cost of living depends more on his expenditures for other purposes than for food and clothing, and when his expenditures for food and clothing are absorbed to a considerable extent by the costs of processing and distribution of farm products, it is obviously unreasonable to contend that the enactment of the McNary-Haugen bill should necessarily result in increasing the cost of living of the consumer.

DANGER OF MIDDLEMEN GETTING MONOPOLIES

The statement of Edgar Wallace, representing the American Federation of Labor, to the effect that organized labor did not fear the McNary-Haugen bill, but needed rather to fear that great corporations would get control of food products and exact exorbitant prices, is substantiated by the findings of the Federal Trades Commission in its recent report concerning the bakery industry. This report reveals gigantic consolidations among the bakery companies, whereby four corporations produce 20 per cent of the bread in the United States, and also startling revelations of collusion among associations of bakers and flour millers to prevent reductions in the prices of bread and of flour.

GIGANTIC MERGERS IN BAKERY INDUSTRY

For the past 20 years a program of consolidation has been going on in the bakery industry. First, local consolidations in various cities took place; then followed consolidation of bakeries located in different cities. In addition to these mergers there have also been consolidations of companies through affiliations or by means of control by common interest, even though the companies maintain themselves as separate corporation entities. Great holding corporations have been formed which control vast aggregations of capital invested in the bakery industry, involving the stock of subsidiary corporations which cover the Nation with a network of bakery plants.

The Purity Bakeries Corporation, organized December 1, 1924, is said to have operated through its subsidiary cooperations 33 bakeries in 24 cities located in 12 States. These bakeries employ 5,000 people and require 1,200 salesmen on approximately 1,000 routes to serve 45,000 retail grocery stores each day. The total sales of the bakeries under the control of this consolidation totaled approximately $24,000,000 in 1925.

The Ward Baking Corporation, organized December 27, 1923, is said to hold the controlling stock in the Ward Baking Co., which in 1926 is said to have operated 18 plants in 10 States, employed 1,800 salesmen, who traveled over 16,000 routes and called on 76,000 retail grocers each day. The total bakery sales in 1925 approximated $42,000,000, and the amount of bread produced totaled 306,000,000 pounds.

The General Baking Corporation, organized October 3, 1925, is said to have controlled in 1926, 7 companies comprising 42 bakers in 15 States and the District of Columbia.

The Continental Baking Corporation, organized November 6, 1924, is said to have controlled in 1926, 29 companies which operated 91 plants in 26 States and the District of Columbia, and also 5 companies in Canada, which operated 9 plants in the Provinces of Ontario and Quebec.

The following language quoted from the Federal Trade Commission's report tells vividly of still further consolidations through the interlocking of interests which were developed:

"THE INTERLOCKING OF INTERESTS IN BAKING CONSOLIDATIONS

"Imposing as is the size of the baking consolidations described above, their relations to one another were even more significant. At one time or another the three largest of these consolidations have been affiliated through a community of stock ownership and of organizing personnel and through close association of managing personnel, though they nominally are and may be presumed by the public to be entirely separate and competing interests."

COLLUSION TO PREVENT PRICE REDUCTIONS

The Federal Trade Commission in its investigation of the bakery industry also found startling indications of collusion among the bakers and millers to prevent reductions in the price of bread and flour. In the case of the bakers these efforts were usually directed through associations of bakers which held frequent meetings and in some instances employed a business manager, whose principal job seems to be to keep tab on the selling prices of all the members and other competitors and to exert every effort to prevent price cutting.

ACTIVITIES OF NEW ENGLAND BAKERS' ASSOCIATION

The Federal Trade Commission reported that a New England Bakers' Association, which was organized in 1921, had a membership on December 1, 1925, of 332 bakers and 272 allied tradesmen, divided into 17 local organizations each with its own officers and each holding monthly meetings, usually attended by officials of the general organization. It was also reported that the members of this organization are pledged to a code of ethics in their application for membership and this code contains the following significant paragraph:

"* * * We will be loyal to the principles of our association, and will always be mindful in building up our business that it is not necessary to tear down another's."

The Federal Trade Commission pointed out that this code is interpreted by the association as a pledge of the members to maintain prices against "cuts of any kind," and in substantiation of this interpretation the commission cited the following paragraph from a letter alleged to have been written by Horace D. Likins, business manager of the association, to an alleged price-cutting nonmember firm, a letter which it is stated was never sent "because the writer didn't like the looks of it":

"It is the earnest desire of the officers and governors of the New England Bakers' Association to promote the welfare of the baking business and to keep the industry on the highest possible plane.

"Wherever methods and prices are in effect which tend to disrupt the business it is our policy to offer our assistance, either to members or nonmembers, in straightening out the tangle.

* * * * * * *

"Through agreement members of our association are pledged against premiums and price rebates or cuts of any kind, but in cases where members are subject to such competition by other bakers not members, unless our organization is able to straighten out the trouble, we can not logically hold our members from reprisals.

* * * * * * *

"It is customary after a formal report has been received and acknowledged by the association, and all proper efforts for adjustment have failed, to relieve our members of all association pledges. May we not settle this matter immediately in a way which will promote future harmony?"

The commission also reported that the manager spent much of his time traveling among the membership, and that he admitted under questioning that prices were never discussed officially at any of the meetings, but that an after meeting might be held for this purpose and "everybody allowed to go to it."

The following copies of letters contained in the Federal Trade Commission's report are significant:

The commission called attention to the manner in which cases were followed up, by quoting the following paragraph of a letter reported to have been written by Mr. Likens, May 20, 1924, to Mr. George C. West, Vermont Baking Co., White River Junction, Vt., then president of the association:

"I was in Nashua, Manchester, and Lawrence yesterday, but did not make much progress, as my men were all out. I found things in Nashua very quiet and everything running smoothly, but in Manchester there is quite a little unrest and price cutting. I have been in correspondence with Cote Bros., but they do not answer my letters, so decided to go up there. I am also trying to arrange for a local association meeting there. Will know more later as to the results. I planted the seeds, and will have to wait to see if they grow."

The commission's report comments as follows:

"The correspondence found in the files of the association do not disclose the outcome of this attempt to bring the members interested in the Raymond (N. H.) market together on bread prices, but the 'quiet' in Nashua, N. H., referred to in the foregoing paragraph was apparently the fruit of the manager's earlier work in that locality, for in writing to Mr. West June 11, 1924, of what the association was accomplishing, he says:

"'When it comes to specific cases we have gotten the most important bakers of Nashua to see the error of their ways, get together and restore prices to a reasonable scale, and abolish premiums.'"

ATTEMPTS TO RAISE RETAIL PRICES

Further extracts from correspondence gathered by the commission indicate efforts to increase retail bread prices:

"In regard to bread prices, I have nothing to offer as yet. The large local bakers say there is nothing doing as yet, but some of the retail bakers are asking more for their products. I understand the bakers of New Hampshire have held a meeting and all agreed to ask more, with the exception of Romeo La Forme (Nashua Baking Co., Nashua, N. H.) and he telephoned me on Monday that they are waiting for him to act and he was waiting for Massachusetts bakers to go up, but after talking with me I was given to understand that they would raise their price everywhere except where they came in competition with bakers in Massachusetts.

"I certainly am as busy as I can be trying to get the bakers in different sections to go up on their prices, but in nearly every case no one is willing to go up unless they all do, and most all of them are waiting for the large producers. We are to have another meeting in Waltham, Mass., on Monday afternoon. I am to be in Brockton, Mass., to-morrow night and at Methuen, Mass., which is the Lowell, Mass., and Lawrence district, Mass., next Tuesday, the 10th. The bakers of New Hampshire are having a meeting in Manchester to-day and I hope to know the results to-morrow."

A great deal of other correspondence is cited which reveals the extensive activities toward price agreements, sometimes involving attempts to get general agreements to increase prices, or in other cases, to prevent price reductions not only in New England but in other regions also. This correspondence reveals in a startling manner the extensive activities of these associations in various sections of the country, presumably to prevent free and open competition by price agreements, thus arbitrarily holding up the prices, or increasing prices, and goes to show that the price which the consumer pays for bread does not represent the normal operation of supply and demand, but represents in part the degree of effectiveness with which the bakers can be brought to cooperate in fixing the price as high as the traffic will bear.

While the data concerning the activities of millers in preventing price cutting is not so extensive as in the case of the bakers' associations, the report of the Federal Trade Commission reveals some startling indications of efforts along this line. The following is quoted from the report of the commission:

"These activities were initiated during 1923, a year of comparatively low profits for milling companies, and culminated in April, 1925, in the adoption of a so-called code of ethics at a meeting of the Millers' National Federation.

"The principal activities of this kind here described included the use of a blacklist; curtailment of production; and agreements, understandings, and cooperation to sell at a profit; to exchange information on selling prices; to fix the elements of selling prices; to fix uniform carrying charges on 'forward' sales of flour; and to fix uniform differentials in the prices of flour sold in the different kinds and sizes of packages. Provision covering these activities are included in the code of ethics."

BLACKLIST OF CUSTOMERS

It was alleged by the commission that early in 1924 southwestern millers had a blacklist of customers secured frequently from the records of the Millers' Exchange which was then out of existence. The names on this list included companies located in various sections from Boston, Mass., to El Paso, Tex.

EFFORTS TOWARD PRICE AGREEMENT

The commission also reported activities in the millers' associations toward securing agreements, understandings, or cooperation among millers not to sell flour for less than cost or to sell only at a profit. Obviously this is but another way of reaching a price agreement. The commission's report states:

"In reporting to his members the discussions on trade conditions at the October 12, 1923, meeting of the Millers' National Federation, Frank H. Tanner, secretary of the Ohio State Millers' Association, made the following statement regarding the discussion on sales of flour:

"'Selling flour at or below cost was disapproved. Many present pleaded guilty to this, in order to keep the mills in operation. Some classified their sales as productive of profit, as of getting out without loss, and as selling below cost. It was the consensus of opinion that the matter was one that each must solve himself, but that all should determine not to sell without a profit. If all will do this, the problem will be solved.'"

The following is reported as taken from the annual report dated April 15, 1924, of A. P. Husband, secretary of the Millers' National Federation, and describes the effects of the cost and profit discussions at the federation meetings of October 12, 1923, and January 15, 1924:

"The semiannual meeting on October 12, 1923, was unusual in its character in that there appeared to crystallize at that meeting a sentiment that it was foolish for millers to continue longer the practice of selling flour at or below cost. There was a frank exchange of experiences, a number of millers confessing to their share in creating the condition which existed in the trade. However, there seemed to be a feeling that it was time to call a halt, and a number of those present left the meeting with the determination that they would sell no flour that did not show cost and a reasonable profit.

"A somewhat similar meeting was held at Hotel La Salle, Chicago, on January 15, 1924. No program was prepared for this meeting, no committees appointed, and no resolutions passed, but it developed into an experience meeting in which many millers recited their experiences under methods of operation as suggested at the October meeting of accepting no orders that did not show cost of manufacture and a profit.

"It is generally agreed among the trade that the beneficial effects of these two meetings were far-reaching; smaller groups of millers have met several times since these meetings were held and the same general sentiment prevailed throughout these local or sectional meetings. As a result, there is no doubt a better trade condition now than existed six months ago."

Mr. G. M. Palmer, president of the Hubbard Milling Co., Mankato, Minn., is reported to have written to H. H. King, of Minneapolis, Minn., in part as follows:

"The Atkinson Milling Co. has the reputation of being the worst cutters in the business. Do you suppose any influence can be brought to bear upon that concern to refrain from making such prices and of broadcasting their quotations everywhere? The St. Paul Milling Co. has been pretty bad themselves, but this gives us a chance to take the matter up with them and possibly it may do some good."

On the same date he is reported to have written to the K. G. Campbell Milling Co., Blooming Prairie, Minn., concerning the same meeting, as follows:

"We think we can notice a disposition on the part of millers to adhere to better business policies and firmer prices. The meeting in Minneapolis this week, we believe, was a step in the right direction, and we are hopeful that there may be cooperation between millers and a discontinuance of some of the practices that have helped to demoralize the industry."

MILLERS SEEK ASSURED PROFIT BASIS

The following quotation from the commission's report is significant:

"Mr. Sydney Anderson, president of the Millers' National Federation, in an address delivered at a dinner of the federation in Chicago on October 8, 1924, stated in regard to the activities of the federation:

"'The ultimate purpose of all our activities is to bring about in the industry a condition where every miller in the United States can demand and secure a reasonable profit on every barrel of flour manufactured and sold.'"

Mr. Anderson has been one of the most active opponents of the McNary-Haugen bill, which has for its purpose the prosperity of agriculture. When his own industry is concerned, however, he is willing to declare himself in favor of focusing all their activities upon a goal whereby every miller can demand and secure a reasonable profit on every barrel of flour sold. The farmers are not demanding a profit on every bushel of wheat or every pound of cotton which they sell; they are more moderate and are only asking for equality with other groups and for stabilization of prices on a profitable level.

Perhaps more data would have been secured had it not been for the fact, as the commission reported, that 17 flour-milling companies refused to permit any of their correspondence to be examined. These included some of the largest milling companies in the country. Three others refused to permit part of their correspondence to be examined; three others allowed their correspondence to be examined but refused to permit copies to be made.

The consumer has much more to fear from great corporations seeking to secure a monopoly of food supplies and extort high prices than he has to fear from the farmer. It is significant that among the chief opponents of the McNary-Haugen bill are representatives of the flour-milling industry. The McNary-Haugen bill will benefit the consumer as well as producer. It will not work an undue hardship on the middlemen, but on the contrary will prove a benefit to them in the long run, because it will promote the stabilization of prices and tend to reduce marketing risks. In opposing this bill the middlemen are taking a selfish, shortsighted attitude instead of a sane, long-time attitude.

PRICE STABILIZATION BENEFITS PRODUCERS AND CONSUMERS

The primary result of the McNary-Haugen bill would be to make possible the orderly marketing of the surplus of farm crops, with a resultant stabilization of prices, which would be to the advantage of both the producer and the consumer. Under existing conditions the farmer is forced by his economic necessities to dump his crop on the market within a short time. The result of this is that prices during the harvest season are unduly depressed because of glutted markets. The middlemen take advantage of this unequal bargaining situation to buy up the surplus above immediate requirements at an unduly low price, store it, and dispose of it throughout the year as the market demand

justifies at prices which are often greatly in excess of the price which the farmer received a few months before.

SURPLUSES ARE A BENEFIT TO SOCIETY

The holding of surplus supplies from periods of plenty to periods of scarcity has always been an economic necessity, but particularly so in the case of food, which is produced and ready for market only at certain seasons of the year but which must be consumed every day in the year.

PRESENT SYSTEM PENALIZES FARMER

The farmer must produce a surplus above immediate requirements or else the world will starve. If he produces this surplus, under our present marketing system, he is penalized by low prices. If he were enabled to withhold the surplus and market it in an orderly manner, he would be able to get the full value for it which supply and demand justify. What has been said concerning temporary surpluses applies also to yearly carry-overs from years of oversupply to years of undersupply.

How the farmers suffer from price depressions due to glutted markets and surpluses under the present marketing system is described vividly by Professor Macklin in the following extracts from his book, Efficient Marketing for Agriculture:

"Because farm products are so generally harvested within short periods, and as rapidly as possible forwarded to markets, where change of ownership takes place, it is almost universal for farmers to dispose of the bulk of their commodities at prices needlessly depressed as a result of market glutting."

DUMPING OF FARM SURPLUSES

According to the following tables, prepared by Professor Macklin, about 80 per cent of the total ginnings of cotton is ginned during the months of September, October, and November, whereas the total consumption of cotton during those three months represent 24½ per cent of the total yearly consumption; in the case of wool, 81.6 per cent is sheared in three months, whereas the total consumption during the three months of June, July, and August is 25.8 per cent of the total yearly consumption; in the case of wheat, 72.6 per cent moves to market during the four months of July, August, September, and October, yet only 33.6 per cent is milled during this period.

Cotton ginnings, movement, and consumption

Month	Cotton ginned [1]	Cotton movement [2]	Cotton consumption
	Per cent	*Per cent*	*Per cent*
August	6.5	1.4	8.3
September	22.6	9.5	8.0
October	38.9	21.0	8.1
November	18.4	22.2	8.4
December	7.8	17.4	8.2
January	[3] 5.8	8.8	8.7
February		5.6	8.0
March		4.9	8.7
April		3.2	8.3
May		2.7	8.8
June		1.7	8.4
July		1.6	8.1
Total	[4] 100.0	[5] 100.0	[6] 100.0

[1] Data from years 1915-16 U. S. Department of Commerce, Bureau of Census, Bulletin 140, p. 24.
[2] Data from U. S. Department of Agriculture, Bureau of Crop Estimates, 1919 crop.
[3] Includes all ginnings for balance of season.
[4] Represents 45,526,810 bales or crops of 1915, 1916, 1917, and 1918.
[5] Represents 11,329,755 bales of 1919 crop.
[6] Represents 25,518,543 bales or United States cotton-mill consumption for years 1915-1918, inclusive.

Monthly wool production and consumption in the United States [1]

Month	Monthly wool production	Monthly wool consumption
	Per cent	*Per cent*
January	0.3	8.8
February	.1	7.7
March	.2	8.7
April	(?)	9.1
May	1.9	9.3
June	12.9	8.4
July	33.0	8.0
August	35.7	7.9
September	11.6	7.8
October	2.3	8.4
November	1.1	8.1
December	.9	7.7
Total	100.0	100.0

[1] Data from U. S. Department of Agriculture, Bureau of Markets, the Market Reporter Vol. II, No. 24, p. 369.
[2] Negligible.

81.6 per cent sheared in three months, were as consumption varied throughout year only between figures 7.7 and 9.3 per cent.

Farm movement and mill consumption of wheat [1]

Month	Wheat receipts from farms	Mill grind of wheat
July	14.4	4.4
August	23.4	9.3
September	18.7	9.3
October	16.1	10.6
November	7.8	8.3
December	7.0	9.0
January	4.8	7.9
February	2.4	6.5
March	1.5	7.7
April	1.1	8.8
May	1.6	10.3
June	1.2	5.9
Total	[2] 100.0	[3] 100.0

[1] Table from Grain and Flour Statistics during the War, U. S. Grain Corporation, pp. 28, 29.
[2] Represents 730,161,000 bushels of wheat.
[3] Represents 539,058,000 bushels of wheat.

72.6 per cent of wheat moves to market during four months July, August, September, and October, yet only 33.6 per cent is milled during this period. When the producers offer an industry 72 per cent of a product when they are only prepared to use immediately 33.6 per cent of it the producers must expect depressed prices.

MIDDLEMEN TAKE LARGE MARGINS

The storage of farm commodities, however, has been largely given over to middlemen who operate this service for their own profit. Frequently, buyers exact larger margins than are warranted in protecting themselves from a possible decline in prices or from risks of losses. Economists have recognized these facts as the following quotation from Prof. Theo. Macklin's book, Efficient Marketing for Agriculture, will illustrate:

"Unless private middlemen who now render this storing service are able to make a profit in the long run, they must cease to operate. Their weakness lies in the fact that 'playing safe' results in too great a recession in prices before commodities are purchased for storing.

"Mistaken judgment under these circumstances necessitates wider margins than might otherwise be necessary in order to cover losses involved."

Professor Macklin illustrates this statement still further in the case of wool:

"To throw vast quantities of wool on the markets of the country without reference to mill consumption necessarily glutted the Nation's markets and brought seasonal depression in price to the producer. Analysis of the wool-marketing machinery indicates that a great amount of wool has normally been sold by farmers to local middlemen handling very small quantities who were not equipped either in knowledge, facilities, or finances to pay the farmer all his wool was worth locally, considering what mills eventually pay for it.

"Certainly it is no exaggeration to imply that the middlemen who store wool and feed it to the mills have done so at prices which were in line with the prices obtained by mills for their finished articles. It is beyond question that mills purchase wool on a relatively stable cost basis, while the middlemen storing wool buy their supply from more or less helplessly inefficient local dealers at a time when vast oversupplies have depressed the current speculative prices."

BENEFITS OF ORDERLY MARKETING

Prof. H. C. Taylor in his book Outlines of Economics recognizes the benefits of storage of surpluses to the producers and the consumer:

"Storing is a service to the farmer and to the consumer. It expands the market for the farmer and increases the supply for the consumer. It tends to stabilize supplies and prices to the advantage of both."

Professors Macklin, Grimes, and Kolb in their book Efficient Marketing in Agriculture likewise call attention to these benefits which accrue to the consumer as well as the producer if surpluses are marketed in an orderly manner:

"The service of storing is one of the most effective means of reducing unforeseen and serious changes in the prices of farm products; therefore it is work that must be done to help toward making prices steadier from month to month. * * * Any work like that of storing, which takes part of all of the surplus products of one season off the market and holds this surplus for some other season when there is bound to be great scarcity, helps to make prices steadier."

A practical illustration of the benefits which accrue to both the producer and the consumer as the result of price stabilization through orderly marketing of the surplus, is afforded by the following example of what has been done in the dairy industry in Wisconsin. The following statement of Professor Macklin is based on the University of Wisconsin Agricultural Experiment Station Bulletin 270, page 37:

"While only 10 per cent, approximately, of the year's output of creamery butter is held in storage from surplus to deficit, the steadying influence which the storage of this butter exerts on prices is truly remarkable. Before storage facilities were perfected and utilized for

holding butter, prices fluctuated on an average 120 per cent. With the development of storage and the operation of speculation, extreme fluctuation in price has been greatly reduced. Prices neither rise nor fall as they formerly did.

"This reduction in price fluctuation to one-third of the former range attended by benefits of adequate supply to consumers throughout the year and of greater service of storing, which costs only about 1.9 cents per pound for the butter actually stored. Inasmuch as one-tenth of the butter only is stored and this portion of the annual production stabilizes the prices for the total output, the cost may be thought of as less than two-tenths of 1 per cent per pound, or about one-half of 1 per cent of the retail value. The economic consequence of storing in this illustration vastly outweighs the expense of the service. These benefits of storing make it an essential part of the marketing system."

M'NARY-HAUGEN BILL ASSURES ORDERLY MARKETING

The McNary-Haugen bill would enable the cooperative marketing associations to acquire control of the surplus of a given farm commodity by providing the necessary machinery and finances so that the cooperative could purchase, store, and market the surplus in an orderly manner, so as to secure for the producers for their entire crop the price which supply and demand justify. In other words, it would give the farmers equality of bargaining power with the middlemen.

The stabilization of prices which would result would benefit both the farmers and the consumers. The ultimate effect would probably be to bring the farmers a better price without unduly increasing the retail price, by reducing the spread between the price the farmer receives and the price the consumer pays. This would not necessarily work a hardship on those middlemen who perform legitimate services in the distribution of farm products because of the reduction in risks and losses which would come about through elimination of excessive price fluctuations and the stabilization of prices.

In short, the principal effect of the McNary-Haugen bill would not be to increase the cost of living to the consumers, but to give the farmer a more equitable share in the price which the consumer pays for the product in its ultimate form. This would be accomplished primarily through the stabilization of prices as a result of orderly marketing and by giving to the farmer equality of bargaining power with the middlemen.

WAR-MINERALS RELIEF STATUTE

Mr. GEORGE. Mr. President, I ask unanimous consent for the present consideration of a resolution which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Georgia offers the following resolution, which will be read for the information of the Senate.

The resolution (S. Res. 263) was read, considered, and agreed to, as follows:

Whereas the Attorney General of the United States has advised the Secretary of the Interior against the further administration of section 5 of the act of March 2, 1919, as amended, generally known as the war-minerals relief statute; and

Whereas claimants thereunder are demanding adjudication: Therefore be it

Resolved, That the Secretary of the Interior is hereby requested to transmit to the Senate copies of all rules, regulations, and promulgations which have been followed in the administration of said statute, together with all opinions as to the law which have been rendered by commissions or commissioners, solicitors of the Department of the Interior or their assistants, and Attorney Generals of the United States or their solicitors or assistants.

RIO GRANDE BRIDGE, TEXAS

Mr. SHEPPARD. Mr. President, from the Committee on Commerce I report back favorably the bill (H. R. 13318) authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex., and ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SABINE RIVER BRIDGE, LOUISIANA

Mr. SHEPPARD. I also report back favorably from the Committee on Commerce the bill (H. R. 13777) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, and I ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COFFEE SITUATION IN PORTO RICO

Mr. BINGHAM. Mr. President, at the request of Mr. DAVILA, the Delegate from Porto Rico, a bill was recommended to the Committee on Territories changing the organic act of Porto Rico so as to permit Porto Rico to charge a duty of 10 per cent on coffee imported into Porto Rico. The bill was on the calendar, and at the request of the Senator from Pennsylvania was referred to the Committee on Finance.

Mr. ROBINSON of Arkansas. I shall have to object.

The PRESIDENT pro tempore. The Senator has not yet made a request.

Mr. ROBINSON of Arkansas. I shall have to object to the consideration of the measure.

Mr. BINGHAM. Mr. President, this morning the Delegate from Porto Rico brought me a telegram he had received from the Governor of Porto Rico, which is as follows:

SAN JUAN, P. R., *May 29, 1928.*

Hon. FELIX CORDOVA DAVILA,
House of Representatives, Washington, D. C.:

If you can urge Senate committee that the coffee situation is serious in Porto Rico, both local and foreign trade being injured every day by irresponsible dealers, a duty for Porto Rico alone is the only thing that will save us.

HORACE M. TOWNER, *Governor.*

Mr. DAVILA also received the following telegram in relation to the same matter:

SAN JUAN, P. R., *May 28, 1928.*

CORDOVA DAVILA,
House Office Building, Washington:

Coffee planters ask your cooperation before Senate Finance Committee to obtain immediate approval bill imposing duty on coffee. Our market abroad seriously menaced. Possible reexportation. See Representative MCFADDEN. Limit 25,000. Fifteen thousand is not sufficient for local needs.

CAFETEROS DE PUERTO RICO (INC.).

At the request of the Delegate from Porto Rico, I ask unanimous consent that the Committee on Finance be discharged from the further consideration of the bill, and that the bill be passed.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I object.

The PRESIDENT pro tempore. Objection is made.

ROSS F. COLLINS

Mr. HALE. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 3221) for the relief of Ross F. Collins, and I submit a report (No. 1324) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMENDATION OF SENATOR SHIPSTEAD

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. James E. Smith, president of the Mississippi Valley Association, addressed to Hon. HENRIK SHIPSTEAD, expressing appreciation for his valuable service in behalf of the inland waterways measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MISSISSIPPI VALLEY ASSOCIATION,
St. Louis, May 28, 1928.

Hon. HENRIK SHIPSTEAD,
Room 111, Senate Office Building, Washington, D. C.

MY DEAR SENATOR SHIPSTEAD: Now that the first session of the Seventieth Congress is nearing its end and you will soon be returning to your home I want to express to you my sincere appreciation of the splendid work you have done throughout the session in securing the valuable waterway legislation for which the Mississippi Valley Association has been contending and which is of such vital importance to the population of the entire Mississippi Valley.

Your cooperation has been intelligent, forceful, and most effective, and its results will, I am sure, be beneficial not only to your own constituents but to the 60,000,000 people who inhabit our great valley which through the efforts of you and others of your ilk is destined to become the most populous, the most prosperous, and the most progressive area of the greatest Nation of the world. A consummation devoutly to be desired and one well worth working for.

With this assurance of my appreciation of the helpful cooperation you have given to the great cause in which our association is engaged, and wishing you continued success in your chosen career, I am,

Sincerely yours,

MISSISSIPPI VALLEY ASSOCIATION,
JAS. E. SMITH, *President*.

THE CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the call of the calendar for the consideration of unobjected bills is in order.

The first bill to be called on the calendar was the bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate.

Mr. SMOOT and Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The bill will be passed over.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

BUREAU OF LABOR STATISTICS

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in futures markets was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. BORAH. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. EDGE and Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH of Montana. Mr. President, I do not believe there could be any objection at all to the bill if it were understood. It has immediate reference to matters that we just had under consideration relating to the appointment of judges in Alaska. It is simply intended to cover the case of one whose term has expired and continued indefinitely because of the necessity for it. I do not believe there will be any objection if the bill were understood.

Mr. BRUCE. I object.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the Interstate Commerce act was announced as next in order.

Mr. FESS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. SMOOT. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market and for other purposes was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437) was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

SALARY OF PUBLIC PRINTER

The Senate resumed the consideration of the bill (H. R. 6669) fixing the salary of the Public Printer and of the Deputy Public

Printer (which had been previously passed and subsequently reconsidered), which was read, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Public Printer shall be $10,000 per annum and the salary of the Deputy Public Printer shall be $7,500 per annum.

The bill was passed.

BILL PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. The bill will be passed over.

REGULATION OF PRACTICE OF HEALING ART, DISTRICT OF COLUMBIA

The bill (S. 3936) to regulate the practice of the healing art to protect the public health in the District of Columbia was considered as in Committee of the Whole.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from New York, which will be stated.

The amendment of Mr. COPELAND was, on page 25, after line 11, to insert:

"Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after approval of this act, a written application for license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally chartered or incorporated and duly established school or college of chiropractic and was actually engaged in the practice of chiropractic in said District on January 1, 1928.

"When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice chiropractic. Each license so to do shall show that it was issued on the basis of actual practice in the District of Columbia without examination.

"Also amend by adding the word 'other' at the end of line 14, page 25."

Mr. COPELAND. Mr. President, this amendment is offered instead of the one offered by the Senator from Maryland [Mr. BRUCE].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. EDGE. Mr. President, I have no intention of pressing the bill for passage at this time, but the Senator from Tennessee [Mr. MCKELLAR] wishes to have an amendment adopted, and I would like to have the bill perfected so it will be in the proper form.

Mr. MCKELLAR. I offer the following amendment.

The PRESIDING OFFICER. Without objection, the amendment will be received.

The CHIEF CLERK. Insert at the proper place the following:

SEC. 4. That the Government of Nicaragua having by treaty with the Government of the United States, signed at Washington on August 5, 1914, and duly ratified as required by the laws of both of said governments and proclaimed June 24, 1916, granted in perpetuity to the Government of the United States, forever free from taxation or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal, by way of the San Juan River and the great Lake of Nicaragua, or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal, the President of the United States is hereby authorized, empowered, and directed to notify the Government of Nicaragua of its desire and intention to construct such canal and to agree upon the details of the terms under which such canal shall be constructed, operated, and maintained.

SEC. 5. The Senate of the United States having, in its ratification of the treaty with Nicaragua, as aforesaid, inserted the words: "It is declared by the Senate that in advising and consenting to the ratification of the said convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States," namely, Costa Rica, Salvador, and Honduras, the President is authorized and directed to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

The amendment was agreed to.

Mr. EDGE. I desire to offer an amendment to change section 4 of the original bill to section 6.

The amendment was agreed to.

Mr. EDGE. Also, on page 5, line 20, change the figures "$270,000" to "$150,000."

The amendment was agreed to.

Mr. EDGE. I move that all the whereases be stricken from the bill and that the bill as amended be reprinted.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. BROOKHART. Over.

Mr. REED of Pennsylvania. Mr. President, a word of explanation.

Mr. BROOKHART. Over.

Mr. REED of Pennsylvania. Will the Senator withhold his objection until I can make a brief statement?

Mr. BROOKHART. Very well.

Mr. REED of Pennsylvania. The bill was held up at the request of some officials of the National Guard Association——

Mr. BROOKHART. Those officers have not changed their position, but it is not on their account that I am making the objection, so I will have to insist upon my objection in any event.

Mr. REED of Pennsylvania. Very good; but I should like to make a statement.

Mr. BROOKHART. I thought I would save some time.

Mr. REED of Pennsylvania. The Senate has been proceeding so very rapidly that we can afford to stop for a moment to catch our breath. The Reserve Officers' Association and the National Guard Association have met and have considered this question in a big, broad, patriotic way, and have reconciled all their differences and now join in requesting the passage of the bill. I want to put in the RECORD as a part of my remarks a letter written by Colonel Markey.

Mr. BROOKHART. Mr. President, I think the Senator misunderstood my statement. It was that I would have to insist upon my objection notwithstanding the circumstances.

Mr. REED of Pennsylvania. I quite understand that, but I want the RECORD to show this fact, and then the bill can go over.

Mr. BROOKHART. Very well.

Mr. REED of Pennsylvania. This letter was written on May 24 by Colonel Markey, legislative representative of the National Guard Association, to the Senator from Iowa [Mr. BROOKHART]. I shall not take the time of the Senate to have the letter read, but I ask that it may be incorporated as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C., *May 24, 1928.*

Hon. SMITH W. BROOKHART,
United States Senate, Washington, D. C.

MY DEAR SENATOR BROOKHART: It is noted in the CONGRESSIONAL RECORD that when Senate bill No. 3458, to create a reserve division for the War Department, was brought up for consideration last night, that you stated that the National Guard Association would like to have further consideration given to this legislation. It is also noted that you inserted in the RECORD on the 21st a statement made by the executive council of the National Guard Association, which statement was not qualified in any way. You are advised that this statement was given out with the attached explanation.

You are further advised that there was delivered to Senator REED and Congressman JAMES a joint letter, of which there is inclosed a copy, which letter makes it clear that the National Guard Association does not desire any further consideration of this legislation but joins in recommending passage of Senate bill 3458 at the present session of Congress.

It is regretted that you have been misinformed in this matter and I trust this letter will make clear the position of the National Guard Association.

Very truly yours,

D. JOHN MARKEY,
Legislative Representative National Guard Association.

The PRESIDING OFFICER. The bill will be passed over.

COMPENSATION, ASSISTANTS TO ENGINEER COMMISSIONER, DISTRICT OF COLUMBIA

The bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia, with an amendment, on page 1, line 3, to strike out the word "from" and insert in lieu thereof the word "on," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1928, the assistants to the engineer commissioner of the District of Columbia, detailed as such from the Corps of Engineers of the United States Army, shall be entitled to receive from the District of Columbia such compensation, in addition to their Army pay and allowances, as will make their compensation equal to $6,000 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry, but I have to object to the present consideration of the bill.

Mr. BORAH. Of course it will have to go over under objection, but I wish the RECORD correct. There is no question of an amendment pending. The amendment has been adopted.

The PRESIDING OFFICER. The Chair understands the amendment has heretofore been agreed to. On objection, the bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. COPELAND. Mr. President, I wonder if we could not pass Calendar No. 862, Senate bill 2475?

Mr. KING. Objection has been made.

Mr. SACKETT. I shall have to object to the bill on account of the Senator from Washington [Mr. JONES] not being present, and having recommended the adoption of several amendments.

The PRESIDING OFFICER. The Senator from Kentucky insists on his objection.

Mr. COPELAND. The Senator from Washington [Mr. JONES] proposed some amendments and he has since telephoned my office asking that I should say to the Senate that he hoped the bill might be passed.

Mr. SACKETT. Is the Senator willing to accept an amendment making it 25 years?

Mr. COPELAND. How does it stand now?

Mr. SACKETT. Ten per cent and three years.

Mr. COPELAND. Would the Senator then withdraw his objection?

Mr. SMOOT. Mr. President, I shall have to object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. EDGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. KING. Over.

Mr. EDGE. Mr. President, may I not prevail upon the Senator from Utah to relent in his opposition to this bill? I think every one has admitted that the man is entitled to some compensation. There can not be any question about it, although the amount allowed is arbitrary. The committee decided on $10,000, and I do hope the Senator will withdraw his objection.

Mr. KING. Mr. President, I have had sent to me from the Shipping Board letters from the State Department, and what the Senator says is controverted.

Mr. EDGE. The man's record has been cleared by the Shipping Board. Of course, if the Senator from Utah insists upon his objection, I can not press it, but I am sure he has been misinformed.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF CORRUPT PRACTICES ACT

The bill (S. 4179) to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That title 3 of the act of February 28, 1925, Federal corrupt practices act, chapter 8, title 2, of the United States Code, be, and the same is hereby, amended by adding the following section:

"SEC. 320. (A) The word 'candidate,' as used in this section, shall include all persons whose names are presented or proposed for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or by any other means or manner in which a candidate is so designated, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"(B) Every person who shall be a candidate for nomination at any primary election or nominating convention, or other means or manner in which a candidate is so designated, which primary or nominating convention has for its purpose the fixing of the status of candidates running in the election of Senators by the people as provided in the seventeenth amendment, and of Representatives in Congress, and which primary or nominating convention or other means or manner in which a

candidate is so designated is hereby declared a part of and inseparably connected with the election machinery by which candidates may be elected to the House of Representatives under the Constitution, or for election at any general or special election, as Representative in the Congress of the United States shall not be less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, or other means or manner in which a candidate is so designated, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election: *Provided,* That every person, association, or committee other than a candidate, except as herein provided, or a personal campaign committee of a candidate, or party committee, provided for by the laws of the State in which the candidate resides, who shall within any 12 months make any disbursements in support of or in opposition to a candidate, for any political purpose, exceeding in the aggregate $100 in amount and value, shall file within one week after making any disbursement causing the aggregate of such disbursements to reach such amount a sworn statement thereof with the officer with whom the candidate files his sworn statement. Such statement shall give in full detail, with date, every item of money, property, or other thing of value constituting any part of such disbursements, the exact means by which and the manner in which each such disbursement was made, and the name and address of every person to whom each was made and the specific purpose for which each was made: *And provided further,* That there shall be no joint expenditures in aid of a candidate or group of candidates for other offices by any person, association, or committee, except the personal campaign committee or party committee of the candidate, as may be provided for under the laws of any State in which the candidate resides: *Provided, however,* That there may be joint expenditures in aid of a candidate when associated with a group of candidates for other offices where a separate account is kept of the expenditures made on behalf of a candidate for Representative or Senator in the Congress of the United States, and the amount so expended for such candidate shall be included as a part of his expenditures provided for in this act: *And provided further,* That the total amount expended by such group of candidates shall not exceed twice the amount of the maximum amount which may be expended by a candidate. If the aggregate amount so expended by all persons, associations, or committees in behalf of any candidate shall exceed twice the sum which he may expend as herein provided, his election, if he is elected, shall be void: *Provided,* That the candidate may obviate such result by a satisfactory showing that he had no knowledge of such excessive expenditures and that he had no reasonable ground to believe that it had been made.

"(C) Every person who shall be a candidate for nomination at any primary election or nominating convention, or other means or manner in which a candidate is so designated, which primary or nominating convention or other means or manner in which a candidate is so designated has for its purpose the fixing of the status of candidates running in the election of Senators by the people as provided for in the seventeenth amendment of the Constitution of the United States, and which primary or nominating convention or other means or manner in which a candidate is so designated is hereby declared a part of and inseparably connected with the election machinery by which candidates may be elected to the Senate under said seventeenth amendment, or for indorsement at any general or special election, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day of holding such primary election or nominating convention or other means or manner in which a candidate is so designated, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"(D) Every such candidate for nomination at any primary election or nominating convention, or other means or manner in which a candidate is so designated, or for indorsement or election at any general or special election, shall, within 15 days after such primary election or nominating convention, or other means or manner in which a candidate is so designated, and within 30 days after any such general or special election, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, or other means or manner in which a candidate is so designated, general or special election, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"(E) Every such candidate shall include therein a statement of every promise or pledge made by him, or by any one for him with his knowledge and consent, or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention, or other means or manner in which a candidate is so designated, or general or special election relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made, the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"(F) No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"(G) No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided,* That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election: *Provided further,* That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed: *And provided further,* That in the State of New York it shall be lawful to expend the sum of $30,000 as a candidate for the Senate, and States of lesser population down to and including States of 3,000,000 of people $1,000 less for each million of population or fraction thereof less than the State of New York possesses: *And provided further,* That in States where there is a bona fide contest for both the nomination and election an additional sum of $2,000 may be expended by the candidate in any State whose population is in excess of 2,000,000 and does not exceed 3,000,000: *And provided further,* That in those States of a million and not exceeding 3,000,000 where there is a bona fide contest not alone for the nomination, but afterwards for the election, an additional $2,000 may be expended.

"(H) The statements herein required to be made and filed before the general election, at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"(I) Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths and shall be sworn to or affirmed by the candidate in

the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"(J) This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.

"(K) All acts in conflict with the provisions of this act are hereby repealed."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISED STATUTES, HAWAII AND ALASKA

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provisions of section 1814 of the Revised Statutes are hereby extended to the Territories of Hawaii and Alaska upon the same terms and conditions and to the same extent as to the several States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8988) for the relief of Milton Longsdorf, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

SEYMOUR BUCKLEY

The bill (H. R. 3241) for the relief of Seymour Buckley, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Seymour Buckley, who served as corporal in Company C, Thirteenth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal in said company and regiment in May, 1865: *Provided*, That no bounty, back pay, or allowances shall be held as accrued prior to the passage of this Act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF POST-OFFICE CONTRACTORS

The bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, be, and the same is hereby, amended so that said act shall include the Tanksley-Drumright Stone Cut Co., subcontractor for the Norman-Kerr Co. in the construction of the additions to the post-office building at Nashville, Tenn., and as to said subcontractor numbered claims for reimbursement as provided by said act of August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926, may be filed within three months after the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3210) providing for the men who served with the American Expeditionary Forces in Europe as engineer field clerks the status of Army field clerk, Quartermaster Corps of the United States Army, when honorably discharged was announced as next in order.

Mr. KING. Over!

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 584) for the relief of Frederick D. Swank was announced as next in order.

Mr. HOWELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

STATE BANK & TRUST CO. OF FAYETTEVILLE, TENN.

The bill (H. R. 5894) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order.

Mr. McKELLAR. Mr. President, the Senator from Nebraska [Mr. HOWELL] desires me to make a statement about the bill. The State bank at Fayetteville registered two bonds to its correspondent in New York City. They were stolen out of the post office in New York City. The evidence clearly shows that they were stolen and the employee who stole the bonds was afterwards discharged. The postmaster was asked to bring a suit against his bondsman, and he did not do it. Thereupon, the bill was first introduced in the House and has passed the House three times but has not passed the Senate. Some Senators thought that the Fayetteville bank was guilty of negligence in not insuring the letter before it left. The Government paid the $150, and the bill was introduced for the purpose of making good the remainder of $1,750.

The decisions are undisputed that the Government itself is bailee for hire in undertaking to transport such letters. Decisions were produced—and I shall not refer to them except to say that they are in the report—to show that under precisely similar circumstances the Government recovered from the bonding company the entire amount of the bonds where bonds were stolen in a similar manner. There is a favorable report in this case. I shall not detain the Senate any further in explaining the matter. It is certainly a claim that is just. Many other claims of a similar character have been paid, and I never have been able to see why this should not be paid.

Mr. HOWELL. Mr. President, out of courtesy to the Senator from Tennessee, I agreed not to object to the consideration of this bill and allow a statement to be made.

Mr. McKELLAR. I thank the Senator.

Mr. HOWELL. In my opinion this bill should not be passed. The bank at Fayetteville sent by registered mail $1,950 worth of negotiable bonds. The bank did not pay an additional 20 cents which it is necessary to pay to an insurance company in order to insure this amount of bonds passing through the mails. The bonds arrived at the post office in New York City; they then disappeared. The culprit who stole those bonds was not apprehended. The consequence of this theft was that the bank made claim upon the Post Office Department for the $50 which is the limit allowed to be paid

in connection with the loss of registered mail, and received its $50. Now the bank is asking Congress to reimburse it for the remainder of its loss. If that shall be done it must be evident that the regulations of the Post Office Department mean nothing; that an individual can register a parcel, and if he lose his property can come to Congress and obtain relief. The passage of this bill would mean a radical change in our registration system.

It has been suggested that an action should be brought upon the bond of the postmaster of New York City, and that thereby the Government could collect $1,950 and pay it over to the Fayetteville Bank. I will read the following letter from the Post Office Department respecting such a proposal:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 11, 1928.

Hon. R. B. HOWELL,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR HOWELL: This is in connection with the telephone inquiry of the clerk of the committee to-day with reference to a registered article containing $1,950 in Liberty bonds, mailed at Fayetteville, Tenn., on December 16, 1920, addressed to the Hanover National Bank, at New York City, which disappeared after reaching the New York post office. This case was the subject of a letter from the department to you under date of May 8, 1928.

It is understood that you desire to know whether or not a civil action could be brought against the postmaster at New York and his sureties on account of this loss. While it appears it would be possible to do this, there could apparently be no reasonable prospect of securing judgment.

The conditions of a postmaster's bond are that he shall "faithfully discharge all duties and trusts imposed on him as postmaster either by law or by the regulations of the Post Office Department," and the Postal Laws and Regulations (sec. 989) provide that:

"Postmasters and other postal employees will be held personally responsible by the Post Office Department for the wrong delivery, depredation upon, or loss of any registered letter or parcel if such * * * loss be due to negligence or disregard of the regulations."

As previously stated, a very thorough and exhaustive investigation failed to develop sufficient evidence to fix the personal responsibility for the loss of this article. There appears to have been no negligence or disregard of the regulations attributable to the postmaster in this instance, and there would, therefore, be no grounds under his bond or the regulations for attempting collection from him or the sureties, either by suit or otherwise.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

Under the circumstances, therefore, it seems to me that unless we propose to change the liability provisions of the registration service of the Post Office Department this bill should not be passed.

Mr. McKELLAR. Mr. President, just let me say that the Secretary of the Treasury——

Mr. HOWELL. Mr. President——

Mr. McKELLAR. I ask the Senator to let the bill come to a vote.

The PRESIDENT pro tempore. Without objection, the bill will be——

Mr. SMOOT. I object to the bill.

The PRESIDENT pro tempore. Objection being interposed, the bill will be passed over.

Mr. McKELLAR. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McKELLAR. After a bill has been discussed and is on the point of passage may it then be objected to?

The PRESIDENT pro tempore. Objection may be interposed at any stage under the rule.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. BROOKHART. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. BLACK. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street was announced as next in order.

Mr. REED of Pennsylvania. Over.

Mr. BRUCE. Mr. President, I trust the objection to the consideration of that bill will be withdrawn. A similar bill passed the Senate last year after having been favorably reported by the committee and after having been fully discussed in the Senate. I shall not press the request if the objection is insisted on, but I hope it will be withdrawn.

The PRESIDENT pro tempore. Is the objection to the consideration of the bill maintained?

Mr. REED of Pennsylvania. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal land and intermediate credit bank of Columbia, S. C., was announced as next in order. The resolution had been reported adversely.

The PRESIDENT pro tempore. Without objection——

Mr. BLEASE. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

RECLASSIFICATION OF SALARIES OF POSTMASTERS

The bill (S. 1679) amending the act of February 28, 1925, reclassifying the salaries of postmasters, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. PHIPPS. Mr. President, a House bill has now come over, which I ask to have substituted on the calendar for the Senate bill.

The PRESIDENT pro tempore. A bill on the same subject has come over from the House in somewhat different form.

Mr. PHIPPS. I should like to have it substituted for the Senate bill.

Mr. COPELAND. The number of the bill to which the Senator from Colorado refers is House bill 5837.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent to substitute House bill 5837 for Senate bill 1679. Is there objection?

Mr. LA FOLLETTE. Mr. President, before that is done I should like to ask the Senator from Colorado how the House bill differs from the bill as reported by the Senate committee?

Mr. PHIPPS. It contains larger amounts than the bill reported by the Senate committee. I should like to have the House bill substituted for the Senate bill.

Mr. SMOOT. I ask that the bill go over.

Mr. PHIPPS. I merely ask that the House bill be substituted on the calendar for the Senate bill.

Mr. ROBINSON of Arkansas. Mr. President, that is a bill that ought to receive consideration; it is an important bill, and ought not to be passed under these circumstances.

Mr. PHIPPS. I do not want to have two bills on the same subject on the calendar.

Mr. ROBINSON of Arkansas. I have no objection to the substitution.

The VICE PRESIDENT. Without objection, House bill 5837 will be substituted on the calendar for Senate bill 1679, and Senate bill 1679 will be indefinitely postponed. The House bill will be passed over.

Mr. EDGE. Mr. President, if the bill shall be passed over, as we all know, that will be the last possible action at this session of Congress.

The PRESIDENT pro tempore. Objection has been made by several Senators.

Mr. EDGE. I should like to say just a word. The bill was introduced by me, and the House bill, I believe, is in the same form as the original Senate bill. If it shall become a law this will be the final act on the part of Congress to try to adjust the salaries of postmasters from the first class down to fourth class in a logical and equable manner. We have raised the salaries of all employees; we have raised the compensation for

night work; we have raised the allowances for expenses of fourth and third class offices, and we have left untouched the salaries of postmasters at first-class post offices, which include those in cities from the size of New York down the line to those of about the size of Salt Lake City.

Mr. ROBINSON of Arkansas. The Senator must realize that the bill will lead to discussion.

Mr. EDGE. Very well, I will not press it, but I desired to make an explanation.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The bill will be passed over.

DISTRICT COURT OF CANAL ZONE

The bill (S. 3938) relating to the district court of the Canal Zone was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, I should like to add my appeal to the appeal made by the Senator from New Jersey and the Senator from Colorado for the consideration of Senate bill 1679.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The Senator from New York is speaking on Calendar No. 1186, Senate bill 3938.

Mr. McNARY. The regular order.

The PRESIDENT pro tempore. The regular order is demanded. Is there objection to the present consideration of Senate bill 3938?

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL JUDGE, SUPREME COURT, DISTRICT OF COLUMBIA

The bill (S. 4127) to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes, was announced as next in order.

Mr. BLEASE. Mr. President, I should like to have printed in the RECORD a report from the House Committee on the Judiciary containing letters from Judge Ernest S. Cochran and Judge H. H. Watkins, of South Carolina.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report referred to is as follows:

[Rept. No. 1427, 70th Cong., 1st sess.]

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS, SOUTH CAROLINA

Mr. DOMINICK, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 12811:

The Committee on the Judiciary, to whom was referred the bill H. R. 12811, after consideration, reports the same favorably and recommends that the bill do pass.

A similar bill was reported from this committee on January 20, 1927, which set out statements made at the hearings on H. R. 10821 and showed the necessity for the appointment of this additional judge, as will be seen by reference to Report No. 1827, Sixty-ninth Congress, second session, accompanying H. R. 7391.

This legislation received the approval of the House on June 8, 1926, when it passed H. R. 10821.

Since that report, and in addition thereto, there is printed herewith and made a part of this report a letter from the Hon. Ernest F. Cochran, judge of the eastern district of South Carolina, dated March 8, 1928, and a letter from Hon. H. H. Watkins, judge of the western district of South Carolina, dated March 10, 1928, showing the necessity for the appointment of this additional judge.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF SOUTH CAROLINA,
Charleston, March 8, 1928.

Hon. FRED H. DOMINICK,
Member of Congress, Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of your letter of the 1st instant requesting me to make a statement relative to conditions in this district, which you would like to use before the Judiciary Committee in regard to the proposed additional district judge for South Carolina.

My letter and telegram of February 5, 1926, to the Attorney General, with accompanying statement of the cases and business arising in this district from 1918 to June 30, 1925, were presented by you to the Judiciary Committee of the Sixty-ninth Congress at the hearing of April 6, 1926, on H. R. 10821, Serial 13, and all the data in this statement are, I presume, still available. Since the fiscal year ending June 30, 1925, the conditions have not grown better to any practical extent. There has been a decrease in the number of criminal cases arising since then, but this decrease is entirely in prohibition cases, mainly of a minor nature. This decrease has been due to the fact that I have discouraged the bringing into this court of the minor liquor cases and have urged officials to have them presented, as far as practicable, in the State courts. Another reason is that, owing to certain developments here, the details of which it will not be necessary to trouble you with, very few prohibition agents have been at work in this district until a few months ago. I am informed, however, that they are now very active, and that there will be another flood of liquor cases in this court before long.

As to the criminal cases, aside from prohibition cases, there has been an actual increase in the number of this class of cases. Moreover, the criminal cases are becoming more and more of a serious nature, and more of them contested, and they require more time than formerly. There have been a number of bankruptcy prosecutions, which have taken considerable time. You will recall that at Columbia recently I tried one of the cases growing out of the Beaufort Bank transactions, which took me nearly six weeks, and during the whole time I was trying that case I was holding court from six to seven actual working hours a day. Of course, that case was an exceptional one, and we are not likely to have such a long case again soon; though there are other cases growing out of the same transactions which will have to be tried and will consume considerable time.

The number of prosecutions for motor-vehicle thefts, under the Dyer Act, is increasing in this district. In fact, all kinds of criminal cases of a serious nature are on the increase.

As to the civil business, there has been an increase in the number of new cases arising. It is the civil business, as a rule, of course, that requires the time of the judge. I find each year that the civil cases arising in this district are taking more and more time for the hearing of them.

Without troubling you with further details, the fact remains that there is still in this district each year more work than one judge ought to be called upon to transact, if the parties are given a full and fair hearing and the due consideration of their cases to which they are entitled.

In order to relieve the situation in this district, I have been fortunate enough to obtain the assistance of Hon. Clarence Hale, retired United States judge, of Maine, who has been here for over two weeks, and will remain for several weeks more. We are sitting contemporaneously, hearing cases every day, in an effort to relieve the civil docket. Of course, this is helpful, but is only temporary.

Allow me to call your attention again to the fact that mere figures are very misleading. The real point to be considered is how much work the judge has to do and how much time is required. There is no doubt in the minds of those familiar with the situation here that there is too much business for one judge.

Respectfully,

ERNEST F. COCHRAN,
United States District Judge.

UNITED STATES DISTRICT COURT,
Anderson, S. C., March 10, 1928.

Hon. FRED H. DOMINICK,
House of Representatives, Washington, D. C.

MY DEAR MR. DOMINICK: I was away from home in attendance upon the Spartanburg court when your letter of March 1 reached here, returning to my office on Tuesday night of this week, and I am now taking the earliest opportunity of replying.

I am apprehensive that it will be impossible in the compass of this necessarily brief letter to give you any adequate statement of the conditions which prevail in this district so as to show the imperative necessity of additional help.

The published records of the Attorney General's office will furnish some indication of the nature and amount of the business transacted by the court, and what I shall say will be supplementary to those records. By way of preliminary, I desire to say that the burden of the work will best be understood by calling attention to the fact that for several years the trial of jury cases has engaged the attention of the court for approximately 20 weeks out of each year. Under a standing rule of the court, and both for the sake of economy and in order to render the attendance of the jurors less onerous, it is required that all preliminary motions, demurrers, etc., preparatory to the trial of the cases on their merits must be disposed of in chambers prior to the convening of the court for jury trials. We hold regularly both morning and afternoon sessions while these trials are in progress.

You will see, therefore, the tax upon both the physical and mental reserve of the presiding judge in conducting jury trials alone. In addition to these is not only the large volume of routine business but also the almost daily hearings of cases in equity, review of bankruptcy cases, and preparation of opinions as well as the disposition of demurrers and motions of varied character. Until recently, by the method adopted, I have been able to dispose of the business of the court with reasonable promptness. Within the last year the business has greatly accumulated, and a great many emergent matters have been the subject of unfortunate delay. The rapid development of corporate enterprises in my district, together with the growing tendency to draw litigation into the Federal courts, indicates that our business will greatly increase in the immediate future.

You are already aware of the fact that my health has been seriously impaired under the strain of continuing the work without opportunity for recuperation or proper hospital treatment. While I conceive it my duty to carry on to the limit under existing conditions, I can not

escape the view that, ignoring all personal considerations, it is unfortunate for the administration of justice to have cases tried by a judge who is not in excellent condition both physically and mentally, and that is especially unfortunate to have a condition in which for lack of time a judge must determine important questions without opportunity for adequate research or consideration.

I am informed that it has been suggested that an additional judge should not be provided for South Carolina for the reason that the dockets of this State are not congested as in other States. It is difficult to understand how such an argument could be seriously advanced. If the confidence of the public in procuring prompt and exact justice in the courts is to be preserved, it can only be accomplished by an assurance that he who has a just cause may assert it in the courts not only eventually but promptly. I know of no line of business in which it is not recognized that additional and adequate help should be provided to meet its expansion, and it would seem that if additional help is imperative to the prompt and proper administration of justice that it should be provided in each case without comparison with any other. This must necessarily be true unless the Government is unable to incur the expense.

In this connection may I not call your attention to the fact that it is generally recognized as the scandal of American courts that causes are so delayed. May I not suggest also that the increase in crime and open defiances of law, which are more and more appalling to law-abiding citizens with the passage of each month, may be at least in some measure attributable to the delays of the courts and the inadequate provisions which are being made for them. I think that you are already aware not only of the general situation which prevails here but also of the utter lack of comfortable or even adequate quarters in which my courts must be held. We are compelled to hold courts at five places, in only one of which we have a Federal building, and that of a most antiquated type.

With only one clerk's office for the entire district and with only two small rooms allotted to the clerk in which all the records of the district must be kept, the four deputies of the clerk with their desks and typewriters are herded in one small room subject to the distractions at all times of the numerous persons who have business with the office and during the courts at that place overcrowded at that time with the passing in and out of lawyers, litigants, jurors, and witnesses. Some time ago I endeavored to procure an additional room for the clerk's office, and one, which, under the original design of the building, and situated upon the same floor as the quarters of the court, was designed for and allotted for the use of the court. This office, however, was occupied by an official of the Post Office Department and we were unable to procure its use for the reason that the official was unwilling to go to another floor, although he was frequently absent from his office and left it unoccupied for days at a time. It has occurred to me that so long as the provisions for the places for transacting the business of the courts are made incidental to and subordinate to that of some other department and until adequate provisions be made both for comfortable places in which to hold the courts and for an adequate force to insure the prompt disposition of all their business, the public will be disposed to regard the administration of justice as an orphan unworthy of respect. The respect of the public must necessarily be measured in large degree by the consideration shown by the Government itself.

If there is any special recapitulation which you may desire to be taken from the records, I will be glad to have it tabulated and forwarded to you by the clerk.

Yours very truly,

H. H. WATKINS,
United States District Judge.

Mr. CAPPER subsequently said: Mr. President, I ask to revert to Order of Business 1199, being Senate bill 4127. The Senator from South Carolina [Mr. BLEASE] objected to the bill. He now authorizes me to say that he withdraws the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BLEASE. Mr. President, the Senator from Kansas says this is a very important bill and he is anxious to have it passed. Rather than to stand in his way I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President, with the advice and consent of the Senate, shall appoint an additional justice of the Supreme Court of the District of Columbia, who shall have the same tenure of office, pay and emoluments, powers, and duties as the present justices of that court. It shall be a duty of the chief justice of the Supreme Court of the District of Columbia to appoint from time to time, and for such period or periods as he may determine, one of the judges of the said Supreme Court of the District of Columbia to hear cases involving the condemnation of land in the District of Columbia, and it shall be the primary duty of such judge so appointed to preside at the hearing of such cases involving the condemnation of land in the District of Columbia, and that only when not engaged in such cases shall he be subject to assignment to the other business of the court. The chief justice may assign for service in condemnation cases any justice of said court in case of disability of the justice so serving or for any other reason.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

MEMORIAL BUILDING FOR NATIONAL MEMORIAL ASSOCIATION

The Senate as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 132) to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America, which was read, as follows:

Resolved, etc., That a commission is hereby created, composed of 15 members of whom the Director of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol shall be ex officio members, the 12 additional members to be appointed by the President, to be known as National Memorial Commission, to procure and determine upon a location, plans, and designs for a memorial building suitable for meetings of patriotic organizations, public ceremonial events, the exhibition of art and inventions, and placing statues and tablets, for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America.

SEC. 2. That the construction of the memorial herein and hereby authorized shall be upon such site as shall be determined by the commission herein created and approved by the Commission of Fine Arts, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined and approved by the Commission of Fine Arts, and shall be prosecuted to completion, under the direction of said commission and the supervision of the Director of Public Buildings and Public Parks of the National Capital, under a contract or contracts as may be authorized to be entered into by said commission in a total sum not less than $500,000, which sum shall be provided by voluntary contributions, under auspices of the National Memorial Association (Inc.), in accordance with plans to be authorized by said commission.

SEC. 3. That in the discharge of its duties herein said commission is hereby authorized to employ the services of such artists, sculptors, architects, and others as it shall determine to be necessary, and avail itself of the services or advice of the Commission of Fine Arts, the Office of Public Buildings and Public Parks of the National Capital, the Supervising Architect of the Treasury, and the Architect of the Capitol.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to defray the necessary expenses of the commission herein created and the cost of procuring plans and designs, site, and other incidentals necessary to the construction of a memorial building as herein provided, there is hereby authorized to be appropriated, out of any funds available in the United States Treasury, a sum not exceeding $50,000, to be available when the sum of $500,000 shall have been collected and paid into the hands of the National Memorial Association (Inc.), for purposes in this act provided.

SEC. 6. That said commission shall from time to time submit to Congress a detailed statement as to the progress of the work.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CELEBRATION OF ANNIVERSARY OF BATTLE OF WYOMING

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 14034) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby established a commission to be known as the United States Commission on the Sesquicentennial of the Battle of Wyoming (hereinafter referred to as the commission) and to be composed of seven commissioners, as follows: One to be appointed

by the President of the United States, three Senators by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker, to cooperate with the Wyoming Commemorative Association and the Wyoming Monument Association in the observance of the sesquicentennial of the Battle of Wyoming. The commission shall serve without compensation and shall select a chairman from among their number.

Mr. REED of Pennsylvania. Mr. President, this bill authorizes the appointment of a commissioner to arrange for the celebration of the sesquicentennial of the Battle of Wyoming in northeastern Pennsylvania. I ask unanimous consent for its immediate consideration. It carries no appropriation whatsoever.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. Several Senators objecting, the bill will be passed over.

Mr. BRUCE subsequently said: I ask the Senate to return to Calendar No. 1215, being House bill 9024.

The PRESIDENT pro tempore. Is there objection?

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is demanded. Objection being interposed, the bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

MILITIA TARGET RANGE RESERVATION, UTAH

The bill (S. 1314) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That for the purpose of eliminating certain private holdings within the Militia Target Range Reservation, the Secretary of War is authorized to acquire by purchase the fee simple and absolute title to certain private lands located within the boundary lines of the Militia Target Range Reservation, located in Utah and Salt Lake Counties, Utah, withdrawn and reserved by Executive order of the President dated April 24, 1914, and amended by Executive order of April 13, 1915.

SEC. 2. The Secretary of War is also hereby authorized to acquire by purchase for military purposes the complete title to certain other lands held under private ownership and situated contiguous to said Militia Target Range Reservation.

SEC. 3. The lands to be acquired under this act are to be used as a training camp for the National Guard, for other troops of the Army of the United States, and for other military purposes, and contain a total area of 7,221.21 acres, more or less. That for the purpose of acquiring titles to these lands and improvements thereon the sum of $54,160 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which amount shall become immediately available upon the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

Mr. McKELLAR. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF POSTAL SALARY CLASSIFICATION ACT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2294) to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, which was read, as follows:

That the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 7. That the annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $5,000; assistant division superintendents and assistant superintendents at large, $4,500; assistant superintendent in charge of car construction, $4,500; district superintendents, $4,000, instead of chief clerks at $3,300; chief clerks, $3,500, instead of assistant chief clerks at $2,800: *Provided,* That the clerks in charge of sections in the offices of division superintendents shall be designated as chief clerks at $3,500 salary."

Mr. SMOOT. I should like to have an explanation of the bill.

Mr. McKELLAR. Mr. President, all that this bill does is to wipe out a discrimination against the money-order clerks. It applies only to one class of clerks, and my recollection is only to clerks in two or three offices in the country. The committee thought that there was a manifest discrimination against money-order clerks which ought to be corrected. That is all this bill does. I hope the Senator will not object. It has had the consideration of the committee for some time.

Mr. SMOOT. If this bill shall be passed, then it seems to me we ought also to pass Order of Business 1185, being Senate bill 1679.

Mr. McKELLAR. Oh, no; that is a very different bill. I hope the Senator will not object to the consideration of the bill now before the Senate.

Mr. SMOOT. I have not objected

The bill had been reported from the Committee on Post Offices and Post Roads with amendments. The first amendment was on page 2, after line 10, to insert:

SEC. 2. That section 3 of said act of February 28, 1925, be, and the same is hereby, amended so as to provide that in post offices where the receipts are $600,000 but less than $1,000,000 the salary of money-order cashiers shall be $3,100.

The amendment was agreed to.

The next amendment was on page 2, after line 15, to insert:

SEC. 3. That the first paragraph, and that portion of paragraph 4 as far as the first colon, of section 2 of said act of February 28, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 2. That post-office inspectors shall be divided into seven grades as follows: Grade 1, salary $2,800; grade 2, salary $3,000; grade 3, salary $3,200; grade 4, salary $3,500; grade 5, salary $3,800; grade 6, salary $4,000; grade 7, salary $4,500; and there shall be 15 inspectors in charge, at $5,000: *Provided,* That inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and not to exceed 10 per cent of the force to grade 7 for specially meritorious service after not less than one year's service in grade 6.

"PAR. 4. Grade 1, salary, $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; and there shall be one chief clerk at each division headquarters, at a salary of $3,500."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CURTIS P. WISE

The bill (H. R. 802) to correct the military record of Curtis P. Wise was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. BLAINE. Mr. President, I will say to the Senator from Utah——

Mr. KING. May I say to the Senator, if he will pardon me, that it is quite likely that that bill may not be passed at this session, and I shall be glad to examine the report very carefully.

Mr. BLAINE. I want to suggest to the Senator that it is a very worthy claim.

Mr. KING. I shall be very glad to examine the matter during the recess.

The PRESIDENT pro tempore. Does the Senator object to the consideration of the bill?

Mr. KING. Yes.

The PRESIDENT pro tempore. The bill will be passed over.

H. P. MILLIGAN

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army, was announced as next in order.

Mr. BLAINE. Mr. President, I wish to inquire if House bill 13440 has been messaged to the Senate.

The PRESIDENT pro tempore. The Chair is informed that it has not reached the Senate.

Mr. BLAINE. Then, Mr. President, I want to suggest that House bill 13440 accomplishes the purposes designed by Senate bill 3866, and I desire to substitute the House bill for the Senate bill as soon as the House bill comes over. I therefore ask that this bill go over temporarily.

The PRESIDENT pro tempore. That order will be entered; and the Senator from Wisconsin will be notified when the House bill reaches the Senate.

Mr. REED of Pennsylvania. Mr. President, I hope the Senator from Wisconsin will not attempt to pass the House bill to-day. This is a grave departure from the established policy of the War Department, and it ought not to be done without a full explanation to the Senate.

I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES ALOYSIUS MANLEY

The bill (S. 4107) for the relief of James Aloysius Manley was announced as next in order.

Mr. RANSDELL. I ask that House bill 13048, which has already passed the House and is identical with the Senate bill, be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection to substituting House bill 13048, for the relief of James Aloysius Manley, for the Senate bill on the same subject?

Mr. REED of Pennsylvania. Mr. President, does the House bill carry the same amendment that was made in the Senate bill?

Mr. RANSDELL. Exactly the same amendment.

Mr. REED of Pennsylvania. It is the same as the Senate bill as amended?

Mr. RANSDELL. Yes, sir.

The PRESIDENT pro tempore. Without objection, the Committee on Military Affairs will be discharged from the further consideration of the House bill, and it will be substituted for Senate bill 4107.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13048) for the relief of James Aloysius Manley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 4107 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF EMPLOYEES' COMPENSATION ACT

The bill (S. 3433) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The amendment of the committee has been heretofore agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF JUDGES IN TERRITORIAL AND INSULAR POSSESSIONS

The bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator who objected withhold his objection for a moment?

Mr. BRATTON. Yes.

Mr. BINGHAM. That bill was objected to the last time it came up by the leader of the minority [Mr. ROBINSON of Arkansas] who has since withdrawn his objection. His objection was based on the fact that when asked whether the legislatures had taken any action I was unable to inform him. Since then I have learned that the Legislature of Porto Rico has passed a resolution asking for the passage of this bill, and the Legislature of Hawaii has done a similar act.

Mr. BRATTON. Mr. President, let me ask the Senator what are the present salaries?

Mr. BINGHAM. The present salaries, as shown in the report, range from $5,000 in the Virgin Islands, to $8,000 for the chief justice of the Supreme Court of the Philippine Islands.

Mr. BRATTON. And what are the several raises authorized in the bill?

Mr. BINGHAM. The raises are, for the chief justice of the Supreme Court of Porto Rico, to $10,500, the same as Hawaii; the associate justices, the same as Hawaii, $10,000; the judges of the District Court of the Virgin Islands, to $7,500; the chief justice of the Supreme Court of the Philippine Islands, to the same salary as the chief justices of the other courts, $10,500; and the associate justices of the Philippines, $10,000.

All the delegates from these various possessions and Territories have appeared before the committee and urged the passage of the bill, and in most cases their legislatures have acted upon them. I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Does the Senator from New Mexico withdraw his objection?

Mr. BRATTON. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WALSH of Montana. Mr. President, I want to make some inquiry with reference to the justices of the Supreme Court of the Philippine Islands. Is that provision of the bill recommended by the legislature

Mr. BINGHAM. The Delegate appeared before the committee. I have the hearings here, but I understand that the legislature has not acted; but the legislatures of the other two have acted. The Delegate, who usually opposes increases in salaries, has asked particularly for these increases in salaries. Of the supreme court justices, about half are Filipinos and about half are Americans.

Mr. BORAH. Mr. President, it would mar the record of this Congress for raising salaries and increasing expenditures if we did not pass this bill. [Laughter.]

The PRESIDENT pro tempore. The objection is withdrawn. The amendment of the committee will be stated.

The amendment was, on page 1, after line 7, to insert:

To each of the justices of the circuit court for the first circuit of the Territory of Hawaii the sum of $7,500 and to each of the justices of the circuit courts for the second, third, fourth, and fifth circuits of the Territory of Hawaii the sum of $7,000.

So as to make the bill read:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned, namely:

To the chief justice of the Supreme Court of the Territory of Hawaii, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To each of the justices of the circuit court for the first circuit of the Territory of Hawaii the sum of $7,500 and to each of the justices of the circuit courts for the second, third, fourth, and fifth circuits of the Territory of Hawaii the sum of $7,000.

To the chief justice of the Supreme Court of the Territory of Porto Rico, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To the judge of the District Court of the Virgin Islands of the United States, $7,500 per year.

To the chief justice of the Supreme Court of the Philippine Islands, $10,500 per year, and to each of the associate justices thereof the sum of $10,000 per year.

To the judge of the United States Court of China, $10,000 per year.

SEC. 2. That all of said salaries shall be paid in equal monthly installments.

SEC. 3. This act shall take effect on the first day of the first month next following its approval.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DUTY ON CARILLONS OF BELLS

The bill (S. 2355) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J., was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I move that Senate bill 2355, Senate bill 2907, and Senate bill 793 be recommitted to the Committee on Finance.

Mr. GLASS. Mr. President, I was just about to ask about those three bills. It is the most extraordinary thing I ever heard of in my life when people in Rhode Island and Pennsylvania are even willing to remit duties on church bells.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. COPELAND. Mr. President, I have here a letter from the Meneely Bell Co., of Troy, N. Y., saying that all these people applied to them with a view to purchasing bells, and went to Europe and got them cheaper. I ask that the letter be printed at this point in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MENEELY BELL CO.,
New York, May 24, 1928.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: Senate Calendar Nos. 1298, 1299, and 1300 have been referred to the Senate for action.

These relate to sets of two bells, and others of larger number of bells, at, respectively, Providence, R. I., Plainfield, N. J., and Princeton, N. J.

Some of the world's leading bell founders are located in the State of New York, and bell making is one of the oldest of American industries. The best bells procurable anywhere are made in America.

The only reason for American users of bells to place their orders in Europe is that the low price of European labor enables European founders to undersell American makers of bells.

Both the Plainfield and Princeton authorities sought our estimate before buying cheaper-priced bells in Europe. We knew nothing about the Providence order for two bells.

The inclosed illustration shows a carillon (French for "chime") that we have in Grace Church with which you may be familiar. Our foundry is equipped to supply combinations of bells of such weight and number as the purchasers may desire.

We had no opportunity of appearing before the Finance Committee when these measures were being considered, for when we asked for a hearing Senator SMOOT wrote us that the measures did not have his approval and would not be reported unless the majority of the committee insisted upon doing so.

I hope that you will investigate this subject and use your influence to defeat such special legislation. While you may or may not favor having any duty on bells, I doubt if you will find any justice or reason for breaking the existing regulations for the advantage of a few importers of bells who ask special consideration of Congress.

Owing to the early adjournment of Congress, I trust you may find it convenient to give this subject your consideration to-morrow.

Yours very truly,

W. R. MENEELY, *President.*

OFFICERS OF THE MEDICAL CORPS

The bill (H. R. 11981) to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes, was considered as in Committee of the Whole.

Mr. SMOOT. Mr. President, I should like some explanation of that bill.

Mr. REED of Pennsylvania. I can explain it, Mr. President. At present the officers of the Medical Corps receive no credit in the calculation of the length of their service for the periods that they spent as contract surgeons or contract physicians, although the fact was that while that system was in effect it was customary to give them the hardest assignments in the whole medical service. This bill will affect about 90 officers of the Regular Army, including Colonel Keller out here at Walter Reed Hospital. It gives a very slight pay advantage and merely recognizes the fact that they served in the Army under these contracts before they got their commissions.

Mr. SMOOT. There is nothing in this bill, is there, to give them an additional retirement privilege because of the fact that they were sent somewhere where they did not want to go?

Mr. REED of Pennsylvania. Oh, no, sir; nothing of that sort. An officer of the Army has a right to retire on his own request after he has served 40 years. This allows them to count their contract service as if it were commissioned service. There never was any real difference between the contract called a commission and the contract that these men had, and they ought to be considered the same.

Mr. COPELAND. They served in the same way, and this bill is recommended by the War Department as a meritorious proposition, and ought to pass.

Mr. REED of Pennsylvania. The bill is recommended by the Surgeon General.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL BUILDING TO COMMEMORATE WINNING OF OREGON COUNTRY

The joint resolution (S. J. Res. 102) authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library with amendments, on page 2, line 13, after the word "adequate," to insert "nor until the sum of $125,000 has been made available by the State of Oregon and/or any political subdivision thereof and/or from any other source, to be used by the Secretary of War in the construction of such building: *Provided, however*, That from this contribution the State shall be credited with such sums as it has heretofore expended in the acquisition of lands and the construction of improvements"; on page 3, line 3, after the word "hereby," to insert "authorized to be"; and in line 5, after the words "sum of," to strike out "$250,000" and insert "$125,000"; so as to make the joint resolution read:

Whereas the region west of the Rocky Mountains known as the Oregon country, including the territory of the States of Oregon, Washington, Idaho, Montana, and part of the State of Wyoming, was settled principally by English fur traders, who laid claim to the whole of this vast territory of nearly 300,000 square miles as a part of the British Empire; and

Whereas after much controversy this great empire was held in joint occupancy by the United States and England; and

Whereas in 1843 102 men assembled at Champoeg, in what is now Marion County, Oreg., and after deliberation decided by the narrow margin of 2 votes that the Oregon country should become a part of the United States; and

Whereas James K. Polk was elected President in 1844 on a platform demanding the recognition of the title of the United States to this territory; and

Whereas after a long controversy and contention this vast territory was ceded to the United States by England, without war or bloodshed, under a treaty signed in June, 1846: Therefore be it

Resolved, etc., That the Secretary of War is authorized and directed (1) with the approval of the board of control of the State of Oregon, to select a site on lands owned by the State of Oregon, in Campoeg, Oreg., and (2) to construct thereon a permanent memorial building to commemorate the deeds and achievements of the early patriots whose efforts were responsible for the establishment of the title of the United States to the Oregon country; but such memorial building shall not be constructed until the State of Oregon shall have made such provision for its care and maintenance as the Secretary of War deems adequate nor until the sum of $125,000 has been made available by the State of Oregon and/or any political subdivision thereof and/or from any other source, to be used by the Secretary of War in the construction of such building: *Provided, however*, That from this contribution the State shall be credited with such sums it has heretofore expended in the acquisition of lands and the construction of improvements.

SEC. 2. The plans for such building shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE FOREIGN SERVICE BUILDINGS ACT, 1926

The bill (H. R. 10166) to amend the foreign service buildings act, 1926, was considered as in Committee of the Whole.

Mr. KING. Mr. President, in what respect does this bill change existing law?

Mr. BORAH. Mr. President, the object of this bill is to enlarge the foreign service buildings act of 1926 so as to enable us to exchange properties as well as to purchase properties. We have one instance that I know of—and I think two—where, if we desire, we can exchange properties. The object of this

bill is to increase the authority of the commission so as to permit exchanges as well as purchases.

Mr. KING. The bill makes no further appropriation?

Mr. BORAH. It makes no additional appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS BY SENATE COMMITTEES

Mr. REED of Missouri. Mr. President, I ask unanimous consent, out of order, to introduce a resolution, and when it is read I shall ask for its present consideration.

The PRESIDENT pro tempore. Without objection, the resolution will be received and read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 262), as follows:

Resolved, That hereafter any committee of the Senate is hereby authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers vested in it or the duties imposed upon it by the Constitution, resolution of the Senate, or other law. Such suit may be brought and prosecuted to final determination irrespective of whether or not the Senate is in session at the time the suit is brought or thereafter. The committee may be represented in the suit either by such attorneys as it may designate or by such officers of the Department of Justice as the Attorney General may designate upon the request of the committee. No expenditures shall be made in connection with any such suit in excess of the amount of funds available to the said committee. As used in this resolution, the term "committee" means any standing or special committee of the Senate, or any duly authorized subcommittee thereof, or the Senate members of any joint committee.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. SMOOT. Mr. President, it is my opinion that that would have to be an act of Congress, and not merely a resolution of one body.

Mr. REED of Missouri. I have examined the opinion of the Supreme Court recently rendered, and I am satisfied that this resolution will meet the requirements of the decision.

Mr. SMOOT. Does not this apply to committees of the House?

Mr. REED of Missouri. No; a committee of the Senate.

Mr. SMOOT. I may be mistaken, but I thought it referred to committees of the House.

Mr. REED of Missouri. No; a committee of the Senate.

The PRESIDENT pro tempore. Does the Chair understand objection to be interposed to the present consideration of the resolution?

Mr. SMOOT. Let it go over for a few minutes.

Mr. REED of Pennsylvania. I think this is of such importance that it had better go over under the rule.

The PRESIDENT pro tempore. Objection is made.

Mr. REED of Missouri subsequently said:

Mr. President, a while ago I called up a Senate resolution, and there was a request that it be laid aside on the part of the Senator from Pennsylvania [Mr. REED]. As I understand, he now has no objection to make to it.

Mr. REED of Pennsylvania. I have looked over it, and I see no objection.

The resolution was agreed to.

Mr. REED of Missouri. In context with the resolution, I ask to have printed the opinion of the Supreme Court in the case of the committee, JAMES A. REED, CHARLES E. MCNARY, and WILLIAM H. KING, commissioners, against the County Commissioners of the County of Delaware, Pa.

The VICE PRESIDENT. Is there objection?

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Supreme Court of the United States

(No. 744, October term, 1927)

JAMES A. REED, CHARLES L. MCNARY, WILLIAM H. KING et al., petitioners, *v.* The County Commissioners of Delaware County, Pa., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit

Mr. Justice Butler delivered the opinion of the court.

The petitioners brought this suit in the United States Court for the Eastern District of Pennsylvania. The court held it was without jurisdiction and dismissed the case. (21 F. (2d) 144.) The circuit court of appeals adopted its opinion and affirmed the decree. (21 F. (2d) 1018.)

Petitioners maintain that the district court had jurisdiction under the first paragraph of section 24 of the Judicial Code (U. S. C., title 28, sec. 41), which provides that the district courts shall have original jurisdiction "of all suits of a civil nature, at common law or in equity, brought by the United States, or by any officer thereof authorized by law to sue * * *."

Petitioners, other than South, are United States Senators and constitute a special committee created by Senate Resolution 195 passed May 19, 1926, to make investigation of means used to influence the nomination of candidates for the Senate. The resolution empowered the committee "to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation."

At a general election held in Pennsylvania November 2, 1926, WILLIAM S. VARE and William B. Wilson were opposing candidates for the United States Senate. VARE was given the certificate of election and Wilson initiated a contest. Thereafter, January 11, 1927, the Senate passed Resolution 324. It recites that Wilson charges fraudulent and unlawful practices in connection with VARE's nomination and the election and declares that, unless preserved for the use of the Senate, evidence relating to the election will be lost or destroyed. The resolution empowers the special committee "to take * * * and preserve all ballot boxes, * * * ballots, return sheets, * * * and other records, books, and documents used in said senatorial election. * * *." It confers on the committee "all powers of procedure with respect to the subject matter of this resolution that said committee possesses under resolution No. 195 * * * with respect to the subject matter of that resolution." And it requires the Sergeant at Arms of the Senate to attend and execute the directions of the committee.

The chairman of the Committee on Audit and Control of Contingent Expenditures having refused to approve the special committee's vouchers for expenses after the expiration of that Congress, the Sergeant at Arms refused to execute its orders. Thereupon the special committee directed the petitioner South, as its representative, to take possession of the boxes, ballots, and other things referred to in Resolution 324.

Respondents are the commissioners, the prothonotary and a justice of the peace of Delaware County, Pa. They are authorized custodians of boxes, ballots, and other things used in connection with the election. These were demanded by South in behalf of the committee. Respondents declined to give them up, and this suit was brought to obtain possession of them.

Petitioners do not claim that any act of Congress authorizes the committee or its members, collectively or separately, to sue. Of course, South's authority is no greater than that of the committee which he represents. The suit can not be maintained unless the committee or its members were authorized to sue by Resolutions 195 and 324, even if it be assumed that the Senate alone may give that authority. The power is not specifically granted by either resolution. Petitioners rely on the general language in Resolution 195, which follows the express authorization of the committee to use its own process to require the production of evidence. The words are "and to do such other acts as may be necessary in the matter of said investigation." The resolutions are to be construed having regard to the power possessed and customarily exerted by the Senate. It is the judge of the elections, returns, and qualifications of its members (Art. I, sec. 5). It is fully empowered, and may determine such matters without the aid of the House of Representatives or the executive or judicial department. That power carries with it authority to take such steps as may be appropriate and necessary to secure information upon which to decide concerning elections. It has been customary for the Senate—and the House as well—to rely on its own power to compel attendance of witnesses and production of evidence in investigations made by it or through its committees. By means of its own process or that of its committee the Senate is empowered to obtain evidence relating to the matters committed to it by the Constitution. McGrain *v.* Daugherty (273 U. S. 135, 160, 161, 167, 174). And Congress has passed laws calculated to facilitate such investigations. (R. S. secs. 101–104. U. S. C. title 2, secs. 191–194.) Petitioners have not called attention to any action of the Senate, and we know of none, that supports the construction for which they contend.

In the absence of some definite indication of that purpose, the Senate may not reasonably be held to have intended to depart from its established usage. Authority to exert the powers of the Senate to compel production of evidence differs widely from authority to invoke judicial power for that purpose. The phrase "such other acts as may be necessary" may not be taken to include everything that under any circumstances might be covered by its words. The meaning of the general language employed is to be confined to acts belonging to the same general class as those specifically authorized. (Oates *v.* National Bank (100 U. S. 239, 244); Barrett *v.* Van Pelt (268 U. S. 85, 90); Baltimore & Ohio Railroad Co. *v.* United States (— U. S. —).) The context, the established practice of the Senate to rely on its own powers, and the attending circumstances oppose the construction for which petitioners contend and show that the Senate did not intend to authorize the committee, or anticipate that there might be need, to invoke the power of the judicial department. Petitioners are not "authorized by law to sue."

Decree affirmed.

COTTON FUTURES ACT

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting maniplation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES E. MOYER

The bill (H. R. 6432) for the relief of James E. Moyer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERTILIZER PRICES IN TENNESSEE

Mr. McKELLAR. Mr. President, I have before me a letter from the Gate City Mill dealing with the fertilizer situation as it exists in Tennessee. I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE GATE CITY MILLS,
Livingston, Tenn, May 16, 1928.

Hon. K. D. MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR: We desire to call your attention to a matter that is in connection with prices of fertilizer that are in effect now as compared with the former price under the old freight rate that was much higher than the present rate.

Last spring the opening price on 16 per cent acid phosphate was $21.10 per ton delivered to Livingston, Tenn. We handle four different brands from four different companies, and they all opened at the same price, but later got into a fight and got the price down to $16 per ton on 16 per cent acid phosphate. In the fall they had gotten together again and put the price back to $21.10. Some time during the summer—about July 1, if we remember correctly—the freight rate went into effect which reduced the freight to this point, as follows:

From Mount Pleasant, $3.45 as against $6.98 old rate.

From Atlanta, $4.60 as against $7.78 old rate.

From Nashville, $2.95 as against $5.40 old rate.

We did not ship any from Florence last year, so we do not know what the old rate was from that point.

Presumably this reduction in freight rates was for the benefit of the consumer, but it has failed to operate to their advantage, as you can see by the foregoing. When the freight was $6.98, $7.78, and $5.40 from the points named our delivered price on 16 per cent was $21.10, except for the time the fight was on, and after the reduction in freight as above, our price was still $21.10 here.

Our price this season up to the present time is $21.55 per ton.

We have had this matter up with one of our public utilities commissioners, and he is of the opinion that their commission can not do anything, in so far as it is not a matter of rates but of price. Can you suggest anything that would help to get this situation worked out so that the farmers may benefit by the present rate schedule?

We feel like other dealers would be glad to have these things worked out so that the reductions would go to the consumer instead of the manufacturer.

We heartily commend your activities in this connection and in bringing out the comparison in price of fertilizer in Alabama and Tennessee, and trust that this letter will be of some assistance to you in getting a fair deal for the farmers of our State.

Respectfully yours,

THE GATE CITY MILLS,
By J. T. STONECIPHER, *Manager.*

JACOB D. HANSON

Mr. WAGNER. Mr. President, I present a resolution passed by a mass meeting at Niagara Falls, N. Y., protesting against the reckless use of arms by the prohibition agents resulting in the probably fatal injury to an innocent citizen, Mr. Hanson. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD as follows:

Whereas over a period of time there has been evidenced an increasing disregard for the rights and privileges of free-born citizens of the United States by those charged with the enforcement of statutory laws of the country, such disregard reaching almost to the point of intolerance; and

Whereas in illustration of this disposition on the part of law-enforcement officers of the Federal Government there was enacted on the morning of Sunday, May 6, 1928, a tragedy that aroused the people of the entire country, when Jacob D. Hanson, a reputable, law-abiding, and respected citizen of Niagara Falls, was ruthlessly shot down by two members of the United States Coast Guard service while he was lawfully and peacefully driving his automobile upon a public highway; and

Whereas this murderous and unjustifiable assault, which if not resulting in the death of the victim, who lies in a most precarious condition in a hospital bed, will, in the belief of physicians, leave him crippled and hopelessly blind for the remainder of his days, an affliction most horrible to contemplate: Now therefore be it

Resolved, That we, as citizens of the United States, interested in the maintenance of law and order at all times, protest most vigorously and indignantly against the assignment of irresponsible persons to tasks of this nature and against the reckless use of firearms and the generally impudent and insulting attitude which too often characterizes the agents of Government in the enforcement of Federal rules and regulations, particularly along our frontiers.

He hereby characterize the shooting of Jacob D. Hanson as a most cruel and wanton act, without a single mitigating circumstance to excuse the conduct of the two Coast Guard men, who, clad in nondescript uniforms, accosted him on the highway, even as bandits might have done, and who recklessly fired into his automobile when he failed to stop. It was an act that could have been committed only by persons unfit to be intrusted with so important a duty as representing the United States Government in the enforcement of law and order.

In view of this most deplorable affair and for the sake of protection of citizens in general who have occasion to use the highways both by day and by night, we bring this incident to the attention of the properly constituted authorities at Washington with an appeal to them to cause prompt investigation of all circumstances surrounding this tragedy, that the guilty persons, not alone those who actually fired upon Jacob D. Hanson but those of their superiors who may have ordered or condoned such practices, may be justly and adequately punished, and to institute reforms that shall make impossible the repetition of this and other similar outrages which have been perpetrated upon the American public in recent years through overzealous and misdirected minions of the law who seemed to feel they have authority in the exercise of their duty to violate the rights of citizens and to jeopardize their lives, persons, and property; and be it further

Resolved, That while as citizens of the United States we desire that its laws and the mode of their enforcement shall be such as to insure the respect and devotion of all righteous citizens, we also as citizens of the State of New York stand solidly with the district attorney of Niagaga County and other officers of our sovereign State in their endeavor to win from the Federal courts the acknowledgment that the State of New York is indeed a sovereign State, capable not alone of determining in its criminal law what it shall consider as crime against the persons and property of its citizens but capable also of apprehending and trying in its own courts the one charged of crime, whether or not he be in the Federal service.

Resolved, That this expression of sentiment of this great gathering of citizens of Niagara Falls and of the Niagara frontier be duly attested and conveyed to the proper authorities in Washington, including the Secretary of the Treasury of the United States, Senators ROYAL S. COPELAND and ROBERT F. WAGNER, and Representative S. WALLACE DEMPSEY, and to the district attorney of Niagara County, State of New York.

Dated at Niagara Falls, N. Y., the 15th day of May, 1928.

RESOLUTION OF PROTEST OF WANTON SHOOTING OF HANSON BY EXEMPT FIREMEN MAY 10, 1928

John J. Daw, secretary of the Niagara Falls Exempt Firemen's Association, announced to-day that the association at its meeting went on record as condemning the shooting of innocent citizens on the highways in an effort to enforce laws. The resolution, called forth by the shooting of Hanson, is as follows:

"Whereas a reputable citizen of this city has been shot down on the highway by two armed United States Coast Guards because the said citizen was suspected, without reason, of being a rumrunner; and

"Whereas the highways of these United States are not safe to traffic at night by any citizen or visitor to the United States because of the danger to life and limb on account of said armed patrol with the alleged authority to shoot promiscuously any and every one who refuses to obey their command to halt; and

"Whereas said United States Coast Guards are not compelled to wear uniforms known to the general public so that they can be recognized as Federal officers instead of bandits: Therefore be it

"*Resolved,* That the Niagara Falls Exempt Firemen's Association, in meeting assembled this 8th day of May, 1928, call upon all civil authorities to assist in taking such action as will eliminate for all time the endangerment of life of any respectable citizen who cares to use our highways day or night."

Resolution of protest by National Bank of Niagara & Trust Co. on wanton shooting of Hanson

Whereas one Jacob D. Hanson, secretary of Lodge No. 346, B. P. O. E., a reputable, law-abiding, and respected citizen of the city of Niagara Falls, was, on the morning of May 6, last, the victim of an unjustifiable and murderous assault committed upon his person by two members of the United States Coast Guard Service stationed at or near Youngstown, N. Y., while he, the said Jacob D. Hanson, was lawfully and peacefully driving his automobile upon a public highway known as the Lewiston Road in the county of Niagara; and

Whereas our said citizen, Jacob D. Hanson, now lies at the point of death as the result of said assault with a bullet through his temple; and

Whereas warrants for the arrest of the perpetrators of said assault have been issued by the proper authorities of the State of New York; and

Whereas the commander of the unit of said United States Coast Guard Service at Youngstown, N. Y., refuses to allow said warrants to be executed: Now therefore be it

Resolved, That we, the board of directors of the National Bank of Niagara & Trust Co. of Niagara Falls, N. Y., hereby indignantly protest against the reckless use of firearms against the persons and automobiles of law-abiding citizens of this community by apparently irresponsible persons of the United States Coast Guard Service, or any other service; and we hereby resolve that every effort should be made to bring said members of the United States Coast Guard to answer in the courts for their assault upon said Jacob D. Hanson to the fullest extent of the law; that copies of this resolution, duly certified, be sent to the Secretary of the Treasury of the United States, Senators COPELAND and WAGNER and Congressman S. WALLACE DEMPSEY, at Washington, and to the district attorney of Niagara County.

Resolutions drawn up at the meeting of the South End Business Men's Association on May 9, 1928

Whereas Jacob D. Hanson, a peaceable and law-abiding citizen, driving upon a much-traveled highway, almost within the boundaries of the city of Niagara Falls, was fired upon and possibly fatally injured by members of the United States Coast Guard; and

Whereas incidents of this type are reported to be of frequent occurrence, constituting a serious menace to the lives and property of the traveling public and placing them in constant danger; and

Whereas such actions on the part of officers of the law indicate either or both that officers of the law are ignorant, reckless, and vicious or that their instructions violate the rights of all persons to the unquestioned security of their lives, persons, and property: Therefore be it

Resolved, That the South End Business Men's Association of the city of Niagara Falls at its regular meeting held on the 9th day of May, 1928, expresses its abhorrence of the practice now in force and urges that immediate and forceful steps be taken to remedy this deplorable condition and remove this menace to the peace and security of all people.

SOUTH END BUSINESS MEN'S ASSOCIATION,
MAX H. ELLEE, *President*.

Certified by—
A. C. HAYMAN, *Secretary*.

NIAGARA LODGE, No. 383, KNIGHTS OF PYTHIAS,
Niagara Falls, N. Y., May 15, 1928.

Mr. PETER A. PORTER,
Chairman Citizens' Mass Meeting, Niagara Falls, N. Y.

DEAR SIR: Niagara Lodge, No. 383, Knights of Pythias, desire to go on record as condemning the recent assault of Jacob Hanson by the Coast Guards, and that a copy of this letter be sent to United States Senator COPELAND as a protest against such actions by Government men.

Respectfully,
NIAGARA LODGE, NO. 383, KNIGHTS OF PYTHIAS,
OWEN F. RAZEY, *K. R. & S.*

BRICKLAYERS, MASONS, MARBLE-MASONS, AND TILE LAYERS INTERNATIONAL UNION, NO. 2, NEW YORK,
Niagara Falls, N. Y., May 12, 1928.

At a special meeting of the Bricklayers, Masons, Marble-Masons, and Tile Layers Union, No. 2, New York, held May 11, 1928, the following resolution was adopted by a unanimous vote:

"Whereas our attention has been called to the unlawful and murderous assault made upon Jacob D. Hanson by United States Coast Guard officers on the Niagara Falls-Lewiston Highway May 6, 1928; and

"Whereas we are informed through the press that similar outrages have been made upon innocent law-abiding citizens through an overzealous effort to enforce the prohibition laws of the United States; and

"Whereas we believe that the enforcement of any law should be accomplished only through and by means of legal process and within the bounds of the United States Constitution: Now therefore be it

"*Resolved*, That the Bricklayers, Masons, Marble-Masons, and Tile Layers Local Union, No. 2, New York, register our condemnation of the unlawful methods and practices employed by officials charged with law enforcement; that we extend our sincere sympathy to Mr. Hanson; and that a copy of this resolution be spread upon our minutes and copies forwarded to the press and to our Senators and Representatives in Congress; and be it further

"*Resolved*, That our legislative representatives be urged to bring about a modification of any rules or orders by which other law-abiding citizens may be subjected to the fate of Mr. Hanson.

"W. J. MURPHY,
"WILLIAM ANDREWS,
"J. H. POTTER,
"*Committee.*
"C. H. STAGG,
"*President.*
"JAS. T. WOOD,
"*Secretary.*"

DIVISION 1, NIAGARA CO.,
ANCIENT ORDER OF HIBERNIANS IN AMERICA,
Niagara Falls, N. Y.

Preamble and resolutions condemning the shooting of Jacob D. Hanson adopted by the Ancient Order of Hibernians, of Niagara Falls, N. Y., at their meeting of May 17, 1928

Whereas we the members of the Ancient Order of Hibernians, in common with all decent law-abiding citizens of this community, have been indescribably shocked and horrified at the ruthless and murderous shooting and possibly fatal wounding of Jacob D. Hanson of this city on the morning of May 6, in the town of Lewiston, N. Y., while about his lawful business by members of the United States Coast Guard presumably under unwarranted and illegal orders of their superior officers, probably dominated by some fanatical higher-ups; and

Whereas numerous shootings, assaults, bullying, and unlawful search and seizures seem to be common practice of prohibition enforcement officers and agents in this district, which practice is an arrogant disregard for and an abridgement of the rights and liberties of the American people, and a disgrace to the authorities that orders or permits such despicably illegal and un-American methods in the enforcement of prohibition or any other laws: Therefore be it

Resolved, That we, the members of the Ancient Order of Hibernians, most indignantly protest and emphatically condemn the shooting of the said Jacob D. Hanson and the shamelessly reckless use of firearms, the unlawful, unjust, and despotic interference with law-abiding citizens, either on the highways, in the streets, their homes, or places of business; and the wanton disregard for life, limb, and property which has been repeatedly shown by overzealous, irresponsible prohibition-enforcement agents, both of the Coast Guard and other governmental service, and we especially condemn the atrocious practice of officers and higher-ups in the prohibition-enforcement service of giving orders illegally to their servile and irresponsible tools "to shoot," smash, and bully, irrespective of consequences, under the pretense of enforcing the law; and we urgently hereby request that all such illegal, cowardly, and dishonorable practice be immediately stopped, and that the guilty perpetrators of this dastardly shooting outrage and all other violations of the rights and liberties of the people be immediately punished to the full extent of the law; this to include the officers and higher-ups who gave the illegal orders "to shoot," and who by their countenancing and encouragement of such unwarranted methods are trampling on the rights of the people; and to this end we suggest that all possible efforts be made to bring both the shooters and others responsible under the immediate jurisdiction of the courts of the State of New York, so that full justice may be done and that no condoning or whitewashing the guilty be permitted, as is apparently the practice of the Federal authorities where prohibition-enforcement officers violate the rights of the people, which practice we emphatically condemn as giving encouragement to criminally minded enforcement officials to overstep the bounds of their legal duties, and as a remedy for this intolerable state of affairs we also hereby request that a thorough investigation of the whole prohibition-enforcement methods be made with a view to amend or rescind the Volstead monstrosity, which is undermining the moral, physical, and mental abilities of a large proportion of the people and making grafters and bullies of another large portion, and is a tyrannically useless burden of taxation on the people: be it further

Resolved, That copies of this be sent to the press for publication and to Senators COPELAND and WAGNER and Congressmen DEMPSEY, MEAD, and MACGREGOR for the most vigorous action within their power.

FRANCIS T. KITCHEN, *President.*
AMBRISE LOMBARD, *Recording Secretary.*

REAPPORTIONMENT

Mr. VANDENBERG. Mr. President, I ask unanimous consent to have printed in the RECORD an explanatory statement regarding Senate bill 4554 dealing with the concurrent constitutional responsibility of the Senate for reapportionment. This

bill will be stressed in the December session in justice to constitutionalism, in justice to fair representation, and in justice particularly to my own State of Michigan which in 1930 will deserve four more Representatives even with a maximum membership held at 435.

I also ask leave to have printed in the RECORD an editorial from the Detroit News on this vital subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement and editorial are as follows:

Mr. VANDENBERG. I have introduced into the Senate a bill calling for the reapportionment of the House of Representatives pursuant to the census of 1920, and pursuant also to Article I of the Constitution of the United States.

It is perfectly obvious, of course, that this bill can not pass the present session of the Seventieth Congress. But it is equally obvious that the second session of this same Congress next December can not avoid facing the issue thus raised. It is for this purpose that the bill is introduced.

The issue raised is a simple one, although it is here raised for the first time. The House has just refused once more to reapportion itself. This completes eight years of constitutional defiance. This is the issue: When the House of Representatives fails to reapportion itself pursuant to constitutional mandate is it not the concurrent duty of the Senate to discharge its own share of this constitutional function by initiating the legislation?

I am entirely agreeable to the normal theory that the initiation of reapportionment, being exclusively pertinent to the membership of the House, normally should be recognized as a primary prerogative of the House itself. But I am not agreeable to the expedient theory that the Senate can thus entirely sublet its own concurrent constitutional responsibility and thus whitewash its own turpitude. Courtesy and comity can not immunize the Senate's negligence.

The Constitution does not put this decennial reapportionment duty upon any one branch of the National Legislature alone, even though habit does. It puts the duty upon Congress as a whole. Therefore the Senate is tied into these responsibilities. It is held jointly liable by a public opinion which rightly is becoming exceedingly harsh in the presence of long-time nullification. We can neither dodge nor divert our own obligations along this score.

In May, 1842, Mr. Buchanan, then a Senator and afterwards President of the United States, emphatically declared that the Senate is bound to discharge its duty independently upon this as upon any other question which may come before Congress. Indeed, he spoke prophetically of the possibility that the judgment of the Senate in this instance might be better than that of the House because "though Members of the House are all honorable men yet it can not be denied that they have been engaged in a question in which they are directly interested and even the purest and wisest of men are not the best judges in their own cause."

The minority report of the Senate Committee on the Census in 1911 similarly declared that "the question is one of great importance to the whole country and the responsibility of the Senate relating thereto is equal to that of the House."

Despite these precedents, the Senate has never acted independently. Perhaps the answer is that heretofore there has been no necessity of it. From 1790 to 1910 Congress never once failed decennially to reapportion the House and on the initiative of the House. It faithfully validated the spirit of the Constitutional Convention of 1787 in which it was repeatedly declared that the Congress must not be left at liberty to shirk this basic duty. But from 1920 to 1928 Congress has persistently and perversely declined to obey the Constitution.

It is an important consideration that this nullification violates equality of representative rights not only in the House of Representatives, but also in the Electoral College from whence springs the Chief Executive. In the present situation, in which 23 Electoral College votes ought to be reassigned, we see the extent of the vital challenge. Three times within the last half century a change in 23 electoral votes could have changed the final result of a presidential canvass as recorded in the ultimate occupancy of the White House.

It is possible to cure the Electoral College situation by the passage of a bill drawn by Congressman MCLEOD, which I heartily support. But there seems to be no present or prospective cure for discrimination in the apportionment of the House unless some new impulse enters the equation. I submit the proposition that the Senate should provide this impulse. It has concurrent constitutional responsibility under the Constitution for this situation and it should act accordingly. The bill which I have introduced is the same bill which passed the House in 1921, and which recognizes the census of 1920 as a base. It failed of action in the Senate. This latter fact emphasizes the Senate's responsibility in connection with this present insufferable discrimination. After the census of 1930 the bill should, of course, be again rewritten. But the present measure at least raises the general question in the forum of the Senate. It virtually asks this question: How much longer shall a surrender to the undisturbed routine of the years substitute for the scrupulous regard which the Senators owe to the integrity of their oaths?

No straight-thinking loyalist tries to retain a self-serving option as to which sectors of the Constitution he shall honor and which sectors he shall scorn. Congress itself has no such expedient option. The chain of the Constitution is no stronger than its weakest link. Streams rise no higher than their source. The source of law is Congress. Here the Constitution must be in the home of its uncompromising friends. A quorum of mere words no longer will suffice. The integrity of the American theory that all States shall have equal representation in the upper House of Congress regardless of population involves an equal insistence that population alone shall be the governing factor in determining representation in the lower House of Congress.

The present disability is particularly violent in the case of Michigan. Here is the fourth largest State in point of contribution to the Federal revenues and the sixth in point of population persistently penalized in a fashion which a committee of the House has itself declared would "amaze the founders of our Government." They would here find the lengthened shadow of that tyranny which found expression in the battle cry that "taxation without representation is unjust."

No mode of computation can be embraced which would not arrive at the conclusion that Michigan is constitutionally entitled to 15 per cent greater representation in the House than it has to-day and proportionally entitled to greater representation in the Electoral College. For example, three Michigan districts had a total population of 1,500,000 under the 1920 census as compared with 560,000 population in three districts in another State. These three Michigan districts to-day embrace 2,000,000 people though still represented by only three Congressmen and only three presidential electors. A Detroit Congressman to-day represents twice the ratio quota. Put differently, one-half the voters of Detroit are disfranchised in one branch of Congress.

Such a situation is indefensible. Nor is it a Michigan problem alone. It specifically involves at least 10 other States which suffer kindred discriminations. Under the 1920 census 13,000,000 people lacked fair and equitable representation. By 1930, unless this dangerous precedent is cured, approximately 31,000,000 people will be legislated for without fair and equitable representation in one branch of Congress and in the Electoral College. If more expediency is to be the continuing governing motive, then we have had our last reapportionment and the Constitution is breached for keeps.

If the Senate values its own constitutional reputation and if it respects its own constitutional oath, it dare not permit another session to pass into history without affirmative action which validates its own share of concurrent constitutional responsibility for the reapportionment of the House of Representatives. The bill which I have introduced puts this challenge on the Senate's calendar at the first possible moment it can be reached. In fairness to Michigan's Members of the House, it should be said that I believe this action will meet with their unanimous approval. Indeed, I seek only to uphold their hands.

[Editorial from the Detroit News]

IMPORTANCE OF CHALLENGE SUBMITTED TO THE SENATE

Senator VANDENBERG has performed a national service by introducing in the Senate a reapportionment bill. Such a bill could have been introduced by a Michigan Senator in any session of Congress in the past six years, but nothing was done. Mr. VANDENBERG, a Senator new on the job, has put to shame Members of far longer standing by insisting that Congress respect the Constitution.

His argument is absolutely correct. There is nothing in the Constitution which says the House must make the first move to reapportion. The only priority given to the House in that document is in revenue bills and impeachment proceedings. These must originate in the House. The power to reapportion is not exclusive to the House, and although heretofore the House has originated reapportionment bills and the Senate has concurred in them, it must be evident to every good citizen that failure of the House to obey the Constitution in this respect does not absolve the Senate from its manifest duty in such a case.

For six years, however, the Senate has waited for the House to act, regardless of the House's notorious and disgraceful refusal to conform to the plain instruction of the Constitution. It has remained for a new Senator, with a clear comprehension of public opinion on this fundamental issue, to call the Senate's attention to its duty. What a reflec-

tion this is on Members of long standing who have been popgunning for small game when all this time an attack on the Constitution has been demanding their heavy artillery.

The Senate can not afford to dismiss Mr. VANDENBERG'S bill as unimportant. To be sure, it can not be passed before next winter, by the Senator's own admission; and then, if adopted by the House, it will apply not to the Congress chosen next November, but to the one elected in 1930, in May of which year a new census will be taken. If Congress does its duty it will reapportion again in the session of 1930–31. But it may not do so; the House may refuse, and the Senate may again sit back and wait. In that case it would be better to have representation on the basis of 1920 than on that of 1910.

Long before 1930, however, the people of the United States ought to register their opinion of Members of Congress who have refused allegiance to the Constitution and violated their oaths to protect it. That question should be one of the chief issues of the 1928 campaign, and will be, unless the people of America have lost that political sense and that regard for fundamental law which their fathers possessed.

STATISTICS OF TOBACCO

The bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BARKLEY. Mr. President, I hope the Senator making the objection will relent. This is a very important measure, that has been before Congress for a number of years, providing for the collecting of statistics of tobacco by the Department of Agriculture. Is is a very important measure, and I hope it may be considered.

The PRESIDENT pro tempore. Is the objection maintained?

Mr. SMITH. Mr. President, in justice to myself and other parties interested I have made a promise that this bill shall be considered and have a hearing other than it did have. Through some misunderstanding both of the chairmen of the committee and members of the committee the bill was taken up, as I understand, and without the understanding that I had had in reference thereto being either recollected or brought to the attention of the committee it was reported out.

Mr. GLASS. Regular order!

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMITH subsequently said: Mr. President, I just wish to make this statement. This is the bill which resulted from the investigation by the Committee on Agriculture in reference to the cotton situation.

The bill was introduced at a time when necessarily its consideration was very hurried, on account of the length of time that was devoted to the investigation by the subcommittee, which investigation has not yet been completed. We are offering today a preliminary report, but the proceedings of the investigations so far as we have gone have been printed, and I ask that all Senators who are interested in this legislation avail themselves of copies of this report, so that when we reconvene in December we can be in such a position as to intelligently take up and discuss the proposed bill which I have introduced. I did not make an attempt at this session to pass the bill in the Senate, because of the action that was taken in another body.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. I find considerable complaint in New York with the provisions of the bill, and I presume during the summer we can iron the differences out.

Mr. SMITH. I would like to state to the Senator from New York that this matter is of such importance to the entire cotton trade that certain amendments to the present cotton futures act are imperative if the business is to be done legally and in accordance with even decency. Therefore I think it would be possible for us to get the bill in such shape as to proceed with it at the next session.

Mr. GLASS. Regular order!

Mr. SMITH. Of course, we will have the regular order when I get through, and I propose to take the time allotted, the five minutes to which I am entitled. If the Senator does not want to hear what is said, he can retire from the Chamber.

I did not ask during the present session for consideration of the bill, but when we are through with the consideration of unobjected bills on the calendar, I want to make a report from the subcommittee to the full committee as to the work done up to the present time.

RAILROAD AVENUE, DISTRICT OF COLUMBIA

The bill (H. R. 10073) to change the name of Railroad Avenue between Nichols Avenue and Massachusets Avenue, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OIL AND GAS PERMITS

The bill (S. 1512) to provide for contests of certain oil and gas permits, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That if any person qualified to receive an oil and gas prospecting permit under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended and extended, contests an oil and gas prospecting permit and procures a cancellation of such permit, the contestant shall be notified of such cancellation by the Secretary of the Interior and shall, during the period of 30 days from the date of such notice, be entitled to a preference right over others to an oil and gas prospecting permit for the lands included in such canceled permit.

SEC. 2. If any person who has initiated a contest dies before the termination thereof, such contest shall not abate, but the heirs of such person who are citizens of the United States may continue the prosecution of such contest under such rules and regulations as the Secretary of the Interior may prescribe, and such heirs shall be entitled to the same rights under this act that the contestant would have been entitled to if his death had not occurred.

SEC. 3. The Secretary of the Interior is authorized to make such rules and regulations as he may deem necessary to carry out the provisions of this act, and to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of the business transacted under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IOWA TRIBE OF INDIANS

The joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That jurisdiction be conferred upon the Court of Claims to hear, determine, adjudicate, and render judgment, in the cause now pending in the Court of Claims, docket No. 34677, entitled, "The Iowa Tribe of Indians *v.* the United States of America," referred to said court by the act of Congress, approved April 28, 1920 (41 Stat. L. 585), in the claim of the Iowa Tribe set forth in paragraph 6 of amended petition filed in said court February 17, 1925, regardless of the limitation as to time for filing claims made in said act approved April 28, 1920.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTON BRICK CO.

The bill (S. 3219) for the relief of the Poston Brick Co. was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowship in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes was announced as next in order.

Mr. KING. Let that go over.

Mr. RANSDELL. Mr. President, I hope the Senator will withhold his objection for just a moment.

Mr. KING. I do.

Mr. RANSDELL. This is one of the most important bills we have had before us since I entered Congress many years ago. It is to create a national institute of health, and to create a system of fellowships in said institute for the ascertainment of the cause, prevention, and cure of diseases affecting human beings.

The measure does not make any specific appropriation, but it does authorize an appropriation sufficiently great to carry out the purposes of the bill. It is of very great importance to humanity. The hope is that we can create here in Washington a national clearing house of health for all the world. I hope the bill can be passed at this session, so that at the next session we can get it before the House and write it into the law.

Mr. SACKETT. The bill does not carry any appropriation at all, does it?

Mr. RANSDELL. Not at all.

Mr. SACKETT. I see no reason why it should not be passed.

Mr. KING. It carries an authorization for $500,000.

Mr. RANSDELL. It does not carry a cent. It authorizes to be appropriated out of any money in the Treasury not other-

wise appropriated such sums as may be adequate, but it does not authorize a single dollar in amount.

Mr. KING. Mr. President, this is a very important measure, as the Senator has said, and it would be the basis of the establishment of another department, and call for an enormous appropriation in the future. I think, before we embark upon this policy, we had better consider it.

Mr. SACKETT. It is an enlargement of the present Hygienic Laboratory. That is the purpose, not the creation of a new department. It is to give them an opportunity to study human diseases, as we have as to all animals.

Mr. KING. It would lead to an enormous appropriation. I think it had better go over.

Mr. COPELAND. May I ask the Senator to withhold his objection just a moment?

Mr. GEORGE. Regular order!

Mr. COPELAND. We are in the regular order, I think, when the bill is still before us.

Mr. KING. I am objecting.

Mr. COPELAND. Very well.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

STANDARDIZED BALES OF COTTON

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, as I see it, the bill of the Senator from Louisiana is to permit the Government to receive money to be expended for the benefit of human beings and the extension of human life. There are many contributions being made now to private institutions of money which would come here to enlarge this great establishment if we were organized to receive it. I may say, in regard to the bill presented by the Senator from Louisiana, after hearings which were attended by the Senator from Maine [Mr. GOULD], the Senator from Kentucky [Mr. SACKETT], and myself, we listened to witnesses from every part of the country who had tremendous enthusiasm in the bill, and even institutions which might be considered rivals were glad to support the enterprise.

Mr. RANSDELL. May we pass it by for the present? The Senator from Utah says that in about 10 minutes he will let us take it up. I thank the Senator from Utah.

Mr. SMOOT. If the junior Senator from Utah withdraws his objection, the senior Senator will object.

COMMITTEE ASSIGNMENTS

Mr. ROBINSON of Arkansas. Mr. President, out of order, I ask that the senior Senator from Arkansas [Mr. ROBINSON] be excused from further service upon the Committee on Rules, and that the senior Senator from New York [Mr. COPELAND] be assigned to service on that committee.

I want to make just a brief explanation. The Senator from New York has been interested in the improvement of the Senate Chamber, and I desire to have him serve on that committee in my place for the immediate future.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BURTON K. WHEELER

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper story written by Leo R. Sacks, Washington correspondent of the Scripps-Howard newspapers, on the junior Senator from Montana [Mr. WHEELER].

The PRESIDENT pro tempore. Is there objection? There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON, May 29.—Senator BURTON K. WHEELER, of Montana, is engaged in a bitter struggle with his old enemies in seeking reelection.

Fighting is not a new experience for him. He has contended against odds ever since he entered public life.

WHEELER is concluding his first term in the Senate. It has been one marked by spectacular fighting.

But the present fight against him is not being conducted by those whom he has opposed in Washington but by those he fought back in Montana when he successfully stopped a movement to drive Senator THOMAS J. WALSH from public life. Had WALSH been defeated, the Teapot Dome scandal might never have been exposed.

The Anaconda Copper Co., one of the Nation's industrial giants, dominates Montana politics. In 1910 it sought to prevent the Montana Legislature from electing WALSH as Senator. WHEELER had been elected to the legislature from Silver Bow County, where the Anaconda's chief interests are located. Despite this, he defied the wishes of the company and voted for WALSH. WALSH was defeated then, but with WHEELER's assistance he was elected two years later.

WHEELER has been a "marked man" ever since.

In 1912 he ran for attorney general of Montana and was defeated, but WALSH came to the Senate and Woodrow Wilson went to the White House.

WALSH, knowing that a fighter was needed as United States district attorney for Montana, recommended his young friend. President Wilson agreed and WHEELER was appointed.

As Federal attorney he prosecuted several cases involving men of great wealth who had defrauded the Government out of large tracts of public land. He likewise prosecuted the Northwest Trustee Co., involving prominent Democratic officials.

WHEELER played no favorites as district attorney. He prosecuted and convicted a former Republican and a former Democratic attorney general for jury frauds. One of the convicted lawyers was attorney for the copper interests.

When President Wilson was considering his reappointment the copper interests sought to prove that he was a "radical" and pro-German, although his ancestors settled in Massachusetts before the Revolution.

In 1918 WHEELER resigned and was offered an appointment as Federal judge, which he declined. In 1920, over the vigorous objection of the copper companies, he was nominated Democratic candidate for governor.

The Harding landslide and the opposition of the copper companies prevented his election in a campaign in which it was charged hired thugs consistently broke up his meetings.

Two years later he was a candidate for the United States Senate and despite the usual opposition he was nominated and elected.

Now he is seeking reelection and the copper and allied business interests are backing a formidable candidate against him in the primaries. If he wins the nomination, he will have another real fight for the election.

But WHEELER is not worrying. He has licked his opponents before when he had only a State reputation to help. Now that he has acquired a national reputation he believes his task should be easier.

WHEELER's career in the Senate has been spectacular. He had hardly been installed when he opposed continuation of the late Senator Albert C. Cummins as chairman of the Senate Committee on Interstate Commerce. He charged that Cummins, a former liberal, permitted the railroads to dominate the committee. Cummins was retired as chairman.

WHEELER then tackled Attorney General Harry M. Daugherty and the Department of Justice. He persuaded the Senate to authorize his famous investigation of the department. After the inquiry was launched he found himself in a blind alley. Boarding a train for Columbus, Ohio, one afternoon, he returned two days later with a mysterious witness, Miss Roxie Stinson, former wife of Jesse Smith, Daugherty's right-hand man. Miss Stinson's testimony provided the key to the situation.

So much evidence of improper conduct was revealed that President Coolidge was forced to request Daugherty's resignation. William J. Burns was forced to resign as chief of the bureau of investigation. "The little green house on K Street," rendezvous of the Ohio gang, was exposed.

From the Wheeler inquiry came the first wholesale house cleaning in Washington following the Harding administration. WHEELER also directed attention to frauds at the Atlanta Penitentiary which resulted in the prosecution of the warden, and to irregularities in the Alien Property Custodian's office.

WHEELER fought the Department of Justice so hard that members of the Republican National Committee, working with Attorney General Daugherty, tried to "frame" him back home. A representative of the committee went to Montana and WHEELER was indicted on a charge of accepting a fee from an oil operator to use his influence in Washington to obtain permits.

WHEELER was exonerated at home, and later in Washington when he was reindicted. But of most importance he was given a clean bill of health by Senator WILLIAM E. BORAH, who headed a special committee to investigate for the Senate. BORAH denounced the prosecution of WHEELER as a cowardly attempt to silence a courageous public servant.

So great had become Senator WHEELER's reputation that in 1924 he was invited by the late Senator La Follette to become his running mate on a third-party ticket.

WHEELER does not believe the United States marines should be in Nicaragua, and he has not hesitated to tell the Senate and the country his views.

He feels equally certain that in the soft-coal strike in Pennsylvania, Ohio, West Virginia, and other bituminous-producing States the public has not been getting a fair deal. He believes the coal operators have beaten down the miners' wage to such a point that the entire coal industry is operated on an uneconomic and destructive basis. WHEELER was a member of the special committee of the Senate which investigated the coal strike.

WHEELER, because of his industry in this inquiry, was made a member of the special committee to write a law placing the coal industry under Federal supervision.

He has fought against railroad domination of the railroad regulatory boards. WHEELER feels that the West has been discriminated against in favor of the East economically. As a result he is an ardent champion of the long and short haul bill, of the McNary-Haugen bill, and he opposed the McFadden-Pepper banking bill.

WHEELER is married, has six children, and financially is one of the poorest Members of the Senate. A native of Massachusetts, he was graduated from the law school of the University of Michigan and then went to Montana to practice law.

Although elected as a Democrat, WHEELER refuses to recognize the party labels if he believes his party is wrong.

UNITED STATES CODE

Mr. WALSH of Montana. Mr. President, on last Saturday the Senate passed House bill 13622, to amend and supplement the Code of Laws of the United States of America. It contained section 2, as follows:

SEC. 2. That the code as thus amended and supplemented shall establish prima facie the general and permanent laws of the United States in force December 5, 1927.

To that the attention of the Senate was called at that time. After the passage of the bill by the Senate attention was called to the fact that when the original Code of Laws came before the Senate it contained a similar provision, but some doubts were expressed as to whether that was sufficient, and having been advised that the House has returned the original bill, I desire to offer an amendment so that the same provision shall be in both documents. Accordingly, for the purpose of correcting it, I ask unanimous consent that the votes by which the bill was ordered to be read the third time and passed be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the votes by which the bill was ordered to a third reading and passed are reconsidered.

Mr. WALSH of Montana. I ask for immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. WALSH of Montana. I now move that section 2 of the bill be amended by adding thereto the language which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 11, after the numerals "1927," insert a comma and the words "but nothing in this act shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the code as thus amended and supplemented. In case of any inconsistency arising through omission or otherwise between the provisions of any section of this act and the corresponding portion of legislation heretofore enacted effect shall be given for all purposes whatsoever to such enactments."

Mr. KING. Mr. President, I ask the Senator's pardon; I was occupied in another matter. Will the Senator briefly explain the purpose of the amendment?

Mr. WALSH of Montana. The purpose is to make it perfectly clear that this measure changes no present act. It is simply for the purpose of a compilation, the compilation being prima facie evidence of what the law is, and it elucidates that by saying that it shall not be construed to amend or repeal any existing law.

Mr. LA FOLLETTE. Mr. President, if I understand the Senator's statement correctly, it merely incorporates in this amendment to the code the same language that was in the original act.

Mr. WALSH of Montana. In the original code.

Mr. KING. I think that is very wise. I am very glad the Senator is pursuing that course.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POSTON BRICK CO.

Mr. HOWELL. Mr. President, I ask unanimous consent to return to Calendar 1321, Senate bill 3219, for the relief of the Poston Brick Co., to which I objected through a misapprehension.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That, notwithstanding the lapse of time or any statute of limitations, the Court of Claims is hereby authorized to hear, determine, and render judgment upon the claim of the Poston Brick Co. for the recovery of income, war-profits, and excess-profits taxes paid by such company for the calendar years 1917, 1918, 1919, and 1920 in excess of the amount of its liability therefor.

SEC. 2. Suit upon such claim may be instituted in the Court of Claims at any time within two years after the approval of this act and irrespective of prior filing of claim for refund. Proceedings before the Court of Claims in such suit, and appeals and payment of any judgment therein, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFICATE OF PUBLIC CONVENIENCE

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity, was announced as next in order.

Mr. BLEASE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

THOMAS A. EDISON

The joint resolution (H. J. Res. 243) to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. RANSDELL. I did not hear what was done with Senate bill 872.

The VICE PRESIDENT. It went over under objection.

Mr. RANSDELL. I was listening very attentively. Did somebody object to it?

The VICE PRESIDENT. It went over under objection.

Mr. RANSDELL. It is a bill to standardize bales of cotton, and requiring the sale of cotton by the true net weight of bale.

The VICE PRESIDENT. The bill went over under objection.

Mr. RANSDELL. Of course, if it was objected to, that settles it; but I did not hear the objection. I ask unanimous consent that the Senate return to the consideration of that bill.

Mr. TYSON. I object.

The VICE PRESIDENT. Objection is made.

Mr. TYSON. I have not had time to examine it.

Mr. EDGE. Mr. President, did some one object to the consideration of the joint resolution referring to Mr. Edison?

Mr. LA FOLLETTE. I objected to it.

Mr. EDGE. If the Senator will give me just one moment, I hope the Senate will endeavor to be consistent. Within five minutes we have concurred in a joint resolution granting medals to Ellsworth and Adamson and Nobile, and surely, I contend, the services of Thomas A. Edison, in his contributions to the scientific development in this country as an American citizen, certainly deserve the consistent support of the Senate, when we are giving medals to aviators and other men without the slightest objection. I do hope the Senator from Wisconsin will withdraw his objection. The joint resolution passed the House unanimously.

Mr. ROBINSON of Arkansas. If I may be permitted to say just a word, I can not conceive of any scientific medal to which Thomas A. Edison is not entitled.

Mr. EDGE. I thank the Senator. I trust the Senator from Wisconsin will withdraw his objection. The joint resolution passed the House unanimously, as I have said. I am quite sure the Senate does not want to take an inconsistent position. I have a report here showing that in the last few years we have struck 93 medals, and I must admit that many of the names I can hardly recall in history. Within the last few days, in addition to the three I have named, we granted specially struck medals to Chamberlin and Levine and other aviators, who, no doubt, deserve them, but certainly, in the midst of this granting of favors, a man who has contributed what Thomas A. Edison has to the United States and to all her citizens, both from the standpoint of pleasure and health and development, certainly deserves unanimous consideration.

Mr. LA FOLLETTE. I ask that the resolution be passed over without prejudice.

Mr. REED of Missouri. Mr. President, I want to ask the Senator from New Jersey a question. Did the Senator say we have given a medal to Levine?

Mr. EDGE. We gave a medal the other day, my information is, to Chamberlin, Levine, and some other aviators whose names I can not recall.

Mr. REED of Missouri. Well, Mr. President, I think medals will very soon cease to be of any value.

Mr. EDGE. I will say, if the Senator will bear with me for another moment, that only this week the combined scientific societies of the United States met, through their delegates in New York, representing 43 States, and presented Mr. Edison a medal.

Mr. LA FOLLETTE. Mr. President, I withdrew my objection to let the resolution pass over without prejudice in order that the Senator from New Jersey and I might confer about it. If he insists on making a speech, I shall have to insist on my objection.

The PRESIDING OFFICER. The resolution will be passed over without prejudice.

FEDERAL LAND BANK, COLUMBIA, S. C.

Mr. BRUCE. Mr. President, I desire to withdraw my objection to Order of Business No. 1165. If the Senator from South Carolina [Mr. BLEASE] desires to bring it up, I have no objection.

The VICE PRESIDENT. Is there objection to the present consideration of Calendar No. 1165, the resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C.?

Mr. PHIPPS (and others). Over.

The VICE PRESIDENT. The resolution will be passed over.

Mr. BLEASE. Mr. President, I would like to know who made the objection.

Mr. PHIPPS. I was one who made objection.

Mr. FESS. Others objected also.

Mr. BLEASE. I merely wanted to have the RECORD show that the objection came from the Republican side of the Chamber.

The VICE PRESIDENT. On objection, the resolution will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. WARREN. Over.

Mr. LA FOLLETTE. I hope the Senator from Wyoming will not object.

Mr. FESS. Over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM J. TILSON

The bill (H. R. 12311) to provide for payment of compensation to William J. Tilson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, as amended, William J. Tilson shall be paid the sum of $15,701.38 as compensation for services for the period from July 10, 1926, to March 17, 1928, during which time he held the office of United States district judge for the middle district of Georgia. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHINGS J. SHAND

The bill (S. 2949) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I move that House bill 10244, which has been passed by the House and messaged to us, be substituted for the bill now on the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10244) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard, and it was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to allow credit in the accounts of Col. Richings J. Shand, United States property and disbursing officer, Illinois National Guard, in the sum of $330 now standing as disallowance in said accounts on the books of the General Accounting Office, representing payments made by him in good faith for the rental of two automobiles with drivers for the use of the National Guard of Illinois during their annual encampment from July 30 to August 15, 1926, which rental and payments therefor had been previously authorized by the War Department, but which were held by the Comptroller General to be prohibited as coming within the provisions of act of July 16, 1914 (38 Stat. 508).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 2949 is indefinitely postponed.

NOTIFICATION TO THE PRESIDENT

Mr. CURTIS submitted the following resolution (S. Res. 260), which was considered by unanimous consent and agreed to:

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The VICE PRESIDENT appointed Mr. CURTIS and Mr. ROBINSON of Arkansas as the committee on the part of the Senate under the resolution.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1297. An act for the relief of Alice E. Moore;

S. 1541. An act for the relief of George A. Robertson;

S. 1769. An act for the relief of the legal representatives of the estate of Haller Nutt, deceased;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3931. An act for the relief of Augusta Cornog; and

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.

ESTATE OF HALLER NUTT, DECEASED

Mr. STEPHENS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1769) for the relief of the legal representative of the estate of Haller Nutt, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount inserted by the House amendment insert the following: "$75,000"; and the House agree to the same.

GERALD P. NYE,
W. H. MCMASTER,
H. D. STEPHENS,
Managers on the part of the Senate.

JAMES G. STRONG,
JOSEPH L. HOOPER,
B. G. LOWREY,
Managers on the part of the House.

The report was agreed to.

OPINION OF ATTORNEY GENERAL ON FARM RELIEF BILL

Mr. MCNARY. Mr. President, by mistake the opinion of the Attorney General which was made a part of the President's veto on the farm relief bill was not included in the request to have the veto message printed, and I ask unanimous consent that in connection with the veto message the opinion of the Attorney General be published in the RECORD, and also as a Senate document.

The VICE PRESIDENT. Without objection, it will be so ordered.

REPORT OF COLLECTOR GENERAL OF CUSTOMS FOR NICARAGUA (S. DOC. 164)

Mr. BINGHAM. Mr. President, I ask unanimous consent that the report of the Collector General of Customs for Nicaragua for the period of January 1, 1927, to December 31, 1927, and the statistics of the commerce of 1927 may be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

FEDERAL MATERNITY AND INFANCY ACT

Mr. SHEPPARD. Mr. President, on June 30, 1929, the Federal maternity and infancy act will terminate after an operation of seven years. That the act has proved to be of immense

benefit is shown by a report on its workings by the American Child Health Association and the Maternity Center Association to the National League of Women Voters. It has given a national extent to maternal and infant hygiene work. Nearly all the States are cooperating effectively with the National Government under the act, whereas but few of the States gave any substantial attention to maternity and infancy welfare before its adoption. In many sections of the country, especially in remote rural districts, the lives of mothers and children are being saved and safeguarded on a gratifying and heartening scale. The distribution of information on the subject of maternal and infant hygiene is being placed upon a basis both permanent and nation-wide. I ask permission to insert in the record, following these remarks, a letter to me from Miss Belle Sherwin, president of the National League of Women Voters, and the summary accompanying her letter of the report to the league mentioned above.

A review of this summary will show it to be the judgment of careful and competent investigators that the maternity and infancy act has shown that the death rate of mothers and infants can be permanently and materially reduced, that it has already caused reductions in certain sections, that it is still needlessly high in the United States as a whole due to the lack of knowledge as to proper methods of maternal and infant hygiene; that an information and instruction service of broader scope, of a different and more adaptable structure should follow the existing act if the benefits of the existing legislation are to be properly preserved, and if the women and children of our country are to be shielded from needless suffering, disease, and death.

The VICE PRESIDENT. Without objection, the request of the Senator from Texas is granted.

The letter and summary referred to are as follows:

NATIONAL LEAGUE OF WOMEN VOTERS,
Washington, D. C., April 10, 1928.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: It is a very great pleasure to send you this brief summary of reports on the maternal and infant hygiene work which has been carried on in the States under the legislation which bears your name. The reports were made to the League of Women Voters by the American Child Health Association and the Maternity Center Association.

At the same time I wish I might send you the records we have in our office of the careful examination which has been made by State and local leagues in an effort to evaluate the activities carried on under the act in every community. I regret that the reports cover too many pages to make that feasible. They record intelligent appreciation of the work which has been begun and no less intelligent conviction that it should continue.

The accumulation of such evidence increases the gratitude of the League of Women Voters for your advocacy of the original act and your support of the measure which extended the period for which the appropriation was authorized.

When the Federal assistance available under the act is withdrawn and a new situation with familiar needs must be met, I trust that new legislation may be proposed which will offer the same hope of widespread usefulness which the Sheppard-Towner Act has demonstrated.

Sincerely yours,

BELLE SHERWIN, *President.*

APRIL 7, 1928.

A brief summary of reports made to the National League of Women Voters by the American Child Health Association and the Maternity Center Association on the subject of the work carried on under the maternal and infant hygiene (Sheppard-Towner) act

A FOREWORD

When, by the action of the Senate on January 13, 1927, the maternity and infancy act was repealed to take effect June 30, 1929, the League of Women Voters considered it important to review the work which had been undertaken in the States in order to evaluate its accomplishments and to survey the situation with particular regard to needs remaining to be met. The annual reports of the administration of the act had given testimony to the excellence of the programs under way in the States. A striking record of accomplishment was embodied in the evidence presented to the Committee on Interstate and Foreign Commerce of the House of Representatives when it was considering the bill to extend the appropriations for two years beyond the period of the original measure. Indeed, general public opinion in all the 45 States and in Hawaii, which had accepted the benefits of the act indicated that great good was being accomplished and that the purposes of the law were being fulfilled. However, the league wished an appraisal by trained and impartial observers, free from any bias that might be attributed to those officially connected with the administration either in the States or in the Federal Government and adequately equipped to judge the work according to professional standards.

Two organizations agreed to undertake the inquiry—the American Child Health Association and the Maternity Center Association—private agencies of distinguished reputation with experience in the special field of public health covered by the maternity and infancy act.

After a careful and critical examination of the published reports of the administration of the act the observers selected for special study 14 States which represented different sections of the country and presented variation in the kind of problems offered in organization and in public health. These States were visited by qualified representatives of the organizations named, and from their detailed reports the following review is compiled.

At the beginning it should be understood that much of the material in the reports can not be included in this brief summary. Almost every State's report is accompanied by tabulations giving in detail an analysis of the activities for which the available appropriations have been spent, the number of mothers and children known to have been reached, and the extent to which the territory has been covered.

Comparative statistics are given which show the reduction in the maternal and infant mortality rates for the five-year period during which funds under the act have been available from the rates recorded for the five years preceding.

Actual reports from nurses in the field are attached, letters from beneficiaries of the act, and from interested citizens.

From the mass of material collected the reviewer finds certain characteristics and conclusions outstanding. Only a few typical activities and results can be cited.

THE REVIEW

No investigator can attempt to appraise the work carried on in the States under the maternity and infancy act without comparing the present situation with that which existed before the Sheppard-Towner law was passed. The original problem remains with us. We still have in this country, as we did in 1922, a need for such service as the act affords and an opportunity to use it unequalled anywhere else in the world. As one of the agents stated:

"In the United States there are 3,026,789 square miles of territory. In some of this territory there are whole communities in which there is not one made road, and many homes are well nigh inaccessible.

"There are wide stretches of territory where there are no doctors.

"There are 1,800 counties in which there is no public-health nurse.

"At any given time there are 2,500,000 expectant mothers distributed over this vast territory. These women are of all races of the globe, many of them living in a climate and under conditions that are new and strange.

"Thousands of these women are forced to depend upon untrained midwives, their husbands, or neighbors for care when their babies are born."

In these conditions may be found an explanation of the unnecessarily high maternal and infant death rate in this country.

It is still true, as the same observer reported, that all that can be done by private and public agencies, State and national alike, is only a drop in the bucket compared to the possibilities of helpfulness if education could be made available to all the mothers of this country.

The real difference between the situation to-day and that one which existed before the act is that the conditions, tragic as they are, have been acknowledged. For a little more than five years, efforts have been made on a nation-wide scale to remedy them. It is fair to inquire whether the experience of those years gives any hope of a changed situation in the future.

The time has been exceedingly short. In only a few States had both maternal and infant hygiene work preceded national action. In the great majority work was initiated after receiving the encouragement of Federal approval and the assurance of Federal funds. Even in the States where some previous activities had existed greater development was immediately possible and is recorded. The States selected for study are of both types. For example, South Dakota had no child-hygiene work before the Sheppard-Towner Act was passed, and Pennsylvania had undertaken a State program in 1918, which was greatly increased and developed when Federal action came.

In South Dakota the legislature has appropriated more than $24,000 annually since the act was accepted, and every part of the State has been reached, all but two counties having held children's clinics, some of them annually.

To quote the report of that State's work: "Two full-time county health departments were established after the Sheppard-Towner Act was accepted and in return for the funds received carried a definite program of maternity and infancy work the year round with special county wide schedules of clinics during the summer. Permanent health centers were estabilshed at the county seats where regular clinics were held * * *."

This admirable tendency to encourage the administration in local units seems to be characteristic of all of the States visited. In Utah, for example, the observer reports that permanent health centers have been widely organized, and that there are six full-time

county departments carrying on maternal and infant hygiene work in cooperation with the State Board of Health through its division of child hygiene. In Pennsylvania the development of local child health centers is most marked. Of these more than 240 are now entirely self supporting but continue to report to the Division of Child Health of the State Department of Health, and are aided by printed regulations, advice, the distribution of literature, and other services from that source. The State staff often assists in organizing the local centers. In addition to these purely local centers there are in Pennsylvania almost 200 centers maintained wholly or in part by State and Sheppard-Towner funds with State nurses in charge and local physicians making examinations. The report states that last year 37 new permanent centers were organized on request from localities. The assumption of responsibility by local communities is evidence that Federal action has not discouraged or inhibited local action, but rather has increased it.

This common feature of all the reports is heartening. There are other features which are mentioned in practically every one. Naturally many of the types of work are alike. Apparently every State sends out, on request, a regular series of prenatal letters to expectant mothers, as well as letters and pamphlets on the subject of infant care. When births are registered it is apparently a general custom for some State publication on infant care to go to the mother. All the States studied have held conferences in isolated communities, and conducted clinics much alike in organization and method. Of these clinics, one observer writes:

"Most of the clinics were conducted in communities where there were no doctors and in counties where public-health nurses were unknown * * *. When the clinics were first held in the more isolated rural districts the interest and eagerness of the mothers were pathetic. Most of the children had never been examined by a doctor, and the mothers had had no instruction whatever in child care or any other health measures. The large number of children suffering from conditions resulting purely from lack of knowledge, and wholly preventable, was pitiful indeed. The publications on child care offered at the clinics were eagerly accepted * * *."

There are dramatic differences in the work—sharply reminding the reviewer that after all this is still a country of pioneers, whether those pioneers are found in the isolated ranches of the West or in the factory towns of the industrial East. Their special needs have been met with ingenuity.

From Minnesota, for example, comes a record of work undertaken with the Indians there.

"Perhaps the most significant work carried on by the division is that among the Chippewa Indians of Minnesota in the shape of a nursing service by trained Indian nurses. This service was established in the fall of 1923 and only made possible through the use of Sheppard-Towner funds and a grant made by the American Child Health Association, the latter appropriation covering a period of one year and three months.

"The experiment of using Indian nurses to serve their own people has been exceedingly successful. The handicaps of customs and language and ignorance in matters of health are no longer barriers in approaching health problems among the Indians. The confidence of Indian parents in the nursing service is expressed by the Indian agent, who declared that the Indian parents were sending for the nurses and eagerly carrying out their instructions.

"An immediate demand for more Indian nurses followed the inauguration of the Indian public-health nursing service. This demand has resulted in the establishment of a prenursing course in Haskell Institute, the great Indian college in Lawrence, Kans. More than a score of Indian girls are now taking this course, and provision has been made for nurses' training in Anchor Hospital at St. Paul, Minn., where 12 Indian girls are now in training.

"The demonstration of the utility and effectiveness of this service has carried across the borders of the State, and now the great State of Wisconsin has made similar provision for health of its Indian population.

"This grant of money was wisely made for the Chippewas and wisely spent by the Minnesota State Department of Health, and the accumulating results are of vast significance to the people formerly spoken of as a vanishing race."

In the year ending June 30, 1926, 11 child-health conferences for Indian children were conducted by physicians. That is only one of the activities carried on under the Minnesota program. It stands out as a distinguished piece of work in the opinion of the physician who visited the reservation, and who said:

"It is my deliberate judgment that the Minnesota Indian nursing experiment has justified the expenditure of all the Federal aid that has been given to Minnesota."

From the problems presented by those "first Americans," the reviewer of these State reports has his attention sharply drawn to the needs of those who are still very new Americans. A different kind of service is developed, and Sheppard-Towner aid is adjusted to give the help so greatly needed.

In some communities in Pennsylvania a peculiar problem is presented by the foreign-born women who refuse to have their babies delivered by men; consequently midwives are numerous in certain districts. To quote the report:

"Little was done toward the control of midwives before Sheppard-Towner funds were available, but the division of child health was permitted to start its work in a limited area with them in June, 1922, immediately afterward.

"Four counties with a total population of 1,134,750 and large foreign groups were selected for the initial work. * * * Two women physicians serving full time were assigned to the midwifery work in these four counties. An accurate census of licensed midwives and of those who were illegally practising without license was procured and by the successful prosecution of a few of the latter the entire number of the unlicensed was gradually put out of business.

"Regulations for midwives had been adopted by the State board of medical education and licensure but little or no real supervision except in a few counties. Even the licensed midwives were not following the regulations and many unlicensed women were practising. Their equipment was inadequate; they were not registering all births; they were not clean about their own persons and had not been taught proper technique.

"Courses of monthly instruction during nine months of the year were started and attendance was made compulsory in the special counties under the new supervision instituted under the Sheppard-Towner work. By providing many interesting demonstrations for class work it was easy to get much more regular attendance. The routine was established whereby all patients confined by midwives were visited by public-health nurses as nearly as possible within 24 hours after confinement. The Sheppard-Towner doctors have direct and continued oversight of local midwives with the help of the nurses, and of the condition of their persons, homes, and confinement equipment.

"Four counties were originally selected in 1922 for midwife supervision and in 1925 five others were added.

"It is estimated by the chief of the preschool division that there are probably 1,500 midwives in the entire State, but only those of nine counties are under well-defined supervision.

"The work with midwives has been of immense value and, although only a comparatively small part of the State's area has been covered, the majority of midwives are to be found in that area under supervision."

A milk survey in four cities of one State, resulting in a new and adequate milk ordinance in two of the cities is mentioned, a diphtheria-immunization campaign in another. A picture is given of varying needs, the great difference in standards of public health, and the wisdom which States have shown in differentiating their work to meet local conditions.

From one State a report is made of a traveling health car:

"With the help of the Sheppard-Towner funds the preschool division during the summer of 1925 operated a health car, an auto truck comfortably fitted out for traveling and fully equipped to do the child-health conferences. The staff of the car consisted of two doctors, two nurses, two oral hygienists, and a chauffeur. In 1927 a second car was procured. These cars, virtually traveling health units, visit the large sparsely populated areas of the State where conditions make the establishment of centers impracticable.

"During 1925 and 1926 the health car visited eight counties and the staff examined 8,611 preschool children."

In Wisconsin a similar plan is reported:

"In 1921 the child-welfare special, a motorized truck manned by a pediatrist, a trained public-health nurse, and a driver, was placed in the rural sections for the purpose of holding conferences for the expectant mother and children up to six years of age. The work was undertaken as an educative measure only and is still being so carried on under conjoint use of State and Federal funds. It has been in the field every summer since that time, covering each county in the State, visiting crossroads and small towns with stops of from one to two days, and spending more than a week in each county.

"Twenty-one thousand eight hundred and forty-one preschool children and infants have been examined to date, and 292 prenatal cases have been seen. In the return visits being made this year, the cases seen previously show from 50 to 75 per cent of improvements, either in hygienic living, better diets, care of decayed teeth, or removal of diseased tonsils.

"As an immediate result of this work, permanent conferences were established in four groups of four counties each * * *. Of these original 16 counties 13 are now carrying on some type of permanent health work."

To the record, then, of lectures, demonstrations, clinics, letters, and bulletins is added this final and dramatic effort to bring to the most isolated mother and her baby information and advice which may mean saving their lives. And while the statistics of the work accomplished are impressive, the reviewer of these reports is constantly reminded that this "rate" of which we speak is no impersonal percentage. It means mothers and babies dying—and needlessly—all too often.

In addition to the direct results of the program mention is made in every State of certain by-products, sometimes intangible, sometimes quite specific.

Increased public interest in the subject of maternal and infant welfare is mentioned in every report, evidenced by increasing demand for speeches and services, a larger number of private agencies in the field, and better general understanding of the work.

In Texas the establishment of a nursery school at the University of Texas is cited as a direct result of interest aroused by the Sheppard-Towner Act. The establishment of a prenursing course in Haskell Institute, the great Indian school in Kansas, as a result of Sheppard-Towner work in Minnesota has already been mentioned.

These are only cited as examples. But they are important.

In general, it is significant that every State shows a much greater service in child health work than in maternal health work. It is the easier problem to deal with. Public opinion has been educated to recognize the fact that many infant deaths are preventable and the anxious mother seeks the best information when she knows it is available.

Expectant mothers write for advice about their own condition, too, and thousands of letters and printed instructions have gone to them. That is the service which reaches the greatest number of these mothers.

Physicians, especially in country districts, have added their requests as the following letter from a Wisconsin doctor shows:

"I would appreciate receiving a supply of your prenatal literature as I have a number of obstetrical cases scheduled and know these pamphlets would be greatly appreciated."

States and communities that have learned that babies need not die, must learn that mothers need not. To quote again from the conclusions appended to the Maternity Center report—

"We know from individual hospital reports, from the private work of obstetricians, and from the work of the Maternity Center Association (2,000 live babies born with no maternal death) that adequate maternity care reduces the maternal death rate and improves the health of the mothers who do not die.

"We know that we can not have adequate care for every mother until we teach the mothers and fathers what adequate maternity care is and why it is necessary. To do this, two half truths must be uprooted from the minds of the people. First, that the suffering and death attendant upon child bearing are the will of God and to be expected. This idea must give place to the realization of how much of this suffering and death is preventable by adequate care and of how much less suffering and death occur in the practice of our good obstetricians than in the country at large. * * * Whether or not the public will continue to be satisfied with inadequate care depends entirely upon whether public opinion recognizes adequate care and understands why it is necessary."

Much has been done—many mothers have been reached. In Indiana alone a total of 800 classes for expectant mothers had been held up to June 30, 1927, and every county in the State had been reached. But letters, pamphlets, lectures, clinics, and conferences must be multiplied many times before this country will have made a beginning toward reaching those more than 2,000,000 expectant mothers and giving them all the information and advice that is available to only a small group now. The reports from each State indicate that the work has only begun.

In appraising the work, therefore, the emphasis should be placed on the methods established and their efficiency in meeting local conditions. The time is yet too short to see any appreciable effect on the national death rate concern for which prompted national action. Sadly enough, even the most earnest efforts can not materially affect the national death rate in five years' time.

Yet it is fair to inquire whether there is a lower trend. There will always be fluctuations in maternal and infant death rates. The object of maternal and infant hygiene work should be to make them fluctuate around a new and lower level. That much seems to have been accomplished. In 1922 the records show that for every 1,000 live births 76 babies died before reaching the age of 1 year. In 1926 only 73 babies died out of every 1,000. Provisional figures for 1927 indicate that a still lower rate may be expected.

For example, Indiana's provisional figures now available show a rate of 59 for 1927 as compared with a rate of 72.4 in 1926. Michigan's provisional figures show a rate of 69 for 1927 as compared with a rate of 77.2 in 1926. New York City has the lowest infant mortality rate in its history. Preliminary State figures from South Carolina and Montana indicate substantially lower infant and maternal mortality rates.

These figures indicate that the baby-saving campaign is actually saving babies.

Figures from the whole birth registration area show that the maternal death rate for the whole country was in 1926 (the last official record) about the same as the rate in 1922, when Sheppard-Towner funds were first available. In the same period, however, the rate of deaths for mothers in rural sections has gone down. The fact that there is no general reduction is due to a corresponding increase in the death rate of mothers in cities. In view of the fact that practically all of the work carried on under Sheppard-Towner funds has been in country districts, it is fair to assume that some of that reduction may be due to this campaign. In the States whose work is reported in these studies it was undoubtedly a factor. Every one shows a lowered rate. The conferences in those isolated counties, the traveling health cars, and the thousands of letters reaching the most remote communities—all these have helped.

But it is not enough. More communities must be shown by demonstration what a reasonable standard of care for mothers and their babies should be. The simple and effective methods of education which experience has shown to be sound must be made available through a far greater number of centers and conferences. The death rate of women in child birth can be lowered. The death rate of infants can be reduced. That much the Sheppard-Towner Act has shown. It has proven that we know the methods by which it can be accomplished. That this country should fail to respond to the need and the opportunity is unthinkable.

Therefore the reviewer's question is—what next? What new kind of legislation will best meet the present need? A reader of these reports would be content to leave the answer to those whose courage and wisdom sponsored the present act. If the challenge of the new situation is met with the same intelligence and vision the year 1929 will see the termination of a triumphant experiment and the inauguration of new efforts to carry out the determination of this Nation that mothers and babies shall not needlessly die.

ROADWAY THROUGH WEST POINT, N. Y.

Mr. COPELAND. Mr. President, during the summer a good many Senators will go through West Point, N. Y. I hope they will take note of the fact that in order to drive through that place it is necessary to go a very roundabout route, due to the fact that the road through the reservation is closed. I speak of it because of the protest of many citizens of my State who feel that a highway which has been there since the beginning of American time should not be closed. I hope that the Committee on Military Affairs will take note of the situation and help the citizens of New York to arrange with the military authorities so that there may be built there through that reservation a highway. The State of New York stands ready to furnish all the money and bear all the expense of such a highway, and for the convenience of the citizens of the country it should be accomplished.

IOWA TRIBE OF INDIANS

Mr. LA FOLLETTE. Mr. President, I am advised that the Senator from Wyoming [Mr. WARREN] withdraws his objection to Calender 1320. I ask unanimous consent to revert to that number.

Mr. FESS. Mr. President, I regret that I can not consent.

Mr. LA FOLLETTE. Very well.

COMMUNITY MAIL BOXES

The bill (H. R. 12605) to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery, was announced as next in order.

Mr. KING. Mr. President, I would like an explanation.

Mr. MOSES. Mr. President, this is merely an authorization to the Postmaster General to provide uniform boxes where there are a great number of patrons on rural routes who receive their mail at a given point, in order to avoid the unsightly spectacle which we now have of many boxes of different types and sizes on several posts which clutter up the landscape by the roadside. The bill provides for compartment boxes in which space will be rented, but only for those who wish to make use of it.

Mr. KING. Mr. President, I want to ask the Senator whether, under the present rule, as I understand it, those living in the country provide their own receptacles for mail?

Mr. MOSES. Yes.

Mr. KING. Is it intended that the Federal Government shall provide receptacles for them?

Mr. MOSES. Oh, no. It provided that they shall be compartment boxes where a great number of patrons receive their mail at the same point along the route, and those compartments will be rented just as boxes in post offices are now rented.

Mr. KING. Erected by the Government?

Mr. MOSES. Oh, yes; set up by the Government just as post-office boxes in post offices now are.

Mr. KING. Does not entering upon this policy mean an enormous expense on the part of the Government?

Mr. MOSES. No. The feeling of the Post Office Department is that it will be quite as profitable as post-office boxes in post offices now are.

Mr. KING. If it is supported by the committee, I shall not object.

Mr. BAYARD. Mr. President, what right will the Post Office Department have to set up its poles and boxes on the public highway, over which it has no jurisdiction?

Mr. MOSES. Because the patrons are the abutting owners who wish to use the boxes and will grant the easement of whatever is necessary.

Mr. BAYARD. That has all been arranged for?

Mr. MOSES. Oh, yes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill and it was read, as follows:

Be it enacted, etc., That under such regulations as he may provide the Postmaster General be, and he is hereby, authorized to purchase community boxes with separate compartments for incoming and outgoing mail and to erect and maintain such community boxes and suitable sheltered racks or stands for rural mail boxes, in such selected localities as he may determine. The units of said boxes and space in said racks or stands shall be rented at their option to patrons of the Rural Delivery Service at such monthly or annual rates as the Postmaster General shall determine, based on the cost of installation and maintenance. The cost of such installation and maintenance of said community boxes and sheltered stands, not exceeding $2,000 per annum, shall hereafter be paid from the appropriation for rural delivery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPENSES CONNECTED WITH INVESTIGATION OF SUGAR PURCHASES

Mr. BRATTON submitted the following resolution (S. Res. 261), which was read:

Resolved, That the special committee of the Senate appointed pursuant to Senate Resolution 214 be, and it hereby is, authorized to use and expend so much as said committee may deem necessay of the money appropriated from the contingent fund of the Senate by Senate Resolution 214 and by Senate Resolution 234 to carry out the provisions of Senate Resolution 255, said expenditures to be made in conformity with the terms of said Senate Resolutions 214 and 234.

Mr. SMOOT. Mr. President, I would like to have the Senator advise the Senate what the resolution refers to.

Mr. BRATTON. I shall be glad to do that. The resolution, S. Res. 214, was introduced by the Senator from Arkansas [Mr. CARAWAY] to appoint a committee of five Members of the Senate to investigate presidential campaign expenditures. Soon afterwards some question arose as to the sufficiency of that resolution and the Senator from Arkansas introduced a supplemental resolution. An appropriation was authorized.

On yesterday the Senate adopted a resolution offered by the Senator from South Carolina [Mr. BLEASE] directing the same committee to conduct an additional investigation, but that resolution appropriated no money with which the committee would be able to carry on the additional inquiry. The resolution now submitted simply authorizes the committee to use such part of the money already appropriated as the committee may deem necessary to carry out the additional resolution adopted yesterday.

Mr. SMOOT. No additional appropriation is asked, but an authorization is made providing that money heretofore appropriated may be used for another purpose?

Mr. BRATTON. That is correct.

Mr. SMOOT. I have no objection.

The resolution was agreed to.

PAYMENT OF MOTOR VEHICLE SERVICE EMPLOYEES

The bill (H. R. 8728) to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 11 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. L. 1064, U. S. C., title 39, sec. 104), is amended by adding thereto the following:

"Substitute clerks, substitute garage-men drivers, substitute driver-mechanics, and substitute general mechanics, when appointed regular clerks, garage-men drivers, driver-mechanics, or general mechanics in the motor-vehicle service, shall be given credit for the actual time served as a substitute on the basis of one year for each 306 days of 8 hours, and shall be appointed to the grade to which such clerk, garage-man driver, driver-mechanic, or general mechanic, would have progressed had his original appointment as a substitute been made to grade one. Substitute service shall be computed from the date of original appointment as a regular classified substitute, and the salaries of the employees shall be fixed accordingly upon the date of their advancement to a regular position under the act of February 28, 1925, and thereafter."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF POSTMASTERS

The bill (H. R. 325) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the "act to amend the act approved May 9, 1888, as amended by the act of June 11, 1896," approved January 21, 1914, which requires the Postmaster General to make an annual report to Congress of his action on claims of postmasters for loss by burglary, fire, or other unavoidable casualty, is hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTION OF MECHANICS' HELPERS

The bill (H. R. 7354) to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics was considered as in Committee of the Whole and was read, as follows:

Be is enacted, etc., That the third paragraph of section 6 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. L. 1060, U. S. Code, title 39, sec. 116, par. 2), is amended to read as follows:

"Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum: *Provided*, That on and after the passage of the salary reclassification act of February 28, 1925, and upon the presentation of satisfactory evidence of their qualifications after one year's service, mechanics' helpers may be promoted to the first grade of general mechanics or special mechanics, as vacancies occur."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASEMENT TO CITY OF LEOMINSTER, MASS.

The bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to grant to the city of Leominster, Mass., for the purpose of widening the street in front of the Federal building in such city, an easement over the tract of land situated at the northerly corner of Merriam Avenue and Main Street, bounded and described as follows: Beginning at the intersection of the northwesterly line of Main Street and the northeasterly line of Merriam Avenue; thence by the northwesterly line of said Main Street north 44° east 192.07 feet to granite monument at the land now or formerly of the heirs of Andrew Whitney; thence by land of said heirs of Andrew Whitney, making an included angle of 90° and bearing north 46° west 4.25 feet to land of grantee; thence by land of said grantee, making an included angle of 90° and bearing south 45° west 162.48 feet; thence tangent to the last-described line on a curve to the right with a radius of 33.07 feet a distance of 48.73 feet to a point in the northeasterly line of said Merriam Avenue; the tangent distance of this last-described curve is 30 feet and the central angle of the curve is 84° 26′; thence by said northeasterly line of Merriam Avenue tangent to the last-described curve and bearing south 51° 34′ east 34.27 feet to the point of beginning. This last-described line makes an included angle with the first-described line of 95° 34′. Such easement shall continue so long as the land shall be used exclusively for street purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS—PROHIBITION

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Nashville Banner relating to the Tennessee robbery and an article entitled "Some factors in the prohibition conflict," by Bishop James Cannon, jr.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles are as follows:

[From the Nashville Banner, May 26, 1928]

M'KELLAR FIGHTS TENNESSEE ROBBERY

No more gallant, courageous, able fight was ever made on the floor of the United States Senate in defense of the rights of the several States than that led by Senator MCKELLAR on Friday, when over his almost prostrate form the Senate, confirming what had been done in

the House, ruthlessly robbed and plundered Tennessee of natural resources having an undoubted value in excess of $100,000,000. Throughout most of the day Thursday and throughout the whole of the long hours of Thursday night, and in a four-hour speech Friday, McKELLAR battled as bravely for the sovereign and property rights of Tennessee as Andrew Jackson fought for the preservation of the rights of the whole United States at New Orleans.

Tennessee's senior Senator earned for himself by his courage and by his loyalty to Tennessee and its rights the gratitude of the great people he so well served. He was ably supported by his colleague, Senator TYSON, who likewise deserves the unqualified commendation of his people. HULL, BYRNS, GARRETT, DAVIS, BROWNING, ESLICK, and other Members of the House delegation fought with equal determination and faithfulness in the House of Representatives against the outrageous robbery which Congress has perpetrated upon this State and its people. Our Senators and Representatives "fought a good fight; they have kept the faith."

A combination between a group of national lawmakers who were determined to trample the rights of this State under their feet, and a corrupt Fertilizer Trust, which was equally determined to continue its robbery of the farmers of the Southern States, inflicted on Tennessee a grievous wrong, and deliberately stole under the fraudulent guise of law, more than $100,000,000 worth of property which belongs to Tennesseeans. Te constitutional rights of this State were treated with disdain and contempt. The pleadings of our Senators were spurned and ignored. The authority of our State government was invaded and violated. The property of our people was deliberately stolen.

In addition to these wrongs done to Tennessee and Tennesseeans, the Fertilizer Trust was powerful enough, when acting in cooperation with the Federal usurpationists in Congress, to strike from the Morin bill the provision for the manufacture of cheap fertilizer for the farmers of this and other Southern States, but to retain in the bill a provision for the manufacture of cheap ingredients, the result of which is to increase tremendously the exorbitant profits which this merciless, selfish combination of wealth was already exacting from the farmers of the South. In plain English, two robbers joined hands and by their united efforts were strong enough to plunder Tennessee and rob the agricultural interests of the South at the same time.

In an effort to legalize this robbery, a deliberate falsehood was written into the face of the statute for the specific purpose of preventing the State of Tennessee from showing the real facts in a judicial proceeding. When the sponsors of the Morin bill wrote into the face of that vicious piece of legislation the statement that its purpose was the improvement of navigation and the control of floods, they knew and Tennesseeans knew that such a statement was deliberately false. They knew then that the purpose of the bill was to seize arbitrarily and without warrant of moral or legal right a hundred million dollars' worth of Tennessee property.

If United States Senators and Representatives in Congress are willing to practice legislative perjury and thereby commit wholesale governmental robbery, they should stop the investigation of other thieves. If the great Federal Government is going into the business of stealing from States, it can not, in good conscience, complain when individuals like Fall and Sinclair and Doheny steal from the Federal Government. It is no worse for Sinclair and Doheny to defraud the Federal Government and steal from it Teapot Dome oil resources worth $100,000,000 than it is for the Federal Government to defraud and steal from Tennessee Cove Creek water-power resources worth the same amount.

Stealing is stealing, whether perpetrated by the Federal Government against a State or perpetrated by an individual against the Government, and whether the subject matter of the theft consists of the oil resources of the Federal Government or the water-power resources of Tennessee. This is putting it no stronger than a southern Senator expressed it on the floor of the United States Senate, in the presence of Senators, when he characterized the provisions in the Morin bill which would plunder Tennessee of Cove Creek water-power site as "plain common stealing."

Another fraud in the Morin bill is the false pretense that it was necessary to rob Tennessee of Cove Creek in order to produce sufficient water power at Muscle Shoals for the manufacture of fertilizer. This fraud was completely revealed when, in the closing days of the consideration of the bill, the provision for the manufacture of fertilizer was eliminated as a result of the corrupt combination between Federal usurpationists and the Fertilizer Trust, and yet, at the same time, the Cove Creek provision was left in the bill, although it had been put in the bill in the first instance on the grounds that it was necessary to increase the water power at Muscle Shoals for the manufacture of fertilizer.

Farmers of the South have been woefully deceived in the operation of Muscle Shoals finally provided for in the Morin bill. For years they have been told that this great natural resource belonging to the people would be used for the manufacture of cheap fertilizer to help relieve the distressing condition of the agricultural interests of the South. When the time for final action came, the Morin bill was framed and formed so as to protect the Fertilizer Trust and increase its profits instead of protecting the farmers and reducing the cost of fertilizer.

Tennesseeans have done all that could be done to prevent the outrage which Congress has perpetuated. The bill now goes to the President of the United States. It is believed, and certainly is devoutly hoped, that President Coolidge will veto this iniquitous steal from Tennessee, this unwarranted invasion of the sovereignty of this State. The people of the United States have been greatly heartened in the past by strong, clear utterances of the President advocating the scrupulous preservation of the rights of the several States of the Union. The people of Tennessee and the South, as well as the people of other sections, applauded the utterances of the Chief Executive when he solemnly warned against the tendency to centralize all authority in the Federal Government at Washington. We believe now that he will come to the rescue of this State when its rights, resources, and revenues have been violated, plundered, and confiscated, and that by the use of the Executive veto he will prevent this monumental wrong, this piece of legalized larceny.

Tennessee is asking nothing for this State which it does not grant to every other State in the Union. In fact, if the Morin bill had attempted to do to each State in the Union what it does to Tennessee it would have been fought by practically the solid delegation from every State in the Union, just as it has been fought by the delegation from Tennessee. Representative MORIN, who was willing to rob Tennessee and invade our constitutional domain, would have felt his State outraged and would have bitterly resented and strongly resisted a similar attempt to rob Pennsylvania of its resources, plunder it of its property, confiscate its revenues, and violate its sovereignty.

The Banner very earnestly hopes and believes that the Morin bill will be vetoed by President Coolidge. It does not believe that the President of the United States will permit Congress to rob the State over the protest of its Representatives and its people when that same Congress would not perpetrate this plundering if it applied to the States represented by all the Members. The Banner believes that the President of the United States will regard Tennessee's rights as being as sacred and as certain as the rights of any other State, or all other States, and that he will not permit a thing to be done to this State which Congress itself would not attempt to do to all States, and which the President would not want done to his State.

Regardless of what the final outcome may be, Tennesseeans are ready to say to our Senators and Representatives in Congress who made this great fight for their State, "Well done, thou good and faithful servants."

SOME FACTORS IN THE PROHIBITION CONFLICT

By Bishop James Cannon, jr.

An address delivered at the anniversary of the Board of Temperance, Prohibition, and Public Morals, in Convention Hall, Kansas City, Mo., on Monday evening, May 14

In the time allotted to me may I say that at this critical hour, when there are many jangling voices and unusual efforts by politicians to becloud the issue, it is vital that all true friends of prohibition should think clearly and speak to each other with entire frankness for the good of the common cause. In this spirit I shall mention four factors in the prohibition contest.

First. The first fact of which I will speak briefly but plainly—and I believe without prejudice or sectarian bias—is that there was published in the secular press on January 2, 1928, a quotation which has not been denied from the Osservatore Romano, the official organ of the Vatican, an editorial stating that "The attempt to enforce prohibition in America had become so useless, not to say dangerous, that it would be better to abolish it, especially since unbridled passion is always more rampant as soon as there is an attempt to enforce complete abstinence."

This attack upon the national prohibition law of the United States by the Vatican organ is in full agreement with the drastic, open criticisms of the law by the cardinal archbishops of Boston and New York and other Roman Catholic dignitaries.

While I rejoice to know personally Roman Catholic priests and laymen who are genuine, earnest advocates of prohibition, yet we must in this conflict fairly face the indisputable fact that the highest officials of the Roman Church who have spoken have placed themselves on record as opposed to the prohibition law.

I concede the right of the Pope, of cardinals, of archbishops, and other Roman Catholics to declare their attitude as freely and as fully as Methodist general or annual conferences, bishops, ministers, or laymen upon this, the greatest economic, social, and moral question before the United States, indeed, before the world to-day. Nor would I even intimate that these Roman Catholic leaders are not entirely sincere in their opposition to the prohibition law. But it is of great importance that we clearly recognize that these outstanding leaders of Romanism are directly opposed to the attitude, not only of Methodism but to the overwhelming majority of Protestant leadership in the United States on this question of prohibition, and that these Roman Catholic leaders do favor the abolition of what we hold firmly to be a salutary, beneficent law.

It is not surprising therefore, indeed it is to be expected that this position of high dignitaries of the Roman Church will be reflected in the attitude of many loyal sons of Romanism who are members of legislatures, Members of Congress (it is a fact that the attacks upon the prohibition law come principally from men who are Roman Catholics

or who represent Roman Catholic centers like Boston, Baltimore, New Orleans, and New York, including eastern New Jersey), and who hold other official positions high and low, and certainly it is only to be expected that this same opposition to prohibition will continue to be reflected by many loyal sons of Romanism who might be elected to public office this year or later on. Certainly Gov. Alfred E. Smith, who is prominently spoken of for President, is likely to be tremendously influenced by the views of the Pope and the Romish cardinals on the subject of prohibition, for when he gave an official reception to Cardinal Hayes and visiting cardinals he knelt and, as Governor of New York, kissed the rings of the cardinals, thus emphasizing the idea of the subordination of the state to the Romish Church.

This fact of the attitude of these Roman Catholic leaders is emphasized by me to-night that we may clearly recognize and properly estimate the strength of all the forces opposed to the prohibition law, so that we may not be surprised or discouraged but that we may press steadily, unwaveringly, unitedly the conflict for the complete abolition of the beverage-liquor traffic as Methodism has done from her earliest history.

SHALL AMERICA ELECT A WET, COCKTAIL PRESIDENT?

Second. I am frank to admit that a man's attitude toward the prohibition amendment, toward the personal use of intoxicants, are not the only important questions to be asked concerning his fitness for the office of President of the United States. But I positively insist that the prohibition question can not be considered apart from the broader question of loyalty, not only to the letter but to the spirit of the Constitution, as long as the prohibition amendment is a part of that Constitution.

How can those under the law be expected to respect the law if they know that those who are charged by a solemn oath of office, with its administration, by their own personal actions show disrespect for that law?

It is true that the prohibition amendment does not prohibit the use of intoxicating liquors for beverage purposes, but it is the natural, logical, necessary consequence of the prohibition law that within a comparatively short time the legal use of intoxicants will be absolutely eliminated, for as the manufacture is forbidden and the importation is forbidden there can not be any lawful increase in the amount of intoxicants which are legally in the possession of various and sundry persons throughout the country. It is generally believed that there are comparatively few persons who laid in such large supplies of intoxicants before the prohibition law became effective as to enable them to gratify their own appetites and the appetites of their friends for many years. There doubtless are some law-abiding citizens who to-day still use no intoxicants except those which are legally possessed by themselves or their friends, but that number is so exceedingly small that it is declared by the newspapers that nearly all the social drinking is accompanied by the pertinent query: "Who is your bootlegger?"

Can any law-abiding American citizen to-day want any man to be elected as President who not only does not believe in the principle of prohibition which has been written into the Constitution, but who, although he will be compelled in taking the oath of office as President to swear to uphold the Constitution of the United States, yet will continue to indulge his appetite for strong drink, and in the indulgence of that appetite would of necessity be compelled to transport a stock of intoxicants from his private residence to the White House, or be compelled to indulge his appetite by visiting regularly his friends in Washington who might possibly have stocked their cellars with intoxicants before the prohibition amendment became effective, or would be obliged to purchase such intoxicants from persons whom he would know to be violating the Constitution which he as President has solemnly sworn to uphold?

What an interesting public document for future generations to read would be the application of the President of the United States for a permit from the Prohibition Department to move from his residence to the White House, the Executive Mansion of the United States Government, an itemized list of the number of bottles, casks, barrels, and containers of every kind or description of intoxicating liquors, the manufacture, sale, and transportation of which are prohibited by the Constitution of the country said applicant has sworn to uphold!

Would not any nation which should elect such a cocktail President to uphold the Constitution, to uphold the laws pertaining to prohibition, be properly the amazement, the ridicule, indeed the contempt of the other nations of the world? What justification could be offered for such a course? On what ground could it be successfully contended that a coocktail President should be elected for dry America? The only basis for such a contention would be that political party loyalty, the desire for partisan victory, is more important than moral, conscientious conviction. It has been printed in reputable journals and has not been denied that one of the most prominent candidates for the Presidency drinks from four to eight highballs or cocktails daily.

Are there other candidates who do likewise?

Third. Up to the present time we have been able to keep the prohibition question out of the realm of purely partisan politics. Both wet and dry leaders have been found in both political parties. The Republican Party has its Nicholas Murray Butler, Edge, Wadsworth, Longworth, Tinkham, etc., and also its Volstead, Cramton, Kenyon, Curtis, Borah, etc.

The Democratic Party has its Pomerene, Bruce, Reed, Ritchie, Smith, etc., and it also has its Webb, Sheppard, Walsh, Glass, Barkley, Daniels, etc. Neither party up to this present hour can be justly or truthfully branded as either wet or dry, but to-day strenuous efforts are being openly made by groups in both political parties to force the adoption of evasive, meaningless, or positively wet planks in the party platform, or to nominate candidates whose utterances, acts, and record brand him as unsympathetic with or openly hostile to the prohibition law.

It is clear that it is the duty of all advocates of prohibition, Republicans and Democrats, to do everything possible and honorable to secure the adoption of clear-cut, unequivocal enforcement planks and the nomination of dry candidates by the convention of both parties. If such action shall be taken, the prohibition question will be entirely eliminated as a partisan political issue, the campaign of 1928 will be fought out on other issues, and as loyal Republicans and Democrats we would honestly divide and work and vote for our own party nominees.

I will illustrate this matter by reference to the situation in my own Democratic Party, to which my family have belonged since the days of Thomas Jefferson. Hon. Josephus Daniels, a brother Methodist and a friend of many years, whose advocacy of prohibition has been sincere and very effective, gave a statement to the press on May 4, as follows:

"The biggest issue in America to-day is to wrest the Government from the hands of privilege and corruption. The only hope for that end is in a victory for the Democratic Party. I therefore expect to support the nominee of the Houston convention. I expect that convention to declare without equivocation for the sacred enforcement of prohibition and all other laws, and do not believe any man that they nominate can be as indifferent and inefficient in enforcement as Mellon has been under the Harding and Coolidge administrations."

As a Democrat, honestly and earnestly desiring the honorable success of the Democratic Party, I shall be exceedingly glad if the Houston Democratic convention shall take such action as will make it possible to fight the approaching campaign on the issue of "privilege and corruption." This can be made the issue by the Houston convention, and the battle be fought fairly, and as a good Democrat I would hope successfully for the Democratic Party on that issue. But to do this there must be not only a clear-cut platform declaration, pledging the nominees of the party to vigorous, efficient enforcement of the prohibition laws, as Mr. Daniels expects, but this must be followed by the nomination of a candidate to stand on that platform whose utterances, acts, and records shall be as dry as the plank adopted. If, however, the Houston convention should nominate to stand on that dry plank any man whose utterances, acts, or record have branded him as unsympathetic with or as hostile to the prohibition law, any man whose only hope of election is based on the fact that owing to his wet record he will receive votes of enough wet Republicans to secure the electoral votes of enough Northern and Eastern States, which, if combined with the votes of dry Southern States, would elect him to the Presidency, if such dry platform and such wet candidate should be the product of the Houston convention, then the greatest issue of the campaign would not, could not, be "privilege and corruption," as Mr. Daniels and other Democrats, including myself, might desire, but despite all that could be done or said the issue would be, not simply "prohibition," not simply "wet" or "dry," but it would be the maintenance of moral conviction and principle as against desire for partisan, political victory and the spoils of office.

How could the Democratic Party make "privilege and corruption" the great issue in a campaign in which the dry element in the party would be called upon to sell its very soul by agreeing to support and help elect any man whose only hope for election would be that his personal as well as his official record would be so wet that it would secure the votes of wet Republicans in doubtful States. The Scriptures positively forbid the working together of an ox and an ass.

If Mr. Daniels really wants the greatest issue of the campaign to be "privilege and corruption," I beg of him to join in a persistent, unwavering, victorious effort for the adoption of a dry plank and the nomination of a dry candidate to stand on that plank at the Houston Democratic convention.

Such action, if taken by both the Kansas City Republican convention and the Houston Democratic convention, will eliminate absolutely the prohibition question from the campaign, which all friends of prohibition most earnestly desire.

Fourth, and finally, on May 4 this general conference adopted a paper, copy of which was sent me to Nashville by Doctor Cherrington. On May 9 the board of missions of our church, which administers both home and foreign missions with over 70 members, the most representative body of our church except the general conference, adopted the following statement which it was my privilege to present, which was signed also by Bishops DuBoise, Moore, Mouzon, and Boaz.

ACTION OF THE BOARD OF MISSIONS OF THE METHODIST EPISCOPAL CHURCH, SOUTH, ON PROHIBITION

The episcopal address of 1926 declares:

"The industrial, social, educational, moral, and religious forces of the Nation which overthrew the legalized liquor traffic and secured national prohibition must unite in the fight with equal vigor and persistence against the outlawed criminal traffic and the would-be nullifiers of the law.

"This board of missions, representing the work of the Methodist Episcopal Church, South, for the regeneration of the individual and of the entire social order, not only in our country but on every continent, would emphasize to-day this utterance of the Episcopal address. We are not met here to-day as Republicans or Democrats, or in any way as partisans of any political party. We are here as representatives of a part of the moral and religious forces of our country. From the beginning of its history Methodism has recognized the inherent evil of the traffic in intoxicants, and for nearly half a century our own great church has been in the forefront of the battle against the liquor traffic, and there has been no more potent force than Methodism in the adoption of those salutary laws which abolished the crossroads and village barroom, the city saloon, the breweries, and distilleries and branded future traffickers in intoxicating liquors as criminals and outlaws, and also destroyed the strangle hold of the liquor traffic upon town and city councils, State legislature, and other Government officials. It is difficult for our children to realize the strength, the resourcefulness, and the desperation of the defenders of the outlawed traffic, or the intensity of the struggle through the succeeding years.

"This, the largest and most representative of our church boards, faces to-day a situation which demands that it take action, clear unmistakable, as Methodism has always taken at every stage of this great conflict, for before its next meeting that will have occurred, which will greatly affect for good or ill the future effectiveness of the national prohibition law. To be specific, whether we like it or not, the future effectiveness of that law will be tremendously affected by the results of the approaching presidential and congressional campaign. It is a fact patent to every well-informed man that a critical time has been reached in the conflict of the forces of sobriety, temperance, righteousness, and human betterment with the organized, world-wide, debasing, soul-destroying liquor traffic, and the question of the maintenance of the national prohibition law is in our judgment a paramount issue in the presidential and congressional campaign in 1928: Therefore

"*Resolved*, That we urge all friends of sobriety, social betterment, and good government actively to oppose the nomination or election to public office of any candidate who is not positively and openly committed to a policy of vigorous, effective enforcement of the prohibition law by his utterances, acts, and record. The strongest prohibition law enforcement plank would be neutralized, indeed would be practically worthless, if its adoption by any convention should be followed by the nomination by that same convention of candidates whose utterances, acts, or records have branded them as personally hostile to prohibition, or as unwilling to cooperate actively to secure effective law enforcement, or as unappreciative of the comparative importance of this unprecedented effort to promote the general welfare of all the people by the restriction of the hurtful activities of the individual. We believe that the election of such a candidate, with such a record, at this critical stage of prohibition law enforcement would be a staggering blow to the cause of temperance and prohibition, not only in the United States but in every mission field of our church; indeed, throughout the world. It would be claimed and declared to be a repudiation of the eighteenth amendment; it would inevitably be followed by persistent efforts to increase the alcoholic content of beverage liquors and to weaken the enforcement provisions of the prohibition law; it would place in the hands of an unsympathetic and hostile President the appointment of the heads of all departments of the Federal Government, United States district attorneys and marshals, judges of the United States district and circuit courts, and of the United States Supreme Court itself; all ministers, envoys, consuls, and special representatives of our Nation to all the countries of the world. In short, it would immeasurably strengthen the advocates of the age-long common enemy, the liquor traffic, and weaken the hands of the friends of temperance throughout the world, and make far more difficult the work of all those who are trying to bring in the kingdom of our Lord Jesus Christ.

"*Resolved II*, That we regret the attitude of certain elements of society toward the observance of the prohibition law. Their refusal to place the promotion of the general welfare and loyalty to the Constitution and laws of the country above personal desires and appetite has been productive of much law violation and has in some sections of the country taken the form of open defiance and nullification of the prohibition law. Notwithstanding their opposition, the salutary effects of the prohibition law have been demonstrated; by it labor has been increased, social conditions improved, public health benefited, and general morality promoted. The value of the law has been directly in proportion to the effectiveness of the enforcement of the law. Even at its worst, however, prohibition has proved immeasurably better than the former legalized liquor traffic, for that legalized traffic was almost universally lawless and besmirched the social and political life of the country. We regret the inefficient enforcement which for several years characterized the Federal prohibition department and are gratified to note the steady improvement under Dr. J. M. Doran. We heartily approve the passing of the bill to promote more efficient enforcement which is now before Congress with the indorsement of the Government enforcement officials and the leading prohibition organizations. We condemn the effort now being made to return the whole matter of law enforcement to the State government. The liquor traffic is a national evil, and its persistent refusal to respect either State or interstate prohibition laws has proven that it can be controlled only by the full cooperation of both National and State Governments.

"JAMES CANNON, Jr.
"H. M. DUBOSE.
"JOHN M. MOORE.
"E. D. MOUZON.
"H. A. BOAZ."

Mr. Chairman and brethren, our churches may not agree on some minor matters, but in the open warfare against the earthly, the sensual, the devilish, the world, the flesh, and the devil, please God we shall be found whole-heartedly united both to-day and to-morrow to the utter confusion and defeat of the advocates of the liquor traffic, the common enemy of mankind. I shall rejoice to have this evidence of unity of purpose printed in your Daily Christian Advocate, in which has been printed your action of May 4 on the same vital subject.

COLLECTION OF COTTON STATISTICS

The bill (S. 4206) authorizing the Director of the Census to collect and publish certain additional cotton statistics was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 7, to strike out "undeveloped or unmatured," so as to make the bill read:

Be it enacted, etc., That in addition to other cotton statistics collected and published by the Director of the Census, the Director of the Census is authorized and directed to collect and publish statistics of (1) the quantity of linters ginned and (2) the quantity of cotton known as "snaps and bollies" ginned, and the amount of each shall be stated under the names of each as designated in (1) and (2) of section 1.

SEC. 2. The Director of the Census shall publish or cause to be published the statistics herein authorized to be collected in such manner and at such times as he may by regulation prescribe; except that the reports containing the statistics specified in (1) and (2) of section 1 of this act shall be separate and distinct from each other and from the reports containing other cotton statistics.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DAHUFF

The bill (H. R. 8628) for the relief of Amos Dahuff was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHALMETTE NATIONAL CEMETERY

The bill (H. R. 11758) authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to grant the Lake Borgne Basin levee board, an agency of the State of Louisiana, a right of way through the Chalmette National Cemetery Reservation, St. Bernard Parish, La., in such location as may be designated by him, for the purpose of constructing and maintaining a new levee to replace the existing levee in front of said reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN BAND OF CHEROKEE INDIANS

The bill (S. 4488) declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the

citizenship of said Indians, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That it was not the purpose of Congress when passing the act of June 4, 1924 (43 Stat. 376), to repeal, amend, modify, or abridge the provisions of the act of June 2, 1924 (43 Stat. 253), entitled "An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians," which conferred full citizenship upon the Indians composing the Eastern Band of Cherokee Indians, located in the State of North Carolina, and that the citizenship of said Indians be and is hereby confirmed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918, was announced as next in order.

Mr. REED of Pennsylvania. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War was announced as next in order.

Mr. SMOOT. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (H. Con. Res. 41) authorizing the President of the Senate and the Speaker of the House to close the present session of Congress at 5 o'clock p. m. May 29, 1928, was announced as next in order.

Mr. SACKETT. Mr. President, I move that the concurrent resolution be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. WARREN. Over.

The VICE PRESIDENT. The bill will be passed over.

REGULATION OF FEES AND COSTS

A bill (H. R. 9051) to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes," was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes," be, and the same hereby is, amended to read as follows:

"That the accounts of United States marshals, except the marshals of the United States courts in China and the Canal Zone, shall be rendered quarterly, under such regulations as may be prescribed by the Attorney General, and transmitted to the Attorney General within 20 days after the close of each quarter. The said account shall be rendered in duplicate, but no signature shall be required on the duplicate vouchers. It shall be the duty of the marshal to retain in his office the duplicate accounts, where they shall be open to public inspection at all times. The accounts of United States commissioners shall be rendered quarterly, in duplicate, under such regulations as may be prescribed by the Attorney General, and transmitted to the clerk of the United States district court for the district in which the commissioner resides, who shall file the duplicate in his office and transmit the original to the Attorney General. The approval of the court as to the accounts of marshals and commissioners shall not be required."

SEC. 2. This act shall take effect on July 1, 1928.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN B. MORSE

The bill (H. R. 3170) for the relief of Franklin B. Morse was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That in the administration of the pension laws or any other laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Franklin B. Morse shall be held and considered to have been honorably discharged as a private, Troop A, New York Volunteer Cavalry, United States Army, on November 28, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE HERBERT

The bill (H. R. 1533) for the relief of Theodore Herbert was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That in the administration of the pension laws, Theodore Herbert shall be held and considered to have been honorably discharged from the military service of the United States in Company B, Ninety-fifth Regiment New York Volunteer Infantry, on the 13th day of July, 1864: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. ANDREWS

The bill (H. R. 3723) for the relief of John M. Andrews was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, and their widows and dependent relatives, John M. Andrews shall hereafter be held and considered to have been discharged honorably as a private, Company F, Seventh United States Infantry, July 24, 1899; Troop I, Fourth United States Cavalry, August 24, 1906; Three hundred and forty-ninth Infantry, November 15, 1917: *Provided*, That no back pay or allowance of any kind shall be held to have accrued because of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LULU LEWIS

The bill (H. R. 12280) for the relief of Lulu Lewis was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $320 to Lulu Lewis (colored), of Cartersville, Ga., for allotments made to her during the World War by her son, Richard Lewis, a soldier of the United States, the checks for which allotments were received by another person, without the knowledge of the said Lula Lewis and cashed by such other person, who received the money paid thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOOTH & CO.

The bill (S. 4337) for the relief of Booth & Co. (Inc.), a Delaware corporation, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government to Booth & Co. (Inc.) a Delaware corporation, the sum of $42,856.10 on account of the requisitioning from the said corporation by the United States of section D of Pier 4, Bush Terminal, in New York Harbor, and of the possession and control thereof from May 19, 1918, to and including April 30, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIVESTOCK EXPERIMENT STATION, LEWISBURG, TENN.

The bill (S. 4470) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South, at or near Lewisburg, Tenn., was announced as next in order.

Mr. McKELLAR. Mr. President, the House has passed an identical bill and it came over to the Senate last night and was referred to the Committee on Agriculture and Forestry. I desire to move that that committee be discharged from the further consideration of the bill and that the House bill be substituted for the Senate bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the House bill authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn., which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish at or near Lewisburg, Tenn., a dairying station for investigations, experiments, and demonstrations in the dairy industry, and the problems pertaining to the development of such industry in the South, and for investigations, demonstrations,

assistance, and service in dairy livestock breeding, growing, and feeding, and dairy products manufacture.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to carry out the provisions of this act, including the construction of buildings, the acquirement of equipment and apparatus, the purchase of livestock, and the employment of necessary persons; and each fiscal year thereafter necessary appropriations for the maintenance of said station as contemplated by this act: *Provided*, That suitable lands are furnished by the State or other interests.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 4470 is indefinitely postponed.

VESSELS OF STANDARD OIL CO. OF NEW JERSEY

The bill (H. R. 8529) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey under bare-boat charter from a Danzig corporation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, authorized and directed to hear and determine the claim of the Standard Oil Co. of New Jersey, a corporation organized under the laws of the State of New Jersey, for refund of $60,283 alleged to have been erroneously collected in 1920 and 1921 on three vessels belonging to the claimant, being the *Zoppot*, 5,915 tons; the *Gedania*, 5,107 tons; and the *Baltic*, 5,173 tons, under Danzig charter; it being contended by the claimant that the tonnage taxes assessed and collected on the vessels named were not authorized by law.

SEC. 2. The Court of Claims is authorized to make proper order on its conclusions on the questions presented in section 1 of this act: *Provided further*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause one of his assistants to appear and defend for the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GLENS FALLS INSURANCE CO.

The bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Glens Falls Insurance Co., of Glens Falls, N. Y., three United States certificates of indebtedness, series TJ–1922, issued June 15, 1921, and matured June 15, 1922, serially numbered 5860, 5861, and 2082, of the denomination of $1,000 each, with interest at the rate of 5½ per cent per annum from June 15, 1921, to June 15, 1922, without presentation of the said certificates or the coupons representing interest thereon from June 15, 1921, to June 15, 1922, the certificates having been stolen in a mail robbery: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Glens Falls Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen certificates of indebtedness herein described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOME INSURANCE CO.

The bill (H. R. 9320) for the relief of the Home Insurance Co., of New York, N. Y., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Home Insurance Co., of New York, N. Y., United States Treasury note, series B–1924, issued September 15, 1921, and matured September 15, 1924, serial No. 17153, in the denomination of $100, with interest at the rate of 5½ per cent per annum from September 15, 1921, to September 15, 1924, with presentation of the said note or the coupons representing interest thereon from September 15, 1921, to September 15, 1924, the note having been stolen in a mail robbery: *Provided*, That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which have been previously presented and paid: *Provided further*, That the said Home Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the note and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen Treasury note herein described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT TO STATE OF SOUTH CAROLINA

The bill (H. R. 9710) for the relief of the State of South Carolina was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check No. 1369652, drawn May 10, 1927, in favor of "State treasurer of South Carolina, Columbia, S. C.," for $2,152.07 and lost, stolen, or miscarried in the mails.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER D. LOVELL

The bill (H. R. 5944) for the relief of Walter D. Lovell was announced as next in order.

Mr. KING. Over.

Mr. SHIPSTEAD. Mr. President, may I ask who objected to the bill?

The VICE PRESIDENT. The Senator from Utah asked that it go over.

Mr. SHIPSTEAD. I ask the Senator to withhold his objection for a moment.

Mr. KING. Very well.

Mr. SHIPSTEAD. This is to give a contractor certain compensation estimated by the War Industries Board for work that was done under the stress of the war and during the war. The War Industries Board rendered a decision in which they said that in their opinion the contractor was entitled to $3,000. It was, I understand, unanimously reported by the Committee on Claims, whose chairman is here. It also passed the Committee on Claims of the House of Representatives, which, I understand, is a very earnest and conscientious committee, and, I understand, there has been no objection to this sum.

Mr. KING. Mr. President, I perceive by the bill that the claim is based upon the theory that after the contract was entered into there was an increase in the cost of labor. It seems to me that if the Government of the United States is to be held amenable for any changes in the economic and industrial conditions of the country which increase prices or costs, contracts are practically valueless, and every person who makes a contract may come to Congress and ask relief upon the theory that he had to pay more for wages or more for material than he anticipated at the time he entered into the contract.

Mr. LA FOLLETTE. Mr. President, will the Senator from Minnesota yield?

Mr. SHIPSTEAD. I yield.

Mr. LA FOLLETTE. It is constantly iterated and reiterated in the Committee on Commerce that such relief has been given to contractors. I have no information concerning this particular case, but I know there was a bill before that committee recently, sponsored by the Senator from Florida, that involved the same principle. I think he had a statement showing that a great number of contractors have been relieved because of the unusual appreciation, as a result of the World War, in the cost of construction, labor, and other items which went into the contracts.

Mr. KING. My recollection of the matter is that immediately following the war, at a time when there were many contracts not closed and settlements not made, when there were reciprocal claims, the Government claiming something from contractors and contractors claiming from the Government, boards were set up for the purpose of adjudicating those controversies. In those adjudications or adjustments, perhaps, they did take into account conditions somewhat analogous to those which are involved in this case; but to take such action at this late day, it seems to me, would open up every contract entered into by the Government with private parties and subject the Government to demands that might be very unfair.

Mr. SHIPSTEAD. The effect of this bill, if passed, would be only to carry out an adjudication or decision of the War Industries Board.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Minnesota, I desire to say that we have passed various acts for the relief of contractors who have had to pay higher costs for material and higher costs for labor on account of war conditions, when the Government changed the rates of transportation and they could not get the material and could

not get the labor and they had to suffer loss or be relieved of their contract, when in some cases they had given bond. We acted in a number of such cases.

Mr. SHIPSTEAD. Mr. President, will the Senator from Utah withdraw his objection to the consideration of the bill?

Mr. KING. In the light of the statement the Senator has made, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5944) for the relief of Walter D. Lovell, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "$5,048.17" and to insert "$3,548.17," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter D. Lovell, of Minneapolis, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $3,548.17, in full settlement for extra work, for which the Government has received the benefit and for which no payment has been made, and for losses suffered by reason of action of governmental agencies, by reason of increased cost of labor and materials, and other causes brought about by the late war with Germany, incurred by Walter D. Lovell, under contract for construction work at Rock Island Arsenal, Ill., dated January 19, 1917, with the Chief of Ordnance, War Department, prior to the entrance of the United States into the late war with Germany, and thereafter completed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

B. C. MILLER

Mr. FESS. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 11859) for the relief of B. C. Miller.

Mr. ROBINSON of Arkansas. Has the bill been considered by the committee?

Mr. FESS. No.

Mr. ROBINSON of Arkansas. I do not think to discharge a committee from the consideration of a bill in this manner is a good practice.

Mr. WARREN. Mr. President, let us have the remainder of the bills on the calendar called.

Mr. FESS. I withdraw the request.

MYRA MADRY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H R 3844) for the relief of Myra Madry, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500, to compensate Myra Madry, of Florence, Ala., for injuries received and caused by the stamp window of the Federal building in the city of Florence, Ala., falling upon her finger through no fault or negligence of her own.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE OF OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12938) for the relief of the State of Ohio, which was read, as follows:

Be it enacted, etc., That the State of Ohio be, and it is hereby, relieved from all responsibility and accountability for certain quartermaster property, to the approximate value of $8,830.64, the property of the War Department, which was lost or destroyed incident to the tornado at Lorain, Ohio, on June 28, 1924, while in the possession of troops of the National Guard, State of Ohio, and the Secretary of War is hereby authorized and directed to terminate all further accountability for said property.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. LA FOLLETTE. I should like an explanation of the bill.

Mr. MOSES. I think that bill was indefinitely postponed.

Mr. HALE. No; Senate bill 4571, being Order of Business 1357, was indefinitely postponed, a similar House bill having passed the two Houses.

Mr. LA FOLLETTE. The Senator from Maine informs me that he has no objection to Senate bill 4570 being passed over.

Mr. HALE. That bill and the next bill now on the calendar, being Order of Business 1358, Senate bill 4572, may be passed over.

The VICE PRESIDENT. The bills will be passed over.

Mr. KING. I desire to make a parliamentary inquiry. What disposition was made of Order of Business 1358, being Senate bill 4572?

Mr. LA FOLLETTE. That bill has been passed over.

FRANK MURRAY

Mr. EDGE. A parliamentary inquiry, Mr. President. What became of Order of Business 1359, being Senate bill 2441, for the relief of Frank Murray?

The VICE PRESIDENT. The Chair is informed that that bill was disposed of earlier in the day.

Mr. LA FOLLETTE. It was indefinitely postponed, being similar to a House bill on the same subject which had been passed in its stead.

The VICE PRESIDENT. The Senator is correct.

THE GREAT FALLS OF THE POTOMAC RIVER

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 307) to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River which was read, as follows:

Resolved, etc., That, in order to preserve for development, in whatever manner Congress may ultimately find most desirable, the natural resources in water, potential water power, and park and recreational facilities afforded by the falls and gorge of the Potomac River near the National Capital, the Federal Power Commission be and hereby is directed not to issue any permit, preliminary or final, to any private interest for the development of water power in the Potomac River between the mouth of Rock Creek and a point 4 miles upstream from the present intake for the water supply of Washington, until further action of Congress, after consideration of such joint report or separate reports as may be made by the National Capital Park and Planning Commission and the Federal Power Commission as to the best utilization of the said area for the public benefit.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISCONTINUANCE OF CERTAIN GOVERNMENTAL REPORTS

The bill (H. R. 12064) to discontinue certain reports now required by law to be made to Congress was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I inquire what are the reports to be discontinued?

Mr. SACKETT. There are quite a number of them.

Mr. ROBINSON of Arkansas. This bill is not on the calendar; we have no information regarding it.

Mr. SACKETT. Mr. President, this is a bill that was prepared by the committee of the House on Expenditures of the Executive Departments, due to the fact that there are a large number of reports prepared by the department that are no longer useful and the printing of which is extremely expensive. The bill was carefully prepared and gone over by the Bureau of Efficiency. Every report proposed to be discontinued was referred to the proper department and the department was asked if they had any use for it.

There is also a section under which the committee could reinstate any report that was found to be needed. It is said that the bill will save about $50,000 a year in the printing of reports that are never used and have never been called for.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SACKETT. With pleasure.

Mr. ROBINSON of Arkansas. I observe that the bill has 29 pages. Has the Senator personally investigated the provisions of the bill and checked them to see whether or not the reports to be discontinued are no longer needed?

Mr. SACKETT. Every one of those reports was gone over by the House committee.

Mr. ROBINSON of Arkansas. How does the Senator know what the House committee did?

Mr. SACKETT. Because we have their printed confidential report which was given to us.

Mr. LA FOLLETTE. What is there confidential about it?

Mr. WARREN. Mr. President, it is a bill that originated with the late Representative Madden.

Mr. SMOOT. It is known as the Martin-Madden bill.

Mr. ROBINSON of Arkansas. I have no objection to its consideration.

Mr. SACKETT. It is a very good bill.

Mr. LA FOLLETTE. Mr. President, I am not satisfied. The Senator from Kentucky informs us that the report of the House committee is confidential and it is proposed to do away with the printing of a considerable number of reports. I should like to have some explanation of what is being done.

Mr. ROBINSON of Arkansas. Why was it "confidential" in the first instance?

Mr. SACKETT. It was simply marked "confidential" at the head of the report.

Mr. ROBINSON of Arkansas. I understand that; but why was it confidential?

Mr. SACKETT. There was no reason that I know of, except custom.

Mr. LA FOLLETTE. Mr. President, I object to the consideration of the bill. I do not think any harm will be done if it shall go over until the next session.

The VICE PRESIDENT. Objection is made, and the bill will go over.

THOMAS A. EDISON COMMEMORATIVE MEDAL

Mr. EDGE. Mr. President, the Senator from Wisconsin has just informed me that he is prepared to withdraw his objection to House Joint Resolution 243 providing for the striking of a medal commemorative of the achievements of Thomas A. Edison. I ask unanimous consent to revert to that joint resolution and to have it considered at this time.

Mr. LA FOLLETTE. May I ask the Senator from New Jersey a question?

Mr. EDGE. Certainly.

Mr. LA FOLLETTE. While appearing before the Banking and Currency Committee upon another matter, I was there when certain testimony was presented against the report of this joint resolution, and I desire to ask the Senator from New Jersey whether the committee made a thorough investigation of the evidence and the protest against it, and whether the committee was unanimous in its report?

Mr. EDGE. Mr. President, in answer to the question of the Senator from Wisconsin, I desire to say that the committee heard a lady who asked to be heard and whose contention was that some of the many inventions that have been credited to Mr. Edison's brain partially belonged to some other inventor. The committee heard all the testimony and voted unanimously to report the joint resolution favorably.

Mr. LA FOLLETTE. Upon that statement, I withdraw my objection.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 243) to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century, which was read, as follows:

Resolved, etc., That in recognition of the achievements of Thomas A. Edison, the Secretary of the Treasury is authorized and directed to cause to be struck and presented to Thomas A. Edison a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. For such purpose there is authorized to be appropriated the sum of $1,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF PATENT TIME LIMITATIONS

Mr. DILL. Mr. President, I ask unanimous consent to return to order of business 1339 being the bill (H. R. 10435) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military and naval forces of the United States during the World War.

Mr. SMOOT. Mr. President, I ask for the regular order. Under the unanimous-consent agreement we are now to consider the calendar under Rule VIII.

Mr. DILL. I wish to say to the Senator from Utah that this bill passed both the House and the Senate last year and was ready to go to the President, but because of certain objections the bill was withdrawn, Those objections have been remedied by amendment.

Mr. WATSON. Mr. President, I hope the Senator from Utah will accede to the request of the Senator from Washington.

Mr. DILL. I hope the Senator will let the bill be passed.

Mr. SMITH. May I ask the Senator from Washington if this is the bill to extend the time limitation in the case of patents held by officers and enlisted men who served the country during the World War?

Mr. DILL. It is, and it is a very desirable and a very fair bill and I think it ought to be passed.

Mr. SMITH. Mr. President——

Mr. WATSON. I can state what the bill is in a minute if I may be allowed to do so.

Mr. SMITH. I merely wish to say that I am a member of the committee which considered the bill; we went over it very carefully, and I think a more meritorious bill never came before this body. It simply extends the limitation as to time on patents of those who served in the military forces during the World War.

Mr. SMOOT. Mr. President, I have not had time carefully to read the bill; but I wish to say that, so far as the Senate is concerned, years ago, long before I became a Member of this body, it was agreed that there should be no extension of patents.

Mr. DILL. The circumstances were different then; there had been no World War.

Mr. SMITH. And the bill relates only to those who served in the war.

Mr. SMOOT. Senator Platt, of Connecticut, as Members of the Senate are aware, was for many years chairman of the Senate Committee on Patents. I followed him as chairman of that committee, and the one thing that he impressed upon me at the time was never to favor measures seeking to extend the time of duration for patents. I understand that this bill does not seek to accomplish what I thought it did when I objected. This bill, as I understand, extends the time only for the period during which the patentee was a soldier and was out of the country or engaged in the war.

Mr. DILL. And it only applies to those who did not receive incomes from their patents or whose incomes were reduced by reason of their service.

Mr. SMOOT. I have no objection to that, but in reading the bill when I objected I thought it provided a general extension of the time limitation as to patents, and, so far as I am concerned, I never will consent to that being done.

Mr. DILL. I have no objection to the Senator's position in that regard, but this bill does not seek to do that.

Mr. SMOOT. No; I so understand.

Mr. WATSON. Mr. President, this bill merely provides that where the holder of a patent was a soldier and went abroad and had begun the development of his patent or had no opportunity to begin its development because of his service the life of the patent shall be extended for the number of years he was away. It does not extend it beyond that, and I hope the Senator will withdraw his objection.

Mr. SMOOT. I have no objection to the bill at all, now that I understand it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That any person who served honorably in the military or naval forces of the United States at any time between April 6, 1917, and November 11, 1918, both dates inclusive, and was subsequently honorably discharged, may within six months after the enactment of this act, upon payment of a fee of $20, make application to the Commissioner of Patents, comprising a verified statement, accompanied by supporting evidence of the following facts:

(A) That he is the inventor or discoverer of an invention or discovery for which a specified patent was granted prior to the 11th day of November, 1918, the original term of which remains unexpired at the time of the filing of the application.

(B) That between April 6, 1917, and November 11, 1918, and also at the time of the passage of this act, he held, by ownership or contract, a right in said invention or under said patent or to income by way of royalty or otherwise therefrom, whereby an extension of the term of said patent would benefit him.

(C) That between April 6, 1917, and July 2, 1921, he was not receiving from said patent an income, or that his income therefrom was reduced by his said service.

(D) That at the time of his induction into the service he was making diligent effort to exploit the invention covered by his patent.

(E) The names of all persons, firms, or corporations, if any, holding at the time of the passage of this act, by grant, transfer, license, or contract from him, any right or interest in the invention or discovery or under the patent, and their consent to the extension for which application is made, which shall be supported by an instrument or instruments, executed by all such persons, firms, and corporations, evidencing their consent to such extension,

(F) The period of extension of the patent from the expiration of the original term thereof, for which he applies, which shall in no case exceed a further term of three times the length of his said service in the military or naval forces of the United States between the dates of April 6, 1917, and July 2, 1921, but exclusive of any reenlistment subsequent to November 11, 1918.

(G) That the licensee of a patent affected by this act shall automatically be granted an extension of said license for the period of the extension on the same terms and conditions as contained in said existing license, thereby creating an equitable adjustment of the benefits of this act.

(H) That such extension shall in no way impair the right of anyone who before the passage of this act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patents extended under this act, nor shall any extension granted under this act impair the right of anyone who was lawfully manufacturing before the passage of this act the invention covered by the extended patent.

SEC. 2. In the case of a veteran, as described in paragraph 1 of this act, who dies, or has died, or who becomes insane or unable to act, which veteran owned an interest as described in this act in said patent at the time of his death or at the time he was declared mentally incompetent or became unable to act before said extension is granted, such application may be filed or proceeded with by his legal representatives substantially as provided in section 4896 of the Revised Statutes of the United States (U. S. C., title 35, sec. 46), as amended, with respect to proceedings in such cases for obtaining a patent.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made, and if, on such examination, it shall appear that such application conforms, or by amendment or supplement is made to conform, to the requirements of section 1 of this act, the commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within 45 days from such publication oppose the same on the ground that any of the statements of the application for extension required by section 1 of this act is not true in fact, which said notice of opposition shall be verified before an officer authorized by the laws of any State or Territory or the District of Columbia to administer oaths. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day of hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the commissioner as is now provided by law where an application for patent is refused. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period for which application has been made as aforesaid, and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the commissioner may determine.

SEC. 4. Thereupon said patent shall have the same force and effect in law as though it had been originally granted for 17 years plus the term of such extension: *Provided, however,* That in any action, at law or in equity, for infringement after the expiration of 17 years from the grant of the patent and during the period of such extension, the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney 30 days before, may prove on trial that any of the statements of the application for extension required by section 1 of this act is not true in fact; and if any one or more of such statements shall be found untrue in fact, judgment shall be rendered for the defendant, with costs: *Provided further,* That no person whose patent shall be extended under the provisions of this act shall be permitted to make any claim for damages against the United States for the period of the extension, and the rights of the United States shall remain in all respects as if these patents had not been extended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE BANK & TRUST CO., OF FAYETTEVILLE, TENN.

Mr. McKELLAR. Mr. President, the Senator from Utah [Mr. SMOOT] having withdrawn his objection, I ask unanimous consent to return to Order of Business No. 1086, being House bill 5894.

Mr. SMOOT. Mr. President, I am not going to object to the request of the Senator from Tennessee, but I am going to ask for the regular order under the unanimous-consent agreement in order that we may go through the calendar.

Mr. McKELLAR. We have finished the calendar.

Mr. SMOOT. The unanimous-consent agreement provided for more than that.

Mr. McKELLAR. Will not the Senator let the bill be considered?

Mr. SMOOT. I have told the Senator that I was not going to object to this bill, but I am going to insist hereafter upon the regular order, according to the unanimous-consent agreement. That agreement was that we should go through the calendar and consider the bills to which there was no objection, and after that had been done then we would return to the beginning of the calendar and consider bills under Rule VIII.

The VICE PRESIDENT. The Senator is correct. The regular order before the Senate is the calendar under Rule VIII.

Mr. MOSES. Under the unanimous-consent agreement if a Senator asks for unanimous consent to recur to the consideration of a bill which has been passed over on the calendar, that is in order.

Mr. McKELLAR. I ask unanimous consent to return to House bill 5894, and that is in order.

Mr. PHIPPS. Reserving the right to object, I want to call attention to the fact, as I understand from the report on this bill, that the bank shipped bonds by registered mail and merely paid the registry fee, and now makes a claim for the total worth of the bonds.

Mr. McKELLAR. I hope the Senator will not object to the bill.

Mr. PHIPPS. I am sorry, but I will have to object.

The VICE PRESIDENT. Objection is made. The calendar under Rule VIII is in order.

Mr. BARKLEY. I ask that the Chair lay before the Senate House bill 13406, just messaged over from the House.

Mr. MOSES. That is not in order yet.

Mr. SMOOT. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

DISCONTINUANCE OF CERTAIN GOVERNMENTAL REPORTS

Mr. SACKETT. Mr. President, I ask unanimous consent to recur to House bill 12064, which was the last bill called on the calendar.

Mr. SMOOT. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded. The calendar under Rule VIII is in order.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nevada will state it.

Mr. PITTMAN. There have been several references to the terms of the unanimous-consent agreement. Under the unanimous-consent agreement the unfinished business was temporarily laid aside. Do I understand that if a bill is taken up by motion under Rule VIII it is not subject to the agreement that we had?

The VICE PRESIDENT. It does not affect the status of the unfinished business.

Mr. PITTMAN. In other words, calling for the regular order at any time will reinstate the unfinished business?

The VICE PRESIDENT. That is correct.

Mr. MOSES. No; not until the unanimous-consent agreement has been carried out.

Mr. SWANSON. Mr. President, I understood that the unanimous-consent agreement was that we should take up unobjected bills on the calendar, and such bills as were messaged over and on the desk of the Presiding Officer from the House, and that nothing should be considered except by unanimous consent.

Mr. MOSES. That is the calendar under Rule VIII.

Mr. GEORGE. It also included reports of committees.

Mr. SWANSON. Mr. President, as I understand, the Senator from Kentucky has a bill which, under the unanimous-consent agreement, is now on the Presiding Officer's desk. Under the unanimous-consent agreement he is entitled to have it laid before the Senate before we take up other matters.

The VICE PRESIDENT. The Senator is correct.

Mr. MOSES. But, in addition to that, Mr. President, the senior Senator from Kentucky, under the second provision of the unanimous-consent agreement, which was to go through the calendar for unobjected bills, now has the right to recur to the bill referred to by him.

The VICE PRESIDENT. The Chair understood that objection was made.

Mr. MOSES. The objection was withdrawn.

Mr. SACKETT. The objection was made because we had started on the calendar under Rule VIII; but we have not yet called the first bill.

Mr. SWANSON. I insist that what has come over from the House is entitled to be laid before the Senate.

Mr. SMOOT. Yes; that is true.

The VICE PRESIDENT. A request for unanimous consent is in order. What is the request?

Mr. SACKETT. To recur to House bill 12064.

The VICE PRESIDENT. The Senator from Kentucky asks unanimous consent to recur to House bill 12064.

Mr. LA FOLLETTE. Mr. President, I withdraw my objection upon the statement of the Senator from New Hampshire, the chairman of the Joint Committee on Printing, that the reports referred to in this House bill are merely typewritten reports.

The VICE PRESIDENT. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R 12064) to discontinue certain reports now required by law to be made to Congress, which had been reported from the Committee on Expenditures in the Executive Departments, with amendments.

The amendments were, on page 28, line 12, after the word "Departments," to insert "of the House of Representatives," and in line 14, after the word "thereof," to insert "or upon request of the Committee on Expenditures in the Executive Departments of the Senate, or any five members thereof," so as to make the section read:

SEC. 2. Every executive department and independent establishment of the Government shall, upon request of the Committee on Expenditures in the Executive Departments of the House of Representatives, or of any seven members thereof, or upon request of the Committee on Expenditures in the Executive Departments of the Senate, or any five members thereof, furnish any information requested of it relating to any matter within the jurisdiction of said committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FORT THOMAS AVENUE, FORT THOMAS, KY.

The VICE PRESIDENT laid before the Senate a bill from the House of Representatives (H. R. 13406) to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor, which was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the authorities of the city of Fort Thomas, Ky., are hereby authorized to widen, improve, reconstruct, and resurface Fort Thomas Avenue with concrete curbing and paving, including sidewalks, under the supervision and subject to the approval of the Secretary of War, and are authorized to assess and apportion the cost thereof against the United States according to the number of front and abutting feet of ground of the United States military reservation in the same proportion and to the same extent that the cost is assessed and apportioned against other owners of private property fronting and abutting on said street, and the sum of $11,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated to pay for said improvements abutting approximately 1,500 feet on said street when the same are completed, and same to be paid on approval of the Secretary of War.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Kentucky to this bill.

Mr. REED of Pennsylvania. Has the bill been referred to the committee?

Mr. BARKLEY. I will say to the Senator from Pennsylvania that it has just been messaged over.

Mr. SMOOT. Has the Senate passed a similar bill?

Mr. BARKLEY. No, sir. This is a bill that the War Department has asked for. The Secretary recommends it. The Director of the Budget recommends it. They are engaged in improving a street in the city of Fort Thomas, and the street runs by the military reservation, and in order that the improvements may be made, this bill must be passed. Otherwise, the improvement will be delayed another year.

Mr. REED of Pennsylvania. Mr. President, I have looked into this bill; and while it seems to have the approval of the department and the Budget, and to be entirely meritorious in every way, I do not think I ought to fail to say that there have been over a hundred bills referred to the Military Affairs Committee in the last two days, and it is obviously impossible to examine into all of them. I have asked other members of the committee not to attempt to poll the committee on these bills; and I do no feel that we ought to give latitude to one Senator that we have refused to all the others.

Mr. SACKETT. Will not the Senator yield in the present case?

Mr. BARKLEY. This is an emergency measure.

Mr. REED of Pennsylvania. I have not objected; but I do not want to discriminate in favor of one Senator as against my other colleagues.

Mr. FESS. Mr. President, a similar request was made by me just awhile ago, and it was objected to because the committee had not reported.

Mr. GLASS. That is not any reason why the Senator from Ohio should object to this bill simply because he can not get his bill through.

Mr. SACKETT. It merely provides for straightening the roadway in front of the reservation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. P. MILLIGAN

The VICE PRESIDENT laid before the Senate the bill from the House of Representatives (H. R. 13440) for the relief of H. P. Milligan, which was read the first time by its title and the second time at length.

Mr. BLAINE. Mr. President, I ask that House bill 13440 be substituted for Senate bill 3866 and that the bill pass. It is before the Senate already.

Mr. REED of Pennsylvania. Mr. President, I object to that bill.

The VICE PRESIDENT. Objection is made, and under Rule XIV the bill will be placed on the calendar.

CAMP CLARK, NEVADA, MO.

Mr. REED of Missouri. I ask that the Vice President lay before the Senate H. R. 12951, just messaged over from the House.

The VICE PRESIDENT laid before the Senate the bill from the House of Representatives (H. R. 12951) providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor, which was read the first time by its title and the second time at length.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FESS. Mr. President, has that measure been referred to a committee?

Mr. REED of Missouri. It has not. It has just been messaged over; and there is an emergency growing out of the fact that the land which is to be acquired is under an option. The bill is for the purpose of enlarging this military camp; and unless advantage is taken of it the option may expire, and may be lost.

Mr. FESS. I would not object to it, Mr. President——

Mr. REED of Missouri. Please do not.

Mr. FESS (continuing). But a moment ago a similar measure was laid before the Senate that had been messaged over from the House, and it was objected to. If we are going to do it in one case, let us do it in every case.

Mr. REED of Missouri. I did not object to the Senator's bill, and I am not going to. This option will expire.

Mr. FESS. I am not going to object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. LONG

Mr. GEORGE. Mr. President, there was sent over from the House a few days ago House bill 7236, a claim bill. It was sent to the Claims Committee; and with the knowledge of the chairman and other members of that committee I ask that it be laid before the Senate.

The VICE PRESIDENT laid before the Senate the bill from the House of Representatives (H. R. 7236) for the relief of James M. Long, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James M. Long the sum of $2,500, in full compensation for damages suffered by reason of being unlawfully assaulted and shot, whereby he was seriously and permanently injured and maimed for life by a member or members of a party of law violators when acting as an officer of Hall County and the State of Georgia, and then and there in the legal discharge of his duty as such an officer, in attempting to arrest one Andrew Jackson Hays, who was then and there a deserter of the United States Army.

Mr. FESS. Mr. President, I desire to be heard upon this matter for just a moment.

Mr. Miller, of Cleveland, Ohio, was a clerk in the northern district of the State; and as such he was appointed by the court to act as a special master to take testimony in a disputed case. There was placed in a bank at Cleveland $525 in payment of this service. Two years afterward, before the payment was made, a law was passed forbidding any officer of a court acting in such capacity. The Comptroller General here gave a decision that this man could not, therefore, be paid, although the service had been rendered two years before, and the money is in the bank.

A measure has been presented in the House and unanimously passed, and messaged over here, permitting the money now in the bank to be paid, so that the order is not retroactive; and I ask that that bill be considered.

The VICE PRESIDENT. Is there objection to the consideration of House bill 7236?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day they presented to the President of the United States the following enrolled bills:

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act;

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 3097. An act for the relief of the State of North Carolina;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.;

S. 3694. An act regulating juvenile insurance by fraternal beneficial associations in the District of Columbia;

S. 3917. An act for the relief of the State of Florida;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4124. An act to provide for notice to owners of land assessed for benefits by the verdict of condemnation juries in the District of Columbia, and for other purposes;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River near a point where Olive Street Road, St. Louis County, Mo., if extended west, would intersect the Missouri River;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; and

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga.

UNITED STATES YORKTOWN SESQUICENTENNIAL COMMISSION

The VICE PRESIDENT, under the provisions of House Concurrent Resolution 43, appointed as the committee on the part of the Senate the Senator from Virginia [Mr. SWANSON], the Senator from Pennsylvania [Mr. REED], the Senator from New Jersey [Mr. EDGE], the Senator from Connecticut [Mr. BINGHAM], and the Senator from New York [Mr. WAGNER].

WILLIAM H. CHAMBLISS

Mr. HEFLIN. I ask unanimous consent to put in the RECORD an affidavit from William H. Chambliss, addressed to the chairman of the Shipping Board, and other statements in connection therewith.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

AFFIDAVIT

Mr. T. V. O'CONNOR,
Chairman (or whosoever may be acting),
United States Shipping Board, Washington, D. C.

SIR: I protest against your board's, and against your own action as chairman, permitting Commissioner W. S. Benson to sever his connections with the Shipping Board until he shall have undone the terrible injustice and injury that he did to me, to the detriment of my good name as an officer, a gentleman, and a father, when he, W. S. Benson, chairman of the Shipping Board, in the year of our Lord 1920, affixed his honored name to that wickedly untrue and unnecessary and malicoous "resolution" of "the board" on the 8th of July, 1920, which said "resolution" as shown by its very wording was written to injure me and at the same time defeat my lawful efforts to punish one Arminius T. Haeberli for insulting the American flag on the American-built and American-owned steamship *Lake Elkwood* in the foreign port of Rio de Janeiro, Brazil, on the 13th day of November, in the year of our Lord 1919, and in the one hundred and forty-fourth year of the independence of the United States. Haeberli or Haberle—whichever is the right way to spell his un-American name—while acting as "consul" at Rio de Janeiro, on the date last written above, sent a squad of armed men in foreign uniforms carrying loaded muskets and side arms such as foreign soldiers and marines used against the United States in the World War, in an armed power boat from a Brazilian wharf to the gangway of the American steamship *Lake Elkwood,* where the foreign armed boat made fast her lines to the side of the American ship, and the squad of armed foreigners marched from their boat upon the deck of our ship, overpowered me, the American commander and master of our unarmed ship, insulted me and humiliated me in the presence of the executive officer and crew of our ship, and marched me in my full uniform of our American officer from under the American flag and down into their foreign boat alongside, and carried me ashore at the muzzles of their weapons and cast me into a vile foreign jail without a warrant of arrest, but with no higher authority than a verbal request from the above-named Arminius T. Heaberli or Haeverle, who cause these foreigners to do the above things to our flag and to me solely for the purpose of intimidating me and silencing my protests which I was at the time making officially to our American ambassador, Edwin W. Morgan, and also to our President, Woodrow Wilson, against the unlawful and fraudulent acts of this Arminius T. Haeberli.

I had some days before the above occurrences refused to sign some documents that Haeberle and some of his alien aides wanted me to sign, to falsely "justify" Haeberle's and his foreign aides' fraudulent manipulations of our ship's cargo, stores, supplies, and funds.

Haeberle, seeing a well-deserved American prison term for his treachery to the President of the United States looking him squarely in the face, committed the above-mentioned acts of arresting and imprisoning me and insulting our flag in so doing in his mad effort to save himself. And

Commissioner W. S. Benson, as chairman of the Shipping Board, upheld Haeberle's acts, and praised Haeberle very highly in his signed resolution of July 8, 1920, now made public by the United States Senate in an official report in booklet form entitled "Calendar No. 899," on April 20, 1928.

In this booklet, United States Senator HUGO L. BLACK and his 12 brother Senators of the Senate Committee on Claims exposed the whole wicked transactions of Consul Haeberle and his aides, and on page 5 of this booklet published officially the wicked resolution of July 8, 1920, that Chairman W. S. Benson signed to whitewash Arminius T. Haeberle, a diplomatically protected criminal in our American Consular Service.

If ever a man committed fraud—and fraud is synonomous with crime—Haeberle at Rio de Janeiro committed it; and if ever an official shielded a criminal, W. S. Benson shielded and reshielded one in Haeberle; and it matters not even if some person in the Department of State did frighten Benson into acquiescence, Benson, and also later A. D. Lasker, whitewashed Arminius T. Haeberle, who is still in our American Consular Service, perhaps in Germany.

WILLIAM HENRY CHAMBLISS.

Subscribed and sworn to before me this 29th day of May, 1928.
[SEAL.] CHAS. E. ALDEN, *Notary Public.*

My commission expires October 13, 1932.

Copies to: W. S. Benson, A. T. Haeberle, the United States Senate, the Navy Department, the State Department, and the Department of Commerce.

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
Document Room, May 25, 1928.

MY DEAR SENATOR HEFLIN
AND ALL MEMBERS OF THE SENATE:

I hereby charge that in the Department of State of our United States of America there exists a secret system that I have heard called the blacklist system, and which I know has blacklisted me, Capt. William

H. Chambliss, for revenge for the last eight years because I opposed the wrongdoings of a man named Arminius Haeberle, an acting consul in charge of the American consulate at Rio de Janeiro, in October and November, 1919, in connection with the Latin-American Bureau.

Sworn to and subscribed before me this 26th day of May, 1928.

WILLIAM H. CHAMBLISS,
110 East Capitol Street.

[SEAL.] CHARLES F. PACE,
Notary Public, District of Columbia.

My commission expires February 18, 1931.

BOULDER DAM

Mr. LA FOLLETTE. Mr. President, when the unanimous-consent agreement was entered into, the President pro tempore was in the chair, and the Senator from Wisconsin understood the President pro tempore to state that the unfinished business, the so-called Boulder Dam bill, would be temporarily laid aside for the consideration of certain unanimous-consent orders, and that the unfinished business would not lose its status as the unfinished business, and that at the conclusion of the unanimous-consent orders and before the Senate adjourned the unfinished business would be laid before the Senate.

The VICE PRESIDENT. The Senator is correct. The Chair will lay the Boulder Dam bill before the Senate as the unfinished business at 5.29.

RECEIPTS AND EXPENDITURES

Mr. OVERMAN. Mr. President, it is always the custom after the adjournment of Congress for the Committee on Appropriations to file in the RECORD a financial statement. I ask unanimous consent that the minority may be given the same privilege.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 29, 1928, the President approved and signed the following acts:

S. 2519. An act for the relief of Robert W. Miller;

S. 3097. An act for the relief of the State of North Carolina;

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.;

S. 3602. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

S. 3917. An act for the relief of the State of Florida;

S. 4035. An act authorizing conveyance to the city of Hartford, Conn., of title to site and building of the present Federal building in that city;

S. 4135. An act to conserve the water resources and to encourage reforestation of the watersheds of Los Angeles County by the withdrawal of certain public lands included within the Angeles National Forest from location and entry under the mining laws;

S. 4148. An act authorizing and directing the Secretary of War to grant certain land to the city of St. Paul, State of Minnesota;

S. 4203. An act authorizing J. H. Haley, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near a point where Olive Street Road, St. Louis County, Mo., if extended west would intersect the Missouri River;

S. 4309. An act to authorize the Secretary of Commerce to dispose of a certain lighthouse reservation and to acquire certain land for lighthouse purposes;

S. 4346. An act to authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz.; and

S. 4487. An act authorizing the Uvalda Booster Club, its successors and assigns, to construct, maintain, and operate a bridge across the Altamaha River at or near Towns Bluff Ferry, connecting Montgomery and Jeff Davis Counties, Ga.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13930) to authorize an appropriation for the American Group of the Interparliamentary Union.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States; and

H. R. 12064. An act to discontinue certain reports now required by law to be made to Congress.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders;

S. 3919. An act awarding a gold medal to Lincoln Ellsworth;

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport;

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13622. An act to amend and supplement the Code of the Laws of the United States of America;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13996. An act granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.;

S. J. Res. 161. Joint resolution authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; and

S. J. Res. 164. Joint resolution to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

GOLD STAR MOTHERS

Mr. McMASTER. Mr. President, I am going to ask the chairman of the Military Affairs Committee, and the other members of that committee, if they will not consent to a unanimous-consent agreement that the Military Affairs Committee be discharged from further consideration of what is known as the gold star mothers' bill, which permits the gold star mothers of America to visit France, and also to be able to see the graves of their boys whom they lost in the war.

I am sure that nearly every Senator here would vote for that bill; it would take only a few minutes to dispose of it, and I am wondering if the chairman of the Military Affairs Committee will not give his consent.

Mr. REED of Pennsylvania. Mr. President, that bill is in the hands of a subcommittee. Some question as to its constitutionality has been raised, and the subcommittee has asked for an opinion on that. I understood and was assured that the opinion would be in their hands before this time, but it has not been received. There have been many requests for amendments. Gold star fathers claim that they are as much entitled to go as are the gold star mothers. Many of the mothers have represented to the subcommittee that they can not go unless their children are authorized to go with them. I had a deputation visit me the other day saying that the mothers of the men permanently

disabled really suffered more than the mothers of those who were killed, and they want to be included. We have representation from a lady living in California whose son is buried here that she ought to be entitled to a trip to Washington, and she wants to have that provided for in the bill. There is also a very important question as to whether the bill is constitutional.

I might also say that I understand the American Legion opposes the measure and wants to be heard on the subject, claiming that the scheme is an unwise one.

I have formed no opinion myself, and I believe the other members of the committee have, most of them, kept their opinions in suspense, because they wanted to hear both sides. I therefore can not consent to have the committee discharged.

PARTY CONVENTION ADDRESSES AND PLATFORMS

Mr. HARRISON. Mr. President, I ask unanimous consent that there be incorporated in the CONGRESSIONAL RECORD the speeches of the temporary and permanent chairmen, as well as the platforms, of the two major parties.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS OF HON. SIMEON D. FESS, OF OHIO, TEMPORARY CHAIRMAN OF THE REPUBLICAN NATIONAL CONVENTION AT KANSAS CITY, MO., JUNE 12, 1928

NEW ADJUSTMENT—WHY NECESSARY

The primary function of the administration of affairs of Government is to keep open the channels of opportunity for the fullest play of the productive energies of the citizen in the promotion of the general welfare.

The major problem of industry is low cost of production of high-grade goods, manufactured by well-paid labor, and sold at a profit. This formula is the foundation principle of great buying power, the real test of genuine prosperity.

The second problem is that stability which insures normal increase and steady employment to avoid the occurrence and consequent suffering of the cycle in business. The operation of this dictum requires an organization of the economic forces of industry and the cooperation of the producers to hold production within the limits of consumption. The success of this principle is one of the most important movements in modern times.

The third problem is to eliminate all unnecessary waste in production as well as in processing and in distribution. This recent effort among industrial leaders is one of the newest and most important movements in modern industry.

The fourth problem is to secure the maximum utilization of all resources, facilities, machinery, and agencies employed in commerce.

The dislocations of the foregoing principles, due to war, were most serious and economic readjustments most difficult. Numerous utilities had been taken over by the Government, with frightful loss to private initiative and responsibility. Industry was generally paralyzed and labor out of employment. Liquidation of war-time contracts suspended operations and rendered peace-time recovery most serious. Banking became difficult. Interest rates rose high above normal and securities fell far below par. Markets were lost and trade deranged. Hundreds of thousands of farmers experienced the inability to meet the interest on high-priced land with low-priced farm products. They suffered heavy freight charges by railroads seriously crippled by Government operation and from lack of capital for needed improvements.

This business derangement extended to all the basic industries of the country—to agriculture, through destructive inflation, followed by too sudden deflation. Markets were lost and mortgages foreclosed. Transportation, through Government operation, was burdened by padded pay rolls and national agreements forced upon it; economies were ignored, properties deteriorated, financing crippled, and necessary improvements suspended. Manufacturing faced abnormal costs in raw material, overstocked inventories from war expansion, and rapidly falling prices with the return of peace, to be further aggravated by labor troubles. Many manufacturers were confronted with a financial structure which prevented the rebuilding of obsolete plants and the installation of new equipment. Mining in many cases was overexpanded, and experienced serious diminution of consumption, followed by sharp breaks in prices, due to uncertainty of inventories and impossibility of forecasting the future, resulting in many cases in a complete closing down, and in all cases a slowing down. Building construction was at a standstill largely for want of credit, absorbed by Government financing. Capital and labor assumed antagonistic rather than cooperative attitudes. Bitterness was engendered, and industrial war was imminent with inevitable suffering among all classes. Capital went into hiding; enterprise discontinued, labor went out of employment, and a crisis was at hand.

PRESSURE FOR UNSOUND REMEDIES

In such confusion, ready-made remedies were forthcoming. One of the first to be suggested in some quarters and demanded in others was Government control of price levels. Unemployment allowances or Government doles were urged as a stimulus to industry by an alleged increase of buying power of the people. Elaborate programs of public improvement, by Government expenditure, extending to subsidize house building, was urged as a proper stimulus. Proposals were made to lower freight rates without reducing the cost of operation, and require the public to pay the bills by Government subsidy. It was freely alleged that desperate situations called for desperate measures.

Confronted by this situation, the people turned to the Republican Party for leadership, and by an overwhelming majority commissioned the party to undertake the task. The manner in which that commission has been respected is fairly well known. Let the record speak for itself as to the wisdom of the course pursued and the success of its accomplishment.

After the return of peace and the dismantling of the war machine, the problems were new adjustments, both financial and economic. Imminent and compelling was our fiscal situation due to an orgy of extravagance in expenditure incident to the convulsion of war. At such times sound financing is abandoned, fundamentals in industry are uprooted, and economic principles are interrupted if not totally ignored.

A public debt of less than a billion dollars mounted to over $26,000,000,000. An annual interest charge of less than $40,000,000 reached beyond a thousand million. An annual expenditure for Government operation of less than a billion reached a sum in excess of $6,000,000,000, with a staggering burden of taxation with which we are still struggling and must continue to struggle for years to come, notwithstanding four reductions of nearly two billions a year lifted from the taxpayer.

EINANCING MUST BE CORRECTED

The most difficult and immediate financial problem was to correct the war financing which had absorbed the liquid assets of the fiscal agencies, made banking difficult, starved industry for want of capital, paralyzed business enterprise, forced labor out on the streets, and produced an unemployment problem that was soon to test our governmental institutions. The banks had been called upon to carry three billion Government obligations of unfunded or floating debt, due on demand. Our Victory notes in excess of $4,000,000,000 were due May, 1923. Our credit as a Government was sorely impaired. Liberty bonds had depreciated to the low point of 84, at 16 per cent discount. Current expenditures had to be met and were inevitably high. Tax burdens were consequently heavy; revenue doubtful, dependent upon prosperous conditions, which were impossible with industry paralyzed, unable to secure capital, absorbed by Government financing. The manner in which the Treasury met this problem is one of the outstanding achievements of this century, and is a most significant comment upon the great buying power of the American public when confidence in our institutions can be restored.

HOW THE PROBLEM WAS MET

By offering to the American public three billion of unfunded debt carried by the banks in short-term certificates bearing reasonable rates and at convenient maturities, the Treasury transferred in a comparatively short time at a progressive lower rate of interest the entire floating debt, and in this way released to the banks assets which, computed in commercial credit, would amount to at least $7,000,000,000 for the immediate needs of industry.

Banking at once became easier, interest rates lowered, industry revived, and unemployment disappeared. The Treasury followed this plan with the $4,000,000,000 Victory notes, and with equal success had in a comparatively short time refunded at lower rates of interest and at convenient maturities, so as to meet them when due either by retirement or refunding the entire amount.

With this signal success so smoothly achieved that business scarcely was aware it was being done, Government credit immediately appreciated, in due time reached par, and later went to a premium, as shown in the quotations on Liberty bonds.

This success opened the way for refunding the second Liberty loan of three billion eight hundred million, due in 1942. By October of last year the last offering in this stupendous operation was taken as low as 3 per cent, at a very substantial saving to the Government in annual interest. This opened the way to handle the third Liberty loan, due October next. Before that date this same success will certainly be realized.

These financial operations since March 4, 1921, reach the staggering sum of nearly $14,000,000,000 of maturities, so managed as to avoid any business interruptions, and at vast amounts of savings in interest. It is an achievement which challenges

the record of all history and displays a financial position never before reached by any people in the history of the world.

This accomplishment was not the result of accident but rather of management. By the observance of rigid economy, made possible by the enactment of a national budget law and the cooperation of all departments, great progress has been made in the payment of the public debt, at the rate of nearly a billion dollars per year. The debt, which in 1919 was twenty-six and a half billion, is now about $18,000,000,000, with a saving of annual interest of over two hundred millions.

PROGRESS IN ADJUSTING FOREIGN LOANS

We have also made progress in the adjustment of the foreign loans, which with interest up to 1922 amounted to over $12,000,000,000. All the countries save France have either already adjusted the terms of payment or are ready to do so. This places the public debt in a more satisfactory situation, and will be paid off at the present rate in about 30 years. Our tax-reduction legislation has been as rapid as the situation would permit. We cut from the tax bill eight hundred and thirty-five million in 1922, an additional four hundred million in 1924, an additional three hundred and eighty-seven million in 1926, and last month another two hundred and twenty-five million, totaling a saving of nearly $2,000,000,000. Through exemptions we have relieved over 2,000,000 citizens from payment of any income taxes whatever. This achievement was made possible only on the sound economic policy of the Government under the present leadership and was not at the expense of efficiency in administration nor at the loss of any needed appropriation.

The financial readjustment from war-time confusion was in part dependent upon economic readjustment. Rich natural resources were here awaiting further development. Abundant capital was here awaiting a chance for investment. Agriculture was here awaiting markets. Labor was here awaiting employment. Transportation facilities were here awaiting traffic. Business management was here awaiting opportunity. The need of better housing with available building materials was here awaiting a constructive building program.

HOW ADMINISTRATION MET THE PROBLEM OF INDUSTRY

The one commanding necessity at the close of the war was an administration with a policy to coordinate all these elements of material value in the production of wealth, a policy that would insure the maximum ability and responsibility in management and the minimum loss of initiative and ambition in labor.

These problems were subjects of conferences soon after Republicans took full control. The best leadership in every branch of industry was enlisted to mobilize and coordinate all America in a campaign of "work and save" to lift the Nation from the mire of economic prostration upon a plane of a standard of living never before experienced in the history of the world. This leadership sought to realize the maximum efficiency in both management and labor as applied to production and to secure a more equitable distribution of the fruits of effort with the wholesome results of the most cordial relationship between labor and capital yet enjoyed in our country. Under that leadership we have reached the highest wage scale known in history, a principle which is maintained as sound economically, in that by increasing the output per unit we decrease the cost without lowering wages and thereby increase the buying power of the public. This principle in practice demonstrates the formula of modern industry—low cost of production of high-grade goods made by well-paid labor and sold at a profit. Under this new law of production 10 per cent less labor produces 25 per cent more product.

To-day we are in the longest period of sustained business prosperity in our history. To continue it free from the cycle of business depression is the prime concern of leadership in industry. In no field is there a better example of that prosperity than in house building conducted under the leadership of the better-homes movement in cooperation with the Commerce Department, which has enlisted the sympathetic efforts of dominant units in every community, resulting in a period of eight years in the construction of at least 3,000,000 homes, entailing an annual investment of $4,000,000,000, or a total of over $30,000,000,000 in residence building alone in city and country. These homes are generally equipped with modern conveniences unknown in the Old World, and only a few years ago would have been luxuries for the few Americans who could afford them. There are over three times the number of home owners among our laboring classes than can be found in all classes of citizens in the next greatest country of the world. In these homes live American citizens who consume 50 per cent more food, use ten times the number of telephones, twelve times as much electricity, thirty times as many automobiles, and in a similar ratio all modern conveniences of life as can be found in the same number of homes in Great Britain. From these homes go one-third more children to school, and nearly ten times as many go to college as in the next greatest nation of the earth.

In addition to this scale of expenditure in maintaining the American standard of living, the savings deposits in savings banks and loan associations amount to seven times the total capital of all the national banks, all the State banks, and trust companies combined. It is this situation that has bewildered the peoples of other lands, as expressed in the reports of various foreign commissions. It is this situation which has caused the millions of the Old World to seek our shores, and made it necessary for us to adopt increasingly restrictive measures on immigration.

With the very best wishes for the welfare of all peoples of all other countries, the time is here when America must maintain rigid control as to who shall and who shall not come to our shores. The recent statutes on that subject will stand as a type of the most constructive legislation of this or any other administration.

The ambition of Republican leadership and policy is the open door to the maximum utilization of all our people of whatever class or race, profession or calling, to promote self-reliance and in the degree humanly possible to banish poverty from our midst.

Industries of quick turnover and fewer units yield more readily to management and regulation than industries of slow turnover and many units, such as agriculture. Price in the former can be stabilized more easily than in the latter. Through regulation of production within the demands of consumption, on the one hand, and organization of labor, on the other, price is stabilized on a high level. If the same principles could be applied to agriculture, the farmer's problem of surplus would not disturb him.

AGRICULTURE—HOW ADMINISTRATION HAS DEALT WITH IT

The problem of agriculture from the producer's standpoint is a more equitable distribution of what the consumer of food has to pay. The farmer's complaint is not that the consumer does not pay enough, but of what he pays the producer does not get his rightful share. The immediate problem is greater producer control over the products of his toil. His need is a seller's market to give him a voice in what he is to receive instead of subjecting him to the whims of an unregulated, and not infrequently, a speculative market where he is left to take whatever the buyer might be willing to give. To be substantial and effective, the machinery of this control must be farmer owned, farmer organized, and farmer operated, rather than operated by a bureau from Washington. Sound relief will avoid artificial stimulus such as Government price fixing or Government buying and selling. Such remedies will but defer the day of reckoning. All relief measures to be of permanent value must be constructive and grounded in economic principles underlying production and consumption. The solution is primarily economic, not political. It is more individual and collective than governmental. Whatever aid the Government may give, the remedy lies most largely with the farmer himself, acting in unison with his associates to control his products. It is a matter of management rather than legal enactment, save in constructive legislation enabling the farmer to better handle his product, to better determine a market.

The vital concern of Republican policy is to establish and maintain a high standard of living among all classes of our population. The ruling ambition of Republican leadership is to insure the maximum prosperity of all our people, and especially of those employed in agriculture and industry.

THE FARMER'S INTEREST IN GENERAL PROSPERITY OF THE COUNTRY

Next to raising his crop, the farmer is most interested in a market for his surplus, out of which he must obtain the needs of modern society. He is definitely interested in the sustained prosperity of nonagricultural industries which make possible the buying power of the public. Far from these industries being an injury to him, his greatest hope lies in their continued prosperity. The nearer his market, the greater his savings from the cost of transportation. While he appreciates the foreign market, it is negligible in contrast with his home market in which he sells 90 per cent of his product, hence his interest in the McKinley policy of protection to American industries. His highest interest demands that policy which enables American capital to invest in American industry at reasonable profit, in the employment of American labor, upon a wage scale that will maintain an American standard of living, which insures a buying power of the public necessary to supply a market for his product. This is the farmer's most important legislation in his own behalf yet undertaken. He also demands an adequate transportation system at the lowest rate consistent with efficient service. He favors such unification in transportation systems as will permit a revision in the rate structure in the

interest of agriculture. A successful transportation system is a condition precedent to his own success, hence his concern over any effort to cripple transportation and his interest in added facilities to reach the market. His problem of the cost of transportation will be partially relieved by the system of inland waterways now under construction, and a lake-to-ocean water route which will afford an outlet for the heart of agricultural America to foreign markets without reshipment.

PROGRAM OF FARM REHABILITATION

While the foregoing are largely governmental, there is no interference by the Government with the independence of the farmer in conducting his business. His chief problem to-day is one of marketing, and is claiming the best talent of America in an effort to turn a buyers' market into a sellers' market, to give the producer the control of his product. To this end this administration has enacted constructive and remedial legislation of no less than 24 separate pieces of legislation covering every phase of the agricultural problem. This program, recommended by the two agricultural commissions, representing the best agricultural talent in America, was pronounced by a nonpartisan judgment as the most ambitious and important program of farm rehabilitation ever presented to any nation at any time. The purpose of this program was to aid the farmer in his solution of his problem. The purpose of the administration in further aid is to avoid the Government taking over from the farmer his own control of the great industry, but to assist him in that control. This aid is justified because of the inherent nature of an industry of slow turnover, unregulated production, and uncertain consumption. Could agricultural production be held within the limits of consumption, the problem would be solved. Or could consumption be indefinitely increased, it would be solved. The former can be tempered, but not fully controlled; while the latter may be increased but within limitation. Where the Government can assist in regulating production and increasing consumption, it should cooperate with the farmer for such purposes. The Government should also aid in insuring an adequate marketing system where it can be done as an industry in the hands of its members rather than as a Government function.

In the light of the attitude toward Agriculture of Republican policy, in maintaining the home market, in insuring the buying power of the American public, in preserving the American standard of living, in securing an adequate transportation system, supplemented by the cheaper water-borne system, in the program of rehabilitation now on the statute books, in its urgency of better marketing control, in its keen conception of the inherent problems of the industry, no one should be in doubt of the purpose of the party to give this greatest of industries every consideration, short of unsound proposals of Government stimulation of artificial remedies which in the end may only add to our problems.

RADIO PROGRESS

The mobilization of productive energies of the American people in the advancement of progress is no better illustrated than in the new fields of radio and aviation. The sales in the radio industry in 1921 amounted to about $3,000,000. To-day they are far in excess of $500,000,000. In 1922, when the first radio conference was held in Washington, it was made up of only a few enthusiasts. That conference of last year brought together the foremost experts of all the world. The radio service has passed from the stage of the curious to that of a great public utility with much of the world "listening in." The limits of usefulness of this new field in science can not be set when measured by the real service to humanity, through edifying entertainment, valuable instruction and the broadening of vision upon problems of national and international import. This modern miracle of science enables the listener, whether in city or country, in the Old or the New World, to follow the proceedings of this convention with greater convenience and equal accuracy as if present within the convention hall. The best service to the world of listeners is and must be the real concern of regulatory legislation, dealing with the complicated problems inevitable in this field as yet largely unknown, even to the scientific world. To properly develop this new industry in the interest of all the people is the purpose of Republican policy.

AVIATION PROGRESS

The constructive policy of this administration is again seen in what has been done in the development of air navigation, first in the air mail, and secondly, in civil aviation. The air mail progress has been outstanding both as to routes established, planes in use, miles covered, amount carried, at lowered costs and increased expedition and safety of delivery. This success induced capital to invest as soon as governmental cooperation was afforded, in securing good airports, powerful beacon lights, air markings, emergency fields, and such facilities as would enable night flying with reasonable safety. Air mail is now an assured reality. The Government is making contracts to carry mail at a much lower rate than was thought possible, and the time is near at hand when all our citizens will be served by this kind of mail service.

There are now over 3,500 airplanes in the hands of civilian owners. Airways properly lighted have already reached about 7,500 miles. Commercial aviation is here. The American Railway Express Co. has entered into a contract for such service over two-thirds of the routes now in operation. Great railway trunk lines are planning to install rapid transit across the continent by joint use of rail and air transportation.

We have thus found another field for the employment of our energies. The limit of this no one can set. This new field was opened when the Columbus of the air electrified the peoples of all civilized countries by removing the ocean as a barrier to making the world but a single neighborhood.

ENFORCEMENT OF LAWS

While material progress will ever be the primary concern of both legislation and administration, the perpetuity of the American system of government and her institutions call for an aroused public opinion to support the respect for law in the interest of the conservation and development of our human resources. This is the fundamental task of national self-preservation, which has been the dominant note of this progressive Nation, if not of every nation, for the past half century. This principle of human conservation has become the essential philosophy of the modern state in its application to the control of every aspect of national life. After the expenditure of billions of money in the improvement of the conditions of existence, in the rearing of childhood, the education of youth for effective and noble living, and in lengthening the span of human life, no backward step can be tolerated upon whatever pretext which would permit a noisy minority to exploit the great mass of our population. All over the earth, led by our own example, there has been burnt into the national consciousness the conviction that this policy and program of human conservation must not be scuttled. It is not a question of tolerance or of liberty, but of life, both individual and national. The Republican Party is ready to call the roll on this false doctrine masquerading under the mask of liberty. It is ready to sound the moral tocsin against the present campaign of a noise-making minority whether in the interest of business profit or mere human indulgence. It stands for respect for law. It condemns the violation of law. Its prosecutions are without respect to rank or party and are conducted by the judicial branch of the Government. Where guilt is disclosed, punishment is meted out without fear or favor in accordance with orderly processes. While moral delinquencies are to be found in all political parties—in fact, among all classes—and while they sometimes reach places of influence, the general rule is a high type of character in our public service, and never more so than at the present time.

OUR DISTURBED FOREIGN RELATIONS

Disturbed foreign relations, both diplomatic and trade, were inevitable results of the Great War. Adjustments, some of them difficult and complicated, have been made with all countries except Russia through not less than 75 treaties entered into and ratified through which understandings have been reached and diplomatic and trade relations resumed.

The immediate task of the Republican administration was peace with honor and without the loss of our independence and sovereignty as a nation. We had poured out our treasure of life and resources in the interest of maintaining national honor. We had experienced the horrors of war. We shared the world's desires to avoid future wars.

The League of Nations was proposed as the method to insure against future wars. This Nation's decision had to be made whether it would pay the price of surrender of national sovereignty for what appeared then and realized now as a fatuous promise of exemption from war. This stupendous issue and final decision are too fresh in all our minds to call for repetition. We still hold to the doctrine of our fathers to avoid alliances. We willingly cooperate with all nations on behalf of public welfare, but refuse to commit ourselves and our resources in advance to unknown controversies. We stand ready to assist, but the time and measure of that assistance is a matter of our own judgment and decision.

The long struggle over what was to be our relation with the League of Nations retarded negotiations for adjustment of our deranged relations with most of the Old World. The task had been aggravated by our associates proceeding to carry out the provisions of a treaty which we had not ratified and which had granted to others American rights without our consent by treaty

or otherwise, such as our rights in the islands in the northern Pacific, and other mandate agreements among our associates. The correction of these wrongs was difficult, but expeditious and complete.

Soon after the inauguration of Warren G. Harding we turned our attention to removing some of the burdens of war. The results of the Washington conference were the tripartite treaty, in lightening the burdens of war taxation, lessening the chances of war, and ending naval rivalry; the nine-power treaty, which secured political and territorial integrity of China and the open door of all nations in that ancient empire; the five-power treaty, which provided for the machinery to insure judicial settlement of disputes arising in the Pacific; and in addition to these treaties we secured a cancellation of the Anglo-Japanese alliance and the return of Shantung to China.

OUR RELATION TO THE ECONOMIC RECOVERY OF EUROPE

Our attention was next turned toward the problem of economic recovery of Europe. The war had left once prosperous countries in what seemed hopeless chaos. On all sides were observed the results and the victims of war; want and suffering everywhere, due to the ravages of war and the failure to get back to work. The uncertainty of reparations, the persistence of national bitterness, and the dislocations of all order, industrial, social, political, and the loss of needed capital, blocked recovery.

The tardiness of necessary steps to make peace adjustments clogged the channels of European credit, which otherwise would tap the reservoir of American credit awaiting safe investment.

After years of floundering of European statesmen in the bog of economic confusion in a vain effort to find relief, with no promise of success, the Republican leadership ventured to suggest a solution which in due time and after consideration was accepted, which placed the problem under the direction of American genius, and at once opened the way to economic recovery.

This effort having succeeded, our attention was next turned to insurance of permanent peace. It has ever been a fundamental principle with this country that complete and permanent prosperity is impossible with any nation that consumes through unproductive sources as much or more than it produces. No nation can permanently prosper if its military establishments consume more than the rest of the nation produces, hence our efforts to induce a limitation of European armies, following our example after the close of the war, when we reduced from 4,000,000 to 137,000 men. This situation explains our anxiety to employ this method of comparative reduction of military forces as the surest plan for world peace and prosperity of individual nations.

WORLD PEACE—OUR EFFORTS TO PROMOTE IT

After failure of at least four conferences to secure treaties of security which had been named as a basis for limitation it was the suggestion of an American citizen to broaden the scope of the treaty to include other European nations, which resulted in the famous Locarno conference, and which opened the way, as it was thought, for further limitation. The President deferred to the League Council to take the initiative to call the conference at Geneva. The world is familiar with our efforts in that conference, only to be blocked by Europe, especially France and Italy, on the program as related to armies, and later as related to naval cruisers, by Britain. France offered a substitute to outlaw war by resolution, and asked us to agree. Our Nation agreed on condition that it was to be broadened to include all nations, making it multilateral instead of bilateral. To this France agreed on condition that it was to be limited to aggressive war. Our Nation insists that it must include all wars to be effective, otherwise war could be resorted to by declaring it to be defensive, the usual claim of every belligerent. The powerful influence of the President was placed squarely behind this movement on Memorial Day, which will undoubtedly compel Europe to make a favorable reply.

The attitude of the military countries of the Old World has been seriously disappointing to this country toward rational proposals for permanent peace. Declarations of peace are ineffective when drowned out by the clatter of armament. Our good faith has been shown in our leadership in the Washington Limitation Conference, which was the boldest stroke for permanent peace in modern history; in the reduction of our armies to the small number of 137,000, a mere national police force, without waiting for agreements with European powers; in our loan adjustments, the terms of which provoked bitter criticism on the part of some of our citizens as unfair to our own people; in our willingness and our actual service to assist in the economic recovery of these nations; as well as in our cooperation in the work of rehabilitation. That leadership has been especially displayed in our consistent efforts to promote world peace, and never with more promise than to-day.

Our concern for world peace is augmented because of our widely expanded interests that carry Americans to all parts of the globe, necessitating not less than 50 diplomatic missions and over 300 consular posts, employing over 3,500 experts, scattered throughout the world, to look after hundreds of thousands of Americans, representing hundreds of millions of dollars of investments. Our foreign commerce is approaching the bewildering figure of $10,000,000,000 per year. These far-flung interests argue powerfully for peace, and should operate as agencies for a better understanding between nations. This expanding influence of America in world markets demands a clear-cut policy toward all nations, both great and small.

PRINCIPLES OF OUR FOREIGN POLICY

Our foreign policy rests upon two famous announcements—that of Washington in 1794, urging the country to remain neutral in Europe's disputes, and that of Monroe in 1823, urging Europe not to interfere in America.

This county under Republican leadership recently announced the following principles as fundamental in our conception of and our relation to other countries:

First. Every nation is entitled to existence and the right of self-defense.

Second. Every nation is entitled to independence as an individual nation.

Third. Every nation is in law equal to every other nation.

Fourth. Every nation has the right to the control of its own territory.

Fifth. Every nation can demand that its rights under international law be respected by every other nation.

THE COSMOPOLITAN PHILANTHROPY OF AMERICA

Our history under Republican administration shows a new standard of cosmopolitan philanthropy never before aspired to by any nation of history. In Cuba we intervened partly on behalf of our peace of mind and partly from humanitarian motives. We set up a government based upon popular will and supervised it until the Cuban people were able and ready to handle it alone. As a result a people who had struggled for 400 years in a stage of continuous rebellion or revolution is to-day one of the most progressive, self-governing nations of the world, and a signal object lesson of the value of stable government to all peoples desiring self-government.

In Santo Domingo, after 40 years of perennial insurrections, we answered the call of duty, reorganized the financial structure, and supervised its operations. We established here organization of safety and security, and in pursuance of treaty agreement continued to supervise them until stability of government was established, when we withdrew. The result is a well-ordered administration of local self-government and wonderful progress of a people which had formerly lived in constant turmoil.

In Haiti we are pursuing the same course in the interest of the welfare of these people, and in pursuance of a treaty. When law and order become well established and assurance of a progressive government is promised, as in the case of Cuba and Santo Domingo, we will withdraw.

No chapter in the history of nation building has ever been written that will show a more unselfish service and greater humanitarian regard than that relating to what we have done for people like the Filipino and the peoples of the West India Islands.

On the American continent, where we have exerted considerable influence if not authority, our main concern is and has been the welfare of the people of all the nations, big and little, with no selfish purpose beyond our interest in national peace. This welfare depends upon the maintenance of peaceful relations between the countries and that stability in government which can and must avoid the habits of revolution so common in the countries of Central America. This is the basis of what we term "our American policy toward all America."

MAINTENANCE OF THE MONROE DOCTRINE

The Republican Party has consistently stood for the principle of the Monroe doctrine as a sound policy for the western continent. It has confidence in the American principle of democratic government of the people, and has not hesitated to lend moral assistance and to extend her good offices to the countries struggling for that principle. To this end it has looked upon the Monroe doctrine as sound in freeing these countries, our neighbors, from complications with foreign nations which might seize upon pretexts of protection of their nationals to violate the doctrine. Its violation is to be averted if possible. Its abandonment is unthinkable. Its maintenance, on the other hand, involves obligations to protect life and property, hence our concern in orderly government, free from insurrection, rebellion, and revolution. To this end we gladly extend our good offices whenever we can render such service.

After years of unfortunate confusion in Mexico, which at times seriously strained our friendly relations over what appeared to be attempted confiscation, the situation has yielded to diplomacy, the rights of American citizens in that Republic have been recognized and the way again opened for the two nations to cooperate in commercial growth and international good will. While our interest in the Caribbean countries is primarily national, it takes on an international aspect. The canals already constructed and to be constructed connecting the two oceans are and must ever be of American interest and control, both from a commercial and national defense point of view. The growth and development of the resources of these countries depend upon orderly government, hence our cooperation to insure stability in their governmental institutions.

The Republican Party has led in efforts through conferences to insure by treaty obligations against insurrections and banditry. The conference of 1907 was far-reaching in that direction, and was reinforced by another held in Washington in 1923, in which treaties were signed by all the Central American countries, including Nicaragua. In line with these treaties, after investigation, we responded to the request of the Constitutional Government of Nicaragua to supervise the election in the interest of a square deal in a fair election. Since 1910 our marines have been in Nicaragua, save a short period after the last conference when they were withdrawn only to be sent back when insurrection again threatened American lives and property. It is to be hoped that our influence in securing a fair election will be the step to real stability so that our marines need not longer remain to protect American citizens doing business in that country. Another conference was recommended by the Habana conference to adopt further plans for adjustment of disputes arising in the New World.

The one undeviating principle for which America will continue to stand is protection of American citizens in their rights of life and property wherever they may be if they have a right to be there, whether on land or sea. As was recently said by the President on the memorable battle field of Gettysburg: "A government that failed in its duty to protect the lives and property of its citizens would be justly condemned at home and covered with derision abroad."

We ask only our rights, we will ask nothing that is wrong. We demand from no one what we would not grant to everyone. We will go out of our way to render a favor without a thought of any return save good will. We have unfailing faith that a policy of unselfish service as displayed in our dealings with all struggling nations in their efforts toward law and order, including China, must meet with the approval of all friends of good government.

When the true history is written of our efforts to promote stable government among the struggling people with which we have been closely connected, it will reveal aspiration upon our part and realizations upon theirs which will challenge the admiration of the world.

REPUBLICAN LEADERSHIP, PAST AND PRESENT

We are met in the nineteenth national convention since the birth of our party. Since that date during a period of 72 years the choice of the convention has been ratified at the ballot box by the American people in every case save Buchanan, Cleveland, and Wilson. Beginning with the election of 1860, the management of our national affairs has been under the control of the Republican Party up to this hour, a period of 68 years, interrupted but twice, 8 years of Cleveland and 8 years of Wilson. During that period our wealth has increased from less than twenty billions to over four hundred billions, with an annual income approaching the total wealth of the next wealthiest country on the globe, with a more general distribution of that wealth permitting the highest standards of living ever reached where the average citizen of this country enjoys more comforts than did the kings of earth 200 years ago.

Called into existence to prevent the further spread of human slavery, the Republican Party successfully resisted organized rebellion, preserved the American Union, and abolished traffic in human beings, under the leadership of our first and greatest President, Abraham Lincoln. It restored the Union within the Constitution, under Ulysses S. Grant, the greatest soldier of the century. It met the arguments of the soft-money agitator, successfully exploded his fallacies, and resumed specie payment, thereby safeguarding our fiscal policy upon a sound money basis, making every dollar worth 100 cents in every corner of the civilized world. This accomplishment was under the administration of Rutherford B. Hayes. It took the necessary steps to curb the dangers of monopoly by the antitrust legislation under Benjamin Harrison. Then came the regrettable experience from the business-destroying policy of Grover Cleveland, with his tariff for revenue only in the long line of soup houses. The wide, general suffering afforded the platform and program of the agitator who came out of the Platte country with his ready-made remedy of determining values by the fiat of the government in free and unlimited coinage of silver at the ratio of 16 to 1. The Republican Party again met the argument, exposed the fallacy, resisted the clamor, ignored the threats, denounced the dishonest proposal of repudiation, and again restored the American system of protective tariff in the interest of American labor and the farmers' home market under the leadership of that greatest of protectionists, William McKinley. The Republican Party constructed the Panama Canal and inaugurated a progressive program to humanize industry in the interest of better conditions of labor, under Theodore Roosevelt. It formulated in the light of the report of the Monetary Commission a plan for the revision of the national bank system under William Howard Taft. Then came Wilson, the Underwood bill, and later the war. The Republican Party took the lead in all the war measures recommended by the Democratic President as necessary to win the war, most of which were opposed by the Democratic leaders of Congress. At its close, the Nation was saved from the fatal consequences of being plunged into the maelstrom of European politics under the guise of world peace through the League of Nations.

A REMARKABLE RECORD

By the greatest majority ever given in the history of elections the Republican Party under the leadership of Warren G. Harding was called to the task of restoration, and at once grappled with the peace problems quite as difficult as those of war. The manner in which the problems have been handled, first so well begun by the administration of our beloved and late lamented Warren G. Harding and then by that of Coolidge, is too well known to call for further comment. All our people have some knowledge of the number and most of them some idea of the complication of these problems. Very few will deny the complete success in the effort of solution. Measured by those tests, the record of history is challenged to present a leadership with superior brilliancy and a higher rank in statesmanship than that of our present eminent leader. In a comparatively short period we are passed from war confusion to peace contentment; from economic disorders to sound principles of progress; from a period of general prostration to one of substantial prosperity, in which all basic industries are on sound economic foundations. This remarkable record in administration reflects a type of political leadership at the head of the Government rarely experienced in his or any other country.

I once said, and I now repeat my statement, few are his words, decisive his judgments. His comprehension of problems is broad, his vision clear, and his action dauntless. His conception of public duty forestalls the employment of mere political expediency. He spurns the arts of the demagogue and strengthens the passion of public rectitude. He is more concerned in directing the public mind in proper channels than in following public clamor based upon propaganda. His sympathy for those in misfortune prevents his yielding to unsound remedies, which in the end must only add to the suffering. He yields not to threats nor is he persuaded by cajolery. He aspires to render personal favors, but never at the expense of public welfare. His evident desire to do justice to all classes stimulates public confidence. He shields no wrong, nor denies no right. His sense of fairness provokes support and disarms attack. After five years and seven months of leadership in our Nation he leaves office by his own fiat, which appears to be final, and is so interpreted by many of his friends, in spite of the fact that his nomination and election would be a foregone conclusion did he not forbid.

This hold upon the confidence of the American people of every name, class, and creed, without regard to partisan feeling, makes Calvin Coolidge the greatest personal and political force in the world to-day.

ADDRESS OF HON. GEORGE H. MOSES, OF NEW HAMPSHIRE, PERMANENT CHAIRMAN OF THE REPUBLICAN NATIONAL CONVENTION AT KANSAS CITY, MO., JUNE 13, 1928

Ladies and gentlemen of the convention, the honor which you have conferred upon me is very great, and I thank you for it. The duties which your generous action lays upon me may prove to be difficult, but I hope to be able to perform them satisfactorily.

We come now to the central and most important tasks for which we are assembled. First, we are to formulate a declaration of principles which will embody the essentials of Republicanism and with which we shall submit our cause to the people.

Inevitably, in a party thoroughly national in its vision and contact as ours is, there will from time to time arise differences of opinion. This is by no means the first occasion when Republicans have found themselves at odds regarding a question of

cardinal consequence as affecting party policy. Heretofore we have succeeded always in settling our difficulties within our own ranks through that wise spirit of accommodation which must characterize a great and far-flung organization like ours, upon which depends so much for the advance and prosperity of our country. So it will be now.

No one can doubt the essential sympathy with which the Republican Party has always looked upon the great and diverse interests which make up the fabric of our national existence. This sympathetic viewpoint has not changed. Agriculture and industry and the social order continue to be the prime objects of our solicitude, and in dealing with them the Republican Party will not shirk its responsibility.

We shall, however, now as always, chart our course within the limits of the Constitution and within the operation of sound economic law.

Half a century ago the Republican Party stood firm against inflation through an unlimited issue of paper money—and the people stood with us then.

A generation ago the Republican Party stood firm against a debasement of our currency through the free coinage of silver—and the people stood with us then.

Less than 10 years ago the Republican Party stood firm against the surrender of our national sovereignty through minority membership in a foreign superstate—and the people then stood with us twice by a majority of more than 7,000,000.

So we shall stand firm again here and now, and in November the American people will again crown our courage and reward our sincerity in a victory as splendidly triumphant as any which we have ever achieved.

Upon the platform which we shall thus here construct we shall place a candidate whose personality fits our principles and the Nation's present necessities. We are not barren of presidential timber. However our choice may fall, we know it will not rest in unworthy hands and that the leadership we shall here set up will assure to the country a Republican ascendancy which will endure for at least eight years more.

There are at least 5,000,000 reasons why this must be so, because there are at least 5,000,000 more Republicans than there are Democrats in this country. These millions united, as we know they will be when this convention has concluded its task, and joined by millions more to whom our candidates and our principles will appeal, will sweep on to an overwhelming victory at the polls.

There is no occasion for the people to distrust our party and there is no occasion for our party to distrust the people. Their sober judgment will rest with us because—

In seeking for a foreign policy for the United States, we know our people will not turn to the party which conceived and nurtured the League of Nations;

In seeking for a fiscal policy for the United States, we know our people will not turn to the party which advocated rag money and free silver;

In seeking for an economic policy for the United States, we know our people will not turn to the party which clings to the fetich of free trade;

In seeking for a policy to make the tariff effective for every interest in the United States, we know our people will not turn to the party whose strength and weakness alike lie in its sectional character;

In seeking for a policy to assure honest administration of the Government of the United States, we know our people will not turn to the party whose most recent and most outstanding achievement in this year of grace is the revealed grafting of $20,000,000 from a single city;

In seeking for a policy of law enforcement in the United States, we know our people will not turn to the party which maintains itself in the places of its power through nullification of two amendments to the Constitution and which openly flouts a third;

In seeking for a policy to assure honest elections everywhere in the United States, we know our people will not turn to the party whose sole title to success has rested upon intimidation and the tissue ballot and which now rests upon the obliterated vote of 4,000,000 American free men;

And in seeking for an agency to carry forward the program of the social order in the United States, we know our people do not intend to throw our country within the tender embrace of Tammany Hall.

We enter this campaign in no posture of defense. We come upon the field aggressively militant. We intend to carry this fight to the enemy. And we challenge them to bring forth their strongest champion. Whether he emerge from another spectacle like the 103-round battle of the Madison Bear Garden, or whether he come from an overpowered convention held spellbound by the glare of the Tammany tiger, we are ready for him. Bring him on and we will bury him. We welcome him with hospitable hands to a bloody grave.

And we care not whether his name be Brown, Jones, Robinson, or Smith.

PLATFORM ADOPTED BY THE REPUBLICAN NATIONAL CONVENTION AT KANSAS CITY, MO., JUNE 13, 1928

The Republican Party in national convention assembled presents to the people of the Nation this platform of its principles, based on a record of its accomplishments, and asks and awaits a new vote of confidence. We reaffirm our devotion to the Constitution of the United States and the principles and institution of the American system of representative government.

THE NATIONAL ADMINISTRATION

We indorse without qualification the record of the Coolidge administration.

The record of the Republican Party is a record of advancement of the Nation. Nominees of Republican National Conventions have for 52 of the 72 years since the creation of our party been the Chief Executives of the United States. Under Republican inspiration and largely under Republican executive direction the continent has been bound with steel rails, the oceans and great rivers have been joined by canals, waterways have been deepened and widened for ocean commerce, and with all a high American standard of wage and living has been established.

By unwavering adherence to sound principles, through the wisdom of Republican policies and the capacity of Republican administrations, the foundations have been laid and the greatness and prosperity of the country firmly established.

Never has the soundness of Republican policies been more amply demonstrated and the Republican genius for administration been better exemplified than during the last five years under the leadership of President Coolidge.

No better guaranty of prosperity and contentment among all our people at home, no more reliable warranty of protection and promotion of American interests abroad, can be given than the pledge to maintain and continue the Coolidge policies. This promise we give and will faithfully perform.

Under this administration the country has been lifted from the depths of a great depression to a level of prosperity. Economy has been raised to the dignity of a principle of government. A standard of character in public service has been established under the Chief Executive which has given to the people of the country a feeling of stability and confidence so all have felt encouraged to proceed on new understakings in trade and commerce. A foreign policy based on the traditional American position and carried on with vision and steadfastness has extended American influence throughout the world and everywhere promoted and protected American interests.

The mighty contribution to general well-being which can be made by a government controlled by men of character and courage whose abilities are equal to their responsibilities is self-evident and should not blind us to the consequences which its loss would entail. Under this administration a high level of wages and living has been established and maintained. The door of opportunity has been opened wide to all. It has given to our people greater comfort and leisure, and the mutual profit has been evident in the increasingly harmonious relations between employers and employees, and the steady rise by promotion of the men in the shops to places at the council tables of the industries. It has also been made evident by the increasing enrollments of our youth in the technical schools and colleges, the increase in savings and life-insurance accounts, and by our ability as a people to lend the hand of succor not only to those overcome by disasters in our own country but in foreign lands. With all there has been a steady decrease in the burden of Federal taxation, releasing to the people the greatest possible portion of the results of their labor from Government exactions.

For the Republican Party we are justified in claiming a major share of the credit for the position which the United States occupies to-day as the most favored nation on the globe, but it is well to remember that the confidence and prosperity which we enjoy can be shattered, if not destroyed, if this belief in the honesty and sincerity of our Government is in any way affected. A continuation of this great public peace of mind now existing, which makes for our material well-being, is only possible by holding fast to the plans and principles which have marked Republican control.

The record of the present administration is a guaranty of what may be expected of the next. Our words have been made deeds. We offer not promises but accomplishments.

PUBLIC ECONOMY

The citizen and taxpayer has a natural right to be protected from unnecessary and wasteful expenditures. This is a rich

but also a growing nation, with constantly increasing legitimate demands for public funds. If we are to be able to spend wisely and meet these requirements, it is first necessary that we save wisely. Spending extravagantly not only deprives men through taxation of the fruits of their labor, but oftentimes means the postponement of vitally important public works. We commend President Coolidge for his establishment of this fundamental principle of sound administration and pledge ourselves to live up to the high standard he has set.

FINANCE AND TAXATION

The record of the United States Treasury under Secretary Mellon stands unrivaled and unsurpassed. The finances of the Nation have been managed with sound judgment. The financial policies have yielded immediate and substantial results.

In 1921 the credit of our Government was at a low ebb. We were burdened with a huge public debt, a load of war taxes, which in variety and weight exceeded anything in our national life, while vast unfunded intergovernmental debts disorganized the economic life of the debtor nations and seriously affected our own by reason of the serious obstacles which they presented to commercial intercourse. This critical situation was evidenced by a serious disturbance in our own life which made for unemployment.

To-day all these major financial problems have been solved.

THE PUBLIC DEBT

In seven years the public debt has been reduced by $6,411,000,000. From March, 1921, to September, 1928, over $11,000,000,000 of securities, bearing high rates of interest, will have been retired or refunded into securities bearing a low rate of interest, while Liberty bonds, which were selling below par, now command a premium. These operations have resulted in an annual saving in interest charges of not less than $275,000,000, without which the most recent tax-reduction measure would not have been made possible. The Republican Party will continue to reduce our national debt as rapidly as possible and in accordance with the provision of existing laws and the present program.

TAX REDUCTION

Wise administrative management under Republican control and direction has made possible a reduction of over a billion eight hundred million dollars a year in the tax bill of the American people. Four separate tax reduction measures have been enacted, and millions of those least able to pay have been taken from the tax rolls.

Excessive and uneconomic rates have been radically modified, releasing for industrial and pay-roll expansion and development great sums of money which formerly were paid in taxes to the Federal Government.

Practically all the war taxes have been eliminated and our tax system has been definitely restored to a peace-time basis.

We pledge our party to a continuation of these sound policies and to such further reduction of the tax burden as the condition of the Treasury may from time to time permit.

TARIFF

We reaffirm our belief in the protective tariff as a fundamental and essential principle of the economic life of this Nation. While certain provisions of the present law require revision in the light of changes in the world competitive situation since its enactment, the record of the United States since 1922 clearly shows that the fundamental protective principle of the law has been fully justified. It has stimulated the development of our natural resources, provided fuller employment at higher wages through the promotion of industrial activity, assured thereby the continuance of the farmer's major market, and further raised the standards of living and general comfort and well-being of our people. The great expansion in the wealth of our Nation during the past 50 years, and particularly in the past decade, could not have been accomplished without a protective tariff system designed to promote the vital interests of all classes.

Nor have these manifest benefits been restricted to any particular section of the country. They are enjoyed throughout the land either directly or indirectly. Their stimulus has been felt in industries, farming sections, trade circles, and communities in every quarter. However, we realize that there are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and a lower cost of living abroad, and we pledge the next Republican Congress to an examination and where necessary a revision of these schedules, to the end that American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field.

Adherence to that policy is essential for the continued prosperity of the country. Under it the standard of living of the American people has been raised to the highest levels ever known. Its example has been eagerly followed by the rest of the world, whose experts have repeatedly reported with approval the relationship of this policy to our prosperity, with the resultant emulation of that example by other nations.

A protective tariff is as vital to American agriculture as it is to American manufacturing. The Republican Party believes that the home market, built up under the protective policy, belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it. Agriculture derives large benefits not only directly from the protective duties levied on competitive farm products of foreign origin but also, indirectly, from the increase in the purchasing power of American workmen employed in industries similarly protected. These benefits extend also to persons engaged in trade, transportation, and other activities.

The tariff act of 1922 has justified itself in the expansion of our foreign trade during the past five years. Our domestic exports have increased from 3.8 billions of dollars in 1922 to 4.8 billions in 1927. During the same period imports have increased from 3.1 billions to 4.4 billions. Contrary to the prophecies of its critics, the present tariff law has not hampered the natural growth in the exportation of the products of American agriculture, industry, and mining, nor has it restricted the importation of foreign commodities which this country can utilize without jeopardizing its economic structure.

The United States is the largest customer in the world to-day. If we were not prosperous and able to buy, the rest of the world also would suffer. It is inconceivable that American labor will ever consent to the abolition of protection, which would bring the American standard of living down to the level of that in Europe, or that the American farmer could survive if the enormous consuming power of the people in this country were curtailed and its market at home, if not destroyed, at least seriously impaired.

FOREIGN DEBTS

In accordance with our settled policy and platform pledges, debt settlement agreements have been negotiated with all of our foreign debtors with the exception of Armenia and Russia. That with France remains as yet unratified. Those with Greece and Austria are before the Congress for necessary authority. If the French debt settlement be included, the total amount funded is $11,522,354,000. We have steadfastly opposed and will continue to oppose cancellation of foreign debts.

We have no desire to be oppressive or grasping, but we hold that obligations justly incurred should be honorably discharged. We know of no authority which would permit public officials, acting as trustees, to shift the burden of the war from the shoulders of foreign taxpayers to those of our own people. We believe that the settlements agreed to are fair to both the debtor nation and to the American taxpayer. Our debt commission took into full consideration the economic condition and resources of the debtor nations, and were ever mindful that they must be permitted to preserve and improve their economic position, to bring their budgets into balance, to place their currencies and finances on a sound basis, and to improve the standard of living of their people. Giving full weight to these considerations, we know of no fairer test than ability to pay, justly estimated.

The people can rely on the Republican Party to adhere to a foreign-debt policy now definitely established and clearly understood both at home and abroad.

SETTLEMENT OF WAR CLAIMS

A satisfactory solution has been found for the question of war claims. Under the act approved by the President on March 10, 1928, a provision was made for the settlement of war claims of the United States and its citizens against the German, Austrian, and Hungarian Governments, and of the claims of the nationals of these Governments against the United States, and for the return to its owners of the property seized by the Alien Property Custodian during the war, in accordance with our traditional policy of respect for private property.

FOREIGN POLICIES

We approve the foreign policies of the administration of President Coolidge. We believe they express the will of the American people in working actively to build up cordial international understanding that will make world peace a permanent reality. We indorse the proposal of the Secretary of State for a multilateral treaty proposed to the principal powers of the world, and open to the signatures of all nations, to renounce

war as an instrument of national policy and declaring in favor of pacific settlement of international disputes, the first step in outlawing war. The idea has stirred the conscience of mankind and gained widespread approval both of governments and of the people, and the conclusion of the treaty will be acclaimed as the greatest single step in history toward the conservation of peace.

In the same endeavor to substitute for war the peaceful settlement of international disputes the administration has concluded arbitration treaties in a form more definite and more inclusive than ever before, and plans to negotiate similar treaties with all countries willing in this manner to define their policy peacefully to settle justiciable disputes. In connection with these, we indorse the resolution of the Sixth Pan American Conference, held at Habana, Cuba, in 1928, which called a conference on arbitration and conciliation to meet in Washington during the year, and express our earnest hope that such conference will greatly further the principles of international arbitration. We shall continue to demand the same respect and protection for the persons and property of American citizens in foreign countries that we cheerfully accord in this country to the persons and property of aliens.

The commercial treaties which we have negotiated and those still in the process of negotiation are based on strict justice among nations, equal opportunity for trade and commerce on the most-favored-nation principle, and are simplified so as to eliminate the danger of misunderstanding. The object and the aim of the United States is to further the cause of peace, of strict justice between nations, with due regard for the rights of others in all international dealings. Out of justice grows peace. Justice and consideration have been and will continue to be the inspiration of our Nation.

The record of the administration toward Mexico has been consistently friendly and with equal consistency have we upheld American rights. This firm and at the same time friendly policy has brought recognition of the inviolability of legally acquired rights. This condition has been reached without threat or without bluster, through a calm support of the recognized principles of international law, with due regard to the rights of a sister sovereign state. The Republican Party will continue to support American rights in Mexico as elsewhere in the world, and at the same time to promote and strengthen friendship and confidence.

There has always been, as there always will be, a firm friendship with Canada. American and Canadian interests are in a large measure identical. Our relationship is one of fine mutual understanding, and the recent exchange of diplomatic officers between the two countries is worthy of commendation.

The United States has an especial interest in the advancement and progress of all the Latin American countries. The policy of the Republican Party will always be a policy of thorough friendship and cooperation. In the case of Nicaragua we are engaged in cooperation with the Government of that country upon the task of assisting to restore and maintain peace, order, and stability, and in no way to infringe upon her sovereign rights. The marines now in Nicaragua are there to protect American lives and property and to aid in carrying out an agreement whereby we have undertaken to do what we can to restore and maintain order and to insure a fair and free election. Our policy absolutely repudiates any idea of conquest or exploitation and is actuated solely by an earnest and sincere desire to assist a friendly and neighboring state which has appealed for aid in a great emergency. It is the same policy the United States has pursued in other cases in Central America.

The administration has looked with keen sympathy on the tragic events in China. We have avoided interference in the internal affairs of that unhappy nation, merely keeping sufficient naval and military forces in China to protect the lives of the Americans who are there on legitimate business and in still larger numbers for nobly humanitarian reasons. America has not been stampeded into making reprisals but, on the other hand, has consistently taken the position of leadership among the nations in a policy of wise moderation. We shall always be glad to be of assistance to China when our duty is clear.

The Republican Party maintains the traditional American policy of noninterference in the political affairs of other nations. This Government has definitely refused membership in the League of Nations and to assume any obligations under the covenant of the league.

On this we stand.

In accordance, however, with the long-established American practice of giving aid and assistance to other peoples, we have most usefully assisted by cooperation in the humanitarian and technical work undertaken by the league, without involving ourselves in European politics by accepting membership.

The Republican Party has always given and will continue to give its support to the development of American foreign trade, which makes for domestic prosperity. During this administration extraordinary strides have been made in opening up new markets for American produce and manufacture. Through these foreign contacts a mutually better international understanding has been reached which aids in the maintenance of world peace.

The Republican Party promises a firm and consistent support of American persons and legitimate American interests in all parts of the world. This support will never contravene the rights of other nations. It will always have in mind and support in every way the progressive development of international law, since it is through the operation of just laws, as well as through the growth of friendly understanding, that world peace will be made permanent. To that end the Republican Party pledges itself to aid and assist in the perfection of principles of international law and the settlement of international disputes.

CIVIL SERVICE

The merit system in Government service originated with and has been developed by the Republican Party. The great majority of our public-service employees are now secured through and maintained in the Government-service rules. Steps have already been taken by the Republican Congress to make the service more attractive as to wages and retirement privileges, and we commend what has been done as a step in the right direction.

AGRICULTURE

The agricultural problem is national in scope and, as such, is recognized by the Republican Party, which pledges its strength and energy to the solution of the same. Realizing that many farmers are facing problems more difficult than those which are the portion of many other basic industries, the party is anxious to aid in every way possible. Many of our farmers are still going through readjustment, a relic of the years directly following the Great War. All the farmers are being called on to meet new and perplexing conditions created by foreign competition, the complexities of domestic marketing, labor problems, and a steady increase in local and State taxes.

The general depression in a great basic industry inevitably reacts upon the conditions in the country as a whole and can not be ignored. It is a matter of satisfaction that the desire to help in the correction of agricultural wrongs and conditions is not confined to any one section of our country or any particular group.

The Republican Party and the Republican administration, particularly during the last five years, have settled many of the most distressing problems as they have arisen, and the achievements in aid of agriculture are properly a part of this record. The Republican Congresses have been most responsive in the matter of agricultural appropriations, not only to meet crop emergencies, but for the extension and development of the activities of the Department of Agriculture.

The protection of the American farmer against foreign farm competition and foreign trade practices has been vigorously carried on by the Department of State. The right of the farmers to engage in collective buying and cooperative selling as provided for by the Capper-Volstead Act of 1922 has been promulgated through the Department of Agriculture and the Department of Justice, which have given most valuable aid and assistance to the heads of the farm organizations. The Treasury Department and the proper committees of Congress have lightened the tax burden on farming communities, and through the Federal farm-loan system there has been made available to the farmers of the Nation $1,850,000,000 for loaning purposes at a low rate of interest, and through the intermediate-credit banks $655,000,000 of short-term credits have been made available to the farmers. The Post Office Department has systematically and generously extended the rural free delivery routes into even the most sparsely settled communities.

When a shortage of transportation facilities threatened to deprive the farmers of their opportunity to reach waiting markets overseas, the President, appreciative and sensitive of the condition and the possible loss to the communities, ordered the reconditioning of Shipping Board vessels, thus relieving a great emergency.

Last, but not least, the Federal Tariff Commission has at all times shown a willingness under the provisions of the flexible tariff act to aid the farmers when foreign competition, made possible by low wage scales abroad, threatened to deprive our farmers of their domestic markets. Under this act the President has increased duties on wheat, flour, mill feed, and dairy products. Numerous other farm products are now being investigated by the Tariff Commission.

We promise every assistance in the reorganization of the marketing system on sounder and more economical lines and, where diversification is needed, Government financial assistance during the period of transition.

The Republican Party pledges itself to the enactment of legislation creating a Federal farm board clothed with the necessary powers to promote the establishment of a farm marketing system of farmer owned and controlled stabilization corporations or associations to prevent and control surpluses through orderly distribution.

We favor adequate tariff protection to such of our agricultural products as are affected by foreign competition.

We favor, without putting the Government into business, the establishment of a Federal system of organization for cooperative and orderly marketing of farm products.

The vigorous efforts of this administration toward broadening our exports market will be continued.

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

MINING

The money value of the mineral products of the country is second only to agriculture. We lead the countries of the world in the production of coal, iron, copper, and silver. The Nation suffers as a whole from any disturbance in the securing of any one of these minerals, and particularly when the coal supply is affected. The mining industry has always been self-sustaining, but we believe that the Government should make every effort to aid the industry by protection by removing any restrictions which may be hampering its development and by increased technical and economic research investigations which are necessary for its welfare and normal development. The party is anxious, hopeful, and willing to assist in any feasible plan for the stabilization of the coal-mining industry which will work with justice to the miners, consumers, and producers.

HIGHWAYS

Under the Federal aid road act, adopted by the Republican Congress in 1921, and supplemented by generous appropriations each year, road construction has made greater advancement than for many decades previous. Improved highway conditions is a gauge of our rural developments and our commercial activity. We pledge our support to continued appropriations for this work commensurate with our needs and resources.

We favor the construction of roads and trails in our national forests necessary to their protection and utilization. In appropriations therefor the taxes which these lands would pay if taxable should be considered as a controlling factor.

LABOR

The labor record of the Republican Party stands unchallenged. For 52 of the 72 years of our national existence Republican administrations have prevailed. To-day American labor enjoys the highest wage and the highest standard of living throughout the world. Through the saneness and soundness of Republican rule the American workman is paid a "real wage," which allows comfort for himself and his dependents and an opportunity and leisure for advancement. It is not surprising that the foreign workman, whose greatest ambition still is to achieve a "living wage," should look with longing toward America as the goal of his desires.

The ability to pay such wages and maintain such a standard comes from the wisdom of the protective legislation which the Republican Party has placed upon the national statute books, the tariff which bars cheap foreign-made goods from the American market and provides continuity of employment for our workmen and fair profits for the manufacturers, the restriction of immigration which not only prevents the glutting of our labor market, but allows to our newer immigrants a greater opportunity to secure a footing in their upward struggle.

The party favors freedom in wage contracts, the right of collective bargaining by free and responsible agents of their own choosing, which develops and maintains that purposeful cooperation which gains its chief incentive through voluntary agreement.

We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

The Republican Party pledges itself to continue its efforts to maintain this present standard of living and high wage scale.

RAILROADS

Prompt and effective railroad service at the lowest rates which will provide for its maintenance and allow a reasonable return to the investor so they may be encouraged to advance new capital for acquired developments, has long been recognized by the Republican Party as a necessity of national existence.

We believe that the present laws under which our railroads are regulated are soundly based on correct principles, the spirit of which must always be preserved. Because, however, of changes in the public demands, trade conditions, and of the character of the competition, which even the greatest railroads are now being called upon to meet, we feel that in the light of this new experience possible modifications or amendments, the need of which is proved, should be considered.

The Republican Party initiated and set in operation the Interstate Commerce Commission. This body has developed a system of railroad control and regulation which has given to the transportation public an opportunity not only to make suggestions for the improvement of railroad service but to protest against discriminatory rates or schedules. We commend the work which that body is accomplishing under mandate of law in considering these matters and seeking to distribute equitably the burden of transportation between commodities based on their ability to bear the same.

MERCHANT MARINE

The Republican Party stands for the American-built, American-owned, and American-operated merchant marine. The enactment of the White-Jones bill is in line with a policy which the party has long advocated.

Under this measure, substantial aid and encouragement are offered for the building in American yards of new and modern ships which will carry the American flag.

The Republican Party does not believe in Government ownership or operation, and stands specifically for the sale of the present Government vessels to private owners when appropriate arrangements can be made. Pending such a sale, and because private owners are not ready as yet to operate on certain of the essential trade routes, the bill enacted allows the maintenance of these necessary lines under Government control till such transfer can be made.

MISSISSIPPI FLOOD RELIEF AND CONTROL

The Mississippi Valley flood, in which 700,000 of our fellow citizens were placed in peril of life, and which destroyed hundreds of millions of dollars' worth of property, was met with energetic action by the Republican administration.

During this disaster the President mobilized every public and private agency under the direction of Secretary Hoover, of the Department of Commerce, and Dwight Davis, the Secretary of War. Thanks to their joint efforts, a great loss of life was prevented, and everything possible was done to rehabilitate the people in their homes and to relieve suffering and distress.

Congress promptly passed legislation authorizing the expenditure of $325,000,000 for the construction of flood-control works, which it is believed will prevent the recurrence of such a disaster.

RADIO

We stand for the administration of the radio facilities of the United States under wise and expert Government supervision, which will—

First. Secure to every home in the Nation, whether city or country, the great educational and inspirational values of broadcast programs, adequate in number and varied in character; and

Second. Assign the radio communication channels—regional, continental, and transoceanic—in the best interest of the American business man, the American farmer, and the American public generally.

WATERWAYS

Cheaper transportation for bulk goods from the midwest agricultural sections to the sea is recognized by the Republican Party as a vital factor for the relief of agriculture. To that end we favor the continued development in inland and in intracoastal waterways as an essential part of our transportation system.

The Republican administration during the last four years initiated the systematic development of the Mississippi system of inland transportation lanes, and it proposes to carry on this modernization of transportation to speedy completion. Great improvements have been made during this administration in our harbors, and the party pledges itself to continue these activities for the modernization of our national equipment.

VETERANS

Our country is honored whenever it bestows relief on those who have faithfully served its flag. The Republican Party, appreciative of this solemn obligation and honor, has made its sentiments evident in Congress. Our expenditures for the benefit of all our veterans now aggregate $750,000,000 annually. Increased hospital facilities have been provided, payments in compensation have more than doubled, and in the matter of

rehabilitations, pensions, and insurance, generous provision has been made. The administration of laws dealing with the relief of veterans and their dependents has been a difficult task, but every effort has been made to carry service to the veteran and bring about not only a better and generous interpretation of the law, but a sympathetic consideration of the many problems of the veteran. Full and adequate relief for our disabled veterans is our aim, and we commend the action of Congress in further liberalizing the laws applicable to veterans' relief.

PUBLIC UTILITIES

Republican Congresses and administrations have steadily strengthened the Interstate Commerce Commission. The protection of the public from exactions or burdens in rates for service by reason of monopoly control, and the protection of the smaller organizations from suppression in their own field, has been a fundamental idea in all regulatory enactments. While recognizing that at times Federal regulations might be more effective than State regulations in controlling intrastate utilities, the party favors and has sustained State regulations, believing that such responsibility in the end will create a force of State public opinion which will be more effective in preventing discriminations and injustices.

CONSERVATION

We believe in the practical application of the conservation principle by the wise development of our natural resources. The measure of development is our national requirement, and avoidance of waste so that future generations may share in this natural wealth. The Republican policy is to prevent monopolies in the control and utilization of natural resources. Under the general leasing law, enacted by a Republican Congress, the ownership of the mineral estate remains in the Government, but development occurs through private capital and energy. Important for the operation of this law is the classification and appraisement of public lands according to their mineral content and value. Over 500,000,000 acres of public land have been thus classified.

To prevent wasteful exploitation of our oil products, President Coolidge appointed an Oil Conservation Board, which is now conducting an inquiry into all phases of petroleum production in the effort to devise a national policy for the conservation and proper utilization of our oil resources.

The Republican Party has been forehanded in assuring the development of water power in accordance with public interest. A policy of permanent public retention of the power sites on public land and power privileges in domestic and international navigable streams and one-third of the potential water-power resources in the United States on public domain has been assured by the Federal water powers act, passed by a Republican Congress.

LAW ENFORCEMENT

We reaffirm the American constitutional doctrine as announced by George Washington in his Farewell Address, to wit:

The Constitution, which at any time exists until changed by the explicit and authentic act by the whole people, is sacredly obligatory upon all.

We also reaffirm the attitude of the American people toward the Federal Constitution as declared by Abraham Lincoln:

We are by both duty and inclination bound to stick by that Constitution in all its letter and spirit from beginning to end. I am for the honest enforcement of the Constitution. Our safety, our liberty, depends upon preserving the Constitution of the United States, as our forefathers made it inviolate.

The people, through the method provided by the Constitution, have written the eighteenth amendment into the Constitution. The Republican Party pledges itself and its nominees to the observance and vigorous enforcement of this provision of the Constitution.

HONESTY IN GOVERNMENT

We stand for honesty in government, for the appointment of officials whose integrity can not be questioned. We deplore the fact that any official has ever fallen from this high standard and that certain American citizens of both parties have so far forgotten their duty as citizens as to traffic in national interests for private gain. We have prosecuted and shall always prosecute any official who subordinates his public duty to his personal interest.

The Government to-day is made up of thousands of conscientious, earnest, self-sacrificing men and women, whose single thought is service to the Nation.

We pledge ourselves to maintain and, if possible, to improve the quality of this great company of Federal employees.

CAMPAIGN EXPENDITURES

Economy, honesty, and decency in the conduct of political campaigns are a necessity if representative government is to be preserved to the people and political parties are to hold the respect of the citizens at large.

The campaign of 1924 complied with all these requirements. It was a campaign the expenses of which were carefully budgeted in advance, and which at the close presented a surplus and not a deficit.

There will not be any relaxing of resolute endeavor to keep our elections clean, honest, and free from taint of any kind. The improper use of money in governmental and political affairs is a great national evil. One of the most effective remedies for this abuse is publicity in all matters touching campaign contributions and expenditures. The Republican Party, beginning not later than August 1, 1928, and every 30 days thereafter—the last publication being not later than five days before the election—will file with the committees of the House and Senate a complete account of all contributions, the names of the contributors, the amounts expended, and for what purposes, and will at all times hold its records and books touching such matters open for inspection.

The party further pledges that it will not create, or permit to be created, any deficit which shall exist at the close of the campaign.

RECLAMATION

Federal reclamation of arid lands is a Republican policy, adopted under President Roosevelt, carried forward by succeeding Republican Presidents, and put upon a still higher plane of efficiency and production by President Coolidge. It has increased the wealth of the Nation and made the West more prosperous.

An intensive study of the methods and practices of reclamation has been going on for the past four years under the direction of the Department of the Interior in an endeavor to create broader human opportunities and their financial and economic success. The money value of the crops raised on reclamation projects is showing a steady and gratifying increase, as well as the number of farms and people who have settled on the lands.

The continuation of a surplus of agricultural products in the selling markets of the world has influenced the department to a revaluation of plans and projects. It has adopted a 10-year program for the completion of older projects and will hold other suggestions in abeyance until the surveys now under way as to the entire scope of the work are completed.

COMMERCIAL AVIATION

Without governmental grants or subsidies and entirely by private initiative the Nation has made extraordinary advances in the field of commercial aviation. Over 20,000 miles of air-mail service privately operated are now being flown daily, and the broadening of this service is an almost weekly event. Because of our close relations with our sister republics on the south and our neighbor on the north it is fitting our first efforts should be to establish an air communication with Latin America and Canada.

The achievements of the aviation branches of the Army and Navy are all to the advantage of commercial aviation, and in the Mississippi flood disaster the work performed by civil and military aviators was of inestimable value.

The development of a system of aircraft registration, inspection, and control is a credit to the Republican administration, which, quick to appreciate the importance of this new transportation development, created machinery for its safeguarding.

IMMIGRATION

The Republican Party believes that in the interest of both native and foreign born wage earners it is necessary to restrict immigration. Unrestricted immigration would result in widespread unemployment and in the breakdown of the American standard of living. Where, however, the law works undue hardship by depriving the immigrant of the comfort and society of those bound by close family ties, such modification should be adopted as will afford relief.

We commend Congress for correcting defects for humanitarian reasons and for providing an effective system of examining prospective immigrants in their home countries.

NATURALIZATION

The priceless heritage of American citizenship is our greatest gift to our friends of foreign birth. Only those who will be loyal to our institutions, who are here in conformity with our laws, and who are in sympathy with our national traditions, ideals, and principles should be naturalized.

NAVY

We pledge ourselves to round out and maintain the Navy in all types of combatant ships to the full ratio provided for the United States by the Washington Treaty for the Limitation of Naval Armament and any amendment thereto.

HAWAII—ALASKA

We favor a continuance for the Territory of Hawaii of Federal assistance in harbor improvements, the appropriation of its share of Federal funds, and the systematic extension of the settlement of public lands by the Hawaiian race.

We indorse the policy of the present administration with reference to Alaska and favor a continuance of the constructive development of the Territory.

WOMEN AND PUBLIC SERVICE

Four years ago at the Republican National Convention in Cleveland women members of the national committee were welcomed into full association and responsibility in party management. During the four years which have passed they have carried with their men associates an equal share of all responsibilities, and their contribution to the success of the 1924 campaign is well recognized.

The Republican Party, which from the first has sought to bring this development about, accepts whole-heartedly equality on the part of the women, and in the public service it can present a record of appointments of women in the legal, diplomatic, judicial, Treasury, and other governmental departments. We earnestly urge on the women that they participate even more generally than now in party management and activity.

NATIONAL DEFENSE

We believe that in time of war the Nation should draft for its defense not only its citizens but also every resource which may contribute to success. The country demands that should the United States ever again be called upon to defend itself by arms, the President be empowered to draft such material resources and such services as may be required, and to stabilize the prices of services and essential commodities, whether utilized in actual warfare or private activity.

OUR INDIAN CITIZENS

National citizenship was conferred upon all native-born Indians in the United States by the general Indian enfranchisement act of 1924. We favor the creation of a commission to be appointed by the President, including one or more Indian citizens, to investigate and report to Congress upon the existing system of the administration of Indian affairs and to report any inconsistencies that may be found to exist between that system and the rights of the Indian citizens of the United States. We also favor the repeal of any law and the termination of any administrative practice which may be inconsistent with Indian citizenship, to the end that the Federal guardianship existing over the persons and properties of Indian tribal communities may not work a prejudice to the personal and property rights of Indian citizens of the United States. The treaty and property rights of the Indians of the United States must be guaranteed to them.

THE NEGRO

We renew our recommendation that the Congress enact at the earliest possible date a Federal antilynching law so that the full influence of the Federal Government may be wielded to exterminate this hideous crime.

HOME RULE

We believe in the essential unity of the American people. Sectionalism in any form is destructive of national life. The Federal Government should zealously protect the national and international rights of its citizens. It should be equally zealous to respect and maintain the rights of the States and Territories and to uphold the vigor and balance of our dual system of government. The Republican Party has always given its energies to supporting the Government in this direction when any question has arisen.

There are certain other well-defined Federal obligations, such as interstate commerce, the development of rivers and harbors, and the guarding and conservation of national resources. The effort which, however, is being continually made to have the Federal Government move into the field of State activities has never had, and never will have, the support of the Republican Party. In the majority of the cases State citizens and officers are most pressing in their desire to have the Federal Government take over these State functions. This is to be deplored for it weakens the sense of initiative and creates a feeling of dependence which is unhealthy and unfortunate for the whole body politic.

There is a real need in the country to-day to revitalize fundamental principles; there is a real need of restoring the individual and local sense of responsibility and self-reliance; there is a real need for the people once more to grasp the fundamental fact that under our system of government they are expected to solve many problems themselves through their municipal and State governments, and to combat the tendency that is all too common to turn to the Federal Government as the easiest and least burdensome method of lightening their own responsibilities.

TELEGRAM OF NOTIFICATION TO HON. HERBERT HOOVER AND HIS REPLY

Mr. MOSES. Ladies and gentlemen of the convention, I desire to read to you the following telegram which, as permanent chairman of this convention, I addressed to the Hon. Herbert Hoover, notifying him of his nomination by the Republican National Convention for the office of President of the United States. My message to Mr. Hoover reads as follows:

KANSAS CITY, MO., *June 14, 1928.*

Hon. HERBERT HOOVER,

2300 S Street NW., Washington, D. C.:

The Republican National Convention, by a sweeping majority, which has since been made unanimous, amid great enthusiasm, has named you as its candidate for the Presidency in this campaign. No message of information which I have ever sent to anyone has given me as much satisfaction as this to you. I send it in the name of a united, enthusiastic, and militant party organization, which has turned to you as the inevitable leader in the contest which confronts us. It is not so much that we give you this nomination as that you have earned the right to it. Your training, your equipment, and, above all, your character make you the leader for whom the party has looked in order that there may be no halting in the progress of the United States under policies which are warmly approved by the people and to which you have contributed so much. The convention, still in session, would appreciate a message from you, and I hope that you may be able speedily to send it to us.

GEORGE H. MOSES,

Permanent Chairman Republican National Convention.

Mr. Hoover's message to the convention reads as follows:

WASHINGTON, D. C., *June 14, 1928.*

GEORGE H. MOSES,

Chairman Republican National Convention,

Kansas City, Mo.:

I have your telegram and I sincerely appreciate the confidence which the party has shown in me and the honor bestowed upon me.

You convey too great a compliment when you say that I have earned the right to the presidential nomination. No man can establish such an obligation upon any part of the American people. My country owes me no debt. It gave me, as it gives every boy and girl, a chance. It gave me schooling, independence of action, opportunity for service, and honor. In no other land could a boy from a country village, without inheritance or influential friends, look forward with unbounded hope.

My whole life has taught me what America means. I am indebted to my country beyond any human power to repay. It conferred upon me the mission to administer America's response to the appeal of afflicted nations during the war. It has called me into the Cabinets of two Presidents. By these experiences I have observed the burdens and responsibilities of the greatest office in the world. That office touches the happiness of every home. It deals with the peace of nations. No man could think of it except in terms of solemn consecration.

You ask me for a message.

A new era and new forces have come into our economic life and our setting among nations of the world. These forces demand of us constant study and effort if prosperity, peace, and contentment shall be maintained.

This convention, like those which have preceded it for two generations, has affirmed the principles of our party and defined its policies upon the problems which now confront us. I stand upon that platform. At a later date I shall discuss it fully, but in the meantime I may well say that under the principles the victory of the party will assure national defense, maintain economy in the administration of government, protect American workmen, farmers, and business men alike from competition arising out of lower standards of living abroad, foster individual initiative, insure stability of business and employment, promote our foreign commerce, and develop our national resources.

You have manifested a deep concern in the problems of agriculture. You have pledged the party to support specific and constructive relief upon a nation-wide scale backed by the resources of the Federal Government. We must and will find a sound solution that will bring security and contentment to this great section of our people.

But the problems of the next four years are more than economic. In a profound sense they are moral and spiritual. This convention has sounded a note of moral leadership.

Shall the world have peace? Shall prosperity in this Nation be more thoroughly distributed? Shall we build steadily toward the ideal of equal opportunity to all our people? Shall there be secured that obedience to law which is the essential assurance of life of our institutions? Shall honesty and righteousness in government and in business confirm the confidence of the people in their institutions and their laws?

Government must contribute to leadership in answer to these questions. The Government is more than administration; it is power for leadership and cooperation with the forces of business and cultural life

in city, town, and countryside. The Presidency is more than executive responsibility. It is the inspiring symbol of all that is highest in America's purposes and ideals.

It is vital to the welfare of the United States that the Republican Party should continue to administer the Government. It is essential that our party should be continued in organization and in strength in order that it may perpetuate its great principles in our national life.

If elected by my fellow countrymen, I shall give the best within me to advance the moral and material welfare of all our people and uphold the traditions of the Republican Party, so effectively exemplified by Calvin Coolidge.

HERBERT HOOVER.

ADDRESS OF MR. CLAUDE G. BOWERS, OF INDIANA AND NEW YORK, TEMPORARY CHAIRMAN OF THE DEMOCRATIC NATIONAL CONVENTION, AT HOUSTON, TEX., JUNE 26, 1928

The American Democracy has mobilized to-day to wage a war of extermination against privilege and pillage. We prime our guns against autocracy and bureaucracy. We march against the centralization which threatens the liberties of the people. We fight for the Republic of the fathers and for the recovery of the covenant from the keeping of a caste and class. We battle for the honor of the Nation, besmirched and bedraggled by the most brazen and shameless carnival of corruption that ever blackened the reputation of a decent and self-respecting people.

We stand for the spirit of the preamble of the Declaration that is made a mockery; for the bill of rights that is ignored; for the social and economic justice which is refused; for the sovereign rights of States that are denied; and for a return to the old-fashioned civic integrity of a Jackson, a Tilden, a Cleveland, and a Wilson. We stand for the restoration of the Government to the people, who built it by their bravery and cemented it with their blood.

We do not underestimate the enemy. The little gilded group that now owns and controls the Government can pour a golden stream into the slush fund and make no impression on the fortunes they have legislated into their coffers. The enemy enters the campaign unembarrassed by a debt—Harry Sinclair has paid that off. It enters the campaign with his money in its pocket and his blessing on its head.

For 40 years the party in power has conjured with the name of Lincoln, while following the leadership of Hamilton; and now, after eight years of successful privilege and pillage, it throws off the Lincolnian mask. It could hardly keep the Lincoln mask on its face and Sinclair's money in its chest.

Thus at Kansas City, where they dramatized the issue, it was not Lincoln but Hamilton who rode at the head of the procession.

TWO POLITICAL SCHOOLS

Thus they frankly base their policies on the political principles of Hamilton; and we go forth to battle for the principles of Thomas Jefferson. The issues are as fundamental as they were when Jefferson and Hamilton crossed swords more than a century ago. To understand the conflicting views of these two men on the functions of government is to grasp the deep significance of this campaign.

Now, Hamilton believed in the rule of an aristocracy of money, and Jefferson in a democracy of men.

Hamilton believed that governments are created for the domination of the masses, and Jefferson that they are created for the service of the people.

Hamilton wrote to Morris that governments are strong in proportion as they are made profitable to the powerful; and Jefferson knew that no government is fit to live that does not conserve the interest of the average man.

Hamilton proposed a scheme for binding the wealthy to the Government by making government a source of revenue to the wealthy; and Jefferson unfurled his banner of equal rights.

Hamilton wanted to wipe out the boundary lines of States, and Jefferson was the champion of their sovereign powers.

Hamilton would have concentrated authority remote from the people, and Jefferson would have diffused it among them.

Hamilton would have injected governmental activities into all the affairs of men, and Jefferson laid it down as an axiom of freedom that "that government is best which governs least."

Just put a pin in this: There is not a major evil of which the American people are complaining now that is not due to the triumph of the Hamiltonian conception of the State. And the tribute to Hamilton at Kansas City was an expression of fealty to him who thought that governments are strong in proportion as they are made profitable to the powerful; who proposed the plan for binding the wealthy to the Government by making government a source of revenue to the wealthy; who devised the scheme to tax the farm to pay the factory; and whose purpose was to make democracy in America a mockery and a sham.

Thus we are challenged once more to a conflict on the fundamentals, and a clear call comes to us to-day to fight anew under the Jeffersonian banner, with the Jacksonian sword, and in the Wilsonian spirit, and, crashing the gates of privilege, make Jeffersonian democracy a living force again in the lives and homes of men.

The friendly enemy at Kansas City has rendered a clarifying service by proclaiming Hamilton as its father and beau ideal. This ought to awaken the Lincolnians among Republicans to a realization of what are the fundamentals of their party's faith. It was Lincoln who said that "the principles of Jefferson are the definitions and the axioms of a free society." What a comment on the confusion of the public mind on the elementals of American politics when a great party is able to claim a joint parenthood in Abraham Lincoln and Alexander Hamilton!

Why, you can not believe with Lincoln in Democracy and with Hamilton against it.

You can not believe with Lincoln that "God loved the common people or He would not have made so many of them," and with Hamilton that the people are "a great beast."

You can not believe with Lincoln that the principles of Jefferson are "the definitions and the axioms of a free society," and with Hamilton that they are the definitions of anarchy.

You can not believe with Lincoln in a government "of the people, by the people, and for the people," and with Hamilton in a government of the wealthy, by the influential, and for the powerful.

There are Lincoln Republicans and Hamilton Republicans, but never the twain shall meet, not even at Kansas City, until you find some way to ride two horses going in opposite directions at the same time. We here propose to take our stand so uncompromisingly on the elemental principles of Jeffersonian Democracy that liberals and progressives may fraternize with us in a common fight against the common foe in the common interest of the average man and woman.

WILSONIAN DAYS

We enter the campaign no strangers to the public. The brilliant record of our eight years of power is as a splotch of glorious sunshine against the smutty background of eight years of privilege and crime. In those eight years we wrote more progressive and constructive measures into law than had been written by the opposition in 40 years of power.

One thing those eight years did—they buried beyond the reach of resurrection the ancient slander that the party of Wilson is incapable of constructive statesmanship.

They did one thing more—they destroyed the falsehood that Democracy means hard times.

They did another thing—they demolished the fallacy that the party that gave the Federal reserve system to the Nation is an enemy of business.

And those eight years did one thing more—they gave another immortal to the skies.

What a majestic figure was he who led us in those fruitful years! The cold, even light of his superb intellect played upon the most intricate problems of the times, and they seemed to solve themselves. He lifted the people to such heights of moral grandeur as they had never known before, and his name and purpose made hearts beat faster in lowly places, where his praise was sung in every language in the world. And when at length, his body broken but his spirit soaring still, he fell stricken while still battling for his faith there passed to time and to eternity and to all mankind the everlasting keeping of the immortal memory of Woodrow Wilson.

We submit that a political party that stands for that democracy which is inseparable from the liberties of men and has given a Jefferson, a Jackson, and a Wilson to the service of mankind has earned the right, in times like these, to the cooperation of independents and progressives in the struggle for the preservation of popular government and in the purging of the Nation of that corruption which has made America a byword and a hissing in the very alleys of the world.

BLACK HORSE CAVALRY

Sixteen years ago the late Senator Beveridge warned us of the "invisible government." That invisible government now feels strong enough to take on visibility. From the moment of the election of 1920 there was a mobilization of the black horse cavalry of privilege and pillage, and it cantered down Pennsylvania Avenue, up and down from one end to the other.

Strange creatures, unknown even to the Capitol, put in an appearance. Desk room was found for one of these in the Department of Justice. The best minds established a temple of the new patriotism in the little green house on K Street. Men who

were the very symbols of privilege, whose fortunes had been built on the favors of government, were put in possession of the instrumentalities of the State. Acting on the Hamiltonian theory that governments are strong in proportion as they are made profitable to the powerful, the foremost of these was put in a strategic public position that he might personally supervise the delivery of the goods.

The representatives of special interest hastened to the Capital with their receipts for campaign contributions, to be given a key to the Treasury and a guest card to the patriotic club on K Street, where "there was a sound of revelry by night." Within five months the conditions in Washington had become a scandal and a stench. The reign of privilege and pillage had begun.

PRIVILEGE ENTHRONED

The moment the bell rang these men set themselves to the task of undoing the work of Woodrow Wilson and to the commercialization of the Government. In the midst of the usual scandal they hurried a tariff law upon the statutes at a cost of from three to four billions a year to the consumers.

They found the Tariff Commission we created an embarrassment—they ignored it. It was not facts they sought. They had promises to keep. When a little later they found it convenient to have a complacent commission to find the facts they sought—they packed it. From that hour the acoustics of the commission have been exceedingly bad. The cries of the millions for relief can not be heard, but the dulcet whisper of the pig-iron industry was enough to bring a 50 per cent increase in its loot.

They found the Federal Trade Commission was mightily in the way—they packed it. They took the weapons we provided for the protection of the people against exploitation and they turned them over to the powers of pillage.

Thus privilege was speedily intrenched in every department of the Government; and privilege entered into the office of the Attorney General to spike the guns of justice; and privilege took possession of the strategic points in every department and commission; and when the machinery of this potential plutocracy was completed, seated there, at the control was the very personification of the erstwhile invisible government, looking after the interest of his flock.

My friends, it is a tragic thing when a government of a mighty people can be mortgaged to a little group that could be crowded into the directors' rooms of the Aluminum Co. of America. Under the rule of this régime the average man has had no more stake in the Government, for which he may be called upon to die, than if he had never touched our soil.

THE TRAGEDY OF THE FARMS

For example, what stake in government has the farmer of to-day? From the moment of the realization of the Hamiltonian state under the banner of the bloody shirt in the black and brutal days of reconstruction the American farmer has been but a hewer of wood and a drawer of water. During the 60 years of Jeffersonian supremacy the farmer was on an equality with every other industry, and it is no mere coincidence that his decline and degradation began with the triumph of the Hamiltonian state. In the Jeffersonian concept of society the farmer has a position of paramount importance, but in all the political writings of Hamilton the only reference to the farmer is a promise that in compensation for his submission to taxation for the benefit of others he may put his wife and children to work in the mills.

Thus, while the little group represented by Mr. Mellon has found fine plucking in the vineyard of the state, there have been nothing but thorns and thistles for the tillers of the soil. And the result is a condition of ruination that is a disgrace to our civilization. More than a million farms have been abandoned; more than two million men have been driven from the paternal acres by economic necessity within the year. The hammer of the auctioneer knocking down farm lands sounds like the continuous bombardment of a major battle in the West. Does the ruling caste want figures? Then take this: In five years of the Coolidge prosperity there has been a depreciation in the value of farm lands and equipment of $30,000,000,000.

And what does the ruling caste say to this? They call it "temporary depression." And what does it propose? They propose that the farmers shall become better business men.

Now, when it suits the pleasure of the privileged to legislate money into their coffers it is applauded by the claquers as patriotic statesmanship; but when the farmer demands his share in the unhappy game of paternalism they denounce him as a radical and a crank.

One day the head of the state by a scratch of the pen increased the tariff loot of the pig-iron industry by 50 per cent, and the very next day he delivered a homily to the farmers on the wickedness of expecting profit from a governmental act.

One day Mr. Mellon offered an argument against a farm relief bill; and the next day a Republican Senator by substituting the words "tariff" for "farm relief" and "duties" for "equalization fee," converted the Mellon argument into a devastating denunciation of the very processes through which much of the Mellon fortune has been made

One month ago the President of the United States bitterly denounced with contemptuous phrasing the revolving fund of a farm relief bill, and the very next day he heartily approved the revolving fund for the favored shipping interest.

And then, with millions of producers on the verge of bankruptcy and despair, they contemptuously kicked their case from court and adjourned the Congress with a cheer. Thus for eight long years they have stood in the midst of the wreckage of the farms and have done nothing—nothing to decrease the cost of transporting the farmers' produce to the marts; nothing to rehabilitate his lost markets across the sea; but they have added a billion a year to the cost of the things the farmer has to buy.

Now, we do not ask paternalistic privilege for the farmer, but we do demand that the hand of privilege shall be taken out of the farmer's pockets and off the farmer's throat. We propose to tear down the system of privilege and put the farmer on an absolute equality with every other industry. We do not propose that the most basic of industries shall longer be a doormat for all the others to wipe their feet upon as they enter the temple of privilege.

DEMOCRACY IN BUSINESS

Ah, but whenever we protest against the commercialism of government in the interests of business they say we are enemies of business. Well, history refutes them. Thomas Jefferson was not an enemy of business. He merely objected to the use of the instrumentalities of the state to make it possible for a few men to pick the pockets of their fellow men under the protection of the police.

Andrew Jackson was not an enemy of business. He discriminated between business and brigandage, and he was so much the friend of honest business that he fought to make it free.

Woodrow Wilson was not an enemy of business. During the eight years of his administrations we gave more intelligent legislative service to honest business than had been given it in 40 years before.

We defy them to name a Democratic President who was an enemy of business.

But we differ from those to whom Mr. Mellon is sacrosanct in our definition of a business man. In the case of every tax-reduction measure of the last eight years the Democratic minority in Congress has fought the battle of 95 per cent of the business men of this country against his 5 per cent.

We hold that the owner of a little shop, the proprietor of a store in an average town, is as much a business man as the barons of iron and steel. The man who owns and operates a ranch in Texas or Montana is as much a business man as the banker in New York. The men who till the soil and feed the Nation are better business men to the Jeffersonian than the most successful speculator in stocks and bonds. We are unable to accept the language of the opposition, for we are interested in the Babbitts, and they in the bulls and the bears.

We wage no war on big business if it be honest business; we find no fault with fortunes, however large, provided they are not accumulated through the misuse of governmental power. But we do protest against and war upon the commercialization of government that makes for corruption and crime.

CORRUPTION

Privilege and pillage are the Gold Dust twins of normalcy. The Wilson administration is a green spot bounded on one side by the Mulhall mess and on the other by an oil tanker flying a pirate's flag.

The last seven and a half years have been putrid beyond precedent. We make no charge—we follow the official record.

We have seen a governmental department designed for the legal protection of the people converted into a rendezvous for the barterers of illegal permits.

We have seen the agents of the Department of Justice sent forth at the Nation's cost and with the administration's sanction on the infamous mission of "framing" a United States Senator who had dared expose the criminality of its proceedings. Nothing more disgraceful blackened the days of the Federalist sedition law. A baser and more dastardly prostitution of the judicial processes has not shamed the story of a civilized nation since the unspeakable Jeffries sat upon the bench. And he died, deservedly, like a miserable felon in the tower.

We have seen the money appropriated for the care of the sick and wounded soldiers squandered on the pleasures of a drunken libertine. We have seen the Nation's oil reserves, set

aside by the prescience of Roosevelt and sacredly guarded by the honesty and wisdom of Wilson and Daniels, bartered away by a member of the Cabinet for a bribe in a little black bag.

"ADDITION, DIVISION, AND SILENCE"

Shameful as these things are, more shameful far has been the cynical silence and indifference of the high functionaries of the State to whom the people had a right to look for the protection of the Nation's property and the Nation's honor. We submit in no spirit of political flubdubbery that it is a shocking thing that we have waited vainly for seven years for one word, one syllable, one whisper of the mildest criticism of these criminals and crimes from a single representative of the administration.

They heard La Follette's denunciation of Teapot Dome—and were silent. They saw the various processes in the alienation of the Nation's property—and were silent. They heard the gossip of the Capital that buzzed for weeks and months—and were silent. There was not a man among them with enough will power or lung power to blow a police whistle.

Nay, more: When a warning of the impending crime was sent to a member of the Cabinet, but recently knighted by the golden wand, he sent the letter to Albert B. Fall, with this notation: "I should be glad to convey to this gentleman any reply you may suggest."

I sometimes think that the virtues of silence may be overdone. Sometimes silence may be golden—for the thief.

Many years ago a corruptionist de luxe phrased the shibboleth of the powers of pillage in these words: "Addition, division—and silence." When the pillagers got their loot there was addition, when the faithless public servants got their share, there was division, and from the men set by the people in the watch-tower to guard their treasures there has been the invaluable contribution of silence.

Imagine Andrew Jackson silent in the midst of such crimes; imagine Tilden; imagine Cleveland; imagine Wilson! Why, they would have thundered their denunciations from the loftiest station in the world and have scourged the rascals forth with scorpion whips tipped with consuming flame.

They tell us now, and some of our Republican papers dwell especially upon this, "All these things have been exposed and something has been done. Why talk about it now?" This is our answer: If an Attorney General of odorous memory no longer sits at the council table of the Nation's chief, it is because a Democratic Senator so exposed the crimes of his régime that public sentiment lashed him out; and if he was permitted to go without rebuke and to march out with all the honors of war, thank God it was not with the consent of the party of Woodrow Wilson.

And this is our answer: If the Nation's oil reserves have been restored it is because the inquisitorial genius of WALSH of Montana exposed the crime and forced the proceedings that brought the restitution of the Nation's stolen goods.

DIVISION OF THE SPOILS

And why the silence in the watch tower? Because the organization of the party of the men stationed there was a beneficiary of the crime. Not only did they know of the crime and maintain silence—they knew of the division of the spoils and knew that a goodly part was being used to pay the party debt.

What a picture for children to read some day in American history! We see the erstwhile chairman of the national committee of the régime in power laying aside his duties as an elder of the church to slink into the office of Sinclair to get the tainted bonds. We see him sneaking about like a receiver of stolen goods to men of means to persuade them dishonestly to contribute these to the party fund under cover. We see him sending a portion of these bonds to the dictator of the administration and the party, affectionately known as "Andy" in the records; and thus we know that the high functionaries of the State and party knew that the party was to be a beneficiary of the crime. And the revered head of the Treasury made no protest against his party taking its share out of the pot filled through the pillaging of the Nation's property. Silence was golden—for the party chest.

And thus the campaign deficits of the régime in power have been paid by Harry Sinclair, and now with pious platitudes that party enters another campaign free from debt—because there was a Teapot Dome.

And why this strange insensibility to the common instincts of honesty or honor? Now, bear in mind the Hamiltonian theory that governments are strong in proportion as they are made profitable to the powerful. There is no moral difference between selling legislation in advance for campaign funds and selling oil reserves, and it is not remarkable that he who practices the one may condone the other. Or that he who believes that giving money to a slush fund is "just like giving money to a church" should play the silence end in the tale of the tainted bonds in the game of "Addition, division, and silence."

And so we go forth to recover the Government from the hands of those who pillage by law as well as those who steal by stealth. Even as a minority we dragged these loathsome crimes to light. We exposed the stealing, the perjury, the silences of the sacrosanct. We forced the restitution of the Nation's stolen goods. We compelled the dismissal of Daugherty and the prosecution of Fall. Put us in possession of the Government and we will turn the light on every crack and crevice and cleanse the Augean stables from mow to manger.

We have no legislation to put upon the auction block. No Harry Sinclair has paid our party debt. We are free. We unfurl the Jeffersonian banner bearing Jefferson's device, "A good government is an honest government," and we invite all enemies of corruption to fight with us beneath its folds for the redemption of the violated honor of this Republic.

MYTHS

Now, they hope to drug the conscience of the Nation with the doped soothing sirup of a fake prosperity; and we want to know what prosperity they mean. They point to a few powerful corporations enjoying the pap of paternalistic privilege, and our answer is that you can not judge the prosperity of a people by the earnings of a privileged monopoly.

Many years ago Thomas Jefferson advised a friend impressed with the evidence of prosperity in the homes of the nobility in Paris and Versailles to go out into the country and look into the pots in the fireplaces of the peasants. That is our answer now.

Four million jobless men is not prosperity; a million abandoned farms is not prosperity; the utter ruin of the basic industry of America is not prosperity; the failure of 4,000 banks in the seven years of normalcy is not prosperity; 23,146 commercial failures in the year 1927 is not prosperity; and if this year's record is foreshadowed by the first four months, there will be 28,000 commercial failures in 1928.

The difference between the prosperity of the Hamiltonian "Nation" that they mean and the Jeffersonian Nation that we know is this: They could crowd their "Nation" into one corner of this vast hall, and the Nation that we know embraces cities and towns and the countryside, and 118,000,000 people in the homes of men. Their prosperity is a spotted thing—an evidence of disease; and we want to spread it like a healthy glow over every element and section of our population.

THE ANTIDEMOCRATIC STATE

My friends, never in a century has there been such a clear call to the American democracy to fight for the faith of our fathers, and never before has the control of government been so completely concentrated in the hands of a ruling caste as now. The dreams of the Hamiltonians have literally come true while the people slept. They wanted organized wealth in possession of the Government—and we have it. They wanted the sovereigfn rights of States denied—and we have it. They wanted bureaucratic agents swarming over the land like the locusts of Egypt—and we have it. They wanted government made profitable to the powerful—and we have it. They wanted through administration to make a mockery of democracy—and we have it. The Hamiltonian state is necessarily a temple of gold resting on the bowed backs of peasants in other people's fields—and we will soon have that too. They would deify dollars and minimize men, limit self-government and centralize power, cripple democracy, empower bureaucracy, welcome plutocracy—and we will soon have that, too.

Give the plunderbund but eight years more of such governmental cooperation and a combination of power companies will put a few men in control of the public utilities of a mighty empire. Make no mistake about it—that is the great Jacksonian struggle of to-morrow. And with that sinister possibility upon us the people must determine whether they will intrust their interest to those who believe that governments are strong in proportion as they are made profitable to the powerful or to the Jeffersonians, who believe that governments are created for the service of mankind. Once in possession and intrenched the plunderbund of the power monopoly can not be dislodged by the fighting force of a dozen Andrew Jacksons.

BACK TO THE FUNDAMENTALS

And so we are going back—back to the old landmarks of liberty and justice in this campaign. For the benefit of those who may have grown cynical or confused, let me suggest a text: "Saith the Lord, stand ye in the ways and see, and ask for the old paths, which is the good way, and walk therein, and ye shall find rest for your souls."

We are mobilized to lead the people back to the old paths of constitutional liberty and to the good way. We are going back—back to the old landmarks of liberty and equality, when ordinary men had rights that even privilege respected; when justice, not privilege, was the watchword of the State; when the preamble of the Declaration and the bill of rights had meaning; when the Nation embraced every section and every class, and before the Pittsburgh Bratiano had decided to make Rumanian peasants of American farmers to fill the coffers of a purse-proud caste.

Our principles have been written in the triumph of the people and baptized in the blood of our bravest and our best. Jefferson phrased them, Jackson vitalized them, Wilson applied them, and we go forth to battle for them now.

We face a foe grown arrogant with success. It were infamy to permit the enemy to divide us or divert us on the eve of such a battle. The issues in this campaign go to the determination of the future destiny of our institutions and our children. The call that comes to us is as sacred as the cause of humanity itself. From the grave at the Hermitage comes the solemn warning that no party ever won or ever deserved to win that did not organize and fight unitedly for victory, and we shall thus organize and fight. This is a unique campaign. The very precinct committeemen and the district captains become the minutemen of liberty in the reassertion of the principles of freedom.

And we shall win because our cause is just. The predatory forces before us seek a triumph for the sake of the sacking. Their shock troops are the Black Horse Cavalry, whose hoofbeats have made hideous music on Pennsylvania Avenue during the last eight years. They are led by money-mad cynics and scoffers—and we go forth to battle for the cause of man. In the presence of such a foe "he who dallies is a dastard and he who doubts is damned." In this connection we close debate and grasp the sword. The time has come. The battle hour has struck. Then to your tents, O Israel!

ADDRESS OF HON. JOSEPH T. ROBINSON, OF ARKANSAS, PERMANENT CHAIRMAN OF THE DEMOCRATIC NATIONAL CONVENTION AT HOUSTON, TEX., JUNE 27, 1928

Ladies and gentlemen of the convention, responsibility as well as the honor associated with the chairmanship of this convention is fully recognized. The duty to serve with patience and impartiality is readily acknowledged. The primary task of a permanent chairman is not to define principles or suggest policies. That has been well done by the temporary chairman, Mr. Bowers, in a brilliant and forceful address. My chief duty is to assist in conducting the business of the convention. I shall, however, avail myself of the privilege which custom has established and make brief mention of some subjects of general political interest.

Never before have the representatives of the National Democratic Party assembled under such impressive conditions. We are face to face with a notable political crisis. The exercise of sound judgment and common sense in the nomination of candidates and the demonstration of loyalty to accepted party principles constitute a sane way in which to harmonize our differences, and are essential to success in the approaching campaign.

When this convention has nominated its candidate there will be no doubt of his eligibility to serve as President of the United States under the Constitution of this great Republic.

The Democratic Party has an issue that has not materially changed since the days of Thomas Jefferson. The necessity for political reform is greater now than ever before. Since its birth our party has safeguarded the rights and privileges of the masses. It has championed personal liberty and opposed centralization. Its founder sought to protect the unselfish citizen against the abuse of laws and governmental agencies for private profit.

Jackson aroused the masses to the menace of plutocracy. Cleveland voiced resentment at the abuse of the taxing power to enrich certain groups and the exploitation of the public. Wilson defined anew the democratic ideals of justice and equality. From its formation the Democratic Party has sought to define as the fundamental or primary function of government equal rights and opportunities for all citizens.

In this campaign the Republicans cunningly seek to win their way back into the public favor by advancing false issues. The national administration during the last seven years is indefensible from any standpoint. For corruption and inefficiency it is equaled only by the prostitution of power in States dominated by the Republican Party.

The oft-repeated assertion by our adversaries that Democrats can not be trusted to promote sound business is totally false. What other period since our Government was established compares favorably with the eight years of Woodrow Wilson's administration? The boldest champion of the opposition can not recall a time when real prosperity was more general. Labor was profitably employed; industry operated on full time; and agriculture was on an equality with all other businesses.

The boasted prosperity of the Republican administration is a sham prosperity. It does not compare with that enjoyed during Democratic control. The Secretary of the Treasury, in his annual report for 1927, admits that conditions during that year were not so good as during the previous year. The President's industrial conference board asserts that prosperity in the United States is confined to giant corporations. The Bureau of Foreign and Domestic Commerce examined 100,000 business concerns during 1927 and reported 34,000 of them not making any profit whatever. The Commissioner of Internal Revenue states that three-fifths—only three-fifths—of the corporations engaged in the manufacture of textiles and a similar percentage of those engaged in the manufacture of leather goods reported net income for the year 1925. The record of commercial and bank failures discloses the falsity of this Republican claim of unusual prosperity. In 1919, under Mr. Wilson's administration, only 50 State banks and 4 national banks failed with aggregate liabilities of less than $12,000,000. In 1925, 361 State banks and 103 national banks went into receivership with aggregate liabilities exceeding $175,000,000. Mark the figures for 1926; 772 State banks became insolvent and their total liabilities exceeded $226,000,000.

The figures for 1927 are not complete, but they disclose insolvent State banks during that year whose liabilities exceed $200,000,000. The annual value of agricultural products decreased $1,500,000,000, comparing the year 1924 with 1927. The Bureau of Labor Statistics revealed a decrease of 20 per cent now, compared with the labor employment during the year last past. The depressed condition of agriculture is of common knowledge. This greatest of all industries has been steadily declining since Wilson's administrations ended. Everyone knows, though some may not admit, that agriculture has been going backward since Wilson's administrations ended. Never before has there existed such discontent among farm producers. They justly attribute their distress to the policies of the Republican Party. Why should farmers be required to sell their products on the open market of the world and to buy what they consume from trusts and monopolies which arbitrarily fix the prices of their commodities, an unjust and oppressive system, made possible by excessive tariff duties?

The importance of this issue and these facts is emphasized by the repeated refusal of the administration to grant substantial relief. Farmers are awake to this, and they are ready, if we afford them the opportunity, to right their wrongs through political action. The Republican Party has betrayed the farmers of the United States, and now seeks to deceive them again with new false promises.

The only plank for specific relief in the Kansas City platform is increased tariff duties, which experience shows can not be made effective. The equality of agriculture may be promoted by reducing the tariff on manufactured articles consumed by farmers by a system of export expansion or by recognition, if you please, of the principle of what is known as the McNary-Haugen bill, twice vetoed by the President of the United States. The farm population will not vote for Mr. Hoover. He has led the forces opposed to adequate and substantial measures for the improvement of living conditions on the farm and has boldly challenged the advocates of such measures.

Does a fair survey of facts justify the claim of the Republican Party that such exceptional prosperity has prevailed during the administrations of President Harding and President Coolidge which would invite disaster to change political control next November? To ask the question is to answer it.

Gentlemen, property would certainly be safer with the Democrats in power. There would be no danger of its being stolen by Government agents. Mr. Bowers in his notable address to the convention discussed the corruption which has disgraced the executive department during the present and the preceding administration. Corruption is the red danger signal of revolution. Such a saturnalia of crime has never before been witnessed. The Democratic Party is entitled to make an issue of honest government in the interest of the public.

The bombastic boasts of the chairman of the Kansas City convention and the stupefying verbosity and reckless perversion of the Republican platform in the declaration that the foreign policies of the Harding and Coolidge administrations are characterized by confusion and inconsistency—the confusion resulting from ignorance, the inconsistency originating in moral irresponsibility. In what other way can be explained the agreement not to fortify our possessions in the Pacific Ocean, the destruction of new battleships in the name of disarmament, and the immediate building of inferior types of vessels? How can be accounted for the whitewashing of

corruption in high places, the sale of the machinery of the Republican Party to the pampered beneficiaries of corrupt bargains with unfaithful Cabinet officers?

The foreign policy of President Wilson's administration was decisive. It commanded respect and honor for the United States throughout the world. It contemplated cooperation with other powers in the promotion of international peace and in the avoidance of war. Who can define, who could comprehend the foreign policy of either the Harding or the Coolidge administration? What is the position now of the United States in the opinion of mankind? What is their attitude with respect to great international problems? Our Government is unpopular; our flag is regarded with suspicion and contempt. Nothing has been done and little is promised that contemplates the promotion of friendly and intimate relations with other peoples. In Wilson's time the United States led the world on all of the highways of human progress; our flag was a symbol of glory wherever uplifted into light.

Prompted by the malice or the ignorance of his immediate officers President Harding abandoned that leadership and President Coolidge does not choose to attempt its resumption.

There are too many subjects of vital interest about which Democrats agree to justify breaking up over questions about which there have always been differences of opinion. Prompted solely by the desire to promote harmony and concerted action, I respectfully suggest that it is my opinion that no wet plank should be incorporated in our platform. The Democratic Party is not a prohibition party, and neither is it an antiprohibition party. Many people believe that prohibition is an economic and moral measure. Others believe that it invites and encourages lawlessness, and they advocate substantial changes in the laws and Constitution. The fear that this convention may attempt to commit the party to a wet platform has alarmed many Democrats, particularly southern Democrats, who favor the continuance of prohibition because of the evidence of its value in the social and economic progress of the country.

Democrats are united for the suppressing of corruption and for honesty in governmental affairs. We stand as one in favor of the enforcement, in good faith, of the Constitution and all laws. We stand for the protection of honest business men against the unfair and oppressive methods of monopoly. We favor relief, too long delayed, for the great agricultural interests of the Nation, to which the Republican Party has brought only bankruptcy and ruin. Respecting these important subjects there should be no division among Democrats.

We of the South are happy to have this national convention assemble in this beautiful, typically warm southern city. It has been said that Democrats may be relied upon to offset the blunders and heal the self-inflicted wounds of the Republican Party. Let us here disappoint the expectation of our adversaries and realize the dreams and hopes of millions of faithful Democrats throughout this Nation who look to us for the exercise of prudence and wisdom.

We must demonstrate willingness to enter into honorable compromises and to make personal sacrifices. In no other way can the best interests of this Nation and the Democratic Party be promoted. Jefferson gloried in the Virginia statute of religious freedom. He rejoiced in the provision of the Constitution that declares no religious test shall ever be required as a qualification for office or trust in the United States.

When this convention has performed its tasks, nominated its candidates, and adopted its platform, let us advance with measured tread and irresistible energy and force to the overthrow of the forces which have corrupted and which are dominating this great Government.

Ladies and gentlemen of the convention, the Chair asks your assistance in the orderly conduct of the business of this body. When an adjournment is taken to-day we will meet back here promptly and the business of the convention will proceed at the hour to which we have adjourned. We have much business to attend to, and it is respectfully requested that delegates and their guests observe the sound of the gavel. I thank you.

PLATFORM ADOPTED BY THE DEMOCRATIC NATIONAL CONVENTION AT HOUSTON, TEX., JUNE 28, 1928

We, the Democratic Party in convention assembled, pause to pay our tribute of love and respect to the memory of him who in his life and in his official actions voiced the hopes and aspirations of all good men and women of every race and clime, the former President of the United States, Woodrow Wilson. His spirit moves on and his example and deeds will exalt those who come after us as they have inspired us.

We are grateful that we were privileged to work with him and again pay tribute to his high ideals and accomplishments.

We reaffirm our devotion to the principles of Democratic government formulated by Jefferson and enforced by a long and illustrious line of Democratic Presidents.

We hold that government must function not to centralize our wealth but to preserve equal opportunity so that all may share in our priceless resources, and not confine prosperity to a favored few. We, therefore, pledge the Democratic Party to encourage business, small and great alike; to conserve human happiness and liberty; to break the shackles of monopoly and free business of the Nation; to respond to popular will.

The function of a national platform is to declare general principles and party policies. We do not, therefore, assume to bind our party respecting local issues or details of legislation.

We, therefore, declare the policy of the Democratic Party with regard to the following dominant national issues:

THE RIGHTS OF THE STATES

We demand that the constitutional rights and powers of the States shall be preserved in their full vigor and virtue. These constitute a bulwark against centralization and the destructive tendencies of the Republican Party.

We oppose bureaucracy and the multiplication of offices and officeholders.

We demand a revival of the spirit of local self-government without which free institutions can not be preserved.

REPUBLICAN CORRUPTION

Unblushingly the Republican Party offers as its record agriculture prostrate, industry depressed, American shipping destroyed, workmen without employment; everywhere disgust and suspicion, and corruption unpunished and unafraid.

Never in the entire history of the country has there occurred in any given period of time, or indeed in all time put together, such a spectacle of sordid corruption and unabashed rascality as that which has characterized the administration of Federal affairs under eight blighting years of Republican rule. Not the revels of reconstruction nor all the compounded frauds succeeding that evil era have approached in sheer audacity the shocking thieveries and startling depravities of officials high and low in the public service at Washington. From Cabinet ministers, with their treasonable crimes, to the cheap vendors of official patronage; from the purchasers of seats in the United States Senate to the vulgar grafters upon alien trust funds and upon the hospital resources of the disabled veterans of the World War; from the givers and receivers of stolen funds for Republican campaign purposes to the public men who sat by silently consenting and never revealing a fact or uttering a word in condemnation, the whole official organization under Republican rule has become saturated with dishonesty defiant of public opinion and actuated only by a partisan desire to perpetuate its control of the Government.

As in the time of Samuel J. Tilden, from whom the Presidency was stolen, the watchword of the day should be, "Turn the rascals out." This is the appeal of the Democratic Party to the people of the country. To this fixed purpose should be devoted every effort and applied every resource of the party; to this end every minor difference on nonessential issues should be put aside and a determined and a united fight be made to rescue the Government from those who have betrayed their trust by disgracing it.

ECONOMY AND REORGANIZATION

The Democratic Party stands for efficiency and economy in the administration of public affairs, and we pledge:

(a) Businesslike reorganization of all the departments of the Government.

(b) Elimination of duplication, waste, and overlapping.

(c) Substitution of modern businesslike methods for existing obsolete and antiquated conditions.

No economy resulted from the Republican Party rule. The savings they claim take no account of the elimination of expenditures following the end of the World War, the large sums realized from the sale of war materials, nor its failure to supply sufficient funds for the efficient conduct of many important governmental activities.

FINANCE AND TAXATION

(a) The Federal reserve system, created and inaugurated under Democratic auspices, is the greatest legislative contribution to constructive business ever adopted. The administration of the system for the advantage of stock-market speculators should cease. It must be administered for the benefit of farmers, wage earners, merchants, manufacturers, and others engaged in constructive business.

(b) The taxing function of governments, free or despotic, has for centuries been regarded as the power above all others which requires vigilant scrutiny, to the end that it be not exercised for purposes of favor or oppression.

Three times since the World War the Democrats in Congress have favored a reduction of the tax burdens of the people in face of stubborn opposition from a Republican administration; and each time these reductions have largely been made for the relief of those least able to endure the exactions of a Repub-

lican fiscal policy. The tax bill of the session recently ended was delayed by Republican tactics and juggled by partisan considerations so as to make impossible a full measure of relief to the greater body of taxpayers. The moderate reductions afforded were grudgingly conceded, and the whole proceeding in Congress, dictated as far as possible from the White House and the Treasury, denoted the proverbial desire of the Republican Party always to discriminate against the masses in favor of privileged classes.

The Democratic Party avows its belief in the fiscal policy inaugurated by the last Democratic administration, which provided a sinking fund sufficient to extinguish the Nation's indebtedness within a reasonable period of time without harassing the present and next succeeding generations with tax burdens which, if not unendurable, do in fact check initiative in enterprise and progress in business. Taxes levied beyond the actual requirements of the legally established sinking fund are but an added burden upon the American people, and the surplus thus accumulated in the Federal Treasury is an incentive to the increasingly extravagant expenditures which have characterized Republican administrations. We, therefore, favor a further reduction of the internal taxes of the people.

TARIFF

The Democratic tariff legislation will be based on the following policies:

(a) The maintenance of legitimate business and a high standard of wages for American labor.

(b) Increasing the purchasing power of wages and income by the reduction of those monopolistic and extortionate tariff rates bestowed in payment of political debts.

(c) Abolition of logrolling and restoration of the Wilson conception of a fact-finding Tariff Commission, quasi judicial and free from the Executive domination which has destroyed the usefulness of the present commission.

(d) Duties that will permit effective competition, insure against monopoly, and at the same time produce a fair revenue for the support of Government. Actual difference between the cost of production at home and abroad, with adequate safeguard for the wage of the American laborer, must be the extreme measure of every tariff rate.

(e) Safeguarding the public against monopoly created by special tariff favors.

(f) Equitable distribution of the benefits and burdens of the tariff among all.

Wage earner, farmer, stockman, producer, and legitimate business in general have everything to gain from a Democratic tariff based on justice to all.

CIVIL SERVICE

Grover Cleveland made the extension of the merit system a tenet of our political faith. We shall preserve and maintain the civil service.

AGRICULTURE

Deception upon the farmer and stock raiser has been practiced by the Republican Party through false and delusive promises for more than 50 years. Specially favored industries have been artificially aided by Republican legislation. Comparatively little has been done for agriculture and stock raising, upon which national prosperity rests. Unsympathetic inaction with regard to this problem must cease. Virulent hostility of the Republican administration to the advocates of farm relief and denial of the right of farm organizations to lead in the development of farm policy must yield to Democratic sympathy and friendliness.

Four years ago the Republican Party, forced to acknowledge the critical situation, pledged itself to take all steps necessary to bring back a balanced condition between agriculture and other industries and labor. To-day it faces the country not only with that pledge unredeemed but broken by the acts of a Republican President who is primarily responsible for the failure to offer a constructive program to restore equality to agriculture.

While he has had no constructive and adequate program to offer in its stead, he has twice vetoed farm-relief legislation and has sought to justify his disapproval of agricultural legislation partly on grounds wholly inconsistent with his acts making industrial monopolies the beneficiaries of Government favor. And in indorsing the agricultural policy of the present administration the Republican Party in its recent convention served notice upon the farmer that the so-called protective system is not meant for him, that while it offers protection to the privileged few it promises continued world prices to the producers of the chief cash crops of agriculture.

We condemn the policy of the Republican Party which promises relief to agriculture only through a reduction of American farm production to the needs of the domestic market. Such a program means the continued deflation of agriculture, the forcing of additional millions from the farms, and the perpetuation of agricultural distress for years to come, with continued bad effects on business and labor throughout the United States.

The Democratic Party recognizes that the problems of production differ as between agriculture and industry. Industrial production is largely under human control, while agricultural production, because of lack of coordination among the 6,500,000 individual farm units and because of the influence of weather, pests, and other causes, is largely beyond human control. The result is that a large crop frequently is produced on a small acreage and a small crop on a large acreage, and measured in money value it frequently happens that a large crop brings less than a small crop.

Producers of crops whose total volume exceeds the needs of the domestic market must continue at a disadvantage until the Government shall intervene as seriously and as effectively in behalf of the farmer as it has intervened in behalf of labor and industry. There is a need of supplemental legislation for the control and orderly handling of agricultural surpluses, in order that the price of the surplus may not determine the price of the whole crop. Labor has benefited by collective bargaining and some industries by tariff. Agriculture must be as effectively aided.

The Democratic Party in its 1924 platform pledged its support to such legislation. It now reaffirms that stand and pledges the united efforts of the legislative and executive branches of Government, as far as may be controlled by the party, to the immediate enactment of such legislation and to such other steps as are necessary to establish and maintain the purchasing power of farm products and the complete economic equality of agriculture.

The Democratic Party has always stood against special privilege and for common equality under the law. It is a fundamental principle of the party that such tariffs as are levied must not discriminate against any industry, class, or section. Therefore we pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

Farm relief must rest on the basis of an economic equality of agriculture with other industries. To give this equality a remedy must be found which will include among other things:

(a) Credit aid by loans to cooperatives on at least as favorable a basis as the Government aid to the merchant marine.

(b) Creation of a Federal farm board to assist the farmer and stock raiser in the marketing of their products as the Federal Reserve Board has done for the banker and business man. When our archaic banking and currency system was revised after its record of disaster and panic under Republican administrations, it was a Democratic Congress in the administration of a Democratic President that accomplished its stabilization through the Federal reserve act creating the Federal Reserve Board with powers adequate to its purpose. Now, in the hour of agriculture's need the Democratic Party pledges the establishment of a new agricultural policy fitted to present conditions, under the direction of a farm board vested with all the powers necessary to accomplish for agriculture what the Federal Reserve Board has been able to accomplish for finance, in full recognition of the fact that the banks of the country, through voluntary cooperation, were never able to stabilize the financial system of the country until Government powers were invoked to help them.

(c) Reduction through proper Government agencies of the spread between what the farmer and stock raiser gets and the ultimate consumer pays with consequent benefits to both.

(d) Consideration of the condition of agriculture in the formulation of Government financial and tax measures.

We pledge the party to foster and develop cooperative marketing associations through appropriate governmental aid. We recognize that experience has demonstrated that members of such associations alone can not successfully assume the full responsibility for a program that benefits all producers alike. We pledge the party to an earnest endeavor to solve this problem of the distribution of the cost of dealing with crop surpluses over the marketed units of the crop whose producers are benefited by such assistance. The solution of this problem would avoid Government subsidy to which the Democratic Party has always been opposed. The solution of this problem will be a prime and immediate concern of a Democratic administration.

We direct attention to the fact that it was a Democratic Congress in the administration of a Democratic President which established the Federal loan system and laid the foundation for the entire rural credits structure which has aided agriculture to sustain in part the shock of the policies of two Repub-

lican administrations; and we promise thoroughgoing administration of our rural credits laws so that the farmers in all sections may secure the maximum benefits intended under these acts.

MINING

Mining is one of the basic industries of this country. We produce more coal, iron, and copper than any other country. The value of our mineral production is second only to agriculture. Mining has suffered like agriculture and from similar causes. It is the duty of our Government to foster this industry and to remove the restrictions that destroy its prosperity.

FOREIGN POLICY

The Republican administration has no foreign policy; it has drifted without plan. This great Nation can not afford to play a minor rôle in world politics. It must have a sound and positive foreign policy, not a negative one. We declare for a constructive foreign policy based on these principles:

(a) Outlawry of war and an abhorrence of militarism, conquest, and imperialism.

(b) Freedom from entangling political alliances with foreign nations.

(c) Protection of American lives and rights.

(d) Noninterference with the elections or other internal political affairs of any foreign nation. This principle of noninterference extends to Mexico, Nicaragua, and all other Latin-American nations. Interference in the purely internal affairs of Latin-American countries must cease.

(e) Rescue of our country from its present impaired world standing and restoration to its former position as a leader in the movement for international arbitration, conciliation, conference, and limitation of armament by international agreement.

(f) International agreements for reduction of all armaments and the end of competitive war preparations, and in the meantime the maintenance of an Army and Navy adequate for national defense.

(g) Full, free, and open cooperation with all other nations for the promotion of peace and justice throughout the world.

(h) In our foreign relations this country should stand as a unit, and to be successful foreign policies must have the approval and the support of the American people.

(i) Abolition of the practice of the President of entering into and carrying out agreements with a foreign government, either de facto or de jure, for the protection of such government against revolution or foreign attack or for the supervision of its internal affairs, when such agreements have not been advised and consented to by the Senate, as provided in the Constitution of the United States, and we condemn the administration for carrying out such an unratified agreement that requires us to use our armed forces in Nicaragua.

(j) Recognition that the Monroe doctrine is a cardinal principle of this Government promulgated for the protection of ourselves and our Latin-American neighbors. We shall seek their friendly cooperation in the maintenance of this doctrine.

(k) We condemn the Republican administration for lack of statesmanship and efficiency in negotiating the 1921 treaty for the limitation of armaments, which limited only the construction of battleships and ships of over 10,000 tons. Merely a gesture toward peace, it accomplished no limitation of armament, because it simply substituted one weapon of destruction for another. While it resulted in the destruction of our battleships and the blue prints of battleships of other nations, it placed no limitation upon construction of aircraft, submarines, cruisers, warships under 10,000 tons, poisonous gases, or other weapons of destruction. No agreement was ratified with regard to submarines and poisonous gases. The attempt of the President to remedy the failure of 1921 by the Geneva conference of 1928 was characterized by the same lack of statesmanship and efficiency and resulted in entire failure.

In consequence the race between nations in the building of unlimited weapons of destruction still goes on, and the peoples of the world are still threatened with war and burdened with taxation for additional armament.

WATER POWER, WATERWAYS, AND FLOOD CONTROL

The Federal Government and State governments, respectively, now have absolute and exclusive sovereignty and control over enormous water powers, which constitute one of the greatest assets of the Nation. This sovereign title and control must be preserved, respectively, in the State and Federal Governments, to the end that the people may be protected against exploitation of this great resource and that water powers may be expeditiously developed under such regulations as will insure to the people reasonable rates and equitable distribution.

We favor and will promote deep waterways from the Great Lakes to the Gulf and to the Atlantic Ocean.

We favor the fostering and building up of water transportation through improvement of inland waterways and removal of discrimination against water transportation. Flood control and the lowering of flood levels are essential to the safety of life and property and the productivity of our lands, the navigability of our streams, the reclaiming of our wet and overflowed lands. We favor expeditious construction of flood-relief works on the Mississippi and Colorado Rivers and such reclamation and irrigation projects upon the Colorado River as may be found feasible.

We favor appropriations for prompt coordinated surveys by the United States to determine the possibilities of general navigation improvements and water-power development on navigable streams and their tributaries and to secure reliable information as to the most economical navigation improvement in combination with the most efficient and complete development of water power.

We favor the strict enforcement of the Federal water power act, a Democratic act, and insist that the public interest in water-power sites, ignored by two Republican administrations, be protected.

Being deeply impressed by the terrible disasters from floods in the Mississippi Valley during 1927, we heartily indorse the flood control act of last May, which recognizes that the flood waters of the Mississippi River and its tributaries constitute a national problem of the gravest character and makes provision for their speedy and effective control. This measure is a continuation and expansion of the policy established by a Democratic Congress in 1917 in the act of that year for controlling floods on the Mississippi and Sacramento Rivers. It is a great piece of constructive legislation, and we pledge our party to its vigorous and early enforcement.

CONSERVATION AND RECLAMATION

We shall conserve the natural resources of our country for the benefit of the people and to protect them against waste and monopolization. Our disappearing resources of timber call for a national policy of reforestation. The Federal Government should improve and develop its public lands so that they may go into private ownership and become subjected to taxation for the support of the States wherein they exist. The Democratic administration will actively, efficiently, and economically carry on reclamation projects and make equitable adjustments with the homestead entrymen for the mistakes the Government has made and extend all practical aid to refinance reclamation and drainage projects.

TRANSPORTATION

Efficient and economical transportation is essential to the prosperity of every industry. Cost of transportation controls the income of every human being and materially affects the cost of living. We must, therefore, promote every form of transportation to a state of highest efficiency. Recognizing the prime importance of air transportation, we shall encourage its development by every possible means. Improved roads are of vital importance not only to commerce and industry but also to agricultural and rural life. The Federal Government should construct and maintain at its own expense roads upon its public lands. We reaffirm our approval of the Federal roads law enacted by a Democratic administration. Common carriers, whether by land, water, or rail, must be protected in an equal opportunity to compete so that governmental regulations against exorbitant rates and inefficiency will be aided by competition.

LABOR

(a) We favor the principle of collective bargaining and the Democratic principle that organized labor should choose its own representatives without coercion or interference.

(b) Labor is not a commodity. Human rights must be safeguarded. Labor should be exempt from the operation of antitrust laws.

(c) We recognize that legislative and other investigations have shown the existence of grave abuse in the issuance of injunctions in labor disputes. No injunctions should be granted in labor disputes except upon proof of threatened irreparable injury and after notice and hearing, and the injunction should be confined to those acts which do directly threaten irreparable injury. The expressed purpose of representatives of capital, labor, and the bar to devise a plan for the elimination of the present evils with respect to injunctions must be supported and legislation designed to accomplish these ends formulated and passed.

(d) We favor legislation providing that products of convict labor shipped from one State to another shall be subject to laws of the latter State as though they had been produced therein.

UNEMPLOYMENT

Unemployment is present, widespread, and increasing. Unemployment is almost as destructive to the happiness, comfort, and well-being of human beings as war. We expend vast sums of money to protect our people against the evils of war but no governmental program is anticipated to prevent the awful suffering and economic losses of unemployment. It threatens the well-being of millions of our people and endangers the prosperity of the Nation. We favor the adoption by the Government, after a study of this subject, of a scientific plan whereby during periods of unemployment appropriations shall be made available for the construction of necessary public works and the lessening, so far as consistent with public interests, of Government construction work when labor is generally and satisfactorily employed in private enterprise.

Study should also be made of modern methods of industry and a constructive solution found to absorb and utilize the surplus human labor released by the increasing use of machinery.

ACCIDENT COMPENSATION TO GOVERNMENT EMPLOYEES

We favor legislation making fair and liberal compensation to Government employees who are injured in accident or by occupational disease and to the dependents of such workers as may die as a result thereof.

FEDERAL EMPLOYEES

Federal employees should receive a living wage based upon American standards of decent living. Present wages are in many instances far below that standard. We favor a fair and liberal retirement law for Government employees in the classified service.

VETERANS

Through Democratic votes, and in spite of two Republican Presidents' opposition, the Congress has maintained America's traditional policy to generously care for the veterans of the World War. In extending them free hospitalization, a statutory award for tuberculosis, a program of progressive hospital construction, and provisions for compensation for the disabled, the widows, and orphans, America has surpassed the record of any nation in the history of the world. We pledge the veterans that none of the benefits heretofore accorded by the Wilson administration and the votes of Democrat Members of Congress shall be withdrawn; that these will be added to more in accordance with the veterans' and their dependents' actual needs. Generous appropriations, honest management, the removal of vexatious administration delays, and sympathetic assistance for the veterans of all wars is what the Democratic party demands and promises.

WOMEN AND CHILDREN

We declare for equality of women with men in all political and governmental matters.

Children are the chief asset of the Nation. Therefore their protection through infancy and childhood against exploitation is an important national duty.

The Democratic Party has always opposed the exploitation of women in industry and has stood for such conditions of work as will preserve their health and safety.

We favor an equal wage for equal service, and likewise favor adequate appropriations for the women's and children's bureau.

IMMIGRATION

Laws which limit immigration must be preserved in full force and effect, but the provisions contained in these laws that separate husbands from wives and parents from infant children are inhuman and not essential to the purpose or the efficacy of such law.

RADIO

Government supervision must secure to all the people the advantage of radio communication and likewise guarantee the right of free speech. Official control in contravention of this guarantee should not be tolerated. Governmental control must prevent monopolistic use of radio communication and guarantee equitable distribution and enjoyment thereof.

COAL

Bituminous coal is not only the common base of manufacture, but is a vital agency in our interstate transportation. The demoralization of this industry, its labor conflicts and distress, its waste of a national resource and disordered public service demand constructive legislation that will allow capital and labor a fair share of prosperity with adequate protection to the consuming public.

CONGRESSIONAL ELECTION REFORM

We favor legislation to prevent defeated Members of both Houses of Congress from participating in the sessions of Congress by fixing the date for convening the Congress immediately after the biennial national election.

LAW ENFORCEMENT

The Republican Party, for eight years in complete control of the Government at Washington, presents the remarkable spectacle of feeling compelled in its national platform to promise obedience to a provision of the Federal Constitution which it has flagrantly disregarded, and to apologize to the country for its failure to enforce laws enacted by the Congress of the United States. Speaking for the National Democracy, this convention pledges the party and its nominees to an honest effort to enforce the eighteenth amendment and all other provisions of the Federal Constitution and all laws enacted pursuant thereto.

CAMPAIGN EXPENDITURES

We condemn the improper and excessive use of money in elections as a danger threatening the very existence of democratic institutions. Republican expenditures in senatorial primaries and elections have been so exorbitant as to constitute a national scandal. We favor publicity in all matters affecting campaign contributions and expenditures. We shall, beginning not later than August 1, 1928, and every 30 days thereafter, the last publication and filing being not later than five days before the election, publish in the press and file with the appropriate committees of the House and Senate a complete account of all contributions, the names of the contributors, the amounts expended, and the purposes for which the expenditures are made, and will at all times hold open for public inspection the books and records relating to such matters. In the event that any financial obligations are contracted and not paid our national committee will similarly report and publish, at least five days before the election, all details respecting such obligations.

We agree to keep and maintain a permanent record of all campaign contributions and expenditures and to insist that contributions by the citizens of one State to the campaign committees of other States shall have immediate publicity.

MERCHANT MARINE

We reaffirm our support of an efficient, dependable American merchant marine for the carriage of the greater portion of our commerce and for the national defense.

The Democratic Party has consistently and vigorously supported the shipping services maintained by the regional United States Shipping Board in the interest of all ports and all sections of our country, and has successfully opposed the discontinuance of any of these lines. We favor the transfer of these lines gradually to the local private American companies when such companies can show their ability to take over and permanently maintain the lines. Lines that can not now be transferred to private enterprise should continue to be operated as at present and should be kept in an efficient state by remodeling of some vessels and replacement of others.

We are unalterably opposed to a monopoly in American shipping and are opposed to the operation of any of our services in a manner that would retard the development of any ports or sections of our country.

We oppose such sacrifices and favoritism as exhibited in the past in the matter of alleged sales, and insist that the primary purpose of legislation upon this subject be the establishment and maintenance of an adequate American merchant marine.

ARMENIA

We favor the most earnest efforts on the part of the United States to secure the fulfillment of the promises and engagements made during and following the World War by the United States and the allied powers to Armenia and her people.

EDUCATION

We believe with Jefferson and other founders of the Republic that ignorance is the enemy of freedom and that each State, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of the moneys collected by taxation for the support of its schools, shall use its sovereign right in all matters pertaining to education.

The Federal Government should offer to the States such counsel, advice, results of research, and aid as may be made available through the Federal agencies for the general improvement of our schools, in view of our national needs.

MONOPOLIES AND ANTITRUST LAWS

During the last seven years, under Republican rule, the antitrust laws have been thwarted, ignored, and violated so that the country is rapidly becoming controlled by trusts and sinister monopolies formed for the purpose of wringing from the necessaries of life an unrighteous profit. These combinations are often formed and conducted in violation of law, encour-

aged, aided, and abetted in their activities by the Republican administration, and are driving all small tradespeople and small industrialists out of business. Competition is one of the most sacred, cherished, and economic rights of the American people. We demand the strict enforcement of the antitrust laws and the enactment of other laws, if necessary, to control this great menace to trade and commerce, and thus to preserve the right of the small merchant and manufacturer to earn a legitimate profit from his business.

Dishonest business should be treated without influence at the National Capitol. Honest business, no matter its size, need have no fears of a Democratic administration. The Democratic Party will ever oppose illegitimate and dishonest business. It will foster, promote, and encourage all legitimate business enterprises.

CANAL ZONE

We favor the employment of American citizens in the operation and maintenance of the Panama Canal in all responsible positions above the grade of messenger and favor as liberal wages and conditions of employment as prevailed under previous Democratic administrations.

ALASKA-HAWAII

We favor the development of Alaska and Hawaii in the traditional American way through self-government. We favor the appointment of only bona fide residents to office in the Territories. We favor the extension and improvement of the mail, air mail, telegraph and radio, agricultural experimenting, highway construction, and other necessary Federal activities in the Territories.

PHILIPPINES

The Filipino people have succeeded in maintaining a stable government and have thus fulfilled the only condition laid down by the Congress as a prerequisite to the granting of independence. We declare that it is now our duty to keep our promise to these people by granting them immediately the independence which they so honorably covet.

PORTO RICO

We favor granting to Porto Rico such territorial form of government as would meet the present economic conditions of the island and provide for the aspirations of her people, with the view to ultimate statehood accorded to all Territories of the United States since the beginning of our Government, and we believe any officials appointed to administer the government of such Territories should be qualified by previous bona fide residence therein.

PUBLIC HEALTH

The Democratic Party recognizes that not only the productive wealth of the Nation but its contentment and happiness depends upon the health of its citizens. It therefore pledges itself to enlarge the existing Bureau of Public Health and to do all things possible to stamp out communicable and contagious diseases and to ascertain preventive means and remedies for these diseases, such as cancer, infantile paralysis, and others which heretofore have largely defied the skill of physicians.

We pledge our party to spare no means to lift the apprehension of diseases from the minds of our people and to appropriate all moneys necessary thereto to carry out this pledge.

TELEGRAM OF NOTIFICATION TO HON. ALFRED E. SMITH AND HIS REPLY

Mr. ROBINSON of Arkansas. The following telegram has been sent to Gov. Alfred E. Smith notifying him of his nomination for President of the United States by the Democratic National Convention:

HOUSTON, TEX., *June 28, 1928.*

GOV. ALFRED E. SMITH,
Albany, N. Y.:

You have received 849¾ votes on the first ballot and have been declared the nominee of the convention. Receive my congratulations and best wishes for your election.

JOSEPH T. ROBINSON, *Chairman.*

Governor Smith's telegram of reply was read to the convention by Hon. PAT HARRISON, as acting chairman of the convention, in the place of Mr. ROBINSON:

EXECUTIVE MANSION,
Albany, N. Y., June 29, 1928.

Hon. JOSEPH T. ROBINSON,
Permanent Chairman Democratic National Convention,
Hoston, Tex.:

I received your message on behalf of the convention. With a deep sense of responsibility and a fervent prayer for the guidance of Divine Providence I accept the call of my party to lead it in the national campaign. I can think of no greater privilege in this world than to serve our country. My gratitude to the convention for its expression of confidence in me I can not adequately express in this telegram. I will have to make it manifest by single-minded devotion to the United States and her people in every section.

The happiness and welfare of the millions of men, women, and children who constitute the Nation were the great driving force behind the doctrine enunciated by the immortal Jefferson, given life by him, and carried through by Cleveland and Wilson. I am convinced that our platform voices that doctrine. I stand committed to the platform and will welcome an opportunity to reorganize and make more efficient the agencies of government, to the end that the burden of taxation may be lightened.

Our platform lays at rest the absurd claim insidiously put out by Republican propaganda that the Republican Party has a monopoly upon the mechanics of prosperity. Our platform in its tariff and financial policy gives assurance to every legitimate business man, wage earner, farmer, and taxpayer that prosperity will not only be conserved but fairly distributed among all. The definite declaration of the convention to aid agriculture and the planks dealing with labor problems are sound, progressive, and sincere, as is also the party commitment to the development of our water power without alienating our God-given resources. Our plank on foreign policy states the simple truth that the divine command to "Love thy neighbor as thyself" contains no limitation and was intended to apply as between nations.

The equal and even enforcement of the law is the corner stone upon which rests the whole structure of democratic government. If it is the will of the people of this Nation that I am to take an oath as President of the United States to protect and defend our Constitution and laws, I will execute that oath to the limit of my ability without reservation or evasion.

It is well known that I believe there should be fundamental changes in the present provisions for national prohibition, based, as I stated in my Jackson Day letter, on the fearless application to the problem of the principles of Jeffersonian democracy. While I fully appreciate that these changes can only be made by the people themselves through their elected legislative representatives, I feel it to be the duty of the chosen leader of the people to point the way which, in his opinion, leads to a sane, sensible solution of a condition which I am convinced is entirely unsatisfactory to the great mass of our people.

Common honesty compels us to admit that corruption of law-enforcement officials, bootlegging, and lawlessness are now prevalent throughout this country. I am satisfied that without returning to the old evils that grew from the saloon, which years ago I held and still hold was and ought always to be a defunct institution in this country, by the application of the democratic principles of local self-government and State rights we can secure real temperance, respect for law, and eradication of the existing evils.

In my formal acceptance of your nomination I shall give to the people of the country my views in full upon all of the issues of the campaign. In the way I know that you can do it, give the delegates my warmest thanks for the confidence they have reposed in me, and my assurance that, with their support, I confidently expect to lead the historic Democratic Party to victory in November.

ALFRED E. SMITH.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The VICE PRESIDENT. The Chair, in pursuance to Senate Joint Resolution 23, appoints as the Senate member of the George Rogers Clark Sesquicentennial Commission the Senator from Indiana, Mr. WATSON, the Senator from Ohio, Mr. FESS, and the Senator from Tennessee, Mr. MCKELLAR.

STATE BANK & TRUST CO. OF FAYETTEVILLE, TENN.

Mr. MCKELLAR. Mr. President, the Senator from Colorado [Mr. PHIPPS], who objected to our returning to Calendar 1086, a few moments ago, says he now has no objection. I therefore ask that the Senate proceed to the consideration of House bill 5894, for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIO GRANDE BRIDGE, TEX.

Mr. SHEPPARD. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 13778) authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.

I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF GENERAL LEASING ACT

Mr. ODDIE. Mr. President, I ask unanimous consent to return to Calendar 702, which was passed over, that being House bill 10885.

Mr. KING. Let the bill be reported.

The Chief Clerk read the bill.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. I would like to have some explanation of that.

Mr. ODDIE. This bill has been passed by the House and favorably reported on by the department. It is a bill which clarifies the language of a previous enactment.

Mr. BRUCE. I have no objection.

Mr. BINGHAM. Let the bill be read.

The Chief Clerk read the bill.

Mr. SMOOT. May I ask the Senator how this got on the calendar?

Mr. ODDIE. It was passed by the House and came over here as a House bill, and it is on the calendar now.

Mr. SMOOT. It should have gone to a committee.

Mr. ODDIE. It has been passed on by the committee.

Mr. SMOOT. The calendar does not show that it ever went to a committee.

Mr. SMITH. What is the number of the bill?

Mr. SMOOT. It is House bill 10885. It is a rather strange proceeding. The calendar shows that on April 3, 1928, the bill was read twice and placed on the calendar. It did not go to a committee at all.

The VICE PRESIDENT. At the time the bill came over from the House there was a Senate bill on the calendar in identical terms, and the House bill was substituted for the Senate bill. This bill was passed on April 4, 1928. Then the Senator from New Mexico [Mr. BRATTON] entered a motion to reconsider the vote by which the bill was passed.

Mr. PITTMAN. It is a substitute bill, is it not?

The VICE PRESIDENT. It is.

Mr. PITTMAN. Let it be passed.

Mr. BINGHAM. I ask that the bill be read.

Mr. WALSH of Montana. Mr. President, I ask if the Senator from Nevada will explain the purport of this bill.

Mr. ODDIE. Mr. President, the adoption of the new language will make a uniform rule and uniform language for all minerals subject to prospecting except oil and gas.

Section 24 of the act of February 25, 1920, provides for a royalty "of not less than one-eighth of the amount of value of the production." The new potash act provides for a royalty of "not less than 2 per cent of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market," the exception as to sodium obviously being because of the higher minimum royalty for sodium in said section 24. The proposed draft provides the same minimum royalty for sodium as for potash compounds, thus doing away with the exception and making more practicable and profitable the mining and sale of sodium compounds as a by-product of potash mining operations.

Mr. WALSH of Montana. Does the provision in regard to sodium mean the same as that in regard to potash?

Mr. ODDIE. They do not under the present law. This simplifies the matter. It applies to a small area in my State, and I hope the objection will be withdrawn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ONE MONTHS' EXTRA PAY FOR SENATE EMPLOYEES

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk, and I ask for its adoption.

The VICE PRESIDENT. The clerk will read.

The resolution was read.

Mr. BLEASE. Mr. President, is there any provision in the resolution for one months' extra pay for the pages?

Mr. ROBINSON of Arkansas. I do not believe there is any provision under which the pages would be paid.

Mr. BLEASE. I think these little boys ought to have an extra month's pay.

Mr. ROBINSON of Arkansas. I have no objection to amending the resolution to that effect.

The resolution was agreed to.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, a few moments ago the Senate passed a resolution, which I offered, authorizing the payment of a month s extra salary to the clerks of Senators and the clerks and messengers of the standing committees and the pages of the Senate. I am now advised that there is no fund out of which that payment can be made. I desire to move a reconsideration of the vote whereby the resolution was agreed to, with a view to offering two amendments to it. I ask unanimous consent that I may be permitted to move such reconsideration.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Is there objection. The Chair hears none, and it is so ordered.

Mr. ROBINSON of Arkansas. I ask that the resolution may be changed from a simple Senate resolution to a joint resolution.

The PRESIDING OFFICER. In the absence of objection it is so ordered.

The joint resolution (S. J. Res. 166) to pay certain employees of the Senate and committees a sum equal to one month's compensation of each thereof, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to clerks, assistant clerks, additional clerks, and messengers to Senators, and to clerks and messengers of the standing committees of the Senate, and Senate pages now borne upon the pay rolls of the Senate, for extra services rendered during the first session of the Seventieth Congress, a sum equal to one month's compensation at the rate said clerks, assistant clerks, additional clerks, and messengers are now receiving.

Mr. ROBINSON of Arkansas. I now move to add at the end of the resolution the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be stated.

The LEGISLATIVE CLERK. At the end of the resolution it is proposed to strike out the period and insert a comma and the following words:

and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for making such payments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

NAVIGATION OF THE COLORADO RIVER

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed as a Senate document certain documents and other papers which I have assembled relative to navigation on the Colorado River.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EQUITABLE USE OF THE WATERS OF THE LOWER COLORADO RIVER AND THE RIO GRANDE (S. 163)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, ordered to lie on the table and to be printed:

To the Senate:

I transmit herewith the report from the Secretary of State in response to Senate Resolution No. 181, adopted by the Senate on April 20, 1928, requesting to be furnished with certain information regarding the equitable use of the waters of the lower Colorado River and the Rio Grande.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 22, 1928.*

COMPARISON OF APPROPRIATIONS AND ESTIMATES, 1928–29

Mr. WARREN. Mr. President, authority was given me by the Senate as chairman of the Committee on Appropriations to present certain tables with reference to appropriations and estimates for the fiscal years 1928 and 1929.

Before proceeding with this brief statement I desire to pay a sincere tribute to my coworker on appropriations for many years, Hon. Martin B. Madden, late chairman of the House Committee on Appropriations, who has passed on to his reward. He was my friend, and to claim him as one's friend meant much. We worked together for many years and helped adjust many hotly contested matters, such as must necessarily arise in appropriation work, and always with the warmest mutual affection. I miss him. Our Committees on Appropriations have lost a courageous, honest, and loyal helper.

ESTIMATES FOR 1929 REDUCED $9,331,779.05

Table A shows the appropriations for the fiscal year 1929 to be $9,331,779.05 less than the estimates submitted by the Bureau

of the Budget. This fine result has been accomplished only with a great amount of hard, laborious effort on the part of both Committees on Appropriations, the Bureau of the Budget, and all others connected with the work. I desire to thank each member of my committee for his loyal support in accomplishing this result. I could wish for no abler help. Congress has reduced the estimates of the Budget during the last seven years, as follows:

First estimates	$312,361,792.27
Second estimates	10,741,504.15
Third estimates	9,024,637.08
Fourth estimates	12,596,495.90
Fifth estimates	6,716,064.34
Sixth estimates	7,752,939.03
Seventh estimates	9,331,779.05
Total reduction in the seven sets of estimates	368,525,211.82

Table B shows the total appropriations made during the first session of the Seventieth Congress to be $4,628,045,035.09—an increase of $478,542,508.44 over the appropriations made during the second session of the Sixty-ninth Congress. The appropriations made during the second session of the Sixty-ninth Congress were $4,149,502,526.65. To this sum should be added $120,000,000, the amount of appropriations carried forward to the first deficiency bill for the fiscal year 1928 on account of the failure of the second deficiency bill for the fiscal year 1927 and the public buildings appropriation bill at the second session of the Sixty-ninth Congress, which would make the total appropriations made during the second session of the Sixty-ninth Congress $4,269,502,526.65, and deducting a similar sum from the $4,628,045,035.09 made during the first session of the Seventieth Congress reduces this sum to $4,508,045,035.09. Thus the appropriations made during the first session of the Seventieth Congress are $238,542,508.44 in excess of the appropriations made during the second session of the Sixty-ninth Congress. This result, when carefully analyzed, is nothing more nor less than what has been anticipated for some time.

In my remarks on the question of increased appropriations at the close of the second session of the Sixty-eighth Congress I called attention to what I believed then to be a fact—that reductions in appropriations could not reasonably be looked forward to in the very near future, and that I believed we were then at rock-bottom figures, as our appropriations had been gradually coming down since the World War and we were at that time practically on a genuine peace basis. Prosperity and good times demand increased as well as new governmental functions. We have reduced our gross public debt outstanding from $18,873,852,065.05 of May 31, 1927, to $17,755,711,829.98 of May 31, 1928, a decrease of $1,118,140,235.07. We have reduced the interest on the public debt for the fiscal year 1929 the sum of $50,000,000.

Everything considered by a careful survey of the whole field, this session of Congress has made a splendid record for saving public money.

I desire to present certain deductions from the increase of appropriations, amounting to $238,542,508.44 as above referred to, made during the first session of the Seventieth Congress over appropriations made during the second session of the Sixty-ninth Congress, to which I invite the fair consideration of all concerned, which are as follows:

Government life-insurance fund, Veterans' Bureau $74,500,000.00

(This permanent annual appropriation enables the Director of the Veterans' Bureau to carry out the provisions of the act entitled "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates.")

Settlement of war claims act of 1928 ..... 50,000,000.00

(This appropriation provides for the provisions of the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian.")

Public buildings $24,635,083.56

(This appropriation provides for the construction of public buildings in the District of Columbia and throughout the United States under the provisions of the public buildings act, approved May 25, 1926, as amended. This is the first public buildings act for some years, and the reasons for the construction of each building are based on sound facts touching population, postal receipts, congestion in existing Federal buildings, amount of rentals paid, and the adequacy and suitability of present quarters.)

Increase of the Navy 24,300,000.00

(This increase is to speed up the work on ships heretofore authorized by law and now under construction, in order that all of same may be practically completed within the fiscal year 1930.)

Increase in aviation of the Army, Navy, Post Office, and Commerce 21,732,818.00

(This increase is to keep pace with the rapidly growing demands of our Army and Navy and to meet their mapped-out five-year programs; to transport our mail by airplanes by the Post Office Department; and to enable the Department of Commerce to provide lighted airways for the Post Office Department as well as for commercial uses.)

Civil-service retirement fund 19,950,000.00

(This appropriation enables our Government to meet the liabilities which have accrued against it in connection with the retirement of civil employees.)

Postal Service 15,250,000.00

(This appropriation includes $7,500,000 for carrying out the provisions of the merchant marine act, 1928, in relation to the transportation of foreign mail, and the balance is on account of the increased demand for better and larger postal facilities due to increasing population, good times, and general prosperity.)

Flood control of the Mississippi River and tributaries 15,000,000.00

(This appropriation is to meet the requirements of the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes.")

Military post construction $10,299,975.00

(This appropriation is to better the housing conditions of the Army, which at present are deplorable.)

Purchase of triangle properties in the District of Columbia 9,680,000.00

(This land is to be used for sites for Government buildings authorized by law. The construction of said buildings will greatly reduce the rent expenses of the Government and also provide permanent buildings for those activities of the Government now housed in temporary war-time structures.)

Cape Cod Canal bonds 6,230,000.00

(This appropriation provides for the payment of the 50-year first-mortgage bonds of the Boston, Cape Cod & New York Canal Co., as authorized in the act approved Jan. 21, 1927.)

River and harbor work 5,886,310.00

(This increase is to facilitate work in order to more efficiently maintain the channels of our rivers, deepen harbors, etc.)

Flood relief in the States of New Hampshire, Vermont, and Kentucky 5,197,294.00

(This provides for the repair of roads and bridges damaged by the floods of 1927.)

Eradication of pink bollworm 5,000,000.00

(This emergency appropriation is to carry out the provisions of the joint resolution entitled "Joint resolution to provide for the eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928.)

Ammunition storage 3,108,159.00
(This makes provision to better protect our population in reference to the storage of high explosives.)
Mount Vernon Highway 2,500,000.00
(This meets the provisions of the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington.")
Foreign Service building program 2,000,000.00
(This enables the United States to better house the activities of our Government abroad, and is in accordance with the provisions of the "Foreign Service buildings act, 1926.")

TABLE A.—*Comparison of Budget estimates and appropriations, Seventieth Congress, first session*

Title of act	Budget estimates, Seventieth Congress, first session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), appropriations compared with Budget estimates
Regular acts, fiscal year 1929			
Agriculture, Department of	$138,129,839.88	$139,138,793.88	+$1,008,954.00
District of Columbia	[1] 37,693,686.00	37,625,208.00	−68,478.00
Independent offices	527,553,802.00	527,593,111.00	+39,309.00
Interior Department	[2] 273,165,839.00	272,656,039.00	−509,800.00
Legislative establishment	18,072,146.86	17,746,893.26	−325,253.60
Navy Department	361,264,907.00	362,145,812.00	+880,905.00
Departments of State, Justice, Commerce, and Labor:			
State	13,950,955.14	13,955,955.14	+5,000.00
Justice	26,874,742.50	26,759,342.50	−115,400.00
Commerce	38,071,460.00	38,136,960.00	+65,500.00
Labor	10,960,840.00	10,968,340.00	+7,500.00
Total	89,857,997.64	89,820,597.64	−37,400.00
Treasury and Post Office Departments:			
Treasury	301,510,218.00	296,392,018.00	−5,118,200.00
Post Office	768,050,042.00	764,950,042.00	−3,100,000.00
Total	1,069,560,260.00	1,061,342,060.00	−8,218,200.00
War Department:			
Military	309,781,755.00	309,601,568.50	−180,186.50
Nonmilitary	82,080,258.00	88,915,653.00	+6,835,395.00
Total, War Dapartment	391,862,013.00	398,517,221.50	+6,655,208.50
Total, regular annual acts	2,907,160,491.38	2,906,585,736.28	−574,755.10
Deficiency acts			
First, 1928	200,774,524.89	200,936,947.54	+162,422.65
Second, 1928	155,672,204.34	146,017,757.74	−9,654,446.60
Total, deficiency acts	356,446,729.23	346,954,705.28	−9,492,023.95
Total, regular annual and deficiency acts	3,263,607,220.61	3,253,540,441.56	−10,066,779.05
Miscellaneous relief, claims, and other acts (estimated)	[3] 65,000.00	[4] 800,000.00	+735,000.00
Total, regular annual, deficiency, and miscellaneous	3,263,672,220.61	3,254,340,441.56	−9,331,779.05
Permanent and indefinite appropriations	1,373,704,593.53	1,373,704,593.53	
Grand total	4,637,376,814.14	[5] 4,628,045,035.09	−9,331,779.05

[1] Exclusive of $42,500 for Freedmen's Hospital transferred to Interior appropriation bill.
[2] Includes $550,000 transferred from first deficiency and $42,500 from District of Columbia estimates and exclusive of $222,000 transferred to first deficiency bill.
[3] House Document No. 149, Water Boundary, United States and Mexico.
[4] Estimated.
[5] Classification of foregoing appropriation by fiscal years:

1929	$4,322,148,922.06
1928	283,409,395.22
1927 and prior years, including judgments and audited claims	22,486,717.81
Total	4,628,045,035.09

TABLE B.—*Comparison of appropriations made during the first session of the Seventieth Congress with those of the second session of the Sixty-ninth Congress*

Title of act	Appropriations, Sixty-ninth Congress, second session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), first session Seventieth Congress compared with second session Sixty-ninth Congress
Regular annual acts			
Agriculture	$128, 511, 739. 00	$139, 138, 793. 88	+$10, 627, 054. 88
District of Columbia	36, 282, 385. 00	37, 625, 208. 00	+1, 342, 823. 00
Executive office and independent offices	512, 903, 808. 00	527, 593, 111. 00	+14, 689, 303. 00
Interior	260, 305, 020. 00	272, 656, 039. 00	+12, 351, 019. 00
Legislative establishment	16, 433, 779. 56	17, 746, 893. 26	+1, 313, 113. 70
Navy	316, 215, 107. 00	362, 145, 812. 00	+45, 930, 705. 00
State, Justice, Commerce, and Labor:			
State	12, 013, 886. 41	13, 955, 955. 14	+1, 942, 068. 73
Justice	26, 400, 889. 50	26, 759, 342. 50	+358, 453. 00
Commerce	36, 627, 450. 00	38, 136, 960. 00	+1, 509, 510. 00
Labor	10, 134, 516. 00	10, 968, 340. 00	+833, 824. 00
Total, State, Justice, Commerce, and Labor	85, 176, 741. 91	89, 820, 597. 64	+4, 643, 855. 73
Treasury and Post Office:			
Treasury	137, 581, 093. 00	296, 392, 018. 00	+158, 810, 925. 00
Post Office	755, 336, 200. 00	764, 950, 042. 00	+9, 613, 842. 00
Total, Treasury and Post Office	892, 917, 293. 00	1, 061, 342, 060. 00	+168, 424, 767. 00
War Department:			
Military	280, 618, 885. 00	309, 601, 568. 50	+28, 982, 683. 50
Nonmilitary	79, 162, 844. 00	88, 915, 653. 00	+9, 752, 809. 00
Total, War Department	359, 781, 729. 00	398, 517, 221. 50	+38, 735, 492. 50
Total, regular annual acts	2, 608, 527, 602. 47	2, 906, 585, 736. 28	+298, 058, 133. 81
Deficiency acts			
First, 1927	185, 612, 334. 01		−185, 612, 334. 01
First, 1928		200, 936, 947. 54	+200, 936, 947. 54
Second, 1928		146, 017, 757. 74	+146, 017, 757. 74
Total, deficiency acts	185, 612, 334. 01	346, 954, 705. 28	+161, 342, 371. 27
Miscellaneous acts carrying appropriations, fiscal year 1928			
Miscellaneous, relief, and other acts	10, 410, 082. 17	[1] 800, 000. 00	−9, 610, 082. 17
Total, regular annual, deficiency, and miscellaneous acts	2, 804, 550, 018. 65	3, 254, 340, 441. 56	+449, 790, 422. 91
Permanent and indefinites			
Agriculture	11, 351, 250. 00	11, 010, 500. 00	−340, 750. 00
Commerce	3, 000. 00	3, 000. 00	
Independent offices	7, 452, 000. 00	84, 650, 250. 00	+77, 198, 250. 00
Interior	25, 179, 000. 00	27, 454, 000. 00	+2, 275, 000. 00
Labor	25, 000. 00	10, 000. 00	−15, 000. 00
Legislative	800. 00	160, 800. 00	+160, 000. 00
Navy	1, 916, 850. 00	1, 887, 550. 00	−29, 300. 00
Post Office		220, 000. 00	+220, 000. 00
State	141, 233. 00	141, 233. 00	
Treasury:			
Interest on the public debt	[2] 720, 000, 000. 00	670, 000, 000. 00	−50, 000, 000. 00
Sinking fund and other public debt retirement funds	[2] 537, 120, 735. 00	541, 623, 393. 53	+4, 502, 658. 53
Ordinary permanent and indefinites	31, 145, 040. 00	23, 735, 737. 00	−7, 409, 303. 00
Total, Treasury	1, 288, 265, 775. 00	1, 235, 359, 130. 53	−52, 906, 644. 47
War Department:			
Military activities	1, 500, 000. 00	1, 565, 900. 00	+65, 900. 00
Nonmilitary activities	6, 575, 600. 00	8, 522, 230. 00	+1, 946, 630. 00
Total, War Department	8, 075, 600. 00	10, 088, 130. 00	+2, 012, 530. 00

[1] Approximated.
[2] Revised in Budget in December, 1927.

TABLE B.—*Comparison of appropriations made during the first session of the Seventieth Congress with those of the second session of the Sixty-ninth Congress*—Continued

Title of act	Appropriations, Sixty-ninth Congress, second session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), first session Seventieth Congress compared with second session Sixty-ninth Congress
District of Columbia	$2, 542, 000. 00	$2, 720, 000. 00	$+178, 000. 00
Total permanent and indefinite	[2] 1, 344, 952, 508. 00	[3] 1, 373, 704, 593. 53	+28, 752, 085. 53
Grand total	4, 149, 502, 526. 65	4, 628, 045, 035. 09	+478, 542, 508. 44
Postal Service (regular annual and deficiency acts)	755, 336, 200. 00	776, 974, 541. 45	+21, 638, 341. 45
Grand total, exclusive of Postal Service, from postal revenues	3, 394, 166, 326. 65	3, 851, 070, 493. 64	+456, 904, 166. 99

[2] Revised in Budget in December, 1927.

[3] Exclusive of $15,050,042 included in the Budget statements as a permanent appropriation to cover estimated deficiency in postal revenues for 1929. This sum is included in the total of the Post Office appropriation act and to include it again in the total of the permanent appropriations would constitute a duplication.

INVESTIGATION OF THE TARIFF COMMISSION

Mr. REED of Pennsylvania. Mr. President, this morning the Senator from Arkansas [Mr. ROBINSON] presented a majority report from the select committee appointed to investigate the Tariff Commission. At that time I obtained unanimous consent to file the views of the minority, which would follow the majority report immediately in the printing of the CONGRESSIONAL RECORD. I now ask leave to submit the views of the minority.

Mr. ROBINSON of Arkansas. The report which I filed was ordered to be printed; but I have no objection to printing it in the CONGRESSIONAL RECORD.

Mr. REED of Pennsylvania. Neither the majority report nor the views of the minority are long, and I think they both ought to be printed in the CONGRESSIONAL RECORD.

Mr. ROBINSON of Arkansas. Very well. I ask unanimous consent that the report submitted by me may be printed in the RECORD, with the views of the minority submitted by the Senator from Pennsylvania, and with the additional views of the Senator from Wisconsin if filed in time.

Mr. REED of Pennsylvania. And if the majority report shall be printed as a Senate document, then I ask that the views of the minority be printed in the same document.

The VICE PRESIDENT. Without objection, it is so ordered.

The views of the minority, submitted by Mr. REED of Pennsylvania, will be found on page 10552.

Mr. REED of Pennsylvania. I wish to add that the former Senator from New York, Mr. Wadsworth, is not present in Washington to-day, but I think I know his views sufficiently well to say that if here he would join in the views which I have just filed.

ORLA W. ROBINSON

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of House bill 7324, to clarify the military record of Orla W. Robinson, and that the bill be passed.

Mr. REED of Pennsylvania. What is that bill?

Mr. BARKLEY. I will explain it to the Senator.

Mr. REED of Pennsylvania. What is the calendar number?

Mr. BARKLEY. It is not on the calendar. This man served an enlistment in the Army, his enlistment expired, and he enlisted a second time. During his second enlistment he was charged with theft, tried by court-martial, and convicted. After his conviction he enlisted again in the United States Marine Corps and served a full term, and received an honorable discharge. It has developed now that by reason of the fact that he would not, as is said, "squeal" on his companions in the Army, he was convicted wrongly. Affidavits are in the report from his comrades establishing his innocence. He has been an honorable citizen for many years, is a prominent minister of the Methodist Church in Kentucky, and desires to have his record cleared. It does not involve any financial matter in any way.

Mr. REED of Pennsylvania. I object.

Mr. REED of Pennsylvania subsequently said: Mr. President, I want to say a word about the motion of the Senator from Kentucky to discharge the Committee on Military Affairs from the further consideration of the bill to which he refers. We have approximately 900 bills now in the committee. If the Senate did this for one, they must do it for all, because every Senator who has introduced one of those relief bills obviously must believe in its propriety or he would not have introduced it. I hope the Senate will set its face firmly against that policy.

Mr. BARKLEY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. Is it in order to move to discharge the committee from the consideration of this bill and to bring it before the Senate?

The VICE PRESIDENT. Such a motion would not be in order.

THE CALENDAR

The VICE PRESIDENT. The calendar under Rule VIII is in order.

The first bill on the calendar was the bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT TO THE CONSTITUTION

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on futures exchanges, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will go over under objection.

UNITED STATES CODE OF LAWS

Mr. WALSH of Montana. Mr. President, I inquire whether it would be in order now to ask for the consideration of a House bill?

Mr. SMOOT. It would.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the bill (H. R. 13621) authorizing a preparation and publication of a supplement to the Code of Laws of the United States.

The PRESIDENT pro tempore. What is the calendar number?

Mr. WALSH of Montana. It is not on the calendar.

Mr. REED of Pennsylvania. What kind of a bill is this?

Mr. WALSH of Montana. On Saturday we passed a bill which provided for the codification of the laws of the present Congress, a supplement to the United States Code of Laws.

The bill provides for the publication and printing of that codification. It also provides for a continuation of the committee doing this work after the conclusion of this session, and provides likewise for the printing of the codification of laws for the District of Columbia.

Mr. REED of Pennsylvania. How many copies does the resolution authorize to be printed?

Mr. WALSH of Montana. I take it that it calls for the same number as the original measure called for. The provisions of section 7 of the bill cover that question.

Mr. LA FOLLETTE. Mr. President, can the Senator inform the Senate what was done in the House with the amendment adopted by the Senate to the bill to which he refers?

Mr. WALSH of Montana. I am advised by the chairman of the House committee that the amendment of the Senate was agreed to.

Mr. LA FOLLETTE. I am very gratified that it has been done.

Mr. SMOOT. Mr. President, I want to ask the Senator if it has been the custom in the past for Congress to do the printing for the District of Columbia?

Mr. WALSH of Montana. I am unable to say so, but I should assume that is the case, because they are the laws of Congress. I should add that the provisions of the bill in relation to the printing of this supplemental number are the same as the provisions in relation to the printing of the original Code of Laws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13621) authorizing a preparation and publication of a supplement to the Code of Laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL ACTIONS IN UNITED STATES COURTS

Mr. COPELAND. Mr. President, I ask to have printed in the RECORD resolutions adopted at the annual meeting of the Broome County Bar Association with reference to Senate bill 3151.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ANNUAL MEETING OF BROOME COUNTY BAR ASSOCIATION MAY 12, 1928

By Mr. F. J. Meagher:

Resolved, That the report of the committee on judiciary and law reform expressing its disapproval of United States Senate bill No. 3151 be, and the same hereby is, adopted; and further

Resolved, That the secretary of the Bar Association be, and he hereby is, instructed to transmit a copy of the said report and of this resolution to Hon. ROYAL S. COPELAND and Hon. ROBERT F. WAGNER, Members of the United States Senate from the State of New York, and to Hon. JOHN D. CLARKE, Representative in Congress of the thirty-fourth congressional district of the State of New York.

To the Broome County Bar Association.

GENTLEMEN: The president of the bar association has brought to the attention of the committee on judiciary and law reform United States Senate bill 3161 introduced in the United States Senate by Senator Norris and so far as relates to the matter in hand it provides:

"*Be it enacted, etc.*, That the first paragraph of section 24 of the Judicial Code (sec. 41, U. S. C.), as amended, is amended to read as follows: First. Of all suits of a civil nature at common law or in equity brought by the United States or by any officer thereof authorized by law to sue."

As the law now stands, this paragraph 1 of section 24 of the Judicial Code, in addition to the provisions above quoted, also provides for the bringing of actions in the United States district courts by a citizen of one State against a citizen of another State in cases involving the sum of $3,000, or more.

Your committee understands that the object of the law as it now stands was to overcome what prejudice might exist against a resident of one State in bringing an action against a resident of another State in the State courts. Your committee believes that this provision is just.

The amendment to this section which your committee calls to your attention is for the purpose of eliminating this provision now available by a citizen of one State against a citizen of another State.

Your committee is of the opinion that no need exists for restricting the present privileges granted to citizens to enter the United States courts, and recommends that this association express its disapproval of this proposed bill to the Senators of the State of New York and to its Representative in Congress from the thirty-fourth congressional district.

Dated May 12, 1928.

BURR M. MAASHER,
J. L. GREGORY,
C. ADDISON KEELER,
WILLIAM L. LEWIS,
THOMAS J. KEENAN,
Committee on Judiciary and Law Reform.

INTERNATIONAL BOUNDARY WATER LEVELS

Mr. SCHALL. Mr. President, I asked unanimous consent to print several newspaper articles and editorials pertaining to and growing out of my opposition to special interests' desire of my State to raise the international boundary water levels between Minnesota and Ontario, and I also desire to have printed, and ask unanimous consent therefor, several newspaper articles and editorials, including a newspaper statement of mine in reference to this international boundary water question and the enforced payment of back income taxes by these same special interests, all of which, together with their machinations, misstatements, and false charges in reference to myself are, in my opinion, of interest to the people of Minnesota.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Atwater (Minn.) Republican Press, Friday, May 4, 1928]

TOM SCHALL'S speech before the United States Senate on the conservation of our natural resources is well worthy of a Senator from the State of Minnesota. He may be blind, but nevertheless he sees more than many of us who have full use of our eyesight. He is brilliant. Senator SCHALL'S greatest faculty is his unflinching courage in boldly opposing the forces that would dry up our lakes and streams and eventually break down the forests, which are the property of our people. The fish, birds, and other wild life belong to the people as a whole and should be so regarded. TOM SCHALL does not take into consideration either wealth or power when he decides to do battle. What the Senator says is sometimes pretty mean stuff, because it is dangerously close to the truth. (Maple Lake Messenger.)

[From the Milan (Minn.) Standard, Friday, May 4, 1928]

Whatever faults Senator SCHALL may have, the one act of his in compelling the Backus-Brooks outfit to pay $3,160,000 in taxes, which they probably would never have been called upon to pay had it not been for him, ought to have careful consideration when Mr. SCHALL'S enemies begin their active campaign to unseat him in 1930. (Madison Independent Press.)

If it hadn't been for the $3,160,000 in back taxes, we wonder how much would have been known about the alleged faults of Senator SCHALL.

[From the St. Paul Dispatch, Friday, March 30, 1928]

BACKUS BEHIND MAGNUS DRIVE, SCHALL AVERS—LABORITE PLAYS "MAN FRIDAY" IN "SMOKE SCREEN" ATTACK, SENATOR CHARGES—DAM ISSUE CALLED MOTIVE—STATEMENT QUESTIONS SINCERITY OF OUSTER MOVE LAUNCHED AS POLITICS HUM

Senator THOMAS D. SCHALL, in a statement issued to-day, charged that efforts of former Senator Magnus Johnson to reopen the United States Senate contest over his election are in reality another attack on him by E. W. Backus, millionaire Minneapolis lumberman.

The attack, he charged, is "only another smoke screen of Backus to cover up the real issue in Minnesota, blocking of Backus interests' efforts to destroy the grandeur of Minnesota's north woods country by building his power dams on Canadian boundary waters."

SENATOR SCHALL'S CHARGES

Senator SCHALL also charges in his statement:

"That Mr. Backus paid Johnson's campaign expenses and a salary while he was running on the Farmer-Labor ticket against a Republican.

"That he [SCHALL] had advance information that an effort would be made to get 'another smear investigation before the Senate to make slanderous charges against me under congressional immunity.'

"That he has received information that Backus is making arrangements to charter a special train to take Minnesota and possibly North Dakota delegates to the Republican convention in Kansas City.

"That Mr. Backus is aligning himself with Presidential Candidate Lowden on a farm-relief record only to 'take unto himself a popular Minnesota issue, the McNary-Haugen bill, in order to divert attention

from that other great Minnesota issue—conservation of natural resources.'

"I notice by Thursday evening's St. Paul and Minneapolis papers that Magnus Johnson expects to revive the charges against me, contending that he has new evidence. I am not at all surprised," said Senator SCHALL.

SAY HUGHES ALSO WROTE

"On my return to Minneapolis last Thursday I was advised that Donald Hughes (Minneapolis attorney for Johnson) had also written Senator SHIPSTEAD and wanted this contest reopened. It is very peculiar that this should come about at this time, when the political pot is boiling in Minnesota, the question of national politics being uppermost in the minds of the public.

"The United States Senate disposed of this case. In the face of that a group of State senators who were controlled by E. W. Backus reopened this matter in the last Minnesota Legislature. They had the widest latitude to present evidence, but nothing was produced. It was a packed committee, with the exception of one, Mr. Johnson, of Ivanhoe, of State senators under the dominating influence of E. W. Backus, and if there was any evidence you can rest assured they presented it.

"The Minnesota State Senate, after a thorough investigation lasting many weeks, was forced to exonerate me completely. Because of the stand I took against E. W. Backus on the tax question some years ago, when I introduced a resolution in Congress which forced him to pay $3,218,000 back taxes for the corporation which he represents and several hundred thousand dollars more on his personal taxes, and because for many years I have been vitally interested in protecting the public's interest in the matter of water power in the northern part of the State, and because I have at various times on the floor of Congress in the last five years stated my unalterable position against his water-power projects, and because I saw fit to give expression through the press so the public might thoroughly understand how necessary it is at this time to conserve our natural resources and expose the movement back of it to take away from the people their rightful heritage, I am being hounded by such men as Magnus Johnson and others of his kind. It was shown before the investigating committee of the State senate, on Mr. Backus's own testimony, that he and Magnus Johnson were on very close terms.

"Besides wanting to smear me, they wanted this purposeless investigation of me to distract the public attention from the fact that grave charges were flying about that there was a shortage in the office of the State treasurer and an investigation was being demanded.

"Also, there was a demand for an investigation of a member of the securities commission appointed by the governor. Since the legislature adjourned, this member, Andrew E. Nelson, through the efforts of the United States attorney, has been indicted, tried, and convicted of aiding a $1,000,000 fraud scheme of C. A. Cochran, and has been sentenced to 20 years in Leavenworth prison.

"The State senate set up a smoke screen of trying TOM SCHALL, and tried to smear me while they were covering up the State administration."

CALLS BACKUS INSTIGATOR

"This attack is not an attack by Magnus Johnson, but by E. W. Backus, brought covertly through Johnson as Backus's man 'Friday.' This he has been since Backus hired him 'by the month and expenses' to run as a Farmer-Laborite against J. A. O. Preus, a Republican, for the United States Senate.

"Backus knows at last that the issue I have fought for for years has become a pulsing State issue, that the 30,000 or 40,000 sportsmen and organized conservationists in the State are up in arms against Backus's dam and power projects. He is afraid of this aroused sentiment.

"For years every time I shouted about it I got a bucket of cold water. Now the people of Minnesota know the peril of his program. The Izaak Walton League, World War veterans, and many other veterans and sportsmen's organizations and the Federation of Women's Clubs are mobilizing to protect our northern resources in their natural beauty against the encroachment of private interests.

"I am in Backus's way and he will use any methods to get rid of me."

LISTS MAGNUS'S "CONTESTS"

"As for Magnus, he has had lots of contests. He had a milking contest when he was in Washington, but he said they gave him a dry cow and he lost that.

"He had a woodchopping contest, but they gave him a dull ax, and he lost that. He had a marble contest, but he claimed somebody pushed him, and he lost that.

"Now he is out for another contest. This time again he has a dry cow, a dull ax, and again somebody is pushing him—and he will lose this.

"BOTH FOR HAUGEN BILL"

"I have charged in the Senate that Backus has said he would spend $500,000 to beat me. Why is he so bitterly opposed to me? I am for the McNary-Haugen bill; have been one of its staunch supporters, and now, so is he. His attack is simply another smoke screen to cover up the real issue closest to his heart, blocking of his efforts to build power dams in the northern boundary waters and destroy our natural resources.

"It is strange that at this time these charges against me, twice discredited and thrown out, should be revived, and the only reason I can see is that Mr. Backus sees that the political situation requires some sort of a smoke screen to cover up his political manipulations at the present time because of his control of the majority of the State delegation to the National Republican Convention.

"At St. Paul last Friday night and Saturday it was amusing to see how these Minnesota State senators ran to him at his beck and call. They were just errand boys.

"My understanding is that he expects to control the majority of Minnesota delegates to the Kansas City convention and also the statement has come to me that he is now arranging for a special train, which will be under his jurisdiction, for the delegates from North Dakota and Minnesota to the Kansas City convention.

SINCERITY QUESTIONED

"These charges of his man Johnson are not actuated by sincere motives. They are purely political.

"Mr. Johnson was very anxious a few weeks ago to secure from the United States Senate $2,500 which he claims he had coming to him. He said he was broke. Where does he get the support to carry on the nefarious program which he is again undertaking to put over?

"I have information that Magnus Johnson was in the pay of Backus when he made the race for the United States Senate against Preus. That he was in the pay not only so far as his campaign expenses were being paid or guaranteed, but that he also was being paid a salary so that he would not lose his time if he was defeated. Magnus himself told this to members of the Farmer-Labor Party when they tried to get him to drop out and leave the way for Fritsche and Lindbergh to run, I am reliably informed.

"At the previous smear investigation, Backus testified under oath that I was not his friend, that I had made him pay the Government more than $3,000,000 in back taxes, and that he thought me unwise in that before I made the tax fight on the floor of Congress I should have sent for him and said 'I want to talk to you about this.'

"Backus tried to have Magnus, his man Friday, appointed to the International Joint Boundary Commission which would study and report on his request for the privilege of building his power dams. He went to the President of the United States and asked for the appointment. Why did he do this?

BLAMES BIG INTERESTS

"One does not have to analyze it very carefully in order to be satisfied in his own mind that the big interests that are trying to control the natural resources of the northern part of the State are vitally interested and therefore make every effort to prejudice the minds of the people against me. Let them continue. It is making me thousands of friends, and the people of Minnesota are beginning to understand why they have made all these malicious attacks the past few years."

MOST DISTINGUISHED BLIND MAN IN ALL THE WORLD, SAYS WELLS ABBOT—NOTED CHICAGO NEWSPAPER MAN GIVES HIS IMPRESSIONS OF FIGHT AGAINST SCHALL—MONEY MEANS NOTHING TO BLIND MAN—CAN NOT SEE WHY MINNESOTA CITIZENS FIGHT SENATOR, WHO HAS RISEN TO HEIGHTS UNDER PHYSICAL HANDICAP—INTERESTING ARTICLE

By Wells Abbot

It is a strange thing to an outsider to come into the State of Minnesota, examine its political situation, and note the weave of the fabric. One good woolen thread runs through, flanked on either side by what appears to be shoddy.

When Senator THOMAS D. SCHALL was elected to the Senate the interests concluded that here was an easy mark. Furthermore, the Senator was blind—he couldn't see. It apparently occurred to them that here was a person who could be bent to their bidding without much difficulty.

A blind man, however, has this peculiarity: You can show him a $1 bill and a $1,000 bill and he can't tell the difference. It's all paper to him, and since it is all paper, it begins to lose its value.

Shut your eyes for five minutes and imagine yourself shut out from all the world—grope your way around your own house after you try this experiment. You will begin to understand how the material things that would interest other men begin to lose their value. There remains only the necessity for the simple, necessary things of life, and in the case of a high-minded, educated, public-spirited man there remains also in a greater measure the sense of justice, honesty, and decency.

This bothered the interests. Here was a Senator who would not budge; here was a Senator who could not be bought; here was a Senator who could not see a $1,000 bill; and lastly, here was a Senator who was honest, who had fought his way up from the ranks of the people,

who had their interest at heart, and who, apparently, intended to fight the battle of the people as opposed to the interests of great financial groups.

WHAT TO DO?

Various shrewd minds decided that the best way to ruin a Senator like this and to discredit him was to have recourse to the old-fashioned "mud slinging."

So they began to sling gobs of mud with the intention of choking off this one voice in the Minnesota political wilderness; but the more mud they threw, the louder SCHALL yelled. It was not exactly like talking candy from a baby. Then, as the records show, this public servant forced the issue—compelled court hearings and won a decided victory, much to the chagrin of certain wealthy men whose money had always smoothed the path for them and who were not used to being licked.

There is something petty, mean, and small in the mind and the heart of any man who will maliciously try to blacken the character of an honest public servant to further his own end.

Instead of getting behind such a man as SCHALL enthusiastically, instead of helping him and praising him, these financial interests made their contribution in the form of mud pies.

GREATEST IN THE WORLD

There can, of course, be no doubt of the fact that Senator SCHALL is to-day the most distinguished blind man in all the world.

No other man to-day, carrying his terrific handicap, has reached the heights of achievement or the place in our Republic that SCHALL has.

This should be a matter of pride to every Minnesotan with a drop of manhood or womanhood in their veins.

Here is sheer achievement, sheer grit, sheer ability finding its way from nothing to a place in the sun. What more striking example of heroic Americanism does the history of our country contain?

How many other men similarly afflicted have tightened the muscles of their jaws, have girded up their loins, and have determined to go on to victory as SCHALL has?

To the outsider there is something heroic and epic in the figure of SCHALL. It surprises those on the outside to contemplate the persecution of this man who will not be bought and will insist on serving the people.

However, apparently a prophet is always without honor in his own country.

Which brings me to another striking incident.

THAT DAM QUESTION?

Some three years ago Senator SCHALL again raised his voice against the building of dams in the upper Minnesota country. He contended that the benefit of private interests here would destroy a vast natural beauty spot, would harm the settlers of the region by flooding them out without compensation, and that the whole proposed scheme was meant purely for private benefit.

Remember this was three years ago. No one can ever tell me again that the American public is deaf—it only took them three years to hear the constant admonition of Senator SCHALL. This isn't bad, considering the length of time required for gaining the ear of the populace according to other historical events.

Three years Senator SCHALL fought this alone. He was the recipient of much mud. What he will ever do with all the mud thrown at him I haven't the faintest idea. Maybe he will start a subdivision—a muddy subdivision should be a good place to live for political cat's-paws who do the bidding of great financial interests and find themselves out in the cold by a fortunate act of justice.

It strikes me as I write this that justice, too, is blind; perhaps there is some analogy here between the mythical figure and the figure of the Senator weighing the balance impartially.

But to get back to the issue of the dams in northern Minnesota. When the dams were opposed by Senator SCHALL there were many loud and fervent damns, with the different spelling, uttered by the gentlemen whose interest dams would have served best.

The writer recalls an ancient truism which ran something like this, "That truth crushed to earth would rise again."

Senator SCHALL knew that eventually the inevitable spirit of justice would send him aid, and his faith has not gone unrewarded.

LEGION JOINS FIGHT

The American Legion has now taken up this fight, and Senator SCHALL heartily welcomes this powerful ally to stand shoulder to shoulder with him and fight against the despoilation of one of the greatest beauty spots of Minnesota.

It seems to the writer, after a somewhat casual survey into the persecution of Senator SCHALL, that if he were one of the men who had opposed the Senator and had lost as thoroughly in the courts of justice as they have, he would go and find himself a nice, large, warm hole, and he would crawl inside and proceed to pull the hole in after him. For the life of me I can not understand how such men can face the eyes of the citizens of Minnesota in broad daylight without feeling uncomfortable enough to melt.

WAS MAGNUS A DOUBLE CROSSER?

Everybody admires the man in public life who takes a stand for the principles in which he honestly believes. If you are a radical and an office holder is a stanch conservative; honestly believes in his conservative views and adheres to them all of the time, you have respect for that conservative.

On the other hand, if you are a conservative and a radical is in office who honestly believes in his program and is consistent in advocating it, you will admire that radical, even though you may disagree with him.

But most all Americans despise the straddler and double crosser in politics.

It was with considerable amazement that tens of thousands of voters who had been identified with the Farmer-Labor Party learned from the sworn testimony of E. W. Backus, multimillionaire Republican and business partner of William F. Brooks, Minnesota national Republican committeeman, that Magnus Johnson, self-styled Farmer-Labor leader and Progressive, had been recommended for appointment to the international joint commission by Mr. Backus.

Blandly, the man, a single one of whose properties is worth $84,000,000, sat on the witness stand, and—under oath—told how he went to President Coolidge and asked the Nation's Chief Executive to put Magnus Johnson, Farmer-Labor Senator, into that $10,000-a-year job.

Blandly, when questioned by Tom Davis, attorney for Senator SCHALL, Mr. Backus admitted that this commission would have an important bearing on the finances of his companies, because water levels are to the Backus-Brooks companies what oats are to a working farm horse.

Mr. Backus did more for Magnus Johnson than merely write a letter to the President, recommending Magnus for this important job.

Backus made a personal visit to Coolidge and made this request.

And Magnus Johnson, even then sitting in the United States Senate by virtue of the money and organization work of the Nonpartisan League and labor unions, was a frequent caller on Mr. Backus and Mr. Brooks. Magnus often went to the offices of these industrial powers "to pay them a little visit." Magnus became much better acquainted with Mr. Backus at Washington, when Backus was at the Capitol to push through the Lake of the Woods treaty, which causes overflow waters on lands of northern Minnesota settlers, wiping out their holdings in some cases, without a chance to collect damages. Magnus helped put this treaty through the Senate. And by a queer freak of politics the very counties which suffered the most from overflow gave Magnus his biggest vote. Verily, the voter is played for a sucker in many ways.

The progressive farmers of Minnesota and the organized industrial worker will want Magnus to explain to them why he was so chummy with Ed. Backus and Bill Brooks.

What was the Farmer-Labor leader doing in the offices of the Republican overlords so often?

Why did Magnus help put the Lake of Woods treaty across?

Why did E. W. Backus select Magnus Johnson for a $10,000-a-year job on the international joint commission and take the trouble to personally ask the President to appoint him?

Why is Magnus Johnson, who poses as the common people's friend, "lick spittling" around Backus, and so interested in besmirching the 12-year unassailable record of TOM SCHALL on behalf of the plain people?

The comparison is more startling when you note the statement of TOM SCHALL on May 19, 1924, on the floor of Congress, while still a Member of the House. SCHALL had no hesitancy in throwing the following challenge in the face of Minnesota's political overlords:

"The Backus crowd not only holds a strangling grip upon Minnesota's financial resources, but their ramifications extend into Canada, and are therefore international. A few years since, as a short cut to control of the Ontario government, they put over the Farmer-Labor ticket for the purpose of securing great concessions in timber and water power. They have not been negligent in seeking to grab control of such a movement in Minnesota. They are vitally interested in the international boundary waters treaty between Canada and the United States. They have for years, regardless of anyone's rights, been pursuing a ruthless course in the construction of water-power dams.

"Then, too, there is a little matter of several millions of dollars of income taxes due to the Government of the United States, which Backus is vitally interested in escaping. I have introduced House Resolution 301 to investigate this tax steal, and in case I am the Republican candidate for the United States Senate I want it understood that I am in no way connected with this boodling, reactionary gang, and if I am elected to the United States Senate I shall be as free as I have been during my 10 years' service in the House. No clique, gang, corporation, organization, or person has a 5-cent piece invested in the office I hold."

The tremendous onslaught and persecution to besmear TOM SCHALL since his election to the Senate demonstrates beyond all doubt that he has been true and is still unbroken, fighting the lone fight against an army of hirelings, barrels of money, and unlimited resources. TOM SCHALL, though blind, clearly foresaw what would happen when he began the fight against this dominating force, when over three years ago, on the floor of the House, he said:

"The people have trusted me in ever-increasing, overwhelming majorities for 10 years, and I would fail in respect to myself and to my people and to my God if I shirked this disagreeable, dangerous, unwelcome, imminent, and imperative duty of exposing to the people of Minnesota the long, grisly fingers that are reaching in to control their national politics.

"I know that I shall avail but little against the tremendous din of paid claquers, subsidized press, and carefully manipulated but misguided campaign organizations.

"I realize that it is a futile battle between the weak and strong. It is the scheme of the old selfish political plunder gang, headed by Backus, with their hands in almost every business of our State, holding in contempt assessors, county commissions, as well as income-tax officers, with a well-known trend of ruthlessness in their operations, well greased with their millions of ill-gotton gain filched from the Commonwealth against a humble, blind Representative of the people."

Magnus says he is going to run for the Senate again in 1930 against TOM SCHALL. All right, Magnus, this is a free country and you can run if you desire. But before you get the votes of the farmer and city worker who so loyally supported you in the past you must explain this connection with the men who are financially interested in politics and who are the political overlords of the Republican Party in Minnesota.

And that is going to be some job even for Magnus. The wood-sawing, cow-milking, marble-shooting and other contests you indulged in at Washington will not seem so difficult after the voters get a crack at you, Magnus. Some people are asleep, but a great majority will never reconcile the wheel horse of the Farmer Labor Party sleeping in the same stable with E. W. Backus and Bill Brooks.

Mr. Backus's testimony in the hearing proved almost every statement that TOM SCHALL has made. It was hard to believe at the time SCHALL made his fight single handed. But truth is truth. We did not credit it all when TOM SCHALL'S lone voice was raised in the political wilderness of protest. But Mr. Backus's testimony has brought out the truth.

We apologize to TOM SCHALL for doubting.

SCHALL EARNED SALARY

What is a public servant worth? What is a United States Senator who honestly performs his duties worth?

What was Senator SCHALL'S fight on the Backus-Brooks tax matter worth?

Backus said under oath and the records show that the Government collected about $3,160,000 because of SCHALL'S good work in this one matter. The interest on this sum at only 3 per cent would pay the President's salary of $75,000 every year for all time to come.

A Senator draws $10,000 a year in salary. His clerk hire and other expenses makes the total per year for a Senator, including salary, about $15,000 each 365 days.

If you figure what SCHALL saved the Government on this tax matter and divide the $3,160,000 by $15,000, you will easily see that SCHALL earned his salary and office expenses for 211 years by this one courageous act.

On the other hand, if SCHALL had been playing with big business, if he had "sent for" Ed. Backus, as Backus testified he should have done, the people could have lost SCHALL'S salary for 211 years just as easily, and practically nobody would have been the wiser. These tax matters are generally secret. Which kind of a Senator do you prefer?

TOM SCHALLS are scarce in public life. Give them all the credit and honors possible.

INVESTIGATION SHOWS PLOTTERS EXPECTED $30,000 TO FRAME CASE AGAINST BLIND MAN; THEY FAIL—SENATOR SCHALL MADE SPEECH IN CONGRESS WHICH FORCED BACKUS-BROOKS COMPANIES TO PAY $3,160,000 OF BACK TAXES; SINCE THAT EVENT FOUR ATTEMPTS MADE TO UNSEAT HIM; UNITED STATES SENATE AND MINNESOTA SENATE VOTE UNANIMOUSLY TO CLEAR SCHALL; SENATOR SHIPSTEAD SAID HE HAD NO QUARREL TO FIND WITH VERDICT; THE LEADER REVIEWS CASE TO SHOW MINNESOTA READERS WHAT IS CAUSE OF THESE ATTEMPTS AGAINST BLIND SENATOR

The Minnesota Leader has been making an investigation into the SCHALL inquiry, which was held before a committee of the Minnesota State Senate last spring.

Over a period of several months the Leader editor has been closely inspecting the typewritten testimony, all of which was under oath.

The story reveals a most amazing story of political intrigue and developed a determined effort to "get" Senator THOMAS D. SCHALL out of office because Senator SCHALL was independent and honest enough in his views to compel one of the biggest corporations in the Northwest to pay $3,160,000 of back income taxes.

By doing this TOM SCHALL placed in the Treasury of the United States enough money to pay his salary and expenses for 211 years. By keeping this money in the Treasury, less than two-thirds of 1 per cent interest on the money would pay the salary of his successor until judgment day.

Sensational testimony was developed in the investigation last spring by several witnesses, who claimed there was a plot to collect $30,000 from interests in Minnesota, if they could unseat the blind Senator.

BACKUS IS NAMED

This testimony brought out the name of Edward W. Backus, head of the Backus-Brooks Co., and other immense corporations, a partner of William F. Brooks, national Republican committeeman from Minnesota, as being interested in this plot. Mr. Backus took the stand in his own defense and declared that 10,000 other big business men were as bitterly opposed to SCHALL as he was.

Elsewhere in this issue is a review of his testimony, which every person in Minnesota should read carefully, because it gives the astounding political and economic philosophy of a man, only a part of whose assets are valued at $84,000,000.

It also reveals the animus behind the persecution of a man, who will not bow to the multimillionaires for orders.

Backus testified that SCHALL "was very foolish" as he should have "sent for Backus," before he started action to make the Backus-Brooks interests pay millions of back taxes.

OTHERS MENTIONED

The testimony also brought in the names of William Oppenheimer, personal attorney for Backus; Walter F. Rhinow, former adjutant general for Minnesota, and recently appointed head of the State crime commission by Gov. Theodore Christianson; also Abe Hertz, disbarred St. Paul lawyer, now under indictment in United States court for perjury; also Frank A. Day, former lieutenant governor, and now a State senator from Fairmont; also Magnus Johnson, former United States Senator; Henry Teigan, Magnus's former secretary; Lieut. Gov. W. I. Nolan; Gov. Theodore Christianson; and a number of lesser lights.

If SCHALL had been unseated, under the State law Governor Christianson could have gone outside the State line, Lieutenant Governor Nolan could have appointed Governor Christianson as Senator, and Nolan automatically would have become governor.

SCHALL TRIED FOUR TIMES

That the enemies of TOM SCHALL are extremely vindictive; that the campaign against him is backed heavily with plenty of money; that Schall's enemies will not stop at anything in their effort to discredit him, is evidenced by the fact that since November, 1924, when he was elected United States Senator, at least four efforts have been made to discredit him.

The blind Senator's enemies started after him when the 1924 primary showed he was the Republican nominee for Senator. A contest was instituted then, but was dismissed by the Hennepin County court at Minneapolis because the contestants had nothing on which to base their case. So ended chapter 1.

In the November, 1924, election SCHALL defeated Magnus Johnson. Powerful Republican commercial interests apparently financed an effort, which seemingly came from the Magnus Johnson camp, to contest the election.

GRAND JURY INVESTIGATION

First the Hennepin County grand jury investigated the election at Minneapolis. Floyd B. Olson, county attorney, and a running mate of Magnus Johnson on the Farmer-Labor ticket in 1924, was in charge of the investigation. After exhaustive hearings, the grand jury voted no indictments. So ended chapter 2.

Not satisfied with this, however, Magnus Johnson retained Donald Hughes, a Minneapolis lawyer, who had previously represented members of the Ku-Klux Klan convicted of criminal libel against Minneapolis officials. Hughes drew up contest papers and went to Washington to try and discredit SCHALL. Mr. Hughes admitted while on this mission that he was receiving $100 a day and expenses. No announcement has been made concerning who paid this huge sum of money, for Hughes spent months on the case.

The United States Senate Elections Committee appointed three of the Nation's ablest lawyers to hear this contest. They were Senators GOFF, NEELY, and DENEEN.

Again hearings were held. Many witnesses were called to Washington, and Hughes was given more than a year to dig up evidence and report it to the committee. Finally, after he had exhausted every resource, the subcommittee turned in a unanimous report exonerating Senator SCHALL. The full elections committee of 31 Senators did the same.

And when the matter was voted on by the full membership of 96 Senators not a single Senator, Republican, Democrat, or Farmer-Labor, voted against SCHALL.

WHAT SHIPSTEAD SAID

Senator HENRIK SHIPSTEAD, from Minnesota, Farmer-Labor, said on the floor:

"I have read the record, and I have no quarrel to find with the findings of the committee."

So ended chapter 3.

Realizing their efforts to unseat SCHALL through the United States Senate had been futile, other means were sought to smear him, and

thereby make an opening to reopen the case in the United States Senate, for only that body has the power to unseat.

The enemies apparently decided to look for some way to connect SCHALL with bootlegger activities in the 1924 campaign. They tried and failed. For there was no connection. Finally they reached Arthur N. Jacobs.

In the primaries a group of SCHALL'S friends had organized a Schall volunteer committee. Almost every state-wide candidate has these groups of friends who, unofficially, try to help.

The evidence shows by a dozen witnesses that contrary to SCHALL'S many-times expressed wish, Jacobs on his own initiative opened offices at the West Hotel. With the acuteness of the born mountebank, he assumed the functions and called himself manager of this volunteer committee.

Evidence showed that SCHALL was against these headquarters and tried to have them closed. It was also shown that Jacobs had access to SCHALL'S law offices, but insisted on opening offices elsewhere, so he might cover his dealings and keep from SCHALL'S notice his constant sale to bootleggers of pretended influence with SCHALL.

VARIOUS BANK ACCOUNTS

Evidence also proved Jacobs had a bank account in his own name, one in his wife's name, and another account in a Minneapolis bank was carried by Mrs. Louise Neeley of thousands of dollars Jacobs had given her. Jacobs, though married, gave Mrs. Neeley about $7,000 and carried on an affair that was notorious. Letters were at the trial from Jacobs to Mrs. Neeley, all addressed "Sweetheart mine."

There was a fourth bank account in the name of the Schall Volunteer Committee, in which less than $5,000 had been deposited. It was shown conclusively by checks and accounts that of all the money collected from the bootleggers, every cent went for dresses, entertainment, and gifts to four women. Jacobs testified that his own account contained money secured from his job as a Veterans' Bureau investigator, which paid $200 a month, and about $100 a month from his paper, the Harpoon. Yet the totals he deposited in 18 months were almost $36,000. Jacobs tried to explain this huge sum by saying kited checks were mainly responsible, but did not succeed.

Testimony of the help showed he paid no bills, except a few absolutely necessary to keep the office open, and that he repeatedly told "Sweetheart mine" "that we are going to get in every dollar we can and pay no bills we can postpone. If SCHALL is elected, I will be sitting fine. If he is defeated, he will be through, and we will have our pile."

SHOOK DOWN POSTMASTERS

After election Jacobs went around the State, part of the time with a woman, shaking down postmasters and promising them various favors if they would take wholesale subscriptions to his paper.

Hearing of this vicious practice, Senator SCHALL turned the evidence over to Washington postal authorities and issued a statement, mailing it to every postmaster and newspaper in the State, declaring that Jacobs had no authority from him for such action, and that while he had been an ardent supporter, never had been his manager.

On July 20, 1925, over a year previous to SCHALL'S so-called "repudiation statement," which Jacobs alleges as the reason for his betrayal of SCHALL, Jacobs expressed his enmity to Senator SCHALL in a letter to "Sweetheart mine." Jacobs did this because the Senator refused to aid him in a nefarious and dishonest scheme which would have made Jacobs a "small fortune."

This letter, admitted in evidence, contained this statement:

"Ye gods, girl, it seems that the best 10 years of my life that I gave to him were given for naught. He is not measuring up. * * * I am back where I was 10 years ago, building up my Harpoon, but this time for A. N. Jacobs and not for TOM SCHALL. I went to Washington, like a beggar on horseback, to have TOM help me on a proposition that would have made me a small fortune. The day I arrived TOM left for Minneapolis and I was left high and dry at Washington. TOM won't march with me.

"With love, believe me,

"Your own J."

PERTINENT QUESTION

After this letter had been read Tom Davis, attorney for SCHALL, asked Jacobs if the J. signed to the "Sweetheart mine" letter meant "Judas, Jackass, or Jacobs."

This letter shows clearly the working venom of dissatisfaction in Jacobs's failure to exploit the office of Senator for his dishonest purposes. The obligations and duties of that high office were entirely beyond his comprehension. Evidently he saw in it an opportunity for loot and nothing more.

When SCHALL'S letter of warning went throughout the State, Jacobs snatched eagerly at it as an excuse to join the "smearers."

Because he could no longer sell pretended SCHALL influence he set about to sell the protection, friendship, and confidence the Senator had given him for 10 years. Judas-like he went back on former sworn statements of his own and swore exactly the opposite at the investigation. He admitted that his former sworn statement had been for love to SCHALL, but he was under oath last spring as a declared enemy of SCHALL.

SOLD OUT A FRIEND

Evidence showed that for 10 years he had been nurtured, helped, and befriended by the then Congressman who had placed confidence in him, allowing Jacobs office space, telephones, and secured a job for him that paid $2,400 a year, and would enable him to devote part of his time to the Harpoon, Jacobs's paper.

Jacobs never knew SCHALL until the Congressman's second campaign, when Jacobs volunteered to help. At that time the Harpoon had only a few hundred circulation, but because of Jacobs's apparent friendship for the blind Congressman his circulation leaped to thousands. Later, because of lack of regularity of issuing, and because of carelessness in keeping his word, this circulation dwindled.

Continuing his dickering with SCHALL'S enemies, the evidence showed that Jacobs, drew up a statement of various imaginary charges, he falsely claimed he could prove against the Senator. Jacobs sent his attorney, Irving Frisch, to William Oppenheimer, of St. Paul, personal attorney for E. W. Backus, multimillionaire. He sent F. Corneaby to E. W. Backus for two interviews.

The statement was delivered to Oppenheimer, who in turn sent it to Backus. Corneaby testified three of them were asking $10,000 each for "Helping to get SCHALL."

THE DEATHBED CONFESSION

But truth prevailed. Corneaby was taken seriously ill, and doctors declared it undoubtedly would be fatal, and that he had not many days to live.

Corneaby was given the last rites of his church by the priest, and Corneaby then decided to make a clean breast of things.

His dramatic deathbed confession was the turning point of the hearing.

Some power greater than earthly had reached in and frustrated the well-laid plans of these conspirators.

The testimony is set forth in some detail in this issue. Read all of it.

ANOTHER UNANIMOUS VICTORY

Before a committee that originally was 4 to 1 against the blind Senator they proved conclusively that the trumped-up charges were nothing but malicious gossip and that there was no evidence that Senator SCHALL was connected in any way with the bootlegger activities.

All of the senators signed the report, which finished with this paragraph:

"That the evidence, taken as a whole, is not sufficiently clear, convincing, and satisfactory to enable the committee to find that the charges contained in the resolution have been proven."

The committee, after more than five weeks of wide-open hearings, was forced by the lack of evidence to unanimously make this report.

The Minnesota State Senate with 67 members voted unanimously to confirm this report and again exhonerated Senator SCHALL. So ended chapter 4 to "get" SCHALL. Before the investigation this same senate voted 54 to 8 to hold these hearings, although everybody knows it was a waste of Minnesota taxpayers' money, as the United States Senate only has the jurisdiction. The Minnesota State Senate could no more unseat a United States Senator than the council of St. Cloud could unseat an alderman at Crookston.

CHAPTER V IS COMING

Now the blind Senator's enemies are threatening another case at Washington. Magnus Johnson has recently visited Senator DENEEN at Chicago to talk about reopening the matter at Washington.

These conspirators are not satisfied with having spent more than $50,000 of the taxpayers' money in the former United States Senate hearing. They are not satisfied with having spent hundreds of dollars in the Hennepin County grand-jury hearing; they are not satisfied with having spent thousands of dollars of your money in the recent legislative investigation.

They want to continue a case in which the United States Senate and Minnesota State Senate have both by unanimous votes declared Senator SCHALL innocent.

Any citizen can file a contest petition in the United States Senate without much cost. Poor old Magnus can again be the petitioner, and thus the conspirators can throw all the mud they want and be immune from criminal libel. They can again get publicity on the allegations in their petition and the newspapers can again print all this alleged evidence for the purpose of belittling and smearing TOM SCHALL and defeating him for reelection in 1930, when he comes up again.

MYSTERY

What the deal is—why Magnus should again visit Senator DENEEN to reopen the case—who is furnishing the huge amounts of money in all these proceedings is hard to say. The Leader is printing extracts from the testimony—read it all and judge for yourself. The Leader does know that E. W. Backus is a hard fighter; we are sure that certain fellows are getting a meal ticket off this agitation. But right will win

in the long run and the people are going to know what this is all about if they read the sworn testimony in this issue.

The Leader knows that when the facts are made public the people will rally to the blind man who has thrown down the gantlet at the feet of Backus, Brooks, and the other political overlords. We know the voters of this State will not be misled by an organized propaganda of papers, books, or speakers.

Politics is a great game. If you play with the big millionaires and let them milk the people to their heart's desire, you will go along without any trouble.

LOOK OUT, IF YOU ARE RIGHT

But if you show you really represent the rank and file, if you make a big corporation pay $3,160,000 of back income taxes, as TOM SCHALL did, then look out. You will be persecuted.

Because of the fact that SCHALL in his 12 years of congressional life has always voted for the interests of labor and the farmers; because he has stood up in the Halls of Congress and dared to be a right-thinking, honest-acting representative of the people, the Leader—nonpartisan in its politics—is devoting the principal space in this issue to a review of the Minnesota hearing testimony.

Read it all—then use your own judgment. When you have studied this testimony—and it was all under oath—you will see that TOM SCHALL is not only an ideal United States Senator, but is material for the Presidency or Vice Presidency of these United States.

No reward within the power of the Nation's people is too great for an honest, conscientious, public servant, who does his duty in the face of threats and obstacles heaped up by hands that would encompass ruin, if possible.

TOM SCHALL is not only consistently honest, but has consistently fought a good fight against tremendous odds, against powerful enemies, who would perhaps make him rich if he had "seen" their ways.

He is a poor man to-day—but a distinguished man. And if he has no wealth, he at least has a clean conscience and a clean heart, and he can stand before the people of Minnesota and say:

"I have served you loyally, faithfully, honestly."

What more could any man say?

HERE ARE DETAILS OF CONSPIRACY—PLOT REVEALED BY SWORN EVIDENCE—A. N. JACOBS, WHO HAD BEEN A SCHALL WORKER, WAS SHAKING DOWN POSTMASTERS; SCHALL REPORTED THIS TO AUTHORITIES; JACOBS SENDS FRANK CORNEABY TO SEE MULTIMILLIONAIRE BACKUS; LUMBERMAN TURNS CORNEABY OVER TO HIS LAWYER, WILLIAM OPPENHEIMER; FALSE STATEMENT IS PREPARED BY CONSPIRATORS, WHO EXPECTED $30,000 FROM ENEMIES OF SENATOR TOM SCHALL; WITNESSES ALSO NAME GOV. THEO. CHRISTIANSON, MAGNUS JOHNSON, HENRY TEIGAN, MAGNUS'S SECRETARY, FRANK DAY, AND OTHERS—READ ALL THE SWORN TESTIMONY ABOUT PLOT TO OUST SENATOR WHO FORCED BIG CORPORATION TO PAY MORE THAN $3,000,000 TO UNITED STATES GOVERNMENT

Connecting links of the giant effort to oust THOMAS D. SCHALL from the United States Senate are now available to the voters of Minnesota. These facts that are presented in this paper are from the official reporter's transcript of the evidence in the investigation last spring before the Minnesota State Senate.

The first mystery was this—that the Minnesota State Senate, by a vote of 54 to 8, ordered the investigation. It was natural for the 20 Farmer-Labor senators to vote for this inquiry. As a political proposition it would aid their cause to throw mud upon a Republican Senator.

But the 30 or more Republicans who voted for the inquiry have no such easy time to explain away their actions. Needless to say, William F. Brooks, himself a State senator, a millionaire, and a partner of E. W. Backus in the Backus-Brooks Co. and other companies, was apparently not an active mover in asking for the inquiry. Brooks, however, is a dominant figure in the Minnesota State Senate. As Republican national committeeman in Minnesota, he controls the campaign funds. His immense wealth and political prestige with the President and national administration, make it easy for him to gain favorable hearings for what he advocates.

CORNEABY REVEALS PLOT

When the taking of testimony for Senator SCHALL was begun the public was startled by the disclosures. And it remained for one of the men, who had been in the plot to expose all of its horrible details. Fortunately for right and justice this man, who had been expected to be a star witness against Senator SCHALL, was taken seriously ill, and physicians advised him that he might live but a few days. Then the priest administered the last rites of his church and advised the witness, Frank Corneaby, to make a clean breast of the conspiracy.

Barely able to hobble on a cane, Corneaby's testimony was given before a crowded Senate Chamber and a story of the plot was told, so amazing that its truth seemed impossible. But to the surprise of everybody, every detail of the story was borne out by succeeding witnesses.

Briefly, Corneaby's story was:

"That he was broke; that Arthur N. Jacobs, star conspirator against SCHALL, succeeded in interesting him in the plot to oust Senator SCHALL; that Jacobs sent Corneaby to see E. W. Backus, millionaire lumberman; that Backus saw Corneaby at the Backus office late at night; the next night both Mr. and Mrs. Corneaby visited Backus at his office; Backus heard the proposed evidence; said he did not have time to take this matter up, and referred Corneaby to Backus's lawyer, William Oppenheimer, of St. Paul."

WANTED $30,000 TO GET SCHALL

Corneaby then had more conferences with Jacobs. Frisch and Corneaby went to see Oppenheimer, but Corneaby stayed outside. Frisch said Oppenheimer wanted a written statement of proposed evidence. Jacobs, Frisch, and Corneaby dictated a 17-page closely typewritten statement of alleged evidence they could uncover against Senator SCHALL. Frisch took it to Oppenheimer's home and gave it to him. It was expected by the conspirators that they would get $10,000 each for testifying and building up the case against the blind Senator. Corneaby was then checked out of the conferences because he had been talking too much; Jacobs, who had not worked for many months, came occasionally to Corneaby's house and gave him money.

Corneaby also talked about the case to Gov. Theodore Christianson; to Walter F. Rhinow, former adjutant general and recently appointed by Governor Christianson as head of the State commission to coordinate information on criminals; also talked to Frank A. Day, Magnus Johnson, Henry Teigan, Donald Hughes, Abe Hertz, Victor Lawson, and others.

Magnus Johnson gave Corneaby money, as did W. F. Rhinow.

Ed. Corneaby, a brother of Frank, substantiated many of these details and told of efforts by conspirators to get him into the plot. He also told that Rhinow offered him a job on the prohibition force if he would help get SCHALL.

OFFERS LAUGHLIN $2,000

James Laughlin, who was injured in France, and has spent many months in Government hospitals because of an injured spine, was an important witness. He told of being present at conferences in the law offices of Frisch and hearing the details of the plot to get SCHALL. Laughlin had ridden with SCHALL in the 1924 election. The conspirators wanted him to testify; he was offered $2,000; when he said he knew nothing unfavorable about SCHALL he was told that he ought to think of something unfavorable for $2,000.

Oscar Johnson, former Federal prohibition agent, who had worked in the campaign, also corroborated these witnesses.

BACKUS CORROBORATES CORNEABY

But it remained for E. W. Backus and William Oppenheimer to offer the surprise corroboration.

Backus admitted that he had met Corneaby at his office late at night. The next night Mr. and Mrs. Corneaby again came up; that the SCHALL matter was thoroughly discussed; that Corneaby had told him of the move to oust SCHALL and talked at length on proposed evidence.

Backus then admitted that he had turned Corneaby over to his lawyer, William Oppenheimer, of St. Paul.

Oppenheimer, under oath, corroborated Corneaby's story. He told of Frisch coming to his office and telling him they could get up evidence against SCHALL; that he told Frisch to draw up the matter in writing; that Frisch later brought him a typewritten statement of the proposed testimony to Oppenheimer's house, where the lawyer was sick.

But here Backus and Oppenheimer had an amazing tale. Oppenheimer says he never read this typed statement of the proposed evidence; says he mailed it to Backus or sent it to him by messenger.

Backus, under oath, told the committee that he carried this typed statement of 17 pages around for two months; that he never read any part of it; that he had it in his portfolio and had carried it to Toronto, Ontario, and other places but had never even peeked at its contents.

Oppenheimer also swore he never even read any part of it.

Then when these gentlemen were subpœned as witnesses, they suddenly thought of the typed statement; Backus gave it back to Oppenheimer, and Oppenheimer brought it to the hearing, where Senator SCHALL'S lawyers insisted it be read into the record for the purpose of showing how asinine all the charges were, and how gullible Frisch and Jacobs must have thought Backus and Oppenheimer were.

It was this statement that was more or less the foundation of the contest and Senator SCHALL'S lawyers knocked the props out from under the contest by the testimony of Corneaby, Oppenheimer, and Backus. The entire conspiracy was bared. In this issue is the amazing story of how TOM SCHALL made the Backus companies pay millions of dollars in back taxes. Read all of this.

THE TESTIMONY

Following are excerpts from W. Frank Corneaby's testimony. The numbers in parentheses are the page numbers from the official testimony, all under oath.

Page 618, Corneaby tells of meeting Jacobs. Then Corneaby goes on as follows:

"A. He [Jacobs] took me into Frisch's office; he said, 'Frank, do you want to make some money?' I said, 'You're damn right I do,' and

he said, 'I have a darn good chance for you to make some money if you will be game.' He said, 'SCHALL is no good and Andy Rahn is no good,' and he said 'I have been working for a year to get them, in conjunction with Mr. (Magnus) Johnson and Mr. Teigen (Magnus's secretary);' and he said, 'This is a damn good chance for you to even up your score against SCHALL.' He said, 'I have been up to see Backus, and I want you to call him up and make an appointment, and you tell him the story.' We made up a story together.

"Q. (By Tom Davis.) What story did you make up?—A. The story Senator SCHALL was absolutely responsible for all the bootlegging business; that he got every dollar of that money, and that I had perjured myself at Washington in order to enlist his aid in a pinch.

"Q. Now, Mr. Corneaby, who told you this—Mr. Jacobs?—A. Absolutely.

"Q. And he asked you to go and see Mr. Backus?—A. Yes, sir; he did.

"Q. Did you go and see Mr. Backus?—A. I called Mr. Backus about 5.30 in the evening, and he told me to meet him in his office, 1100 Builders Exchange, at 9.30 that night, and I went up there.

"Q. When was that?—A. Around January, well, between the 7th and 10th."

TALKS TO BACKUS

That Backus would spend $250,000 to beat SCHALL was brought out in the Corneaby testimony, on pages 620 and the pages immediately following.

"Q. Did you talk to Mr. Backus?—A. I told Mr. Backus the story as Jacobs and I agreed on and he said, 'Well, Frank, I have had a chance to patch up my difficulty with Senator SCHALL, but after that damn dirty dog made the speech he did against me on the floor of the House I won't have a damn thing to do with him. What I am mostly interested in is that tax matter of ours. I have to have some information about that.' Then I said, 'Well, Mr. Jacobs can give you the low-down on that.' He said, 'That is what I am mightily interested in. I am a mighty busy man, minding my own business; I have not time to put into a proposition of this kind, but I have several intimate friends very interested in this matter who hates the life out of SCHALL. For my own part, if I ever thought he had a chance to be elected the way he did I would have spent $250,000 to defeat him. Another thing, if he is out of the United States Senate and there is a Senator there favorable to our interests, more than likely that tax matter can be adjusted.' Well, that is about all our conversation. Then he told me he would see me in a day or two again.

"Q. Did you meet him again?—A. Yes, sir; I did. In the meantime, I went to Jacobs and told him what I had done, and he said, 'Good; that is fine.' He said, 'You call him again and go there tonight.' I called Mr. Backus again the very next day, and I went to see him again that night, and my wife went with me to the same office of Mr. Backus. He said, 'Frank, from what you have told me and from what I have heard from other people, it seems like there is a mighty good chance to rid the State of SCHALL. As I told you I am a mighty busy man and have not the time to put in this thing.' He said, 'You go home and I will give you a call.'

"The next night—I think around 6 in the evening—he called me up and said, 'Frank Corneaby?' And I said, 'Yes, sir.' And he said, 'This is Mr. Backus talking.'

"I want you to go over to the firm of Oppenheimer, Dickson, Hodgson, Brown & Donnelly and see Mr. Oppenheimer and tell him you are the man I was speaking to him about to-day. We came back to Frisch's office. We called Mr. Oppenheimer immediately.

"Q. Who called Mr. Oppenheimer?—A. Mr. Frisch called Mr. Oppenheimer.

"Q. Who is Mr. Oppenheimer?—A. Mr. Backus's personal attorney.

"Q. Go ahead.—A. We made the appointment for 11 o'clock that morning, and I accompanied Mr. Frisch over to the Merchants National Bank Building, St. Paul.

"Q. Did Mr. Frisch, sitting here, attorney for Arthur Jacobs, go with you?—A. That is the gentleman, right there."

FRISCH DOES NOT DENY IT

Frisch sat for five weeks at these hearings before the Minnesota State Senate committee as attorney for Arthur Jacobs. He was present while all these accusations of taking part in this dastardly conspiracy were hurled into his face. He never took the stand to deny these allegations. On the contrary, he admitted his visit to Oppenheimer; admitted that he had helped draw the statement of alleged evidence; admitted he delivered this statement to Oppenheimer; and near the close of the hearings Frisch had the effrontery to try and get the SCHALL lawyers to agree with him to put in a huge bill for attorney fees against the taxpayers of the State of Minnesota. This the SCHALL lawyers refused to do. All of them served without pay, and purely because they felt the case was a persecution against the blind Senator and wanted justice done.

Corneaby then told of the visit to Oppenheimer's office by Frisch, as set forth on page 624 of the transcript. After coming back from St. Paul Corneaby's testimony was—

"Q. What was done?—A. We agreed to hire a special stenographer and get out a synopsis of the testimony.

"Q. Did you get such a thing out?—A. We did.

"Q. After it was gotten out, do you know what was done with it?—A. Yes, sir; I do.

"Q. What was done with it?—A. Mr. Jacobs and myself both told Mr. Frisch the morning he carried it over to Oppenheimer not to deliver it without a guarantee of $10,000 a piece" (p. 625).

Corneaby then told of Frisch going to Oppenheimer's house and delivering the transcript. Oppenheimer corroborated this in his statement.

On page 627 we find this answer by Corneaby:

"A. No. Mr. Frisch told me Mr. Oppenheimer was Mr. Backus's personal attorney. Then after that I had a couple of friends—Oscar Johnson and James Laughlin. I was bragging what we were going to do and what was going to happen to SCHALL. I was to come out of this thing with $10,000. Oppenheimer got wind of this. Mr. Jacobs told me with my talking I killed the deal, scared them off. They said they had been working on this thing a year, Frank, a solid year, and he (Jacobs) said we are not going to tell you anything more, but we are still going to cut you in (give Corneaby his share)."

SEES RHINOW

Corneaby, on pages 629 and 630, tells of seeing Walter F. Rhinow.

"Q. What did he (Rhinow) say; I want what he said?—A. He said when they got done with SCHALL he will not have any power to remove him or place him or any other Federal officer in this State."

SEES SENATOR FRANK DAY

On page 630 Corneaby told of seeing Frank A. Day, of Fairmont, a State senator:

"Q. What did Mr. Day say to you?—A. Mr. Day took my letters and telegrams I handed him and said, 'I want to keep these a couple of days, Frank.' And he said, 'I have a couple of powerful Republican friends interested in this matter, but they don't believe that they can get enough on SCHALL. Now, it might be if I show him these letters perhaps something can be done to unseat the son of a gun.'"

SEES GOVERNOR CHRISTIANSON

On page 631 Corneaby tells of another visit:

"Q. Did Mr. Jacobs suggest you should see anybody else in an official position in this State?—A. I believe Mr. Jacobs told me to go to the governor.

"Q. What did he say when he told you to go and see the governor?—A. 'Go to the governor,' he told me, 'and tell him that story and perhaps he will give you a job.'

"Q. Did you go and see the governor of this State?—A. I certainly did.

"Q. When did you see the governor?—A. Hard for me to say. I can't remember. Middle of January, or some time in January.

"Q. Before you appeared before this committee?—A. Yes. I have been sick since the last of January, off and on. Out of bed one day, then flat on my back for a week. Hard to say exactly. I think I got this strike on the 28th day of January, if my doctor's records are correct."

JACOBS HAD FOUR WOMEN

"Q. Now, Mr. Corneaby, this money collected from bootleggers, you gave to whom?—A. Mr. Jacobs and myself.

"Q. You testified last evening Mr. Jacobs spent some of this money on a woman. How do you know that?—A. Seen him do it.

"Q. Did he give her money at different times?—A. Many times.

"Q. Who was this woman?—A. Louise C. Neeley and other women in four different parts of town. I can give their addresses.

"Q. Did he give money to more than one woman?—A. He certainly did; yes, sir.

"Senator CARLEY. Not all at the same time.

"A. No; certainly not.

"Mr. CARLEY. He took them on, one at the time?

"A. He could handle them too."

WOMAN CORROBORATES THIS

Later in the hearing Louise C. Neeley took the stand and was subjected to a gruelling examination by attorneys on both sides. The testimony had shown that Jake had received in the neighborhood of $6,000 as his end of the bootlegger moneys. Mrs. Neeley produced canceled checks, and the bank records were brought in, and it was conclusively shown that every dollar of these thousands were spent by Jacobs for taxicabs, liquor, big dinners, and that he deposited and gave to Mrs. Neeley in all about $7,000.

The investigation committee was shown by bank records and checks that not one dollar of the bootlegger's money went into the SCHALL campaign; every penny was squandered by Jacobs in wanton licentiousness and lavish entertainment.

Jacobs, the supposed friend of SCHALL, was spending thousands of dollars on his evil pleasures, while the blind Senator was daily making five or six speeches throughout the State, going night and day to get his messages to the people and without a dollar at times to wage his campaign.

SCHALL HAD NO KNOWLEDGE

On page 637 and following pages comes this important testimony:

"Q. Now, then, did you ever have any talk with Jacobs with reference to Senator SCHALL or his knowledge of this transaction you and Jacobs were carrying on?—A. Yes; I did.

"Q. Tell this committee what he said to you and what you said to him.—A. Never at any time tell Senator SCHALL what we were doing about collecting money. He would immediately put a stop to it.

"Q. Did he tell you that more than once?—A. Many a time; yes, sir."

Senator L. P. Johnson, of Ivanhoe, then asked Corneaby:

"Q. Did you ever hear Mr. Jacobs make any similar statements to any others of the people connected there?—A. Yes, sir, I did.

"Mr. JOHNSON. More than once?

"A. Yes, sir; more than once."

Chairman W. A. Blanchard asked this—

"Q. Who were they?—A. Mrs. Neeley, Talbot, two stenographers, Marie and one Ethel, I do not know their last names."

WITNESSES VERIFY THIS

(Corneaby's statement on this important matter was corroborated by four witnesses, who testified that Jacobs had cautioned them not to let SCHALL know that bootlegger money was being collected, otherwise they would all lose any future moneys that might come in.)

A HELL OF A TIME

Jacobs ran riot with the money he was collecting, while the blind Senator was making the fight of his life, not knowing what was being done in Minneapolis.

Page 640 gives this information:

"Q. Now, then, do you know anything about what Jacobs did with that money, spending it about headquarters?—A. Yes, sir; I do.

"Q. What did he do?—A. Gave a party every single night.

"Q. Where?"

[EDITOR'S NOTE.—Jacobs, although trying to oust SCHALL, admitted under oath that SCHALL had never set his foot inside these headquarters; that he was out in the State campaigning all of the time. All of the witnesses on both sides agreed that SCHALL had never been in the headquarters.]

HOW MONEY WAS SQUANDERED

"A. At the West Hotel headquarters. He would telephone down to the cafe for big steaks. Frisch was in on them occasionally, most all of the time, and it was seven or eight people, dinners running all the way from $10 to $20 every night. He bought plenty of liquor, a lot of liquor. At one time when Mr. Jacobs got real good and intoxicated he put some money in an envelope and gave it to Harry Shartin, clerk at the West Hotel, and told him to hold it for him. Next morning when Mr. Jacobs sobered up, he did not remember what he did with the money. He tore the headquarters all to pieces looking for it. Searched every place. Asked everybody if anybody had seen the money. Nobody had seen it. One day I went to the little lunch stand in the lobby with him at the West Hotel and Mr. Shartin said to Jacobs, 'Don't you want this envelope?' Jake tore the envelope open and said, 'Jesus, I thought I lost that.' There was the money. It was a big wad of bills. I made a grab for some. I grabbed $200 and kept it. That is the truth."

"Q. Do you know how much was in that envelope?—A. I think the donation from Stubskins, $2,000 (p. 641).

"Q. Now, Mr. Corneaby, was there money spent for taxicabs?—A. Well, we had a Cadillac touring auto company there. We all would not walk a block. Jump into a Cadillac auto livery, no matter where we were going. We had them going all the time."

SHAKEDOWN POSTMASTERS

Corneaby on page 646 and following pages told of riding with Jacobs around Minnesota collecting subscriptions to Jacobs's paper. The testimony showed that Jacobs collected more than $1,000 a week from postmasters, "shaking them down" on various pretexts, according to the testimony. Corneaby received one-third of this.

When TOM SCHALL heard what Jacobs was doing he turned the evidence over to the Washington authorities and issued a statement repudiating Jacobs. This statement is what Jacobs claims caused him to turn against SCHALL and enter into a conspiracy to get him out of the United States Senate. Corneaby testified that he caught Jacobs cheating him on the division of the spoils, and that at Hallock he choked Jacobs and they then parted company, until Jacobs met Corneaby later out of money and induced him to enter into the conspiracy against SCHALL.

Jacobs also warned Corneaby not to let SCHALL know they were collecting from postmasters. Page 651 shows this—

"Q. While traveling, did he ever say you must not let TOM SCHALL know?—A. That was an understood fact. When we first went out he told me that.

"Q. What did he say?—A. 'It is a ripe time for postmasters to kick in. Their appointments are coming up about this time. They will be nice and ripe for picking. Don't let SCHALL know. Don't be a damn fool, Frank.' I was not."

WOULD PACK COMMITTEE

This witness's testimony also was to the effect that the conspirators were working to get a committee against SCHALL appointed in the Senate. Pages 655 and following pages indicate that Abe Hertz, indicted St. Paul lawyer, was an intimate friend of Lieut. Gov. W. I. Nolan. Hertz claimed he could talk to Nolan and get a hostile committee against SCHALL. There was testimony along this line, and this was denied by the lieutenant governor when he took the stand. He claimed no influences had been brought to bear on him but that Hertz did try to talk to him about the committee, as did Magnus Johnson.

Corneaby told of meetings in Frisch's office (p. 657) at which five, six, or seven people were present when the personnel of the committee to investigate SCHALL was discussed. We find this:

"A. Teigen said they wanted Jim Carley for chairman of the committee on account of his guts, account of the way he handled the special Republican slush fund investigation a few years back. That seemed agreeable to everybody. Mr. Larson or Mr. Johnson or Senator Blanchard's name was not mentioned at that time, but Senator Lawson was. He was going to be a member of that committee. The day after the resolution was passed Mr. Frisch and Mr. Hertz came into the office, and practically the same people were there.

"Chairman BLANCHARD. Can you say definitely who were there?

"A. Oscar Johnson, James Laughlin, Mr. Hertz, Mr. Jacobs, and myself.

"Q. Mr. Davis, was Mr. Teigen there?

WANTED BLANCHARD

"A. No, sir; he was not. Jacobs said it's all off, they won't stand for Carley. He is on the committee, but they are not going to make him chairman. Senator Brooks and Lieutenant Governor Nolan want Senator Blanchard on that committee as chairman on account of his special hatred for Senator SCHALL, and he said Senators Larson and Johnson were last-minute choices, Senator Johnson for the reason he spoke on the floor of the Senate in favor of Senator SCHALL. That would show to the public and people of this State this was a fair, impartial committee."

[EDITOR'S NOTE: This alleged conversation took place before the personnel of the committee was announced. Subsequently Blanchard was made chairman, and Senators Carley, Johnson, Larson, and Lawson were the other members.]

$10,000 WAS CHEAP

"Q. Why are you lying to other people?—A. In order to get $10,000.

"Q. Are you silly enough to believe that anybody in this State would give you $10,000?—A. After Mr. Backus said he would have spent $250,000 if he ever thought SCHALL would have a chance to be elected, and if he had a favorable Senator it would save his taxes, I thought $10,000 was damn cheap" (p. 661).

CORNEABY GETS MONEY

On this same page Corneaby related how Jacobs and Frisch came to his house several times when he was ill and gave him large sums of money. (More about this on p. 662.) This was done while several outsiders were at the house. This was not denied by Jacobs or Frisch. Jacobs, under oath, admitted that Frisch had paid the money.

Page 664 is revealed, where an affidavit was drawn to "get" LaFayette French, United States district attorney, and Abe Hertz tried to get Frank Corneaby to sign it, but he refused. This was at Frisch's office.

HIRED BY BROOKS

Corneaby in his evidence (666 and 667) revealed where he had been hired by Senator W. F. Brooks in 1924 to spy on SCHALL.

Senator L. P. Johnson is questioning Corneaby:

"Q. You testified yesterday you were working for TOM SCHALL, Christianson, and the supreme court judges before the primary in putting up cards throughout the State? (NOTE.—This testimony showed Corneaby had been paid money by Mrs. Theo. Christianson and also by the attorney in charge of the sitting supreme court judges' campaign. The evidence was undisputed that he had been working also for Governor Christianson and the judges.)—A. Yes, sir.

BROOKS HIRED HIM AS SPY

"Q. Were you at one time employed by anyone to watch Senator SCHALL and report?—A. I certainly was.

"Q. Who was that?—A. By Senator William F. Brooks, Republican national committeeman.

"Q. When was that?—A. That was during the general election of 1924.

"Q. Were you on a salary?—A. $25 a week, paid through A. W. Strong, of the Strong, Scott Manufacturing Co."

[EDITOR'S NOTE: According to Mr. Backus's testimony, Mr. Strong, a big Minneapolis business man, was treasurer of a Republican volunteer committee. Strong received at least $100,000, and no doubt many times that, in the 1924 campaign. Backus testified he himself had contributed $15,000 to this fund.]

"Q. How long did you work?—A. Four weeks.

"Q. What were your duties?—A. Supposed to report back to Harry Clarkson on the activities of Senator SCHALL.

"Mr. DAVIS. Who is Clarkson?

"A. Private secretary to Senator Brooks."

[EDITOR'S NOTE: All of this testimony was given by Corneaby, who believed at that time he had but a few days to live. Practically everything of importance was corroborated by other witnesses. And the committee to investigate, which was 4 to 1 hostile against SCHALL, finally returned a verdict that "the charges brought in the resolution had not been proven by the evidence." Even Senator Victor Lawson, of Willmar, who introduced the resolution to investigate, signed the report exonerating SCHALL.]

E. W. BACKUS TRIED TO HAVE MAGNUS JOHNSON APPOINTED ON JOINT COMMISSION BY PRESIDENT COOLIDGE—STRANGE POLITICAL STRATEGY OF MULTIMILLIONAIRE, WHO TRIES TO HAVE FARMER-LABOR SENATOR GIVEN A $10,000 SALARY JOB WHICH HAD IMPORTANT BUSINESS DEALINGS WITH BACKUS INTERESTS; BACKUS IS PARTNER OF WILLIAM F. BROOKS, REPUBLICAN NATIONAL COMMITTEEMAN FOR MINNESOTA; MAGNUS WAS FREQUENT VISITOR AT BACKUS-BROOKS OFFICES; WHY WAS SO-CALLED "PROGRESSIVE" AND FARMER-LABOR LEADER SO INTIMATE WITH REPUBLICAN OVERLORDS AND MILLIONAIRES? SWORN TESTIMONY IS GIVEN BELOW

One of the most amazing political alliances in the history of America was revealed at the SCHALL hearings, when E. W. Backus, multimillionaire lumberman and bank director, and partner of State Senator William F. Brooks, Republican national committeeman, revealed while under oath that he had personally visited President Coolidge in the spring of 1925 and urged the President to appoint Magnus Johnson, then a Farmer-Labor Senator, to the International Joint Commission.

This position pays $10,000 a year for a term of 10 years and is a job that means much to the Backus-Brooks interests. The commission supervises water levels of international waters, such as Rainy Lake, Lake of the Woods, and others, where the Backus interests have tremendous holdings.

Why a partner of the Republican National Committeeman should ask the appointment of a Farmer-Labor Senator to this highly important place is one of the mysteries that will probably remain unsolved. A fine running story of this political paradox could be written, but the story is so almost unbelievable that the Leader will merely quote extracts from the sworn testimony of Mr. Backus and let the reader draw his own conclusions.

The following are extracts from the official stenographer's report of the Minnesota hearings for Wednesday morning, April 13, 1927.

The numbers in parentheses after the testimony indicate the pages of the official transcript where this testimony may be found.

By Senator James Carley:

"Q. Some statement has been made before the committee or suggestions that you advocated or had something to do with, or had some talk with relation to, the appointment or the securing of the appointment of Senator Magnus Johnson on the International Boundary Commission?—Answer by Mr. BACKUS—That is what they term the "International Joint Commission."

"Q. What is that commission?—A. That is a tribunal, three members appointed by the Dominion of Canada and three members of the United States Government, to deal with boundary disputes. Their jurisdiction amounts in brief to about this: Anyone who wishes to change the level of a river or water, a lake or river, must first submit the question to the International Joint Commission for adjudication. That exists on all boundary waters from the Pacific to the Atlantic, takes in Milk River, Lake of the Woods, Rainy River, Pigeon River, Detroit River, and St. Lawrence (p. 1858).

"Q. What is there to that suggestion that there was some talk of Magnus Johnson being appointed on that?—A. There is some truth in it; yes, sir (p. 1859).

"Q. Go ahead and state what it is.—A. This International Boundary Commission is a tribunal created, I think, in 1909. In 1912, 1913, 1914, 1915, and 1916 they had under consideration the matter of the levels of Rainy Lake and the Lake of the Woods. In these earlier considerations they confined their efforts largely to the level of the Lake of the Woods. That was brought about by the settlers in Minnesota, on the south end of the Lake of the Woods, claiming damages for overflow in seasons of high water.

"Senator Nelson, I think, was largely interested in having this international joint commission or tribunal created (p. 1859). The Canadian Government did not know just how to handle the question of damages in Minnesota, and that matter proceeded to a point where an agreement was reached between the two countries.

"Q. A treaty between the United States and Canada?—A. Yes; a treaty was formulated and passed the Dominion Government and sent to the United States Senate for ratification. Under the terms of this treaty the settlers and property owners at the south end of the lake in Minnesota were to be awarded certain damages for overflow, and we were—our companies were—interested in the south end of the lake, at what is called Norman Dam. The Government, however, had operated that dam for about 30 years, and there was no responsibility placed upon our company, but in this treaty, when the treaty was formed and sent to the United States Senate, it dragged along and dragged along, until finally the interior board of Canada asked me to see if I could not have the treaty acted upon so they could make a settlement with the United States and the United States in turn with the damaged property owners. So in the latter part of 1924 and early in 1925 I took the matter up actively and went to Washington in person with my attorney to carry out the request of the Canadian Government to have this treaty ratified by the United States Senate and signed by the State Department (p. 1860).

"While there I came in contact frequently with the then Senator, Magnus Johnson, and Senator SHIPSTEAD, and was, you might say, in daily consultation with both of them until the end of that session, when the agreement was had with the committee having this matter in charge that it would be ratified and the treaty signed.

"At the end of this work and before the adjournment of Congress that term, Magnus Johnson came to me one day and said, 'A very influential friend of mine in the South had been to President Coolidge and suggested to him that I (Magnus) be given the appointment to fill the vacancy on the international joint commission.'

"Q. (By Tom Davis.) Magnus came to you and said——

"WITNESS (Mr. Backus). In one of our conferences about the Lake of the Woods treaty—and this treaty is what they term the Lake of the Woods treaty—in our talk Senator Johnson had shown me communications from State Senator Landby and others who had been importuning him to get this matter fixed up, and telling of a trip with Congressman Wefald from Warroad to Kenora (p. 1861) to see our plants in operation at Kenora. Anyway, we became quite well acquainted, as I stated this morning. He said, as I stated, a very influential friend of his in the South had seen the President and asked the President to give Senator Johnson the appointment on that vacancy on the International Joint Commission, and this southern friend said the President indicated he would like to do this.

"Senator CARLEY. Like to appoint him?

BACKUS REPAYS MAGNUS

"WITNESS. Like to appoint him if he could do so consistently, and he asked me if he would be obliged to look for opposition from me in this matter. While I told him frankly I did not think I would have very much to say about the matter, but the way he had handled himself in assisting in putting through this Lake of the Woods treaty, getting that cleaned up, I would not oppose his application; in fact, would even go to the President and ask him to give it to him.

"So I went to the President and suggested it might be a good political move, as long as it was a nonpolitical appointment, to give it to Senator Johnson.

"Q. He was not appointed?—A. No, I am sorry to say; not appointed * * * because it would have been a God's blessing to Senator SCHALL if it had been made.

"Senator SCHALL. If I had agreed to that appointment there would never have been a contest, would there, Mr. Backus?

"Mr. BACKUS. I do not believe there would (p. 1863)."

MEANT MONEY TO BACKUS

After Senator Carley finished questioning Mr. Backus, Tom Davis then took up the train of examination. Mr. Davis developed the fact that the Backus-Brooks interests were financially interested in the decisions of the International Joint Commission. Note how long it took to get Mr. Backus to admit that fact.

Page 1866 of the official record reveals these questions and answers:

"Q. With reference to the joint commission, the joint commission has the duty of fixing water levels between the two countries; that is one of the duties?—A. Any party wishing to construct a dam, or works of any kind, in the river, which will change the level of the river or lakes, must be submitted to the International Joint Commission.

"Q. Now, then, your company, the Minnesota & Ontario Paper Co., and your other companies are naturally interested in water levels at different times, are they not?—A. They happen to be interested in the level of the Lake of the Woods, Rainy Lake, and the water above Rainy Lake.

"Q. They would have to submit these matters to the International Joint Commission?—A. That is true.

"Q. They would vote adversely or favorably for whatever they would consider their best interests (p. 1866)?—A. Whose best interests?

"Q. Companies that apply for differences in the levels?—A. In part; yes.

"Q. In other words, if the Backus-Brooks wanted to maintain a different level than there was, and felt it was to their interests to do so, either in running its business or otherwise, they would apply to the International Joint Commission?—A. They might.

"Q. They would have to before they could change the level? They could not change the level without the consent of the commission?—A. That is true.

"Q. Men on that commission would have considerable to say as to the ultimate determination of that?—A. Yes; they would have to either approve or disapprove.

"Q. I will ask if your company has not had considerable litigation over water levels in northern Minnesota?—A. More or less; yes.

"Q. That litigation is brought about because of the differences with settlers up North, to some extent, is it not?—A. Yes, sir.

"Q. And, of course, if the joint commission fixed the water levels, that, of course, would be the act that would bar claiming damages—the thing having been done by the joint commission there would be a defense on the part of your company?—A. I can not answer that yes or no. I will have to explain that.

"Q. I wish you would.—A. In changing the levels, of course, it goes without saying until you get to high water there would be no complaint on the part of anybody. If levels were to be changed so it would be higher than high-water mark, then the International Joint Commission, or a tribunal which they would create or appoint, would first adjust the damages for the increased level with the property owners and then after the settlement was made the decision of the commission that would say the water should be held at a foot or two above high-water mark and damages to property owners, if any, adjusted and settled—then that level could be maintained without further damages (p. 1868).

"Mr. DAVIS. The treaty with Canada did raise the water level provided in the treaty?—A. On the Lake of the Woods?

"Q. (By Tom Davis.) In my understanding of your business interests in the northern part of the State, your companies would have considerable to do with the joint commission in fixing of water levels?—A. More or less; yes.

"Q. And that decision of the commission would affect either favorably or adversely your interests in that locality?—A. Yes; to a greater or lesser extent.

"Q. And by your interests I mean your financial interests. You understand that?—A. I do" (p. 1869).

MAGNUS CALLS OFTEN ON BACKUS

That Magnus Johnson was at least an occasional visitor to Mr. Backus's office in Minneapolis was disclosed on page 1870 by the following testimony:

"By Tom Davis:

"Q. In the month of January or February this year (1927) did you see Magnus Johnson in your office?—A. When?

"Q. January or February or March?—A. This year? I think so—yes.

"Q. Did he not call on you and talk to you about this resolution that was going to be introduced? (Mr. Davis in this question refers to the Minnesota State Senate resolution to investigate Senator SCHALL.)—A. I am not sure. He drops into our office occasionally when he is in Minneapolis.

"Q. He dropped in there during the months of February and March this year?—A. I think so; yes.

"Q. Did he not discuss and tell you a resolution would be introduced in the senate regarding SCHALL?—A. If he did not tell me before, he told me after it was introduced.

"Q. In one of his visits with you?—A. Yes. (See p. 1870.)

"Q. Magnus called how many times, would you say, in January, February, and March, this year? Called at your office and had talks with you?—A. I could not say, but three or four, maybe three or four, maybe four or five."

[EDITOR'S NOTE: These were the months the investigation of Mr. SCHALL was pending and being tried before the Minnesota Senate. Evidence was introduced at the hearing claiming that Mr. Backus was consulted by Frank Corneaby and his wife. Evidence was also introduced by three witnesses that Corneaby, Jacobs, and Frisch expected to collect $10,000 each for their efforts to unseat Senator SCHALL.]

On page 1877 Tom Davis again questions Mr. Backus on his interest in having Magnus Johnson appointed to this big job, which affected Backus's financial interests. Here is the official sworn testimony:

"Mr. DAVIS. You do know as a practical matter of politics, do you not, if you, through your influence, would appoint a man upon a commission, that man, whether he wanted to or not, would naturally be inclined to favor your interests?

"Mr. BACKUS. All things being even, he would. * * *"

"By Tom Davis (p. 1878):

"Q. Don't you know from your knowledge of politics in this country, Mr. Backus, frequently the fact that men in high political power have appointed men on commissions, all things being equal, have favored this man who brought about their appointments?—A. It is; but I think it is wrong.

"Q. Knowing it is all wrong, and knowing Magnus Johnson was not a Republican, you went to the President and urged his appointment on this commission, did you not?—A. I did not particularly urge it.

"Q. Didn't you urge it?—A. I told him I thought it would be a good move.

"Q. You did urge it?—A. I did not urge it hard.

"Q. You urged it hard enough to say you thought it would be a good move; you would like to see him appointed?—A. I think it would be a good move. I would like to see him appointed."

[EDITOR'S NOTE: Other extracts from Mr. Backus's sworn testimony are recounted in other columns of this issue. Be sure to read his testimony on taxes and get the philosophy of the domineering rich, who believe they should escape taxation, and why.]

Various Minnesota railroad union officials, who have been fighting Senator SCHALL, should find out how their national officials stand in regard to their support of the blind Senator.

The Leader editor recently received a letter from W. N. Doak, national vice president of the Brotherhood of Railroad Trainmen, one of the Nation's largest and most influential railroad organizations. Under date of October 4, 1927, from Cleveland, Ohio, Mr. Doak writes the following to the Leader editor at 1209 West Twenty-second Street, Minneapolis, Minn.:

"The opportunity has been afforded me to read an issue of the Minnesota Leader of September 1, and to note your able defense of Senator THOMAS D. SCHALL. After having served as the national legislative representative for the brotherhood at Washington for more than 10 years, and having been associated with Senator SCHALL both while in the House and Senate, and being able to testify to his splendid record in behalf of working people, I wish to personally express my appreciation for your defense of Senator SCHALL, as I believe he is worthy of the most earnest consideration at the hands of the press and the public generally.

Sincerely yours,

W. N. DOAK,

Assistant to President Brotherhood of Railroad Trainmen.

TOM SCHALL'S offer of $1,000 reward to anyone who can point to one place in his record of 12 years where he has voted against labor or the farmer or against the interest of the people still holds good. His record is unassailable, as is evidenced from the testimony of the best known labor leaders of America as well as the most prominent statesmen of this generation. We quote a few of them, as follows:

"SCHALL'S record is 100 per cent for labor." (W. R. Doak, vice president of Railroad Brotherhood.)

"Has always championed by voice and vote the interests of the laborer." (Frank Morrison, secretary American Federation of Labor.)

"TOM SCHALL is a fighter—fearless, honest, able, and eloquent." (Senator HIRAM JOHNSON.)

"SCHALL is governed by what he believes to be in the best interests of the people." (C. A. Lindbergh, former Congressman sixth district, Minnesota.)

"A careful, painstaking, and conscientious representative of the people." (Rev. James S. Montgomery, D. D., formerly of Minneapolis, now Chaplain of the House.)

"We of the House owe a debt of gratitude to our colleague SCHALL for the example he has set us of cheerful, helpful, and efficient service. If Mr. SCHALL had two good eyes, he could not be more efficient in the discharge of his duties." (Hon. Frank Mondell, former Republican floor leader.)

"Mr. SCHALL'S high recognition among his colleagues is not due to a sense of pity, but because of his ability, his industry, his devotion to his cause in public service, his constancy on the job have impressed his personaltiy upon each Member." (Dr. SIMEON D. FESS, United States Senator from Ohio.)

"I believe in TOM SCHALL with all my heart." (Theodore Roosevelt, former President.)

[From the Daily Star, April 21, 1928]

MR. RINES AND THE BURST BUBBLE

Henry Rines, State comptroller and chairman of the State board of administration and finance, otherwise known as the Big Three, is the 1928 world's champion glutton for punishment.

Cuffed on the ear three times in as many months by court decisions that the Big Three can not run the University of Minnesota or the highway commission, through the control of their expenditures, Chairman Rines blithely writes Mr. Babcock, the highway commissioner, to the effect that Mr. Rines's certificate that funds are available must hereafter accompany contracts awarded in order to make them valid.

Even though Mr. Rines is unconvinced that Governor Christianson's project of saving money and increasing efficiency in the State government by making himself dictator of Minnesota has blown up with a dull plop and that everybody knows it, this seems a poor time to try to tie up road construction while the argument is being settled.

Incidentally, it must be rather embarrassing to the governor to have Mr. Rines, who is his agent as chairman of the Big Three, continue to call attention to the burst bubble just as the State campaign is getting under way. (Daily Star, April 21, 1928.)

[From the Minneapolis Tribune, Monday, April 16, 1928]

THE COURT AGAIN SAYS, "THOU SHALT NOT PASS"

Those who believe that an adult and literate electorate like that of Minnesota's needs neither a regent nor a dictator will note with pleasure that the "Big Three's" pretensions to power were given another jolt in two decisions handed down last week by Judge McNally.

It should be remembered that the "Big Three" are simply the governor's puppets. When the campaign for the centralization of the State's finances in the hands of the governor was on the people were beguiled by such persuasive phrases as economy and the elemination of waste. They failed to see the larger implications. Had the attempts of the "Big Three" to extend their authority been successful the governor's power would have been vastly expanded. Control of the purse strings in this day and age means actual control.

The university regents and the State highway commissioner, for example, would have been unable to put into execution their own policies if these policies had chanced to collide with the policies of the governor. The way would have been open to a virtual czardom in Minnesota. With such an inflation of the gubernatorial prerogative, the whole theory underlying the State constitution would have been flouted, the ideas of the founders of Minnesota perverted, and a plan of government more nearly resembling that of a Latin-America dictatorship than that of an American State would have been introduced. Possibilities for despotism without parallel (save for the President's war powers) in American political life would have been injected into the office of the Governor of Minnesota.

The courts have now delivered no fewer than three resounding blows against this movement to make Minnesota an untitled monarchy. In February Judge Hanft ruled that the governor, through the "Big Three," could not gobble up the university. Last week Judge McNally, in two decisions, ruled that the "Big Three" could not override the State highway commissioner in the running of his own department. The courts are saying, "Thou shalt not pass" to this movement to turn Minnesota into the personal domain of a feudal lord. We surely may heave a sigh of grateful relief over the fact that we have alert and virile courts, with a strong sense of constitutional intent and a keen regard for the essence of the democratic principle. If the people of Minnesota were morons or as politically incompetent as the inhabitants of Haiti, no doubt something could be said in favor of the advisability of establishing a dictatorship in this State. And if Minnesota were a nation, and engaged in a war of life and death, again, no doubt, a good case could be made out for a dictatorship as an emergency measure. But since no emergency exists, since the people of Minnesota are not, so far as is known, either mentally bankrupt or morally irresponsible, the prejudice in favor of a diffused and departmentalized State government foundationed in a representative American Constitution and functioning in harmony with the established precepts of American democratic precept is likely to survive for some little time yet.

COMMITTEE TO NOTIFY PRESIDENT

Mr. CURTIS and Mr. ROBINSON of Arkansas appeared in the middle aisle, and Mr. CURTIS said:

Mr. President, your committee appointed to join a similar committee from the House of Representatives to inform the President that the Congress had completed its work and was ready to adjourn unless he had something further to communicate to them, beg leave to report that they have performed that duty. The President has advised your committee that he has nothing further at this time to communicate to Congress and extends his hearty congratulations to the House and Senate for their work during the session.

DISTRICT COURT OF THE CANAL ZONE

Mr. SMITH. Mr. President, I have received communications through a Senator from the Secretary of War in reference to Order of Business 1186, Senate bill 3938. I would like to state that the reason why this bill has not been taken up is because I think it is a matter of such importance, referring to the present alleged confused situation in the Canal Zone, that a full hearing ought to be had, and for that reason I did not push the passage of the bill in the Senate. The Senate committee had reported it favorably. The Senator from New Jersey [Mr. EDGE], who is chairman of the Committee on Interoceanic Canals, came to me and made a statement as to what had been transmitted to him by the Secretary of War. I want to state that from the evidence given to me and submitted to the Committee on the Judiciary I think it is necessary that Congress take cognizance of the situation and see that it is cleared up. Complaint has come that it is practically a military government over the entire Canal Zone and that it is imperialistic rather than Republican or Democratic. The parties making the allegation and witnesses to the affair are persons of high character and good standing.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. EDGE. I understand the Senator proposes to have the bill remain on the calendar?

Mr. SMITH. Oh, yes, it is to remain on the calendar, and when it comes up in December next I shall take occasion to ask that the bill then, if necessary, be referred back to the Committee on the Judiciary for them to take testimony in reference thereto.

The PRESIDENT pro tempore. Without objection that order may be entered now.

Mr. SMITH. I do not care to have the bill taken from the calendar now. I will exercise my privilege in that respect when we meet in December.

ADDRESS BY HON. JOHN SHARP WILLIAMS

Mr. STEPHENS. Mr. President, Jefferson Davis, the sole President of the Confederacy, was born June 3, 1808, so his birth date will come next Sunday. As Congress will adjourn before that time, I shall ask permission at this time to have printed in the RECORD a brief statement with reference to the exercises that were held at the Vicksburg National Park, Vicksburg, Miss., on October 13, 1927.

The Confederate veterans of Mississippi were holding their annual reunion. At that time a memorial to Jefferson Davis, which had been placed in the national park, was unveiled. The master of ceremonies was Hon. Harris Dickson, of Vicksburg, the noted writer. The National Government was represented by Gen. B. F. Cheatham, who delivered an address and accepted the statue on behalf of the United States.

On that occasion Hon. John Sharp Williams, formerly a Member of the Senate, delivered an address. Senator Williams is not only a great Mississippian but a great American. He made such an impression upon the country and had such a long, varied, and useful service that, although he has retired to private life, every few days, as I meet people from all sections of the country, inquiries are made of me about him. So I feel that any utterance of his will be of interest to the public. Not only because of this, but because of the subject of his address on that occasion, I ask unanimous consent that his speech be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

The speech of Hon. John Sharp Williams is as follows:

MEMORIAL TO JEFFERSON DAVIS

Mr. Chairman, your excellency, General Cheatham, Union and Confederate veterans, ladies and gentlemen, somebody has said that the sublimest spectacle which can be presented by man to humanity is that of a "great man greatly falling with a falling state." Surely it may be said with historic truth that Jefferson Davis presented this picture to his beloved Southland and to the world. Whatever faults of temperament or policy critics may find in him, he indubitably possessed the virtues of sincerity, honesty, loyalty to friends and principles and a cause; courage to endeavor; fortitude to bear defeat and suffering; unvarying truthfulness and self-devotion. If these be the cardinal and foundation virtues for man to possess, or to admire in other men during this earthly existence, as I think they are, they were all impact in Mr. Davis.

The Southern Confederacy had but one President. That "storm-cradled nation that rose and fell" itself went down in ruin and ashes seemingly, "its people's hopes were dead," even before the expiration of the six-year term of office of that "one chosen one."

There is nothing in the character or bearing of that one for any son of the South, or of the North, to be ashamed of.

There are many things in him, as in the history of that short and bloody struggle, on both sides, for all sons of both sections to commemorate as glorious and as worthy of the American people at their best.

It is harder for the successful majority of a people, once divided into angry and warring parts, to do justice to the political leaders of the defeated minority than it is to praise its military and naval heroes.

The genius of Stonewall Jackson, the nobility of Robert E. Lee, have long since received unstinted praise from former foes, as from all the world. Even Raphael Semmes, after deep and loud cursing, has had justice done his enterprise and intelligence as a "sailorman."

Justice is beginning to be done by northern writers to the character, ability, and memory of Jefferson Davis. Gamaliel Bradford—his antagonistic heredity and environment considered—has done it nobly well. Captain Schaff, of the northern army, in his Life and Personality of Jefferson Davis, pays admiring tribute to him. The first book to come from the North, seeking to portray him as he was, and entitled "The Real Jefferson Davis," was written by Landon Knight, of Ohio. It pays a generous tribute to his private character and public record.

The southern side of "the War between the States" is as much a part of the history of our United States as the northern side of it.

It is a mistake of fact to say that the Southern States rebelled against or even fought against the United States.

The plain, palpable, historical truth is that two groups of the theretofore United but temporarily disunited and subsequently reunited States were at war with one another. The fact that, in order to avoid confusion in battle and otherwise, the minority group had perforce to assume for their new union a new name and a different flag, and that the majority group naturally retained the old name has led to the confusion of ideas and of things.

Every drop of blood inherited by Jefferson Davis and by most of our soldiers who fought under him was of the blood once shed, or offered to be shed, for the independence of the colonies and the establishment of "the old union." He had himself been an officer in its Regular Army and later, during the Mexican War, an officer in its Volunteer Army. He retained to the day of his death an intense devotion to the memory of "the old service." He carried over this devotion to the old and voluntary union of all the States to the new union or confederation of his part of those States—"the Confederate States of America." He became, by virtue of his office as President of this group, the commander in chief of its armies and officially therefore one of its soldiers. Upon this fact and his ante-bellum Army service rests the claim to erect here on United States property this monument, a claim generously accorded by the Federal Government of these States against the major part of which he had waged relentless war in behalf of the independence of the minor part of them.

Waged war, relentless, until the fabric which he commanded had hopelessly collapsed and he himself had become a prisoner of war. After the first natural ebullition of war passion and hate, he was unconfessedly but really treated as a prisoner of war. That is what his release on bail and the subsequent dismissal of the "treason" charge actually meant.

When helpless and shackled—and then only—did he cease the struggle against "the stars in their courses," and like Robert E. Lee—also a prisoner, though on parole—advised his followers to cease unavailing resistance and to reconcile themselves, as best they might, to the new order of things. Worthily had he borne his part in that brilliant and heroic southern defense. Most worthily did he bear his part in that overwhelming defeat—worse than defeat—that collapse by exhaustion of all a people's resources, including the decimation of its man power.

In every act and thought he had borne witness to the eternal truth that "it is better to have loved and lost than not to have loved at all," better to have fought and lost than not to have fought at all.

He had loved the old Union of all the States; he had loved the new union of that part of the States to which his State had adhered; he had performed honest, brave, brilliant, and enduring service for both.

In retirement—not pardoned and not seeking pardon—he sought to explain "the why" and "the what" of it all, in order that the motives, the deeds, and suffering of those he had led might become a part of the understanding of the world; nor is his Rise and Fall of the Confederacy a book of small value, either as history or as literature or as constitutional law, though naturally written from the viewpoint of counsel for the defense.

His fate was not as fortunate as was that of the other Chief Magistrate of the other group of our American Commonwealth—his great antagonist, Lincoln—who died assassinated in the very afterglow of the hour of victory and before the radical part of his party could attempt his impeachment as they did attempt that of his successor, for trying, without his popularity, to carry out his policies.

American history will not be written accurately until it frankly records that for a short period—short in time, though long in suffering, heroic deeds, and high courage—these States and this people had contemporaneously two Governments and two Presidents—Abraham Lincoln and Jefferson Davis. They were born in homes within present long-distance artillery fire of one another—in Kentucky, a State which sought to be a "neutral" State in a "War between the States," a thing impossible, and succeeded only in seeing her sons fight and die on both sides.

The family of Davis, being slaveholders, when it migrated went farther south; that of Lincoln, being too poor to own slaves, when it migrated went farther north, where environment was more inviting to white labor. Both were of southern blood. Each proved fitted to the environment which directed and made destiny for him. Each devoted to the policies he came in time to espouse and to the people he came in time to love all that was in him.

No two disunited and warring parts of a people ever furnished two opposing chieftains of sincerer purposes, cleaner life, or more persevering fortitude.

It is given to men to be true if only they will; it rests with God to order results.

In that fierce war between the cause of community, self-government, and independence on the one side and the cause of what had, by historical evolution, come to be "the sanctity of the Union," on the other side, the cause of the one chieftain—Lincoln—could hardly by any fault of his own, however gross, have been lost, and the cause of the other could by no now conceivable virtue of his own have been won. All that either could do was to give himself—body, mind, and soul to the utmost—for the right, "as God gave it to him to see the right." This both did without stint.

No southerner now would impeach the character of Lincoln, and no "generous soul," to use a phrase of Demosthenes, will now deny that Jefferson Davis is the outstanding American instance, in civil life, of "a great man greatly falling with a falling State."

He was worthy to be associated in his people's hearts with "the sword of Lee," with the military genius of Stonewall Jackson, and with the enduring fortitude of that southern soldiery which "with tattered uniforms, bare feet, and bright muskets bore on their bayonets" for four years the southern cause. He was worthy to be associated in history with those other Americans who finally overwhelmed them.

He was "a man faithful unto death." Indeed, so prone was he never to desert a friend, a principle, or a cause that his enemies in the South—and let it be remembered that he had bitter, though not many, enemies there—gave to his faithfulness the name of "obstinacy." Landon Knight even falls into this error. Courage at its best he had; physical, mental, political, and moral courage; courage of initiative to dare, courage of fortitude to suffer. For him success did not entail recklessness nor defeat despair.

He was great as a soldier. Buena Vista early illustrated it, and his military counsels during the war, as General Lee himself testified before Congress, confirmed it. He was a great Senator. He was a great War Secretary. He was at times a great orator; witness his farewell address to the United States Senate and the Richmond speech near the close of the war, which "fired the southern heart" to renewed effort.

In private life, in all its relations, he was as nearly blameless as mere man can be. Especially was he so in the difficult relation of master and slave—the most difficult of all relations for the master. In his justness, humaneness, and consideration for his slaves he was exemplary. He bore that part of "the white man's burden" as only the noble white man can. The northern writers whom I have cited all bear witness to that, and all here in Mississippi who knew him knew that he was "a good master."

What was, in his mind—because it is by what is in a man's mind that you must judge him—what was, then, in his mind, the cause to which he so stubbornly sacrificed his health and for which he would so gladly have given his life? Was it slavery? Then it is indeed a "lost cause." But there are in God's providence no lost causes—permanently lost—except unfit causes, just as there are in nature no survivals of the unfit.

Was secession the cause? It was only the allegedly "constitutional remedy" resorted to to assert the cause.

Behind all the talk about slavery as a condition and about secession as a remedy there laid in the minds of the southern men, and even more in the minds of the southern women, of that generation, as anyone may know who will seek their feeling and thought in their private and public utterances, the cause of white racial supremacy.

That was, in their minds, the real cause—the thing menaced. That cause it was which, in the slave States, was thought—mistakenly, as we now know—to be inextricably involved in the maintenance of slavery, unless abolition were accompanied by the deportation of the negro race, and for that nobody was ready—South or North. Deportation spelled, then, to southern minds, agricultural ruin. To northern minds, national bankruptcy.

The cause of white racial supremacy, which was thought to involve, and does involve, white racial life, is not a "lost cause." It is a cause triumphant. It was never as safe as now since the Missouri compromise discussion, which Thomas Jefferson, himself an emancipationist, said "broke upon his ears like the alarm of a fire bell in the night." What war failed to avert, the slow but sure processes of human thought and experience—North and South—under difficulties at times seemingly insuperable, have finally averted, and averted, let us hope, for good and forever.

The white man's family life, his code of social ethics, his racial integrity—in a word, his civilization—the destruction of which in the slave States was dreaded as the involved racial result of the abolition of slavery without deportation, are safe. All the dire results, which had been seen at our very doors in Haiti and San Domingo and other West Indies and in Mexico, have been avoided by us. They were averted because, first, of the shoulder to shoulder touch, the stern resolution, and the discipline which four years of war and hardship had implanted in the old easy-going and pleasure-loving southerners; and because, second, of the respect for southern courage and endurance which the war had taught the northern people; and because, third, of the sympathy for the South in her humiliation and poverty under negro and carpetbag rule, which sympathy was at last aroused in "generous souls" of late foes. How narrowly averted these dreaded results were and how dangerously and long the white man's civilization was menaced in the South few now realize.

My friends, this man—this Jefferson Davis—was no pygmy among men; he was a giant.

Long may this bronze endure as a memorial to him and as a monument to the magnanimity of a great people, reunited and never again

to be disunited and determinedly oblivious of past hatreds and bloody arbitrament of differences.

This monument by the Father of Waters, in the historic "Siege City" of Vicksburg, on the soil of his beloved adopted State, to "the Greatest Mississippian," can neither add to nor subtract from his fame, but it can be and will be a witness of the opinion of true men that it is not success nor failure which measures the worth of a man, but that brave endeavor, honest purpose persevered in, and forgetfulness of self are the essentials which fill the measure of God's demand and give the standard for true men's judgments. May such ever be our rule of final judgment of one another in this "Republic of lesser Republics," consecrated to one flag, one government, one civilization, now and forever.

PUBLIC UTILITY PROPAGANDA

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times with reference to water-power and public-utility propaganda.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USE SCHOOLS TO BEAT SMITH'S POWER PLAN—UTILITIES SUPPLY BOOKS FAVORING THEM, PUBLICITY MAN REVEALS TO TRADE COMMISSION—$227,000 SPENT SINCE 1922—ARMY OF SPEAKERS AND FLOOD OF LITERATURE LET LOOSE IN DRIVE AGAINST STATE OWNERSHIP

(Special to the New York Times)

WASHINGTON, May 28.—Water-power and public-utility propaganda spread broadcast throughout New York State and infiltrating into the high schools of the State was the subject of searching inquiry to-day when the Federal Trade Commission turned to New York in its investigation of publicity methods of public-utility companies.

Judge Robert E. Healy, chief counsel of the commission, questioned Fred W. Crone, director of the New York State Committee on Public Utility Information, and Charles H. B. Chapin, secretary of the Empire State Gas and Electric Association.

Mr. Crone's testimony was that more than $227,000 had been spent since 1922 to conduct an information bureau the activities of which included distribution of pamphlets opposing Governor Smith's projected State water-power development.

The bureau, Mr. Crone said, also distributed textbooks for use in the high schools of the State, issued a monthly news bulletin with items and editorials intended for voluntary reproduction in newspapers of the State, and furnished public-utility speakers to schools, colleges, chambers of commerce, Rotary and Kiwanis Clubs, and other organizations.

TWO BOOKLETS CIRCULATED

Mr. Crone, a former newspaper and advertising man, testified that 47 gas and electric companies, members of the Empire State Gas and Electric Association, supported the New York State Committee on Public Utility Information. It was organized in 1922 with himself as first director.

His office accounts, introduced in evidence in the examination, which is being conducted with Judge Edgar A. McCulloch as presiding commissioner, showed expenditures for salaries, office rent, literature, and distribution averaging $30,000 a year. With cost of printing pamphlets in the past year, the aggregate expenditures since 1922 exceeded $227,000, the accounts showed.

Two booklets were published purporting to state the attitude of the State's public utilities with respect to water-power development.

One, entitled "White Power in New York State," attained a circulation of 196,000 among newspapers, libraries, public officials, college professors, commercial and banking houses, and civic organizations Mr. Crone testified. The other, entitled "River Regulation in New York State," had a circulation of 40,000.

While the committee circulated many of these booklets, most of them were distributed through member companies, according to Mr. Crone.

ADMITS OPPOSING SMITH WAS AIM

He testified that the private power companies of the State opposed Governor Smith's power-development plans, and admitted, upon close questioning by Judge Healy, that the object of the literature was to oppose the movement.

The 1927–28 balance sheet of the committee showed that the printing of the water-power booklets cost $13,884.

Inquiring into distribution of public-utility literature among high schools of the State, Judge Healy obtained from Mr. Crone an estimate that 106,000 copies of two textbooks, "Know New York State" and "Servants of Progress," were distributed among 491 high schools.

Most of these were sent from New York headquarters upon receipt of replies from circulars distributed to all high-school principals Mr. Crone testified.

Ten thousand copies of Servants of Progress were distributed in connection with certain public-relations activities of the Westchester Lighting Co. and the Consolidated Gas Co., said Mr. Crone.

The witness said that the textbooks had been prepared by him and were intended to present the case for privately owned utilities "in a matter-of-fact light." He said the utilities had found comparatively little understanding among the public of State regulation, and therefore the books undertook to bring this out.

WHY SCHOOLS GOT THE BOOKS

He was asked by Judge McCulloch the object of circulating the books among high-school children, and replied that he believed that the information was something the children ought to know.

The Association of State Railroad and Utilities Commissioners had advocated teaching this subject in all schools, even in grade schools, he said.

Asked why utility companies should undertake to do the teaching, Mr. Crone said he thought it was mutually advantageous. He admitted that most of the material was favorable to the utility companies and admitted, too, that one of the objects was to "get over" utilities ideas.

The cost of publishing the two textbooks was given as about $3,500. Mr. Crone declared that he could not tell what parts of the State received the greatest distribution, but said they went to many different places.

The subject of textbooks recurred during the afternoon session while Mr. Crone was concluding his testimony. Judge Healy inquired into a survey of textbooks used in New York City schools made by Mr. Crone at the behest of Fred R. Jenkins, chairman of the educational committee of the National Electric Light Association.

According to documentary evidence introduced, J. B. Sheridan, manager of the Missouri Committee on Public Utility Information, who had been appointed chairman of the survey, had written from St. Louis asking Mr. Crone to survey and report on the textbooks on civics, economics, and sociology used or approved for use in the New York public schools.

CRONE'S REPORT ON TEXTBOOKS

Mr. Crone's report, apparently part of a nation-wide survey, was one of the documents produced. It had been taken from his files by an investigator for the Federal Trade Commission.

"The object of the surveys," said Mr. Sheridan in his letter to Mr. Crone, "is to accurately inform ourselves of the nature of the matter dealing with the public-utility industry in these textbooks, to take up the matter of revising, rewriting, and bringing up to date the textbooks with the proper authorities."

Mr. Crone's report reviewed 25 textbooks used in New York City public schools. In his covering letter he said there was no uniformity in the books used throughout the State or in New York City.

"Among school-teachers in the larger cities," said the letter, "and especially in New York City, there is a considerable proportion of the so-called liberals and radicals.

"In New York City this is so much the case that during the war it was found necessary to apply a sort of patriotism test and varieties of repression (with resultant protests against invasion of personal liberty and freedom of speech and the like). And since the war there have been many criticisms of the brand of oral instruction furnished by members of this element, including a recent one that teachers on the public pay roll were using the school auditoriums to lecture, teach, or talk on matters subversive of the foundation principles of American Government."

FOURTEEN BOOKS CALLED "UNFAIR"

The individual reviews of the books covered many typewritten pages. Fourteen of the 25 books were termed "unfair."

The unfavorable or favorable comment ranged from the elementary economics text, Description of Industry, by Prof. Henry C. Adams, formerly of the University of Michigan, which was said to contain a "vicious attack on monopolies" and a "strong demand for Government ownership and operation of utilities" to a civics textbook, The Community and the Citizen, by Arthur W. Dunn, of the United States Bureau of Education, which was highly indorsed as "fair."

During Mr. Crone's testimony Judge Healy took occasion to introduce a textbook by Edward Hungerford, The Story of Public Utilities, which, the witness testified, the State association talked about distributing, but had not done so. He understood it was being used in the schools of Rochester.

When Mr. Chapin was on the stand later he said a Mr. Scobell and F. W. Fisher, information director of the Rochester Gas & Electric Corporation, called upon Chairman W. A. Prendergast, of the State public-service commission, to ask him to help obtain wider distribution of his book and to use his influence to have more public-utilities courses taught in the State schools.

Mr. Chapin added that this did not develop into anything so far as he knew.

1,000 ON BULLETIN LIST

Mr. Crone said that his information bureau's monthly bulletin of news articles and editorials was distributed to about 1,000 newspapers, banks, business houses, engineers, and others. He admitted its purpose was to obtain newspaper reproduction of items, but he would not agree that the influencing of editorial opinion was one of the objects. He said that much of the matter was reprinted by the newspapers.

Asserting that his bureau had always urged local companies to advertise as liberally as possible in the newspapers, Mr. Crone said he believed that $28,000,000 to $38,000,000 was spent annually for advertising by the State utilities. This was substantially more than the amount of advertising done five years ago, he added, and credited his bureau with stimulating at least part of the increase.

Judge Healy pressed the point that perhaps this was one avenue by which the utilities believed they could get more of their news matter in the newspapers.

Mr. Crone vigorously denied this, declaring that this idea made him "blamed mad." He said he was sure editors were able to distinguish advertising matter.

Among companies which have public relations officers who issue their own press statements, Mr. Crone said, were the New York Edison Co., Consolidated Gas Co., Brooklyn Union Gas Co., Niagara Falls Power Co., Rochester Gas & Electric Co., and Mohawk Hudson Power Co.

THREE THOUSAND FOUR HUNDRED AND SEVENTY-NINE SPEECHES SINCE NOVEMBER 1

Inquiring next into the activities of the speakers' bureau conducted by the New York State Committee on Public Utility Information, Judge Healy produced statistics from the bulletin to show that from 55 to 179 speakers had been engaged in each of the past six months in making public-utility addresses throughout the State.

Since November 1 they have fulfilled 3,479 speaking engagements before audiences aggregating 331,468 persons. These speeches resulted in more than 450 columns of newspaper space, it was shown.

Mr. Crone said that a check on the news reports of the speeches was always made by his office, which subscribed to more than 200 newspapers, or through the managers of the local utilities in the towns where the speeches were made.

A speakers' handbook containing suggested topics and quotations from various men in public life was introduced in evidence, after Mr. Crone said that he had prepared it.

Present during most of the examination of Mr. Crone were Judge Stephen B. Davis, director of the Joint Committee of National Utilities Associations; J. S. S. Richardson, director of information of the joint committee; P. H. Gadsden, of Philadelphia; E. H. Rosenquest, president of the Westchester Lighting Corporation; C. W. Person, advertising manager of the American Gas Association; and George F. Oxley, director of information of the National Electric Light Association.

CHAPIN ADMITS FIGHT ON SMITH

The examination of Mr. Chapin was comparatively short. He testified that member companies supported the Empire State Gas & Electric Association through pro rata assessments and that its annual expenditures were about $32,000 or $33,000.

He was asked to identify items in his account books, several of them showing that the expenses of various Cornell professors had been paid by the association for addresses at its recent convention.

The minutes of the association were examined by Judge Healy.

He interrogated Mr. Chapin about a statement in one of the minutes that members of the women's committee of the association should join the League of Women Voters in order to maintain a close check on its statements and publications which had to do with questions of public ownership.

Judge Healy asked whether this was urged in order to offset the influence of the League of Women Voters.

Mr. Chapin replied that this probably was so, but he refused to agree with Judge Healy that any organized system of espionage was contemplated.

He admitted that the water-power pamphlets about which Mr. Crone had testified were intended to fight Governor Smith's program of water-power development. He said his association was in no way connected with the distribution of propaganda against the Boulder Dam project and declared that it had nothing to do with State legislation.

HERBERT HOOVER

Mr. STEPHENS. Mr. President, I ask unanimous consent to have printed in the RECORD some correspondence recently had by me with the Secretary of Commerce, Hon. Herbert Hoover.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

APRIL 2, 1928.

Hon. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

DEAR MR. SECRETARY: The Washington Post under date of March 31, 1928, carried an article the headlines of which read as follows:

"Hoover changes racial policy in Census Office. Colored clerks now in all departments; administrative position sought."

The article reads as follows:

"Colored clerks in the Census Bureau yesterday sought to learn why they have been brought up from the basements and other segregated sections where they have worked for years and placed in all departments of the bureau on equal terms with other workers. It was learned that the order to abolish segregation and racial discrimination in the department came at the order of Herbert Hoover, Secretary of Commerce.

"The Secretary was visited by Neval H. Thomas, president of the Association for Advancement of Colored People, and by Robert J. Nelson, the executive director of the Civil Liberties Bureau of Colored Elks, who described conditions in the department to him. His order for removal of the alleged discrimination, following an investigation, came just in time to present to the view of E. W. B. Curry, negro editor, of Springfield, Ohio, a satisfied group of negro clerks.

"Curry, who made a trip here yesterday from Ohio because his candidacy as a Hoover delegate to the Republican National Convention had been injured by charges that the Department of Commerce here was honeycombed with racial segregation, returned to the Buckeye State satisfied that he could safely run as he had planned. It is understood that negro Elks, encouraged by the situation at present, have asked Secretary Hoover for an administrative position in the department of vital statistics in connection with their national health program."

In the Times-Herald, under date of April 1, 1928, there is an article on the same subject. It reads:

"EQUALITY PLEA WON BY COLORED ELKS

"Segregation of the colored clerks in the Census Bureau has been abolished by order of Secretary Hoover, and all these clerks have been placed on an equal basis with their white fellow workers.

"This change came about as a result of a protest to Secretary Hoover by Neval H. Thomas, president of the Association for the Advancement of Colored People, and Robert J. Nelson, executive director of the Civil Liberties Bureau of the Negro Elks.

"E. W. B. Curry, colored editor, of Springfield, Ohio, came to Washington to see Secretary Hoover about the alleged discrimination, but found that Hoover's order had already abolished segregation.

"He is running as a Hoover delegate in Ohio. The negro Elks, it is said, encouraged by the situation, will ask Secretary Hoover for an administrative position in the vital statistics bureau in connection with the national health program."

My information is that for several years there has been a division in the Bureau of Census in which only negroes were employed, and that there has been a segregation of the races in every department of the bureau.

The effect of these articles is to place the whole burden of this action on you and to charge that it was taken for political reasons.

By this order members of the two races and of the two sexes will be caused to work side by side in the offices. They will be brought into intimate contact. Having authorized this, it would not be surprising if the request for "an administrative position" shall be granted. This will mean that white men and women will have a negro as their superior officer in that department.

This was an unfortunate action. It creates a situation that can add nothing to the happiness of any of the employees, regardless of race. It will lower the morale of those affected and, therefore, will lessen their efficiency. You have a great reputation as an administrative official. You must know that the efficiency of a worker depends in no small degree upon his state of mind, and the conditions under which he works.

The feeling between the races, which is instinctive, will be increased. That there is a very strong feeling against social equality can not be denied. This is a long step in the direction of that which is so distasteful and hateful to so many. It is to be doubted that the better negroes in the service have sought to have this action taken.

So far as I know, no one has ever sought to have the negro division abolished. So far as I know, there has been no demand for this change except that coming from negro politicians outside the service. That such action could be taken for personal political advantage is almost beyond belief; yet it seems to be true. This action will not prove helpful to either race and it is, in reality, a grave injustice to both.

I have written that my earnest protest against this order may be registered. What I have said expresses my thoughts in very feeble language; but I trust that it may be beyond doubt that every instinct that, as a white man, I possess, and every feeling of interest I have in the welfare of the two races and in the work of the department, is very much aroused over this matter.

Very respectfully yours,

H. D. STEPHENS,
United States Senator.

THE SECRETARY OF COMMERCE,
Washington, April 7, 1928.

The Hon. H. D. STEPHENS,
United States Senate, Washington, D. C.

MY DEAR MR. SENATOR: I have your letter of April 2. The articles which you mention are in large degree foolish untruths. If such action as was taken is against the interest of either the white or colored employees, they have a full right to present the matter to me. I have received no complaint from either group.

Yours faithfully,

HERBERT HOOVER.

APRIL 10, 1928.

Hon. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Answering my letter making protest against your recent order, by which there is no longer a segregation of the races in the Bureau of the Census, you wrote as follows:

"I have your letter of April 2. The articles which you mention are in large degree foolish untruths. If such action as was taken is against the interest of either the white or colored employees, they have a full right to present the matter to me. I have received no complaint from either group."

This is the full text of your letter. I note that you say, "The articles which you mention are in large degree foolish untruths." This is a very general statement. You do not specify the "foolish untruths" contained in the articles. Of course, you do not designate as a "foolish untruth" the statement that you issued the order referred to. That is beyond denial.

You may refer to the activities of the heads of certain negro organizations, the pressure that they are said to have brought to bear on you, and the interest displayed by a negro who is running as a "Hoover delegate" in Ohio. Those statements may not be exactly accurate. I do not know. However, I am informed that at least one of the negroes referred to in the articles appeared in the room where the negro employees had been assigned to places by the side of white men and women, and that he was all grins and congratulated them on the recognition that had been given them.

But their accuracy is a matter not of the slightest importance. What I am interested in—what every decent white person in and out of the bureau is interested in—is the fact that the order was made. The order may not have been made for political purposes. But it occurs to me that it would be more to your credit to assign the issuance of the order to political reasons than to assign it to any other.

You say, "If such action as was taken is against the interest of either the white or colored employees, they have a full right to present the matter to me. I have received no complaint from either group." This begs the question. It is rather a disingenuous statement. "A full right" to complain! Of course, any person who can write or talk can voice a protest. But what would be the result? It is so easy to separate one from the service. A good position has often been lost for a smaller offense than protesting the action of a superior. So, Mr. Secretary, you should not offer as a defense for your action the fact that you have received no complaint.

I am informed that members of both races, under present conditions which were inaugurated by you, are compelled to use the same necessary accommodations provided there. White women and negro women are forced to use the same wash rooms and toilets. You may have received "no complaint"; but your knowledge of human nature and your sense of decency and propriety must cause you to know that the breasts of many of the employees in the bureau are seething with unuttered protests against the condition that you have brought about. You can not justify your action by saying that "no complaint" has been made by either group of employees.

This criticism is not a political one. It is made in the interest of decency and of the welfare of the Government. History can not be trifled with. Whenever there has been a step toward social equality between the races, dire results have followed, and both races have suffered. I can look upon this action of yours only as a step toward social equality, and I can only fear the results that may ensue.

Again I protest this order, and again I appeal to you to rescind it. If you should do so, every true friend of the negro, every white person loyal to the white race, will approve of your change of mind and action in this regard.

Very respectfully,

H. D. STEPHENS.

CIVILIAN ASSISTANTS, GOVERNOR GENERAL PHILIPPINE ISLANDS

The PRESIDENT pro tempore. The clerk will state the next bill on the calendar under Rule VIII.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BINGHAM. Mr. President, notwithstanding the objection of the Senator from Utah, I move that the Senate proceed to the consideration of the bill.

On a division the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Mr. President, the Senator from Connecticut [Mr. BINGHAM] by motion has placed before the Senate a measure which I regard as inimical to the best interests of the Filipinos. The present administration has definitely determined to deny independence to the Filipinos and to subject them for an indefinite period to control by the United States. The Jones Act promised liberty and independence to the Filipinos, and under the administration of President Wilson measures were enacted which gave to the Filipinos a large measure of independence and wide latitude in the control of their internal affairs. The people of that far-off land welcomed the promises made by the United States that they should have independence and addressed themselves with sincerity and ability to the problems and responsibilities before them, in order that they might be prepared to take over the Government of their country when the United States withdrew therefrom.

It is unnecessary to state that the Philippine Islands belong to the Filipinos and not to the United States; that the Filipinos desire independence, and while appreciating what the United States has done for their country, they are unwilling to be governed by an alien race. That they have made extraordinary progress is conceded by all. That they are competent to govern themselves I think they have fully demonstrated.

For a number of years capitalistic and other elements in our country have protested against the United States withdrawing from the Philippine Islands and have insisted that we must retain indefinite control over the Filipinos. There has been considerable propaganda for the purpose of showing that the Philippine Islands were rich in resources and that the United States could derive great profit by retaining control over the same. There have also been loud protestations, many of which I believe have been insincere, that the United States purely in the interests of the Filipinos and by reason of its altruistic mission in the world must remain indefinitely in the Philippine Islands. The measure now before us is one of a series which have, as I am advised, the support of the administration, all calculated to fasten American control upon the Philippine Islands, and to further restrict the Filipinos in the government and control of their domestic affairs. I am opposed to all these measures and shall do what I can in a proper way to prevent the passage of either of them.

But it is not my intention, Mr. President, to occupy the time at my disposal in the further discussion of the Philippine question.

I had hoped prior to adjournment to find opportunity to discuss the resolution which I offered some time ago dealing with the situation in Haiti and which called for an investigation by the Committee on Foreign Relations of the course of the United States in overthrowing the Haitian constitution and subjecting the Haitian people to military rule by the United States. However, the opportunity was not presented, but when Congress meets in December I shall urge the committee to make a searching investigation of conditions in Haiti with a view of reporting measures that will compel the withdrawal of American military forces from Haiti and the turning back to the Haitian people their own country and the surrendering into their hands all political authority.

Mr. President, in my opinion the Senate has paid too little attention to foreign affairs and to the foreign policy or lack of policy upon the part of this administration. It is difficult to determine what the foreign policy of the United States is, either with respect to the Republics to the south of us or with respect to countries in other parts of the world. The course of this and the preceding administration toward Latin America has not been characterized by wisdom or statesmanship. The Monroe doctrine has been misinterpreted, and efforts to apply it have filled some countries with apprehension and many people with resentment. The Monroe doctrine, in my opinion, must be reexamined and restated in order to win the confidence and good will of our southern neighbors, and in order that a solid foundation may be laid for the development and continuity of cordial relations between this Republic and all countries directly concerned in the interpretation and application of this doctrine.

THE ARMENIAN QUESTION

Mr. President, I did not take the floor, however, to discuss the Monroe doctrine or our relations with Latin America, but rather to invite the attention of the Senate to the Armenian question, and to what I consider the derelictions of this Government in dealing with Armenia and the Armenians. The Armenian question will be brought to our attention again if a treaty is negotiated with Turkey. Indeed, this question, not having been settled or determined, is in the pathway of this Nation and the allied nations, and calls for consideration and for the application of the principles of justice and morality in the final settlement of the same.

Mr. President, the Senate has been so occupied in the consideration of domestic problems that it has, in my opinion, failed in the discharge of its duty in regard to a number of foreign questions. No nation, particularly one occupying the position of the United States, can claim isolation or avoid contacts with the world which will result in the assumption of obligations. The World War brought the United States into intimate relations with many nations and peoples. It united in a common

cause the New World with countries and peoples of Europe and Asia. Races and peoples in far-off Greece, Asia Minor, and Syria became allies of this Government, and the war united our country with the allied and associated powers in the great contest which involved the greater part of the world. Certain objectives were sought by the United States and the nations and peoples associated with it in the world struggle.

Among the objectives sought were the expulsion of the Turks from Europe, the restoration to Greece of territory which the Hellenic peoples had occupied from prehistoric times, the establishment of an independent Armenian state within territory which had been occupied by the Armenian race for 3,000 years. For centuries the Armenians had been the victims of Turkish misrule, and the cruelties and massacres to which they had been subjected had often aroused Christian nations and led to futile demands that the Turkish Government should cease its barbarities and inhuman treatment of Christian peoples.

During the World War and immediately thereafter this Government, as well as the nations associated with it in the great conflict, solemnly announced that when peace treaties were written the Armenian race should no longer be subjected to Turkish rule, and that an independent Armenian state should be set up. When Turkey and the central powers were defeated the allied nations and Turkey entered into the treaty of Sevres. There were written into this treaty provisions for the redemption of the promises made by the allied and associated powers. An Armenian state was set up, and soon thereafter the Armenian Republic was recognized as a de facto and de jure Government by the United States as well as by the allied nations. Subsequently the Kemalists repudiated the treaty of Sevres and joined with the bolsheviks of Russia for the purpose of crushing the Armenian Republic. The solemn pledges made in behalf of the Armenian Republic and the Armenian people by the United States and the allied nations were disregarded, and these powerful states stood impotently by while hundreds of thousands of Armenians were butchered, and the rest of that heroic and suffering people, with the exception of those who resided in Constantinople, were driven from their homes into the deserts and into other lands.

For many years the American people have known of the atrocities committed by the Turks against the Christians within the Turkish Empire. The American people have contributed millions of dollars to relieve the sufferings of the Armenians and the Greeks who were victims of Turkish barbarity, and to care for the tens of thousands of orphan children whose parents had been massacred by the Turkish Government and the Turkish people.

Mr. President, the Armenian question is not settled; the Armenian question is not dead. Neither this Government nor the allied nations can ignore or disregard this question. The conscience of the civilized world may be dulled for the moment, but it will be quickened into a vital force which will not be arrested until a great wrong has been redressed and the rights of the Armenian Republic and the Armenians have been vindicated. The tragic history of Armenia under Turkish rule, culminating in the massacre of a million Armenians during and following the World War and the expulsion of a million more from their homes, can not be forgotten, and the Armenian question will never be settled until the solemn promises made by the allied nations and this Government to the Armenians, who were their allies in the World War, have been redeemed.

Mr. President, it is the view of many Americans that the policy of this administration toward Armenia and the Armenians has not only been cynical, but unfriendly and hostile. Professing deep solicitude for the Armenians, and promising that "everything should be done to preserve to them the rights which the treaty of Sevres undertook to bestow," and declaring certain conditions as a sine qua non to the acceptance by the United States of a new treaty with the Kemalist régime, a treaty was negotiated at Lausanne in 1923 which can not be characterized other than as shameful and highly discreditable to the administration in power. It was a base betrayal of the promises made to the Armenians and an ignoble, if not cowardly, abandonment of obligations which the United States owed to the Armenian Republic and the Armenian people.

The record of the proceedings at Lausanne, the statements contained in the Turkish papers, the conduct of intriguing oil interests there at work, not only give color to but in the eyes of many justify the charge that the Lausanne treaty was immoral and bartered away the rights of the Armenians in the interest of a privileged group of oil corporations. In the interest of historical accuracy and that no injustice may be done to the principal allied nations, it is proper that I state that they upon various occasions sought to carry out the pledges and promises made to the Armenians, and to which I have referred. Between 1919 and 1923 there were four notable examples of their efforts to fulfill the solemn pledges made by them to Armenia, but I regret to say that their plans met with obstruction at the hands of the United States. Their first effort was defeated by the unfortunate though well-intentioned intervention of the United States; the second by the inexcusable negligence of the Senate of the United States; the third by the highly reprehensible if not hostile conduct of the State Department for several years past; and the fourth, still pending, is threatened again by the hostile and cynical interposition of the State Department.

First. In February, 1919, months before the emergence of Kemal, the Versailles Peace Conference took up the consideration of the Armenian case, fully resolved and prepared to settle it once for all; but the Government of the United States, lacking full information but with the best of intentions, advised the conference that it desired to take a part in the settlement of the Armenian question, and promised a definite answer in August or September of that year. Respecting the wish of the United States, the Allies deferred action. Owing, however, to the partisan controversy which developed in this country over the Versailles treaty, this Government was unable to give to the Allies the answer as promised.

Second. This delay in the settlement of the Armenian case, imposed by this Government upon the Allies, led to a serious situation in Armenia, which was menaced by the bolsheviks and the growing unrest in Turkey. The Kemalist movement was assuming definite proportions which threatened the peace of the Near East and the provisions of the treaty of Sevres. Accordingly, as shown by a letter from the Secretary of State under date of September 5, 1919, the original of which I have in my possession, the Allies again formulated definite plans to send troops and arms and munitions to Armenia.

This situation produced genuine concern in the United States, particularly in view of the promises which had been made by our Government in behalf of the Armenians, and on the 8th day of September, 1919, a resolution was offered in the Senate by Senator Williams recommending the lending to Armenia by the United States of the measures of help which the Allies were prepared to give.

This resolution was referred to a subcommittee of the Senate of which Senator Harding was chairman, and it began hearings upon the same in October, 1919, with the understanding, as shown by statements made by the committee, that a report would be made to the Senate in November. In December, 1918, Senator Lodge offered a resolution in the Senate declaring that, in the opinion of the Senate, Armenia, including the six Provinces of Turkish Armenia, Cilicia, Russian Armenia, and certain other territory, should be independent and that efforts should be made to aid Armenia.

This resolution was referred to the subcommittee which was considering the resolution offered by Senator Williams. The action of the Senate in referring these resolutions to a subcommittee, and the statements that the subcommittee would promptly report upon the same, together with the course which our Government indicated it would pursue, resulted in the abandonment of the allied plan to which I have referred. Unfortunately, delays occurred which under the circumstances were inexcusable, and it was not until May 14, 1920, that the committee reported. This delay of a year and a half produced grievous and most serious results, and the situation in the Near East and particularly in Turkey got out of hand.

It is believed by many that the interposition of our Government and the action and delay of the Senate as above mentioned, and the resultant effects upon the plans of the Allies to protect Armenia brought the Kemalists into existence and afforded them opportunity to organize resistance and to enter into direct contact with the bolsheviks, with the result that in the latter part of 1920, by concerted action upon the part of the bolsheviks and Kemalists, the Armenian Republic which had been established was overthrown.

Third. At the Lausanne conference of 1923, on December 12, the principal Allies, pursuant to prior agreement, submitted to the Turkish Government a plan for the setting up of an independent Armenia, apart from the Armenian Republic, which was then under the military control of the soviet government. But the American delegation at the conference failed to support such plan, thus giving aid to the Turks in their opposition to its execution. No sufficient reason has been assigned for this most extraordinary conduct upon the part of the American delegation. It has been charged that their support of the Turks and their abandonment of the Armenians was the result of an understanding between them and the Kemalists which culminated in certain oil concessions being made to American corporations.

There is evidence to support the view that the American delegation resisted the claims of Great Britain to the Mosul oil fields and demanded an interest therein in behalf of American oil corporations, and that the Turks supported the American delegation and the latter gave aid and comfort to the Turks in their opposition to setting up an independent Armenian state as demanded by the British delegation.

It is clear from the facts that have come to light, and from the statements made by persons present at the conference, that the Armenian case was bartered away; that the Armenians were betrayed; that the American oil companies through the persistent efforts of the American delegation obtained a considerable interest in the British Petroleum Co. which claimed to own the Mosul oil fields. There was much talk by the American delegation and our State Department in regard to the "open door" in the territories freed from Turkish rule, but the "open door" as it appears was understood to mean that American oil companies should obtain an interest in the oil fields of Mesopotamia.

In this connection I invite the attention of Senators to a formal letter dated March 24, 1928, accompanied by a supporting brief which I am advised was filed with the Senate Committee on Foreign Relations, and copies of which I understand have been received by Members of the Senate.

Fourth. The allied nations, however, notwithstanding the faithless course of the State Department and the Armenian delegation, were unwilling to fix the boundary between Turkey and Armenia and left it undefined. They recognized that the Armenian Republic was still a distinct political and corporate entity; that President Wilson, at the request of Turkey and the allied nations, had fixed the western boundary lines of the Armenian Republic, and their position was that they could not and would not determine the rights of Armenia without her consent, and would not recognize the claimed boundaries of the Kemalist Turkish state which sought to incorporate therein Armenian territory. Moreover, the treaties negotiated at Lausanne, by their terms would expire in July, 1928, and the allied nations, quite naturally it is assumed, would again take up the Armenian case when new treaties were negotiated with Turkey.

I submit that the conduct of the State Department and the American delegation at the Lausanne conference in view of the solemn promises made by our Government in behalf of the Armenians, is not consistent with international obligations or international honor. Inded, in my opinion, the action of our representatives at that conference, subjects the United States to the charge of punic faith, and the abandonment of allies who had associated themselves with the United States in the World War. And it is to be noted that on November 29, 1927, apparently in anticipation of the affirmative action by the Allies in behalf of Armenia and in the interests of the Armenians, and with the apparent purpose of frustrating the same, the Department of State on the day when there arrived at the port of New York the Kemalist representative from Angora, made a public statement that there was no such country as Armenia, and that the former Armenian Republic was already divided between Turkey and Russia.

As Senators know, there was allotted to the Armenian Republic by the arbitration of President Wilson four Provinces in Turkish Armenia. According to the statement of the chairman of the board of directors of the Standard Oil Co. within these Provinces are to be found vast oil deposits even more valuable than those of Mosul. Are the Standard and Gulf refining companies which secured an interest in the Mosul oil fields when Armenia's cause was abandoned at Lausanne, coveting these oil lands which rightfully belong to the Armenian people? The plain meaning, therefore, of the above statement emanating from the Department of State, is that the title to the Armenian oil lands had reverted through the alleged demise of the Armenian Republic, to Kemal.

Is it to be inferred, therefore, that the Standard Oil and the Gulf Refining companies, which secured at the Lausanne conference large interests in the Mosul oil fields, are free to obtain a concession from the Kemalist régime for the exploitation of the oil lands, which in justice and in equity as well as legally, belong to the Armenian people? The State Department had apparently forgotten that these lands in which valuable oil fields exist had been occupied by the Armenians for nearly 3,000 years, and that the Turks during and following the World War had slaughtered a million Armenian men, women, and children living in said territory, and had driven away a million more.

It is to be hoped that the State Department did not intend formally to advise the Turks that they need pay no attention to the Armenian cause and to the Allies in any efforts by them to aid Armenia, and that in so far as the present Government of the United States is concerned, the Armenian case was a closed incident. It is to be hoped that this Government will not forget that nearly a million refugees and exiles are now wandering in the various countries in the Near East, in Greece, Syria, Mesopotamia, Persia, Georgia, and Azerbaijan; that they are homeless and helpless, and that this present policy toward the Armenians will support the Kemalist régime in its purpose to forever dispossess the Armenians of their ancestral territory and of property of the value of more than $5,000,000,000 of which they have been deprived. In the statement above referred to as emanating from the Secretary of State, it was asserted that the Armenian diplomatic representative in 1920 was not formally received by this Government; that he had withdrawn voluntarily, and that this Government could not be expected to resurrect Armenia. It must have been known to the State Department, because it is a fact that the Armenian diplomatic representative was formally received by Hon. Bainbridge Colby, then Secretary of State; but he could not be received by the then stricken President; that he did not withdraw, but later became fatally ill and died; that the Senate by resolution unanimously adopted on May 14, 1920, extended congratulations to Armenia upon her recognition by the United States; and that Armenia was not asking this Government for any physical or material help, but was only asking that the United States, which was in part responsible for her plight, shall refrain from being a party to the spoliation of her lands and the destruction of her rights.

It may be illuminating to place in contrast Armenia's attitude toward her allies, of which the United States in fact, if not technically, was one, with the attitude of the administration toward Armenia.

First. In 1914 there were approximately 2,000,000 Armenians in Turkey and the same number in Russia.

In August, 1914, the National Congress of Armenians, then sitting at Erzerum, was offered autonomy by Turkey, guaranteed by Germany, if Armenians of Turkey and Russia would actively assist Turkey in the war; they replied that Armenians of Turkey would do their duty individually as Ottoman subjects; they could not, however, as a nation, work for the cause of Turkey and her allies. Following this refusal, the Turks seized upon the intervention of non-Ottoman Armenians on the side of the Allies as an excuse, and butchered 800,000 noncombatant Armenians.

Second. From the beginning of the war, Armenians fought in the Caucasus, in Palestine, and on the western front.

Following the defection of Russia, they took over the Caucasus front, in the interest of the Allies, and prevented the Central Powers from reaching the Baku oil fields for eight long months, contributing thereby, according to Ludendorff, to the breakdown of the western front. This exertion by them shortened the duration of the war, of which America, like the Allies, became a beneficiary.

Third. Following the emergence of Kemal, as a result of our own policy, the Kemalists and the bolsheviki sought to establish physical contact, but the Armenian Republic was in the way.

In July and August, of 1920, while the Kemalists were harassing the Armenian Republic from the southeast, the bolsheviki sent two ultimata to the Armenian Government, demanding the passage of bolshevist troops over the Armenian railways to join hands with the Turks, who were fighting the Greeks in the region of Smyrna, 700 miles away from Armenia. But the Armenian Government rejected these bolshevist ultimata; it said that Greece was an ally of Armenia, and Armenia could not, with honor, place herself in the position of betraying her own ally. Belgium had a powerful foe to contend with; Armenia, far removed from European nations, had two sinister and puissant enemies crushing her, but she kept faith.

Whereupon the Turks and the Reds simultaneously invaded Armenia in the latter part of September, and on October 14 Moscow for a third time sent an ultimatum to her, demanding acquiescence in the terms of the two preceding ultimata.

Fully realizing the hopelessness of her position, Armenia again refused to comply with the demands of the bolsheviki.

On July 13, 1921, after eight months' struggle, the Armenian Government was ousted from Armenia, as the Belgian Government was ousted from Belgian soil, and one part of the Armenian Republic was forced into the soviet confederation, and the other is still occupied by the Turks.

Resolute fidelity and extraordinary courage marked the conduct of the Armenian Republic. It is that republic which the Armenians had set up by their own exertions that the Department of State and its representatives forgot and deserted at Lausanne.

Armenians lost in the World War, in actual fighting upon many battle fields, more than 100,000 men, or double the number of Americans killed in battle, and their material losses are

estimated at $5,000,000,000, which represent the equivalent, relatively and proportionately, of $600,000,000,000 for the United States, or $200,000,000,000 more than our estimated national wealth.

On June 3, 1924, I offered a resolution for a hearing by the Committee on Foreign Relations to inquire into certain facts connected with the negotiation of the Lausanne treaty. On June 6, 1924, the Hon. James W. Gerard made a formal application to the late Senator Lodge, urging action upon my resolution, but the Secretary of State, in a long letter to Senator Lodge, opposed it.

Again, on April 16, 1928, I offered a similar resolution. This resolution is now before the Committee on Foreign Relations.

I find in the New York Times of May 15, 1928, that former Ambassador Gerard, by a telegram to the President, dated May 8, expresses the hope that my resolution for a public hearing upon the Lausanne treaty will not be opposed by the Department of State.

Also, I have since received copies, in common with other Senators, of two letters to the President by Vahan Cardashian, member of the New York bar, dated, respectively, April 17 and May 7, urging either a hearing or submission of the points at issue between the United States and Armenia to the Permanent Tribunal of Arbitration at The Hague for adjudication.

I hope that the resolution which I have offered may receive the attention of the Committee on Foreign Relations. Its voice in foreign affairs has influence in this Republic. It was designed by the fathers of the Republic that it should be a factor in determining the foreign policies of the Republic. It should take cognizance of the statements contained in the resolution, and if our Government has been delinquent in its duty to Armenia, as I assert that it has, and if a treaty was negotiated at Lausanne which was tantamount to a betrayal of Armenia or was influenced by American corporations seeking oil concessions in Mosul or elsewhere, these facts should be ascertained. This Republic should under no circumstances desert an ally or be guilty of punic faith in its dealings with even the humblest or the weakest people in the world.

One other matter I desire to briefly mention. It relates to the Kemalist representative now in the United States. I have received and I am advised that other Senators have received copies of a resolution, accompanied by a supporting paper, requesting the President to hand to this representative his passport. While it is true that an ambassador is accredited to the President who must judge of his qualifications, yet a representative of a foreign government is received by the President not in his private capacity, but as Chief Executive of the United States and in the name and on behalf of the people of the United States.

There are some who believe that if the statements contained in the paper referred to are true, then he no longer should be accepted as the representative of the Kemalist régime. Indeed, it is believed by many that the United States should for the present at least receive no ambassador or representative from Turkey. When the United States entered the World War Turkey promptly severed diplomatic relations with this Government, denounced the capitulatory features of the existing treaty, and, indeed, indicated that the treaty was abrogated. Senators will remember that the administration in negotiating the Lausanne treaty insisted that it was necessary to have a treaty with Turkey in order that diplomatic relations might be resumed. When the Lausanne treaty was sent to the Senate and during the long controversy over the same, which culminated in its rejection, the State Department insisted that it was imperative that the treaty be ratified in order that diplomatic relations with Turkey might be resumed. Immediately after the rejection of the treaty by the Senate, the State Department, contrary to its former position, sought by a modus vivendi to accomplish substantially what it claimed it desired under the terms of the Lausanne treaty.

The action of the State Department in this regard can not be commended; indeed, there is an element of insincerity in it. In harmony with this volte face action of the department Mr. Grew was sent as ambassador to Turkey, and Kemal sent a representative to the United States. I have protested against this action of the State Department. When the treaty was defeated the executive department, if it desired contacts with Turkey and to receive her into the circle of nations with which this Republic sustains diplomatic relations, should have taken steps to negotiate a new treaty. Failing that course, no modus vivendi was proper and no diplomatic relations with Turkey should have been resumed.

HAITI AND AMERICAN RULE

Mr. ODDIE. Mr. President, will the Senator yield?

Mr. KING. For what purpose?

Mr. ODDIE. Just for the purpose of presenting something for the RECORD to follow the speech of the Senator from Utah. I want to present for the RECORD a translation of the message of President Borno, of Haiti, to the head of the council of state on April 18, 1928. That is a most important document. It promises elections in 1930, and forecasts an American withdrawal from the Republic in 1936. It also refutes many of the accusations which have been made against the American occupation.

Mr. KING. Mr. President, the Senator has been for several years an apologist for Borno and the military régime which this Government has forced upon Haiti. Apparently he desires to govern foreign countries by American bayonets——

Mr. ODDIE. I resent that statement of the Senator from Utah. It is wholly erroneous, and I will ask——

Mr. KING. The Senator is speaking in my time, and I have not yielded.

Mr. ODDIE. I ask that there be printed in the RECORD a statement I made in the United States Daily on May 12, 1927, on my return from Haiti.

Mr. KING. I decline to yield at this time for that purpose.

Mr. BLACK. Mr. President, I ask the Senator from Utah if he will not yield for me to ask unanimous consent for the consideration of a bill that can be disposed of in 30 minutes.

Mr. KING. That would be entirely improper. The Senator from Connecticut secured consent for the consideration of a bill, and it is now before the Senate. Of course, it will not pass, and I intend holding the floor until adjournment unless a short executive session is desired.

Mr. BLACK. The Senator from Connecticut has agreed, if it is all right with the other Senator.

The PRESIDING OFFICER. The Senator from Utah will proceed. He has the floor.

Mr. KING. Mr. President, the Senator from Nevada [Mr. ODDIE] stated that he desires that the RECORD shall contain a statement made by Borno, the so-called President of Haiti, which "will refute accusations made against the American occupation." He also desires to have inserted in the RECORD an article prepared by him which appeared in the United States Daily a year ago.

His statements compel me to briefly discuss the Haitian situation. I declined to yield for the Senator to insert in the RECORD the matters referred to, knowing that he will have full opportunity to do so when I yield the floor. The Senator exhibited some feeling when I referred to his defense of the American bayonet rule in Haiti. It is known that the Senator upon a number of occasions has justified the seizure of Haiti by the United States in 1915 and the continued occupation of that country by our military forces. He has attempted to justify, I submit, whatever has been done by the United States in Haiti, which includes the waging of war against the Haitians, the suppression of their constitution, the forcing upon the people of that country of an American-made constitution—the violation of the terms of which is well known to all—and the appointment of a military officer to have supreme control, under our State Department, of a once independent nation. I am familiar with the statement made by the able Senator after he visited Haiti in 1927 and the defense which he there made of American occupation. He now states that the manifesto of Mr. Borno, who is the puppet President of Haiti, foreshadows American withdrawal in 1936.

Mr. President, undoubtedly public opinion will force the United States at an early date to withdraw its armed forces from Haiti and permit the Haitian people to set up their own government under their own constitution, and to freely determine their own domestic and foreign policies. The State Department undoubtedly perceives that the American people will not much longer tolerate the imperialistic course which our Government has pursued toward the Haitian people. It is quite likely, acting under the instructions of our State Department, General Russell, who is the ruler of Haiti under the State Department, has indicated or intimated to the so-called president, Mr. Borno, who is but a shadow and who possesses no real power, that within a few years American military forces will be withdrawn from Haiti.

Mr. President, I have upon a number of occasions expressed my disapproval of the course of our Government in seizing Haiti and subjecting the Haitian people to an alien military rule, and I have demanded that our troops be withdrawn and that the Haitian people be permitted to vitalize or restore their old constitution, which we destroyed, or ordain another, and to set up their own form of government. I have offered a resolution, and it is now pending before the Committee on Foreign Relations, which directs that committee to consider the charges made in the resolution and report their findings to the Senate, together with such measures as will permit the Haitian people to set up and establish their own government, and which will provide for the withdrawal from Haiti of our military forces.

Mr. President, more than a century ago the Haitian people achieved their independence and set up a republican form of government. From that time until 1915 the Haitian people maintained their independence, sustained diplomatic relations with the great powers of the earth, and for many years prior to 1915 were recognized as a de facto and de jure government by the United States. During this period, notwithstanding internal revolutions, Haiti discharged her obligations to all governments and demonstrated, though a weak and feeble State, and though the people were backward and many illiterate, her capacity to maintain herself and govern her people. Like many Latin American states there were frequent changes in administration, occasional revolutions, and conditions not in consonance with the critical views of the people of some other countries. In 1915, without any sufficient reason, the United States sent war vessels into Haitian ports and landed thousands of marines upon Haitian shores.

The Haitian Government was overthrown and a constitution prepared in the United States was forced upon the Haitian people by the armed forces of the United States. The national legislature, consisting of two bodies corresponding to the Senate and House of Representatives of the United States, was dispersed by American bayonets, and since then has never been permitted to assemble. A President, so called, was named by the United States, and he was succeeded by Borno, who was named by our Government. He has been represented by the United States as the real President and executive officer, and the fiction is preserved that the Haitian people are governing themselves.

In conquering Haiti our armed forces killed more than 3,000 Haitians. We set up a military government and have maintained it ever since. It is not supported by the Haitian people. If our marines were withdrawn Borno would go with them, because he does not represent the Haitian people and is regarded by them as a foe to the interests of Haiti and a servile agent of a foreign power. There is no legislative body and the so-called laws which are promulgated either emanate from the American military commander or our State Department or are approved by them before being made public.

The Haitian people have been deprived of the opportunity to hold elections or to control their own local or domestic affairs. There is no freedom of speech or of the press; the independence of the judiciary has been destroyed; judges have been removed and their places filled by others who are supposed to be amenable to the wishes of the governing power. The Haitian people have no voice in the laying of taxes, the collection of revenue, or the expenditures for governmental purposes.

The Haitian people are almost entirely dependent upon the products of the soil, small parcels of which they hold in severalty. Because of the limited area of their country and the large population which had to be sustained, they believed it to be unwise to permit aliens to acquire land, and accordingly by their constitution prohibited it. This constitution we destroyed and the one we forced upon them contained a provision permitting the acquisition of Haitian lands by aliens. Under this new constitution American corporations have acquired large holdings. This situation has aroused the fears of the Haitian people, and many thousands have left Haiti and sought homes in Cuba and other near-by countries.

The Haitian people, speaking through one of their organizations, known as the Union Patriotique, has appealed to the United States against the military occupation and the military rule to which the Haitian people are subjected. In an appeal made to the United States they declared:

> The American Government continues to rule the country behind a nominal government. In order to subjugate the nation and silence the voice of the Haitian patriots, it has resorted to all means of violence and oppression.
>
> A council of state, whose members are appointed and subject to dismissal by the pseudo-president of Haiti, has modified 13 and suppressed 9 articles of the constitution in violation of all legal and constitutional procedure. This, in fact, amounts to abolition of the constitution itself, all guarantees of rights and democratic principles being wiped out.

They declare—

> The Government has practically wiped out the supreme court, and that the pretended amendments which it is forcing upon the people are for the purpose of destroying the competency of the judiciary and legalizing the autocratic course of the Government in suppressing free speech, liberty of the press, and constitutional guarantees.

This organization, speaking for the Haitian people, demands an investigation, with the hope that the Government of Haiti will be restored to the Haitian people.

Mr. President, I have received many letters from Haitian people. Most of them, however, have been forwarded to me by channels other than those controlled by the Haitian Government. It has become apparent to the Haitian people that some communications sent through the ordinary postal channels are interfered with or intercepted. A system of espionage prevails and the fears and suspicions obtaining under an autocratic military régime exist among the Haitian people.

Mr. Rayford W. Logan in a recent article appearing in the Nation shows the pitiable condition existing in Haiti. I ask permission to have inserted without reading several paragraphs from this article.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

> Any "orderly future development" of the country undeniably depends in great measure upon the means of communication. No past development has received such laudatory press comments as the American-built roads. No present aspect of the situation causes more deception to the visitor, or holds out less hope for future improvement. Instead of the magnificent macadamized roads which one must inevitably expect after reading any report, one finds dirt roads covered with broken, unrolled stones which the first rain washes away. Streams have to be forded in hundreds of places. The roads are constantly being repaired. Mail is often delayed by impassable roads. The rapid depreciation of automobiles makes traveling unusually expensive. Means of communication with the interior are practically nonexistent. The railroad from Port au Prince to St. Marc is a joke, the street car used within the capital a curiosity.
>
> In the midst of such blundering it is refreshing to observe the splendid work of the Marine Medical Corps. Many doctors in remote country districts are unselfishly devoting themselves to improving sanitary conditions and to eradicating yaws, a disease closely akin to syphilis, if it is not really syphilis. Nothing but praise is due these men who are showing what can be accomplished by really efficient officials, imbued with a sympathetic spirit.
>
> If the operation of the administrative departments is resulting in confusion, the social and economic life is degenerating into chaos. Misery stalks throughout Haiti; starvation is threatening the masses; the "elite" is in many instances living beyond its means. The most tangible evidence of this misery is the continued and increased emigration to Cuba. Over two hundred thousand Haitians have definitely deserted the coffee fields for the sugar plantations across the water. Agents still round up laborers as in the halcyon days of European emigration, pay the emigrant tax of $9.85, and ship them to Santiago. In the region of Les Cayes women are doing road work for the American Travaux Publics. A plantation that formerly produced seventy-eight sacks of coffee now produces only eight. Since the vast majority of emigrants are men, the question of marriage is rapidly becoming an almost impossible problem. One distinguished diplomat, a man of moderate expression, declared that "It is really a slave trade that the American occupation winks at and even encourages." For 5 per cent of this emigrant tax, just as of any other tax, fattens the expense account of the office of the financial adviser. No phase of the Haitian situation demands investigation more than this emigration scandal. One wonders how this "orderly future development" will be possible when almost 10 per cent of the total population has already been forced to seek a doleful existence in a foreign country.
>
> A stupendous increase in the cost of living menaces those who remain. On the surface there is apparent wealth. But automobiles, traffic cops, one-way streets, and parking signs will not pay the mortgages which have permitted many Haitians to buy their cars. An augmentation of 19 per cent in the salaries of government employees is not sufficient to meet a doubling in the cost of living. Then what about the ordinary laborer who has not had this petty increase?
>
> His situation is described by M. Dantes Bellegarde, an authority on social questions, in the July-August Bulletin of the Haitian Chamber of Commerce.

The best paid laborer earns 30 cents a day, or in a year with 294 working-days, allowing 3 weeks without employment		$88.20
Food, alcohol, and tobacco, at $0.20 a day	$72	
Rent, $1 a month	12	
Clothing for the year	2	
		86.00
Bank account at the end of the year		2.20

> His food is at best a little codfish or rice and red beans. Meat at 25 cents a pound is obviously as rare as in a vegetarian's diet. It is not an uncommon sight to see a worker satisfy himself for his noonday meal by sucking some sugar cane or drinking a little rum.
>
> In the sordid shack which he rents on the water's edge "there is no ventilation, no sunlight; the most revolting promiscuity assembles every night in one room—men, women, and children—the sick and the well. When a contagious disease breaks out in these miserable agglomerations, it develops rapidly and soon spreads to the rich sections." His clothing is frequently a flour sack. It is easy to imagine the condition of the food and raiment of the $7-a-month teacher. It is not surprising that tuberculosis increases.

Disregarding this situation, the financial adviser forced through a new tariff law, which has resulted in still higher prices. Foodstuffs particularly are more expensive. Codfish, one of the principal elements of the poor people's diet, is now taxed 6 cents a kilogram. The most unfortunate augmentation, however, falls upon flour. Haiti produces no wheat, but consumes an amazing quantity of bread. In 1923–24 Haiti imported 41,329,095 kilograms of wheat. Yet the financial adviser raised the duty from $0.028 to $0.040 a kilogram. The tariff on butter, of which 290,361 kilograms were imported in 1924, has gone up 57 per cent; pure lard and cottolene 83 per cent. As a result, the factory of St. André, profiting by the driving out of its competitors, has already increased the price of this product. Salt fish suffered an increase of about 25 per cent, ham 54 per cent, smoked fish almost 100 per cent, and salt meat 341 per cent.

But the most incredible innovation is, this Haitian tariff strikes from the free list agricultural implements and schoolbooks. Neither are produced in Haiti. No comments could possibly make more evident the present muddle and mess. The new tariff protects industries that do not exist and can not be developed. It increases the revenue, although one of the proudest boasts of the financial adviser is the fact that the interest on the American loan lies snugly—and idly—in the National City Bank six months before it is due. His whole aim is to be able to report, as he recently did, that the revenue for the last three months was so many million gourdes higher than for the corresponding period last year. The next report should show an even greater increase. But it will not show how many more Haitians are enjoying meatless and fishless days, how many children are not in school, nor how many more farms have been abandoned.

Judged from the present situation, then, the "orderly future development" of the island means absorbing Haitian administrative departments, lavishly spending money on American experts of dubious value, dividing Haitians into those working for the occupation and those working for the Haitian Government, driving out the population, impeding academic education and agricultural development, raising the cost of living, lessening American prestige, and increasing Haitian hostility. The British mess in Mesopotamia is paralleled by the American haze in Haiti.

Mr. KING. I call the attention of the Senate to a report upon conditions in Haiti submitted by American investigators, one of whom is Prof. Paul H. Douglas, of the University of Chicago. Another is Miss Emily Greene Balch, of Wellesley, Mass., one of the really great women of the United States. Their report is found in a book entitled "Occupied Haiti," published in 1927, and is the result of a visit to Haiti and a dispassionate investigation of conditions there found. They state that the problem in Haiti consists—

not in individual instances of misused power, but in the fundamental fact of the armed occupation of the country.

They also state that—

Yet this country, the "independent sovereignty" of which is solemnly recognized by the United States, as well as by all other countries, and which is a full member of the League of Nations, has been occupied by the United States by force of arms, kept down by force of arms, and administered for 11 years, at a very considerable money cost to ourselves as taxpayers and a much heavier cost, both in the world at large and more especially in Latin America, to our standing as a respecter of the liberties of others.

On page 32 it is stated that—

It is obvious that as a matter of fact the real power in Haiti is exercised not by the Haitian officials, but by the American occupation.

On the same page it is stated that—

The United States also effectively controls all legislation in this "sovereign and independent" State. Proposed laws must be submitted to the American Legation and to the American high commissioner before they can be enacted by the council of state, now acting in lieu of an elected national assembly.

Let me add at this point that the so-called council of state consists of 21 persons named by the so-called President of Haiti. They are his clerks, relatives, wife's relatives, and his supine and servile followers, if not of the American occupation.

The report further states that—

The occupation is thus essentially supreme and that the military character of the occupation is quite evident.

Reference is made to Brig. Gen. John H. Russell, who controls the marines and who is the so-called "high commissioner to Haiti." The report says:

General Russell is therefore at once the representative of the State Department and of the Navy, and even though he makes the legation his headquarters and appears as a civilian our occupation is nevertheless a thinly disguised military control. * * * American approval is needed for the enactment of laws, the revenues of the country are collected under the supervision of Americans, and the budget is drawn up by the American financial adviser. * * * The control over the gendarmerie is in American hands, as are also the services of health and public works and agriculture.

An examination of this report will convince even those who are wedded to imperalistic policies that Haiti has lost her independence and is subjected to American military control. Professor Douglas, in articles appearing in the Political Science Quarterly for June and September, 1927, reviews conditions in Haiti and supports, I submit, the charges which I made in the resolution now before the Foreign Relations Committee and the statements which I am now making. He points out, as does the report which I have referred to, the control by certain banking interests of the United States of the fiscal affairs of Haiti. I submit that an examination of the facts immediately preceding the military occupation of Haiti and the facts that transpired thereafter will justify the conclusion that American financial interests have played an important part in those movements and are largely responsible for the present military control of Haiti. Haitian bonds have been issued under American occupation to the extent of nearly $30,000,000, which are held by American banking interests. American corporations have been formed to acquire Haitian lands and operate sugar factories and other business enterprises. It may be interesting to my Republican friends to know that Mr. Harding, in a campaign speech at Marion, Ohio, declared that if elected President he would—

not empower an Assistant Secretary of the Navy to draft a constitution for helpless neighbors in the West Indies and jam it down their throats at the points of bayonets borne by United States marines; nor will I misuse the power of the Executive to cover with a veil of secrecy repeated acts of unwarranted interference in the domestic affairs of the little republics of the Western Hemisphere, such as in the last few years have not only made enemies of those who should be our friends but have rightfully discredited our country as their trusted neighbor.

Our Republican friends have forgotten his preelection promises.

Professor Douglas, in one of the articles referred to, states that the—

American occupation controls the Haitian Government and that it is distinctly disingenuous for members of our State Department to argue, as they have at times done, that such acts as the failure to call for the congressional elections have rested solely upon the decision of the Haitian Government. The plain truth of the matter is that if our State Department wanted to have such elections held it could have them called. The fiction of an independent Haitian Government has enabled our officials to divert responsibility for certain actions to the Haitians.

Professor Douglas states that for some time he favored a policy of "gradual withdrawal" from Haiti, but "in recent months the case for an early termination of the occupation has been greatly strengthened." He then states that he has reached the conclusion that—

the program of gradual withdrawal would not furnish a sufficient guaranty of the ultimate intentions of the members of our State Department, who have at present such great power in determining our foreign policy.

Professor Douglas then states that he favors the United States permitting elections by the Haitian people at an early date to prepare a new constitution and elect a President, and that when this is done our military forces be withdrawn. He says there is good reason for the withdrawal of American troops as soon as a Haitian Congress can be elected. He adds:

The slopes of imperialism are slippery. Our recent experiences have indicated that America may well be at a point where it must decide whether it shall be an empire or a democracy. It will be difficult to be both. Finally, and perhaps most important of all, a continuance of an imperialist policy will inevitably unite Latin America, and perhaps even Europe as well, against us. Its ultimate consequences might easily be disastrous. A violent wrench is needed to break through the web in which the advocates of our newer "manifest destiny" are entangling us.

Mr. President, the course which our Government should pursue is clear. We should permit the Haitian people to hold an election for delegates to a constitutional convention at which they may form a constitution. There should be a free election, without the shadow of American authority and without the fear of American bayonets. When their constitution has been formed and the officials provided therein have been elected, then our armed forces should be withdrawn. Haiti belongs to the Haitians, not to us. It is their country, not ours. We are provoking their resentment by remaining and are arousing antagonisms in Latin America which honeyed words and pious protestations will not eradicate.

CONTINENTAL TRADING CO.

During the delivery of Mr. KING's speech——

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. KING. I yield to the Senator from New Mexico.

Mr. BRATTON. May I have the attention of the Senator from North Dakota [Mr. NYE], the chairman of the Committee on Public Lands and Surveys? On yesterday the chairman of that committee filed some observations expressing his views with respect to the testimony taken by that committee under Senate Resolution 101, commonly called the Teapot Dome or the Continental Trading Co. matter. I think there are one or two statements made by the chairman of the committee that are not supported by the evidence. I desire to call them to his attention and to the attention of the Senate.

I call attention to page 6, where this language is found:

> Witness after witness has testified before the committee to the effect that he has not confined his contributions to any one political party.

Mr. President, I am unable to agree with the chairman of the committee in that conclusion; and I do not want the testimony to stand, as adjournment approaches, without question. As I recall, not more than two witnesses testified to any substantial contributions made under circumstances other than direct personal friendship between the contributor and some local candidate on the opposite ticket. If I am correct in that, I think the general statement contained in the report that "witness after witness" testified that his contributions had not been confined to any one political party is inaccurate, and is open to a misinterpretation.

Further in the same paragraph the chairman makes this statement:

> Doheny, once prominently mentioned as a candidate for Vice President on the Democratic ticket, has been liberal with his contributions to both parties.

In that connection the observation should be made that a question arose during the proceedings had by this committee some two or three years ago with respect to the exact amount of the contribution made by Mr. Doheny during the campaign of 1920. As I now recall, Mr. Doheny testified that he contributed $75,000 to the Democratic Party; and Mr. White, the chairman, testified that Mr. Doheny's contribution amounted to $34,000. I believe the chairman will make the statement that his inquiry into that subject matter has confirmed the statement made by Mr. White and has established the incorrectness of the statement made by Mr. Doheny.

Mr. NYE. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Utah yield to the Senator from North Dakota?

Mr. KING. I yield to the Senator from North Dakota.

Mr. NYE. With reference to the last reference by the Senator from New Mexico, I am happy, I will say, to announce that it is the plan to summon the committee to-morrow to take up such little odds and ends of testimony as we want incorporated in the record of the proceedings of this investigation; but I shall not insist upon waiting until that time to announce that the investigation which was made into the truth of the assertion that Mr. Doheny had not contributed $75,000 is sustained by that investigation.

Mr. BRATTON. Mr. President, I felt confident that the chairman would make the manly statement in the manly way in which he has made it.

I now direct myself to a further statement made by the chairman:

> This is somewhat in keeping with the testimony of one witness, who declared his knowledge of one campaign which found the assistant treasurers of both major parties with offices together. This same witness, with still another, testified that in 1923 there was an agreement between the treasurers of the major parties to refrain from filing any report of campaign contributions received by them. Let it be noted, however, that one treasurer referred to, the second having since died, denied there had been any such agreement or understanding.

Mr. President, as to the testimony of the one witness who appeared before the committee and stated that he understood that the two treasurers entered into such an agreement, let it be definitely understood by the Senate that he stated only hearsay evidence. The treasurer of the Democratic committee, Mr. Wilbur Marsh, the only living witness—the treasurer of the Republican Party, Mr. Upham, having died—appeared before the committee and emphatically denied that he and Mr. Upham ever entered into such an agreement.

In view of the fact that there could be only two parties to the transaction, one of them being dead, with his lips sealed, and the other appearing before the committee and emphatically denying under oath that such an agreement was ever entered into, I think it should not be contended on the floor that such a fact was established, when the only testimony to that effect was admittedly and concededly hearsay only.

I think, Mr. President, that these explanations should be given in connection with the observations filed by the chairman of the committee.

Mr. NYE. Mr. President——

Mr. KING. Does the Senator still want the floor?

Mr. NYE. I do.

Mr. KING. I yield.

Mr. NYE. The Senator from New Mexico refers to the statement—

> Witness after witness has testified before the committee to the effect that he has not confined his contributions to any one political party.

To my mind, that is a very positive statement of fact; and I think if the Senator would take particularly that portion of the hearings conducted by a subcommittee in Chicago he would find that in that volume and in that hearing there was witness after witness who so testified. In addition to that we have, as I recollect offhand, the knowledge of Mr. Doheny's contributions to both parties. We have, too, knowledge that Mr. Sinclair has not confined his contributions to any one political party. We had the information given before the committee here in Washington by Mr. Patten, another Chicago man, that he had not confined his contributions to one political party.

I will say, though, that in the case of a great many of these persons the showing has been made that perhaps one has not divided his contributions so much among national parties and in national campaigns and in national politics as he has made a division in local and State politics.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I yield to the Senator from Montana.

Mr. WALSH of Montana. Will the Senator give us the information afforded by the record with respect to the alleged contribution of Mr. Sinclair?

Mr. NYE. Mr. President, again I must confess that perhaps there has not been offered in evidence that direct testimony which will be offered to-morrow at the meeting that I have suggested. In my files as having been recently received, and I think which came to the attention of the Senator from Montana, though perhaps not, there was the revelation of a contribution in 1924 by Harry F. Sinclair of $3,000—I hope I am stating the accurate figures now—to the fund that was raised to bring the Democratic National Convention to the city of New York; but it seems to me that there is other evidence in the hearings of three or four years ago dealing with contributions by Harry F. Sinclair to both parties.

Mr. WALSH of Montana. Mr. President, of course I have not seen the evidence to which the Senator has referred as not having yet been submitted to the committee. This is the first intimation I ever had of any such contribution by Mr. Sinclair.

Mr. NYE. Are we confined to that?

Mr. WALSH of Montana. There was no testimony taken under the provisions of Resolution No. 101 of the contributions either by Mr. Sinclair or by Mr. Doheny. That testimony was given before the committee four years ago. At that time Mr. Sinclair testified that he had contributed during the campaign of 1920 to both campaigns. When Mr. White came upon the stand he testified that Mr. Sinclair had not contributed anything at all. Mr. Sinclair then came back on the stand and said that perhaps his contribution was to some local campaign.

Mr. NYE. But his first testimony was that he had contributed to both.

Mr. WALSH of Montana. His first testimony was that he had contributed to both campaigns; and Mr. White gave us the evidence concerning the contributions of Mr. Doheny, and he told us that Mr. Sinclair had contributed nothing, and Mr. Sinclair said that perhaps it was some local campaign.

Mr. NYE. Then, Mr. President, the Senator from New Mexico reads the following portion of the report which I have prepared, and which is concurred in by more than one member of the committee, I understand, though that will be definitely determined during the afternoon:

> This is somewhat in keeping with the testimony of one witness, who declared his knowledge of one campaign which found the assistant treasurers of both major parties with offices together. This same witness, with still another, testified that in 1923 there was an agreement between the treasurers of the major parties to refrain from filing any report of campaign contributions received by them.

Let it be noted, however, that one treasurer referred to, the second having since died, denied there had been any such agreement or understanding.

Mr. BRATTON. Mr. President, will the Senator yield for a question?

Mr. NYE. Before I am interrupted, if the Senator will permit, I should like to explain——

Mr. KING. I hope the Senators will conclude their colloquy soon.

Mr. NYE. The Senator has said that the testimony of only one witness was heard to that effect, when, as a matter of fact, the testimony of one Hipsley and one Leonard were to the same effect. I felt, however, in offering any record of that at all in my report of my views and observations, that it was in keeping with the facts as they had been developed.

Mr. BRATTON. Will the Senator yield?

Mr. NYE. I yield.

Mr. BRATTON. Will the Senator tell us from whom the committee received testimony to the effect that the treasurers officed together?

Mr. NYE. That testimony was from Mr. Hipsley and Mr. Leonard, taken in Chicago.

Mr. BRATTON. I do not recall that the committee ever had testimony from any source that the two parties officed together.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. KING. I yield for a question.

Mr. WALSH of Montana. Both of those witnesses were examined here, were they not?

Mr. NYE. They were.

Mr. WALSH of Montana. But this testimony was given in Chicago?

Mr. NYE. I am sure it was. I am going to find out.

Mr. BRATTON. Be that as it may, the Senator from North Dakota will concede the correctness of this statement that one of the then treasurers is dead, and that the other one denied emphatically under oath that any such agreement was ever entered into. The Senator concedes that?

Mr. NYE. That is true.

Mr. BRATTON. And that the only testimony the committee had, whether given by one witness or two witnesses, was based entirely on hearsay, to the effect that Mr. Upham told them so?

Mr. NYE. That is true. Let it be understood, in that connection, that the two who so testified were men who were very closely and intimately associated with Mr. Upham.

Mr. BINGHAM. Mr. President, has the Senator from Utah yielded the floor for an entirely different matter?

Mr. KING. I have not.

Mr. BINGHAM. By a vote, the Senate decided to take up a very important bill, which we have been trying for months to get up.

Mr. KING. I shall ask the Senators who have interrupted me, in view of the objection made by the Senator from Connecticut——

Mr. LA FOLLETTE. Mr. President, if the Senator will permit me, it seems rather unfair to the Senator from North Dakota to have a statement put into the RECORD and not full opportunity given him to answer it.

Mr. BINGHAM. I thought there had been full opportunity for all sorts of explanations.

Mr. NYE. There is only one thing. I hope to be permitted to get the record——

Mr. KING. I shall be glad to yield for a moment or two longer, if I will not lose the floor.

Mr. NYE. Will the Senator permit me, after I have been able to find it, to incorporate in the RECORD all the other testimony having to do with the matter?

Mr. KING. Certainly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NYE. The testimony relating to the assertion that the two assistant treasurers of the major national parties is found in the testimony of Earl G. Hipsley, page 720 of the committee hearings, and is as follows:

Mr. HIPSLEY. Not after what I had seen and known. One time a number of years ago the assistant treasurer of the Democratic National Committee and assistant treasurer of the Republican National Committee occupied the same offices in the McCormick Building.

The CHAIRMAN. We had one witness before us yesterday who testified he was the third partner in that arrangement and therefore was compelled to contribute to both parties so we have had some acquaintance with that.

Mr. HIPSLEY. Yes; I was reading in the papers.

Reference is made therein to the testimony of one other witness, who was Mr. George F. Getz, whose testimony is found on page 676, as follows:

The CHAIRMAN. Do you confine your contribution nationally to your party?

Mr. GETZ. Unfortunately I had two partners, one who was after me for the Democratic Party and one for the Republican Party. I was the working partner.

The CHAIRMAN. That will be all, Mr. Getz.

(Witness excused.)

The Senator from Montana [Mr. WALSH] and the Senator from New Mexico [Mr. BRATTON], who are voicing objection to the language of this report now, on yesterday in committee listened to the reading of this same language, which was then known to be prepared for report to the Senate, without voicing any objection.

AFFAIRS IN HAITI

Mr. ODDIE. Mr. President, I want to present for the RECORD a translation of the message of President Bornot, of Haiti, to the council of state on April 18, 1928. This is a most important document. It promises elections in 1930, and forecasts American withdrawal from the Republic in 1936. It also refutes in very clear language many false accusations which have been made against the American occupation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Translation]

MESSAGE TO THE COUNCIL OF STATE

PALACE OF THE LEGISLATURE.

Gentlemen of the Council of State, I have the honor to place in your hands a statement of conditions in the Republic; the course of my administration during the past year is clearly described in the several reports in which each secretary relates what has been done.

Abroad, a policy of absolute sincerity, inspired by a deep sense of our dignity and of justice, guided by a loyal comprehension of the higher and permanent interests of the Republic as well as of the States with which we maintain relations, has enhanced the prestige of Haiti and in particular has furthered with our nearest friend, the Dominican Republic, truly cordial negotiations whose consequences, favorable to both countries, will soon become apparent.

At home it may be stated in a general way that the program for the organization of the Republic has been happily continued, so that we may face the future with serenity. For the highly valued results thus far achieved we are wholly indebted to the sincerely friendly way in which the Haitian and the United States Governments have cooperated in meeting the reciprocal obligations defined in the treaty of 1915.

That treaty, whose letter and spirit have been misrepresented both in and out of Haiti by blind prejudice and the reactionary passions of nationalist extremists, has clearly proved its effectiveness in the restoration of our country in the spheres of order, labor, and also of true liberty. It is useless to make hypocritical protests against that treaty, which came to us when we were on the brink of a bloody chasm and saved us. It is useless to condemn it as contrary to the dignity and sovereignty of Haiti. The dignity and sovereignty of Haiti can not possibly consist in allowing political factions—whose recruits, by the way, belong to the minority—to have an absolute right to deliver the Republic to the plague of anarchy; to inflict upon the Nation, which at heart is peaceful and industrious, an intolerable régime of general confusion and corruption in the administration, of periodical destruction by fire of city and country property, and of physical and moral wretchedness for the masses of the people. The dignity and sovereignty of Haiti can not consist in the right to present to the civilized world in this twentieth century the unspeakable spectacle of scandalous slavery hiding behind deceitful appearances of universal suffrage and representative chambers.

American intervention came to aid us in putting an end to a painful situation which could only have ended in final failure—in the fulfillment of all the sarcastic prophecies of the foes of our race and in an offensive disavowal hurled at the heroic fathers of our independence. That intervention, which respects the liberty and independence of our country, presents for international law a case of one of the most beneficent applications of that high Christian duty of assistance and mutual aid which is as mandatory among nations as it is among men. It met the obvious interest—the physical and moral interest—of the Republic of Haiti; it also met the interest which the United States may freely avow that it has in establishing and maintaining in the Caribbean Basin, at the threshold of Panama, at the entrance to the canal, a régime of settled order calculated to prevent international conflicts, whose range can never be measured, and to enable that great nation of 120,000,000

people to guarantee the safety of an interoceanic highway of fundamental importance, the ownership and custody of which place upon it the most serious and unquestionable responsibility.

Eight years hence the cooperation will come to an end. My government's whole energy is directed toward bringing about a program of reforms intended to put the country on the normal path of civilized peoples, and thenceforth render unnecessary the exceptional assistance of the United States.

On May 15, 1930, when the constitutional office with which I am clothed comes to an end, the treaty of 1915 will have only six years to run. On the eve of that date my government, after laying the solid foundations of the economic and financial system of the republic, establishing, while awaiting the coinage of a national currency, a medium of exchange safe from the disastrous fluctuations of the market; inaugurating a customs policy more favorable to Haitian labor; developing means of communication, agricultural, and professional instruction, and the education of the young; establishing a judicial organization better calculated to promote the activities of the courts and to open a door to merit; after affording to real property, through measures that are now in course of preparation, that safety and stability without which loans on real property and agricultural lands can never be hoped for; after popularizing health measures, developing medical assistance throughout the land, both in the cities and among the country people, who have so long been neglected; and finally, after providing for the continuance of order under the ægis of national armed forces—perfected and furnished with an adequate staff of Haitian officers—my government, I say, will be in a position, before concluding its term of office, to begin, without fearing practical difficulties, to apply the constitutional provisions relative to the chamber and senate, and thus to afford its successor an opportunity to avail itself of the last years of the treaty to devote its efforts calmly and under the most favorable conditions to the education of the voting masses and to seeing to the regular functioning of the legislative chambers.

The council of state will then feel, with the great satisfaction of having shared courageously in the great work of national organization and contributed to the establishment of peace and prosperity in our beloved mother country, that the immense and noble task laid upon it by the constitution of 1918 has been accomplished.

I have the honor to renew to you, gentlemen of the council of state, the expression of my cordial esteem.

RELATIONS WITH HAITI

Mr. ODDIE. Mr. President, I submit for the RECORD a statement published in the United States Daily on my return from Haiti last May, giving an account of the conditions that I found there, and with which I am very familiar.

There being no objection, the statement referred to was ordered to be printed in the RECORD as follows:

OUR RELATIONS WITH HAITI

Statement by Hon. TASKER L. ODDIE, United States Senator from Nevada

I have just returned from a visit to Haiti where I had several cordial and interesting interviews with President Borno, a highly educated and interesting man, and a brilliant lawyer and patriot. I studied conditions throughout Haiti carefully, and noted with satisfaction and pride the splendid work being done by our occupation officials in improving the economic, physical, and mental conditions of the Haitian people, and in increasing the productiveness and welfare of the country.

For some years I have given the Haitian problem close study, and especially since the select committee of the Senate, of which I was a member, made a complete and thorough investigation of Haitian problems both in this country and in Haiti in 1922. I am supporting our temporary occupation of that country. I believe it was right for us to have gone to the assistance of Haiti in 1915, and I believe the work we are now doing in continuing our occupation of that country is right, and that we should not withdraw until our treaty, which obligates us to continue that occupation, expires in 1936.

Because of the close association between Haiti and the other Republics comprising Latin America and of the attacks on our country because of our temporary occupation of Haiti, and because our friendly relations with Latin America will become strained if these attacks are allowed to continue, and because of the falsity, viciousness and danger of these attacks, I feel that the American people should be given the benefit of the information I have acquired.

For over 100 years prior to our occupation of Haiti in 1915 the great mass of her people, about 95 per cent, lived in dense ignorance, misery, want, and disease. They were a people virtually kept in bondage, oppression, and subjection by dictators and leaders of constantly recurring revolutions. Banditry, pillage, murders, and atrocities were rampant, and all semblance of government, corrupt and unstable as it was, had crumbled. The finances of the country were in a deplorable condition. Lives and property of Americans and other foreigners were menaced. The French legation was violated, and there was grave danger of the seizure of the customs and the occupation of the country by a European nation, which would have given it a foothold on American territory and resulted in a violation of the Monroe doctrine.

The United States assumed its responsibility and performed its duty by landing and taking temporary control of the country when the final climax was reached in 1915, for the purpose of saving American lives, maintaining the Monroe doctrine, and of assisting in establishing a stable government.

A treaty with the new Government of Haiti was ratified May, 1916, which provided that the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral, and commercial resources, in the establishment of its finances on a firm and solid basis, in the preservation of domestic peace and security of individual rights, in the creation of an efficient urban and rural constabulary composed of native Haitians, in sanitation and public improvement, and when necessary to lend its aid for the preservation of Haitian independence and the maintenance of a government adequate for the protection of life, property, and individual liberty. This treaty has been lived up to by both the United States and Haiti. Our contractural obligations under it are clear and binding, and we are fulfilling them in a thoroughly creditable manner.

Under our occupation and with our assistance Haiti has purged itself of the notorious graft and corruption that existed for generations. It has stabilized its finances and currency, balanced its budget, materially increased its revenues, reduced its costs, and increased its business and economic efficiency, refunded much of its foreign debt, rejected over $36,000,000 of unjust, pressing claims against it. It has established peace and prosperity and law and order which had not been known for over a hundred years. It has established an efficient sanitary service, which has done great work in cleaning up the hitherto filthy cities and towns, and in clarifying and improving insanitary water systems and in draining disease-breeding marshes. It has created a progressive public-works service, which has built and repaired hundreds of miles of good roads, trails, and bridges, which have opened to production to the natives a large part of the hitherto inaccessible country.

It has improved its harbors and created an efficient lighthouse service. It has built streets and parks in the cities and towns, and is constructing irrigation works. It has established a technical service which has built 25 excellent agricultural schools throughout the country, and is building that many more. It has created a splendid agricultural experiment station, which is practically self-supporting, and which, with the schools, is educating the masses of the people and preparing the country for a greatly enlarged and diversified agricultural development. It has, through this agency, successfully introduced the growing of sisal in the arid and unproductive portions of the country. This crop will be profitable to the small landholders, and will furnish employment to many of the people who badly need it. It will be a competitor of the Yucatan sisal monopoly, which furnishes binder twine to the American farmers at excessive cost.

It has established 15 breeding stations and imported excellent stock for improving the miserable scrawny livestock on the island. It has recently distributed 600 good cows to the natives free throughout the country. It has created a veterinary service which held 1,500 clinics and treated 82,000 cases last year. It has created a forestry service for the purpose of reforesting the denuded areas. It has improved and humanized the frightful conditions hitherto existing in the prisons. It has created a splendid public health service which has worked miracles in improving the hospitals and eradicating the terrible prevalence of disease among the great masses of the people. It is holding a hundred medical clinics throughout the country districts every month at which thousands of the natives are treated free, with an enormous alleviation of human suffering and misery. It has established an eye, ear, nose, and throat service in the hospitals which last year treated 22,000 cases.

It has established excellent industrial schools in the cities, where vocational and manual training are taught—all of the foregoing through and only because of our occupation.

It is employing natives almost entirely in all branches of this great work, which is being directed by experts brought in by our occupation treaty officials. It is educating natives to positions of responsibility and leadership in all the departments as rapidly as possible, and is making of them able engineers, physicians, surgeons, nurses, accountants, and competent experts in various other lines, so they will be thoroughly competent and prepared to carry on this magnificent humanitarian, constructive work when the American treaty officials leave the country.

It has created, with our assistance and on our advice, an efficient native gendarmerie for police protection, which is not essentially a military organization. Its members act as advisers and friends to the people in the isolated sections. It was largely officered by our occupation officials at the start, but we have trained natives for this work until now a large part of the officers are natives. When we withdraw, it will be thoroughly trained and capable of preserving law and order and in carrying on the work of helping the natives as it is now doing.

Were we to withdraw our forces now, revolution, bloodshed, oppression, and subjection and a return to the former conditions of barbarism

and misery would quickly follow, and all the work we have accomplished in 12 years would be undone. We can not and will not allow such a calamity to come. Our treaty and humanitarian obligations will not permit us to neglect our duty in this manner.

Our policy is that of offering a helping hand to a worthy neighbor in trouble in order to help make that neighbor happy and prosperous.

We are not imperialistic and our purpose is to protect the sovereignty of the Republic and the Haitian territory for the Haitians. We do not want and will not take one inch of Haitian territory. We expect to withdraw on the expiration of the treaty.

We have heard and read many attacks on our occupation, with charges of imperialism, selfishness, and a desire to acquire Haitian rights and territory, and demands for our immediate withdrawal. These attacks and charges can be proved to be false and misleading in the extreme and inspired by vicious and un-American influences which are openly advising a boycott against the United States by Latin-American countries, and are attempting by insidious means to seriously injure her in the eyes of the world, and to create misunderstandings and ill feeling between her and her Latin-American neighbors. They are encouraged by certain Haitian politicians who desire a return to the former distressing conditions of bondage and oppression of the great masses of the people, in order that they might continue to exploit them to their own selfish purposes.

I desire to absolve a certain class of Haitians from blame for former conditions and a desire for their return. I refer to a large number of the substantial citizens, living mostly in the cities, who are a proud, highly cultured, and interesting people, but because they are a small minority and are law abiding have been unable to oppose the previous domination by the various revolutionary groups.

The great mass of the people are kindly and peace loving. Their ignorance and poverty have in the past generations made them submissive and the easy prey of their exploiters and oppressors. They fear and abhor a return to the former terrible conditions.

Certain Americans base their opinions and attacks on our Government and our occupation, and their demands for our immediate withdrawal, on these false charges. They are wittingly or unwittingly injuring the United States, and attempting to create misunderstandings between her and her Latin-American neighbors. They can be informed of the truth if they desire by familiarizing themselves with the records which are readily available.

Our Government is too sound and our people too intelligent and patriotic to allow these enemies from within and from without to damage us. The ideals and aspirations of our people are unselfish and noble. Our Government was born to a life of usefulness, high purpose and example, and it will not die.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day they presented to the President of the United States the following enrolled bills and joint resolutions:

S. 126. An act for the relief of May Gorden Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased;

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 363. An act for the relief of Louise M. Cambouri;

S. 433. An act for the relief of Harry C. Bradley;

S. 443. An act for the relief of Larry M. Temple;

S. 444. An act for the relief of H. C. Magoon;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1297. An act for the relief of Alice E. Moore;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1541. An act for the relief of George A. Robertson;

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes;

S. 1645. An act for reimbursement of W. H. Talbert;

S. 1769. An act for the relief of the legal representative of the estate of Haller Nutt, deceased;

S. 1825. To amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders, May 29, 1928;

S. 1981. An act for the relief of the owner of Dry Dock No. 6;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2076. An act authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.;

S. 2336. An act for the relief of Nina MacDonald, Zenus V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2673. An act for the relief of James E. Trussell;

S. 2738. An act for the relief of C. R. Olberg;

S. 2788. An act for the relief of Charlie McDonald;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3794. An act for the relief of R. E. Hansen;

S. 3919. An act awarding a gold medal to Lincoln Ellsworth;

S. 3931. An act for the relief of Augusta Cornog;

S. 3942. An act for the relief of Maj. Charles F. Eddy;

S. 3954. An act to quiet title in the heirs of Norbert Boudonsquie to certain lands in Louisiana;

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction of military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes;

S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama;

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

S. J. Res. 5. Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States;

S. J. Res. 130. Joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest;

S. J. Res. 155. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela;

S. J. Res. 161. Joint resolution authorizing the President to invite representation of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; and

S. J. Res. 164. Joint resolution to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

BILL INTRODUCED

Mr. COPELAND (by request) introduced a bill (S. 4600) for the relief of Louie Osborne Ferson and Dr. Grace Osborne, which was read twice by its title and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 3942. An act for the relief of Maj. Charles F. Eddy;

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3241. An act for the relief of Seymour Buckley;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8628. An act for the relief of Amos Dahuff;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes";

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10166. An act to amend the Foreign Service buildings act, 1926;

H. R. 10244. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 12064. An act to discontinue certain reports now required by law to be made to Congress;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12311. An act to provide for the payment of compensation of William J. Tilson;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 13048. An act for the relief of James Aloysius Manley;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;*

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.;

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South, at or near Lewisburg, Tenn.;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution;

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; and

H. J. Res. 307. Joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River.

BOULDER DAM

Mr. CURTIS. I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

HERBERT HOOVER—A MAN OF TOIL AND TOLERANCE

Mr. SHORTRIDGE. Mr. President, I ask permission to have published in the RECORD an article appearing in the Times-Gazette of Redwood City, Calif., written by the editor and owner of that paper, Mr. D. E. O'Keefe, entitled "A man of toil and tolerance," relative to Secretary of Commerce Herbert Hoover.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Herbert Hoover was reared in an atmosphere of toil and tolerance. His father was a blacksmith, and his mother a Quaker preacher. Born in 1874, in West Branch, Iowa, he spent his early years among the simple, sturdy folk of that region. The lessons of tolerance and sympathy for the views of others, which the world has seen to be so deeply ingrained in the man's soul, are the natural outgrowth of those boyhood years.

His parents had both died before he was 8 years old, and he was reared by Quaker relatives on farms at West Branch, Iowa, and at Newburg, Oreg. He was only 13 years of age when he began to earn his living in the truck gardens near Portland; later he worked as an office boy at Salem and as a clerk in Portland. Meantime, he attended school, and being told of the new Stanford University in California, he prepared himself to enter it by attending night school.

Memories of Herbert Hoover will ever be a part of the traditions of Stanford University. He was the first student resident at the university's dormitory, and, being essentially a worker, he enrolled in the department of geology and mining. In the summer he found employment with various geological surveys, and when he graduated his first job was that of mine laborer in Grass Valley, Calif.

From mine laborer in 1895 to world-renowned mining engineer and industrial executive in 1913 is a long, hard climb. In between stretch 18 years of work, ambition, integrity, ability, and more work. In 1913 the concerns of which he was the executive engineer employed over 175,000 men, and no strike ever interrupted their operations during his administration. His profession had carried him to the ends of the earth; China, England, Russia, Burma, Mexico, Australia, Alaska; all felt the constructive, directing influence of the man. And he, in turn, broadened and enriched by the comprehensive knowledge gained from his observations and contacts, became fitted as few men have ever been fitted to understand the problems and needs of his country.

In 1914 Hoover was sent to Europe to interest foreign governments and industrial leaders as exhibitors in the Panama-Pacific Exposition to be held at San Francisco. When the war broke out he was in London, and there the American authorities sought his aid in relieving the situation of the many thousands of Americans stranded in Europe owing to the suspension of banks and dislocation of transportation. He organized the American relief committee and served as its chairman. Over 160,000 Americans were benefited by this work.

Hardly had he ceased his labors in Europe when in 1921 he was again called upon because of the great famine in Russia. The organization which he formed continued to minister to the Russians until late in 1923, when it was demobilized after having saved millions of lives.

From 1914 to 1923, nine years, Herbert Hoover had dedicated himself to the service of humanity, abandoning his profession and receiving no compensation, not even traveling expenses; his compensation lay in the knowledge of a great work well done. He brought to the problem of ministering to the World War's afflicted sufferers a vision and an understanding so practical and so sympathetic as to astonish the people of all nations.

What he did for the unfortunate sufferers in the Mississippi Valley catastrophe is too fresh in our minds to need repetition. He has, indeed, been "the man of the hour." Where there has been a big job to do Herbert Hoover has been drafted to do it. And he has ever brought to his work astonishing energy and ability and understanding—and he has always succeeded.

Selected to administer the Department of Commerce, a heretofore unimportant department of the Federal Government, he made it, in less than eight years, one of the principal factors contributing to our national progress and prosperity.

His youth, young manhood, world experience, and public service at home and abroad give him a fitness for the Presidency rarely found in a candidate for that high office.

He maintained always his legal residence in the United States, with his principal office in San Francisco, and he kept constantly in touch with his home country.

Understanding, as few men of our day do, our national needs, he advances sound plans for future development based upon sound economic principles in line with the best features of the platforms of the Republican Party from its beginning.

D. E. O'KEEFE.

THE POWER TRUST

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD several articles by Paul Y. Anderson in the St. Louis Post-Dispatch, an editorial from the St. Louis Post-Dispatch, several editorials from the Washington Herald, a copy of the minutes of the national executive committee of the so-called Water Power Trust as brought out in the evidence before the Federal Trade Commission, and a general summary of educational and public-relations activities of the public-utility industry in Pennsylvania.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Article from the St. Louis Post-Dispatch, May 17, 1928]

POWER TRUST PUT TEXTBOOKS INTO MISSOURI SCHOOLS—FIVE SUCH WORKS PREPARED UNDER SUPERVISION OF ITS ST. LOUIS AGENT WERE USED—DIRECT BID TO UNIVERSITIES MADE—PROFESSORS FROM THREE MISSOURI COLLEGES HAD EXPENSES PAID TO KANSAS CITY CONFERENCE MARCH 16

By Paul Y. Anderson, a staff correspondent of the Post-Dispatch

WASHINGTON, May 17.—A thorough investigation of the propaganda which has been carried on in the high schools and colleges of Missouri by the public-utility companies of the State was promised to-day by Chief Counsel Robert Healy, of the Federal Trade Commission, who is conducting the inquiry into the activities of the Power Trust.

Representatives of the utility companies will be summoned to appear before the commission.

Healy's announcement followed the discovery yesterday that 690 high schools in Missouri are using five textbooks which were written by propaganda agents of the utility companies. Coupled with this was the disclosure that efforts had been made to "line up" college and university professors in the State by giving them the Power Trust viewpoint on utility problems, and that a widespread campaign had been waged through newspapers and public speakers to create sentiment against municipal ownership.

FIVE POWER TRUST TEXTBOOKS USED

Evidence showed that the utility companies of Missouri carry on their propaganda activity through a "committee on information," which has headquarters in St. Louis, and is under the direction of J. B. Sheridan, of St. Louis, a former newspaper man and sports writer.

It was testified that the five textbooks in use in the Missouri high schools were prepared under Sheridan's supervision.

In connection with the Power Trust's program for "lining up" professors and getting its propaganda into the colleges and universities, it was disclosed that the National Electric Light Association, composed of power companies throughout the country, created a "committee on cooperation with educational institutions" to deal with Missouri, Kansas, Iowa, and Nebraska. Sheridan is the Missouri member of this committee. The chairman is C. B. Macy, head of the Des Moines Electric Co.

SHERIDAN RECOMMENDED FOR POST

Sheridan's name was proposed by Thorne Brown, director of the Mid West division of the National Electric Light Association, who wrote to Macy last September 6, as follows:

"I suggest the name of J. B. Sheridan, of St. Louis, as a good selection for Missouri. I say this because Mr. Sheridan has had a good deal of contact with the Missouri University, and through his active management of public speaking in Missouri has come into contact with outstanding educators. He would, I am sure, like to serve on this committee. He so indicated to me at one time."

An interesting event in the campaign to give college and university professors the "right slant" on public-utility questions was a conference held at Kansas City last March 16, which was attended by three professors of economics from Missouri colleges and the Kansas City superintendent of schools. All those who attended had their expenses paid by the public-utility companies.

The meeting was carefully planned in advance by agents of the power companies. It was presided over by C. O. Ruggles, formerly dean of commerce at Ohio State University, but now employed by the power companies at a salary of $15,000 a year to conduct a survey of colleges and universities throughout the United States for the purpose of introducing courses sponsored by the public-utility companies.

Correspondence introduced at the hearing yesterday showed that the faculty lists were carefully scanned by the power companies before the invitations were sent out.

These invitations asked the educators to meet with "Dean Ruggles." They avoided any mention of his present employment, and it might have been concluded from them that he was engaged in research work on behalf of Ohio University. The closing sentence said: "Your expenses will be paid. It is recognized that many educators do not have traveling-expense accounts, hence donations have been made to cover the situation by public-utility companies. You need feel no embarrassment in this respect."

POWER TRUST PAID RAIL FARES

As a matter of fact, the evidence showed that the money came out of the regular propaganda appropriations of the National Electric Light Association. The total cost of the meeting was $1,200.

A telegram from Sheridan to Brown was introduced. Apparently it was in reply to one from Brown endeavoring to "get a line on" certain professors at Park and Westminster Colleges before inviting them. Sheridan wired back:

"Do not know men at Park and Westminster, and have special reasons for being dubious about making invitations too pressing."

This note of caution was in strong contrast with the attitude manifested in connection with the same event by Joe Carmichael, publicity director for the public utilities of Iowa. He testified on the preceding day that he was told to "round up" the professors of economics from four Iowa colleges for the meeting, and that he did it without ceremony.

"Those which could not be handled by me directly I reached through the managers of the local utility companies," he said. It had previously been shown that executives of the companies had ways of getting what they wanted in the schools by "working on" the members of the school board, who usually were men engaged locally in business.

OTHERS URGED CAUTION, TOO

There were others in the power companies' employ, however, who believed, with Sheridan, that wariness should be exercised in arranging for the Kansas City meeting. Brown was one of them. A few days before the meeting he wrote to Macy:

"It seems to me advisable that a meeting with these educators, many of whom have tendencies toward suspicion, should not be particularly loaded down with public-utility men. This is a matter of strategy."

The caution was obeyed, and when the meeting was held there were 11 educators present and only 4 utility men, in addition to Ruggles. Their names were contained in a gloating letter subsequently sent to the national headquarters of the National Electric Light Association, which stated that the results of the meeing had been "highly gratifying." They were L. E. Meador, Drury College, Springfield, Mo.; P. T. Nogenson, Missouri Valley College, Marshall, Mo.; E. M. Bainter, president of the Kansas City Junior College; I. I. Cammack, superintendent of schools of Kansas City; C. T. Hickok, Coe College, Cedar Rapids, Iowa; F. E. Walsh, Creighton University, Omaha; N. W. Bohlman, Drake University, Des Moines; F. S. Ross, State Teachers College, Emporia, Kans.; L. M. McDermott, Wesleyan University, Lincoln, Nebr.; C. E. Erkes, Morningside College, Sioux City, Iowa; and E. D. Strong, Grinnell College, Grinnell, Iowa.

UTILITIES BORE ALL EXPENSES

"All the expenses were borne by the Mid West division," stated the report to New York headquarters of the National Electric Light Association. "In the opinion of the utility men present it was money splendidly spent, because it represents the beginning of a plan valuable at once to the colleges and to the Central States companies."

Another report complained, however, that Dean Puckett, of the department of economics at Westminster College, had refused to attend, and it was intimated that his views on public-utility questions were not altogether as the companies would like them to be.

Heretofore virtually all the propaganda activities of the power companies in the schools have been confined to the public schools.

PLAY FOR CATHOLIC SCHOOLS

The advisability of extending them to the Catholic schools was advocated in a letter written from St. Louis last December 16 by C. M. Ripley, a paid lecturer employed by the power companies to deliver speeches over the country. Addressing one of the power executives, he said:

"The only Catholic audience which I have addressed was in the Middle West, and I believe we should do more of it. The Catholics are a big element in our country. The priest in charge of the meeting at Dubuque College (Iowa), where 700 high school students attended, hunted me up afterwards and complimented me on the speech and the pictures."

Brown was on the stand nearly all day yesterday. He testified that in addition to being publicity director for the National Electric Light Association in the Mid West division, he also supervised the work of the "information committee" maintained by the local utility companies in Nebraska. About 5,000 copies of two textbooks written by agents of the utility companies have been circulated in the public schools of Nebraska, he testified. Like other power-trust textbooks which the commission has examined, they contain passages designed to instill prejudice in the students' minds against municipal ownership of utilities.

CALLS UTILITIES CAMPAIGN "A CRIME AGAINST YOUTH"—J. W. CRABTREE, SECRETARY OF NATIONAL EDUCATION ASSOCIATION, DENOUNCES "DOCTORED" TEXTBOOKS IN SCHOOLS

WASHINGTON, May 17.—The dissemination of power-trust propaganda among the public schools and universities, by means of "doctored" textbooks, pamphlets, subsidized teachers, and other methods, as exposed before the Federal Trade Commission, was bitterly denounced by J. W. Crabtree, secretary of the National Education Association, in a letter yesterday to leading Iowa educators.

He called it "a crime against youth," declared the power propagandists were "making fools of professors," and demanded that something be done about it.

The letter, which was addressed, among others, to Walter A. Jessup, president of University of Iowa, said:

"Mr. Joseph Carmichael, director of the Iowa committee on public utility information, testified yesterday before the Federal Trade Commission that his committee had been able to have unsatisfactory textbooks thrown out and ones to their liking put in. He explained that they worked largely through the principals and superintendents.

"So right in your good State of Iowa, without your knowledge, and with the innocent help of college professors and superintendents, the power *lobby* has made its greatest progress in carrying out its program. It looks as if we have been caught napping.

"What are we going to do about it? It would seem to me that the State department, with the help of the State association, ought to look into this matter so far as Iowa is concerned. Remember that this questionable work, this making fools of professors and superintendents, and this crime committed against youth has been done by publicity committees, and that the real business men have been in ignorance of what was going on, just as you and I have been in ignorance of it all.

"The commission keeps asking witnesses as to the ethics of their program, as to the right or wrong of their method in going into the schools, and with their strong arm forcing their semipolitical views on the schools.

"Judge Healy asks whether they ever think of the right or wrong of it, or whether they think only of their own benefits."

GOVERNOR BAKER AIDED TO GET UTILITIES' BOOKS IN SCHOOLS—"YOUR PLAN MEETS WITH MY APPROVAL" THE THEN STATE SUPERINTENDENT WROTE IN 1922

Disclosures made in the inquiry of Federal Trade Commission at Washington into the activities of the power corporations develop that a propaganda campaign in the Missouri school was begun by the Missouri Committee on Public Utility Information in 1922 with the cooperation of Gov. Sam A. Baker, then State superintendent of schools.

J. B. Sheridan, manager for the committee, wrote to Baker suggesting that high schools be provided with the textbooks, or, as they were labeled, "bulletins," describing the activities of public utilities in the State. He asked Baker to supply him a list of the high schools with the names of the principals.

Baker replied with approval of the scheme in the following language: "Your plan for getting the material before the high schools meets with my approval, and I am sure that the teachers will be glad to use this material." He supplied the list of high schools with the names of the principals.

Thereupon Sheridan addressed the principals with a letter beginning: "Requests for information concerning the various phases of public-utility operation have become so numerous as to warrant the organization of the Missouri Committee on Public Utility Information as an agency through which the desired data may be secured."

FORMED IN MANY STATES

The source of the "so numerous" inquiries was not stated. The date, however, coincided with the birth of similar committees in almost every State of the Union, the inspiration of which was not so much "numerous inquiries" but the desire of public utilities as brought out before the Federal Trade Commission to appear in a favorable light before as many citizens as possible.

Sheridan linked the public utility propaganda with education in the following words in his letter to the principals: "If our civilization is to continue and progress to higher levels it will be because of the effects of one factor which did not exist in earlier times, namely, the universal use of manufactured power and the application of the physical sciences to the everyday affairs of human life. These are precisely the activities in which the public utilities are engaged, so that the contribution they are prepared to make to education takes on an aspect of general social importance."

Nearly 700 principals of high schools replied to Sheridan's letter with a request for the bulletins, which they were assured "could be relied upon to furnish accurate information," however one-sided. Sheridan closed with the suggestion that the study of the bulletins be supplemented with visits to local utilities where "the pupils will have opportunity to see and have explained to them many of the principles taught in the classroom."

SIX BULLETINS TO SCHOOLS

Six bulletins were prepared and dispatched to the high schools. They described the mechanics of the operation of the various utilities—electric, gas, street railways, and telephone—and in addition presented the problems of the utilities as the utilities would like to have the public see them.

One bulletin touching upon all utilities, entitled "A Half Century Miracle," contained the paragraph: "It is estimated that here are 100,000 separate owners of the public utilities in Missouri. These owners are individuals, firms, banks, insurance companies, and the like, which hold the stocks and bonds of the companies operating the utilities."

Nothing was said about the common stockholders, the relatively small group who get the cream of the profits by borrowing the money necessary to create the utilities from the public at from 4½ to 7 per cent and receiving from 7 to 8 per cent on that money. At that time the reorganization of the street railways in St. Louis had not been accomplished, with its financial set-up giving the owners of common stock a potential earning of 25 per cent on their investment.

PRAISES STREET-CAR SYSTEM

In the same bulletin there was comment on the street-car system of St. Louis. The bulletin assured the school boys and girls of rural Missouri: "The influence of relatively rapid electric street-car service in abolishing residential congestion by enabling the inhabitants to live out where they have abundant light and air is illustrated by the city of St. Louis.

Again the bulletin proclaims: "Food, clothing, shoes, furniture, and similar necessities of life have increased in cost in the last five years from 25 per cent to 110 per cent. The increase in cost to the users of the public-utility services has averaged close to 10 per cent." School boys and girls in St. Louis, if not those of the country, were aware of substantial increases in telephone, gas, and street-car rates.

The Missouri committee on public utility information also extends its propaganda to newspapers in a monthly publication, the Missouri Utility News. Newspapers are assured that the publication "is not intended as a publicity medium, but permission is given to any Missouri editor to reprint all or part of any article considered of news value."

Recent issues of the News have contained articles opposing the proposal that the Federal Government operate Muscle Shoals and to the bill in Congress for the development of the huge power of Boulder Dam by the Government instead of the Power Trust.

[From the St. Louis Post-Dispatch, Wednesday May 16, 1928]

SIX HUNDRED AND NINETY SCHOOLS IN MISSOURI USE BOOKS OF POWER TRUST—TESTIMONY AT HEARING DISCLOSES J. B. SHERIDAN, OF ST. LOUIS, HEADS PREPARATION OF PROPAGANDA—FIVE BOOKLETS GO TO 88,453 STUDENTS—553 ADDRESSES IN YEAR AND 7,167 COLUMN-INCHES IN PAPERS ON UTILITIES INTERESTS REPORTED

By Paul Y. Anderson, a staff correspondent of the Post-Dispatch

WASHINGTON, May 16.—Five propaganda booklets prepared by paid agents of the public utility companies now are being used as reference works in 690 of the 790 high schools in Missouri, the Federal Trade Commission discovered to-day in its investigation of the Power Trust.

The booklets were written under the direction of J. B. Sheridan, of St. Louis, a former newspaper man and sporting writer, but now chief publicity director for the combined public-utility corporations of Missouri.

According to a statement issued by the publicity bureau itself, the booklets are being studied by 88,453 high-school students in the State.

The disclosure of the Power Trust's invasion of the public schools of Missouri came as an unexpected incident in the commission's investigation of the trust practices in Nebraska. In the files of Thorn Brown, chief propaganda agent of the power interests in Nebraska, was found a copy of a letter from Brown to J. B. Sheridan, secretary of the Missouri committee on public utility information.

LETTER TELLS OF WORK

The letter acknowledged receipt of a circular from Sheridan, describing the Missouri committee's work in the schools and through the newspapers and speakers' bureaus.

The circular describing the Missouri committee's activities was never intended to reach the public. It was for the information of the utility companies which were supporting the committee, and was designed to impress on them that the committee had been very effective in disseminating propaganda favorable to them.

The circular bore the following title: "How the Missouri Committee on Public Utility Information Is Helping the Service by Telling the Utilities Story to Missouri."

The officers of the committee were named as follows: Chairman, Percy Redmund, Southwestern Bell Telephone Co.; treasurer, Herman Spoehrer, Union Electric Light & Power Co.; secretary, J. C. B. Sheridan, 1017 Olive Street, St. Louis; steering committee, J. C. Hillemeyer, Douglas Williams, and R. D. Lewis.

On the inside of the circular appeared a photographic display of five booklets, respectively entitled: "The Telephone," "Electricity," "The Electric Railways," "A Half-Century Miracle," and "Manufactured Gas." Underneath, in bold-face type, was the caption: "88,453 Missouri pupils study these utility booklets."

TO 690 OUT OF 790 SCHOOLS

Then followed the statement: "The utility educational service for schools, consisting of reference pamphlets on gas, electricity, telephone, and electric railways, has been distributed to 690 of the 790 high schools in Missouri, on request of principals and teachers. They serve as reference books on public utilities of the State.

"The 690 high schools using the service have an enrollment of 88,453 students, which is 97 per cent of the total enrollment of 90,831 students listed in the Missouri high-school directory.

"The booklet outlines the economies of public-utility operation, methods of financing and engineering, and the use of gas, electricity, the telephone, and electric railways. The committee has letters from 300 high-school teachers highly commending the utility information service."

TELLS OF NEWSPAPER STORIES

The Missouri bureau of the Power Trust, like those in other States, was proud of its success in getting its propaganda into the newspapers, as well as the schools. Thus, there appeared in the circular the following:

"Missouri newspapers have used 7,167 column inches or 100,339 agate lines, being 44¾ pages of news stories sent out by the committee in the 12 months ending November 1, 1927. This is an average of more than three and three-quarter pages of news every month."

In his letter Brown congratulated Sheridan on his success in getting favorable publicity into the Missouri newspapers.

"The circular sent out by you to member companies illustrating the completeness of your contact with Missouri newspapers was very interesting," he wrote. "I judge your contact is superior to ours, and that, in turn, is a matter of the personality of the director, no doubt.

TELLS OF NEBRASKA BOOKS

"We are just now distributing electricity books in the schools of Nebraska. I would certainly appreciate it if you can let me have a set of your own textbooks. Thus far we have issued electric and gas textbooks. The telephone people do not function with us, so that is out of the question. We will probably issue some sort of a text on the electric railway next."

The Missouri committee also established a speakers' bureau for spreading the public-utility gospel in the State. According to the circular, 553 public addresses on utility subjects were delivered last year in Missouri to audiences of 40,664, by speakers sent out by the public-utility companies.

Sheridan, and possibly other officers of the Missouri committee, will be summoned to appear before the commission to explain their tampering with public education, it was stated to-day by Robert Healy, chief counsel for the Trade Commission.

Brown's disclosures of the activity of the Power Trust in Nebraska schools rivaled in interest the evidence affecting St. Louis and Missouri.

Prior to entering the employ of the public utility companies Brown had been secretary and chairman of the Nebraska Railway Commission, which had regulatory powers over the public utilities. He did not discuss the ethics involved in accepting employment from the companies which he had previously regulated.

It was very soon developed that the Nebraska propaganda bureau of the power companies had a "textbook committee," the chairman of which was a sales executive of the Western Electric Co.

"What did the committee do?" Healy asked. "It wrote a textbook," was the reply.

"Did the committee write the book or did it employ a scholar or writer to do it?" "The members of the committee wrote it themselves," was the reply.

"Why did these people feel it was necessary to write a textbook?" Healy demanded. "Well, we felt that the information on public utilities contained in the existing textbooks was very meager."

Brown admitted that about 5,000 copies of the book were put into the schools of Nebraska, and that other copies were put in the public libraries.

AIM "WHOLLY ALTRUISTIC"

While the hearing room resounded with guffaws, Brown solemnly insisted that the main aim of the power companies in preparing and circulating the book was "to help the rising generation to a better understanding of public-utility problems."

"So your purpose was wholly altruistic?" Healy sarcastically inquired. "No doubt the power interests expected to benefit ultimately, through a better informed public opinion," was the reply.

"I hope you will be frank enough to admit that the companies which paid for these booklets and virtually forced them into the schools were not moved solely by a passion to improve education," Healy snapped. "Perhaps not wholly," was the prim answer.

[Editorial from the Washington Herald, Friday, May 4, 1928]

POWER TRUST IS SHAMELESS IN DEBAUCHING PUBLIC THOUGHT

It is not easy to recall so striking a case of debauching the public thought and demoralizing the community mind as is presented in the activities of the National Power Trust.

One reads that in Russia the bolshevist government has set about deliberately to educate a rising generation in the principles of communism and in hostility to all religion. But even that policy was deliberately adopted by a de facto government. Our American Power Trust has not yet been attested as quite a de facto government. It has made considerable advances in that direction but has not been accorded recognition.

"Let me write the songs of a nation, and I care not who makes its laws." A wise and astute observation; but how much stronger the boast that the Power Trust must have made: "Let me educate the youth of the Nation, and I will be able to snap my fingers at regulation, public ownership, and popular interest."

The country has need to think seriously on these revelations. That a single profit-mad business interest should reach the writers of textbooks, the teachers of economics, the leaders of public thought, in order to pervert judgments and mislead opinion, is a sinister thing.

The Power Trust seems to have hesitated at nothing. "Catechisms" of "sound doctrine" in the interest of private monopoly and corporate greed have been distributed with sardonic disregard for public interest, public morals, or any other consideration except exaggerated dividends.

Washington people have read about the employment by the Power Trust, in its literary activities, of a gentleman who had served as a member of the city's board of education. They have read of college professors, eminent economists, and distinguished literary men, receiving undercover fees to color their thought and writing. Small wonder that they are inquiring, What sort of economics, what stripe of sociology, will be taught in our public schools if the Power Trust establishes its proposed monopoly of public utility service!

[Editorial from the Washington Herald, Thursday, May 24, 1928]

POWER-TRUST PROPAGANDA FOR THE FOLKS BACK HOME

In several States the propaganda organizations of the Power Trust have introduced public-utility "catechisms" into the public schools, used as textbooks, to teach the youth of the country what they should think about the capitalization, earnings, charges, and services of the corporations which serve them with electric current. Here is a "catechism" for Congress, based on the revelations made by the Federal Trade Commission in its current investigation of the propaganda and lobby organizations of the utility companies:

Q. What is the Power Trust?—A. It consists of the united electric light and power companies, banded together into associations to control education, press, and legislation in the United States.

Q. What are the names of these associations?—A. The National Electric Light Association, the Joint Committee of National Utility Associations, and State utility information associations, covering 38 States.

Q. How do they operate?—A. Each association has a director and a staff, supplied by the electric-light corporations with money to carry on their propaganda and lobby activities.

Q. Where do the companies get the money to support these associations?—A. The companies collect the money from us in the form of rates.

Q. Are they allowed to do that with our money?—A. Certainly. The companies call it expenditures for "public relations," and they treat it as an operating expense.

Q. Then they tax us for money used to corrupt schools, press, and legislatures?—A. Certainly.

Q. How much do they spend a year for these purposes?—A. Each State association averages $20,000 to $30,000 a year. The National Electric Light Association has a budget of over $1,100,000 this year. The joint committee has had $400,000 handed to it since June 1, 1927, to defeat the Walsh resolution for a Senate investigation of the Power Trust and to beat Boulder Dam.

[Editorial from the St. Louis Post-Dispatch, Friday, May 18, 1928]

"A CRIME AGAINST YOUTH"

In the opinion of J. W. Crabtree, secretary of the National Educational Association, the power propaganda in public schools exposed in the power inquiry before the Federal Trade Commission is "a crime against youth."

It is, indeed. It is also an amazing revelation of the extent to which the utilities combine fears the consequences of its own methods. The magnates are so afraid of public ownership, so fearful something will happen to end the orgy of exploitation in which they are engaged, that they think it necessary to instill into the minds of the people in youth an impression that public ownership is an evil and terrible thing, inspired by communists and bolshevists.

It will both enrage and amuse the country, we imagine, to learn that a great industry is so frightened that it can hardly wait for the people to become old enough to think before they must be told what to think about public ownership of the utilities. In Missouri the propaganda

of the industry, carrying open warnings against public ownership and insidious thrusts at such projects as Muscle Shoals and Boulder Dam, are going out monthly to the press, and the bulletins of the utilities are going to 690 of the 790 high schools of the State. In Iowa public-school textbooks containing a good word for public ownership were removed by influence upon school boards and the pamphlets of the utilities substituted for them. In both States the press is being liberally fed upon this pabulum, while honoraria to university and college professors take not only the form of money but the publication of their books. Nebraska is carrying in her schools 5,000 textbooks written by agents of the utilities.

It will surprise the country to learn that school principals and superintendents could be such dupes as that. "Your plan for getting the material before the high schools meets with my approval, and I am sure the teachers will be glad to use it," fatuously wrote the present Governor of Missouri, Sam A. Baker, then superintendent of schools. He seems not to have had the slightest suspicion that the utilities had an ulterior design in asking so great a privilege as to make their pamphlets textbooks in the schools. Nor did teachers, so far as we know, protest against being used in this way. They seem to have acquiesced in the suggestion that public ownership is an evil without the *slightest misgiving* as to the purposes behind such a campaign. As a matter of fact, there has never been any more reason why the public utilities should furnish text matter to the schools than that political parties should do so, or that Wall Street, or the oil industry, or the Navy League, should in this way seek to influence public opinion.

The exposure ought to do good. It ought to arouse the schools to a better conception of their responsibility. That it will convince the country how bad is the conscience of the utilities there can be no doubt. The whole thing is damnable. It illustrates the depths to which our gross materialism has brought us. It is not that Missouri, Iowa, and Nebraska only are like this. The same thing is going on all over the country. That the utilities are not above wearing the guise of beneficence in so shameful a practice is shown by this paragraph from one of their Missouri pamphlets:

"If our civilization is to continue and progress to higher levels, it will be because of the effects of one factor which did not exist in earlier times, namely, the universal use of manufactured power and application of the physical sciences to the every-day affairs of life. These are precisely the activities in which the utilities are engaged, so that the contribution they are prepared to make to education takes on an aspect of general social importance."

However, its social importance is readily dwarfed by its political importance when its pamphlets, as those of Missouri do, ask if the farmers of Missouri want to be taxed for Boulder Dam, and when the whole text reeks with bias in favor of private ownership of the utilities.

Mr. Crabtree is right. It is "a crime against youth," as well as an offense against public decency. The educational authorities everywhere should immediately stop it.

[From the St. Louis Post-Dispatch, Monday, May 21, 1928]

UTILITY PRACTICES LIKELY TO BECOME CAMPAIGN ISSUE—CONDITIONS DISCLOSED MAY FURNISH SMITH WEAPON AGAINST HOOVER, WASHINGTON OBSERVERS BELIEVE—EVIDENCE OF PLAN TO HAMPER INQUIRY—APPARENT ATTEMPT TO CREATE PUBLIC HOSTILITY MAY BE INVESTIGATED—MISSOURI HEARING PLANNED

By Paul Y. Anderson, a Washington correspondent of the Post-Dispatch

WASHINGTON, May 21.—The Federal Trade Commission will resume its investigation of Power Trust activities May 28, and about June 10 it expects to inquire into the dissemination of propaganda in the high schools and colleges of Missouri by the public-utility companies. Evidence already before the commission indicates that the scheme for placing "doctored" textbooks in the public schools was unusually successful in Missouri.

In a private circular sent out to power executives by J. B. Sheridan, director of the Missouri committee on public-utility information, it was stated that the five textbooks written by agents of the utility companies were being studied by 97 per cent of the high-school students in the State. In no other State thus far investigated was the power propaganda in the schools so widespread and thorough.

POSSIBLE CAMPAIGN ISSUE

Meantime the likelihood that the condition disclosed by the investigation will become one of the major issues of the coming presidential campaign is occupying more attention in Washington even than the disclosures themselves. It is based first on the belief that Governor Smith will be the Democratic nominee, and second on his record of opposition to the Power Trust's schemes in New York State.

During the last four years that he has been governor his program for development and regulation of water power in his State has been blocked by a Republican majority in the legislature.

The present investigation has disclosed numerous activities on the part of the power interests to influence legislation in various States. It is believed that this would appeal strongly to Governor Smith as a campaign issue, especially since it has been attended by disclosures of a country-wide propaganda campaign in the schools and through the newspapers.

Secretary Hoover, who seems likely to be the Republican nominee, has never taken a stand on the water-power question, but his long experience as an engineer for similar corporations is presumed to have given him their viewpoint, and Vice President Dawes, generally considered as second choice for the Republican nomination, actually is a large stockholder in companies which have engaged in these questionable acts.

CONSUMER PAID FOR PROPAGANDA

The commission's investigation thus far has dealt almost entirely with propaganda and lobbying activity. The question of rates and financing is still to be opened. Already it has been disclosed, however, that under State regulation most of the utility companies were permitted to charge up the expense of conducting propaganda to "operating expenses" and were not required to take it out of their own earnings. In other words, the consumers and rate payers are being required to pay for the propaganda which is being fed to them and their children.

Evidence that propaganda is being used to hamper and discredit the investigation itself has been submitted to Chief Counsel Healy and may become a subject of inquiry. Washington correspondents this week received copies of an article from the Magazine of Wall Street—which they were invited to reprint—in which the investigation was held up as a menace to investors and a threat to general prosperity. Each copy was accompanied by the following note:

"This article by our Washington correspondent will be of great interest to your business-men readers. It is sent to you for immediate release.

PRESENT INQUIRY ATTACKED

"The commission's investigation, while it will be free from the partisan and persecutory bias that was bound to assert itself in a Senate committee investigation, will probably not be so utterly futile as Senator WALSH feared. One reason is Senator WALSH himself; other reasons are the Members of the 'left' group in the Senate, such as Senators NORRIS and LA FOLLETTE, with their leanings toward State socialism, and that section of public opinion represented by ex-Governor Pinchot, of Pennsylvania.

"The committee will be jealously and suspiciously watched and nagged at every step and will be sedulously supplied with abundant 'evidence' hostile to the utility companies."

HOLDING COMPANIES OUT OF CONTROL

The writer admits that control of the public utilities is falling into fewer and fewer hands through the pyramiding of stocks and the growth of holding companies, and also that it is virtually impossible for these companies to be reached by State regulation. The public, he fears, may become thoroughly aroused when these facts are realized, and may demand drastic Federal regulation of the profits. The dreadful consequences of such a development are set forth in the following language:

"Public-utility securities have become exceedingly popular, and their exceptional returns as well as their solidity have made them the most favored of income-yielding investments for millions of individuals as well as for such corporations as banks, trust companies, insurance companies, and others requiring dependability combined with satisfactory returns.

EFFORT TO SCARE POLICYHOLDERS

"It is not too much to say that the 50,000,000 life-insurance policyholders of the United States will be adversely affected by any action that may militate against the prosperity of the utility companies.

"Should the current investigation result in diminished prosperity for the utilities, or part of them, the effects on the general business life of the Nation would necessarily be far-reaching. Investors will suffer most. Consumers of gas and electric energy might benefit through lower rates if Federal regulation should cut off some of the revenue that now flows from operating to holding companies, but the consumer who is also an investor—and every investor is necessarily a consumer—would lose more as an investor than he would gain as a consumer. And it is a long, long way until Federal regulation will get back to local rates.

"But there is more than a question of a few dollars a year more or less to the average man. The rights of States, local freedom, are at stake as against the ever-growing central Federal power. More than that, it is a step toward socialism that is involved. The 'master minds' behind the demand for investigation and regulation have their eyes set on ultimate public ownership."

BOLSHEVIK! BOLSHEVIK!

Observers who noted the use of the word "socialism" in the final paragraph were quick to recall a letter recently introduced into the hearings before the commission. It was written by Rob Roy MacGregor, one of the chief propagandists employed by the power companies, and recommended certain tactics to be employed in campaigning against municipal ownership. It said:

"I would not resort to reason or logic, but would rather try to pin the bolshevik idea on my opponent."

Senators to whom copies of the article were shown were indignant. They declared the effort to have it broadcast to the newspapers of the country, through the Washington correspondents, obviously was an attempt to create public hostility to the investigation before it was fairly started. They were particularly wrathful over the writer's attempt to frighten insurance policyholders by suggesting that the investigation constitutes a menace to their investment.

The envelopes containing the copies of the article bore the return address of the Magazine of Wall Street. It is possible that the trade commission may call witnesses to ascertain whether the magazine acted on its own initiative or whether the expense of sending out the copies was borne by other interests.

[Article from the St. Louis Post-Dispatch, Tuesday, May 15, 1928]

UTILITIES OUSTED UNFRIENDLY BOOKS IN IOWA SCHOOLS—JOSEPH CARMICHAEL TELLS TRADE COMMISSION OBJECTIONABLE VOLUMES WERE SENT TO LIBRARY—PROFESSORS GOT PAY SOMETIMES—DRIVING FOLLOW-UP CAMPAIGN CARRIED OUT TO FORCE PROPAGANDA INTO COLLEGES

By Paul Y. Anderson, a staff correspondent of the Post-Dispatch

WASHINGTON, May 15.—An amazing recital of the spreading of Power Trust propaganda in Iowa was given on the witness stand before the Federal Trade Commission to-day by Joe Carmichael, publicity director for the combined public-utility companies of that State. He told the story blandly, and even cynically, as befitted an old newspaper man who had "gone over to the interests" for higher pay, but had no illusions about the character of his present work.

The methods employed by the power interests to get their propaganda home to the people of Iowa were nothing if not direct. Public-school textbooks which contained a good word for municipal ownership were removed from the schools by the exertion of influence on the school boards, and pamphlets written by the power propagandists were substituted for them.

Professors and instructors were brought under the influence of the power companies, and in some instances received money. One such professor engaged in writing a textbook, The Public and Its Utilities, was offered financial help in getting it published, and later the influence of the public-utility companies was employed to have the book used in the schools.

NEWSPAPERS USED

A constant stream of propaganda was fed to the public through 650 Iowa newspapers, and when their editors complained about giving so much free space to it, they received increased advertising from the local public-utility companies, often at an advance in rates.

In the course of Carmichael's testimony, he said he heard the public-utilities companies had caused a survey to be made of the textbooks used in the schools, colleges, and universities of Missouri, but had no other information on the point.

It was disclosed, however, that the power interests succeeded in promoting a "conference" of college and university professors at Kansas City last March, and the testimony indicated that it was attended by professors from Missouri, as well as those from neighboring States. This "conference" was presided over by C. O. Ruggles, former dean of engineering at Ohio State University, but now employed by the Power Trust at a salary of $15,000 a year to conduct a national survey of all textbooks which touch on the subject of public utilities.

Carmichael knew about the conference because he was instructed to "round up" several Iowa professors to attend it. Specifically, he was directed to see that the professors of economics at Drake University, Grinnell, Coe, and Morningside Colleges were present.

"Did you round them up?" inquired Chief Counsel Robert Healy of the commission. "I did," replied Carmichael.

"How did you manage it?" "Those I could not handle myself I reached through the managers of the local utility companies."

"Did the companies pay their expenses?" "I don't know."

SPENDS $27,000 A YEAR

Carmichael testified, when he took the stand, that he had been a newspaper man in Davenport for 20 years prior to 1922, when the Iowa Committee on Public Utility Information was organized by the combined utility companies of the State, and he was placed in charge of it. It spends about $27,000 a year, he said.

Two years after it was started, Carmichael instructed his assistant, Rodney Q. Selby, to make a survey of the public school textbooks in the State to determine whether they contained "unfair" allusions to the public utilities, and more especially to ascertain whether they contained references favorable to municipal ownership.

Selby, a former newspaper reporter, who appeared still to be in his twenties, sat at one side of the room during the testimony. The idea of his examining and passing judgment upon the public-school textbooks of a State seemed to strike listeners as amusing, and Selby obviously was embarrassed. Nevertheless, Carmichael testified that Selby's reports were sent to the managers of the local utility companies, who proceeded upon that information to have removed from the schools those books which Selby pronounced "unfair."

HOW IT WAS DONE

The process was afterward described by Carmichael in a letter to J. S. S. Richardson, chief of all the Power Trust propagandists in the country. Addressing him as "Dear Sandy," Carmichael wrote:

"We secured the names of all textbooks on civics and economics used in the high schools, academies, and colleges of Iowa. We then secured copies of these books and read them thoroughly. Where textbooks were grossly unfair and did not give the private ownership side of the utility question, we took the matter up with school officials either personally or through the local company managers. In practically every instance the objectionable books were removed. In some instances the managers or ourselves took the matter up with the superintendents, principals, or instructors in civics and economics. In other cases it was brought to the attention of the school boards.

"We continue to watch this matter closely and get reports on all new textbooks. We have the matter pretty well in hand but do not intend to let these bugs slip anything over on us."

"FOR USE IN SCHOOLS"

Having got rid of the "bad" books, the power companies now proceeded to substitute the "right kind." They had their propaganda bureau prepare two pamphlets, one on electricity and one on gas. Each pamphlet bore on the outside cover the following:

"This bulletin is prepared for use in the schools. It is particularly adaptable to work in English, civics, current topics, and debating classes."

"How did you get them into the schools?" Healy inquired of Carmichael. "We sent a copy of each one to every school-teacher, and offered to furnish as many additional copies as were requested for classroom work. We only sent them when they were requested."

"Do you mean to say that if no request was received you dropped the matter?" "No; we sent a follow-up letter."

"Was that all?" "No," continued Carmichael, grinning sourly, "If that didn't bring requests, we sent the bulletins to the managers of the local companies, and suggested that they do what they could to get them into the schools."

"After giving the teachers such a course of treatment as that, you would hardly say that their requests were made spontaneously, would you?" asked Healy. "Well, hardly," was the reply.

The bulletins, together with others of a more advanced nature, also were put into every college and university in Iowa, including the State university. Carmichael said this was accomplished largely through personal calls upon the deans and instructors. Carmichael frankly admitted that the main purpose of all the bulletins was to instill prejudice against municipal ownership of public utilities. The bulletins themselves made this perfectly clear.

Among the subheads in the bulletin dealing with electricity were these: "Benefits of large transmission systems," "Government regulation," "Why public utilities are built on borrowed money."

Under the heading, "Future management," the bulletin declared that the most important three factors in the success of public utilities were initiative and brains, private capital, and "inventive genius well paid."

As Carmichael blandly described how wires were pulled and influence was used to get this propaganda into the schools, Commissioner McCullough interrupted to say: "I was just wondering if the question of ethics ever occurred to you people. Did you ever stop to ask yourselves whether it was right or wrong to put your propaganda into the public schools?" "I thought of it," Carmichael replied. "I wouldn't want the minds of other children poisoned any more than the minds of my own children. But I believed that our statements were true, and that our information would be good for the children."

JUST A MATTER OF BUSINESS

"You were not doing it to help the children—you were doing it to help your own business," McCullough rejoined, to which Carmichael replied: "Of course, that is true."

"You thought that the textbooks were unfair because they gave only the municipal ownership side of the question?" interjected Healy. "Yes," said the witness.

"Didn't you think your bulletins were unfair because they gave only the private ownership side?" "No," was the surprising reply.

"Why not?" "Because we were hired to give that side of it, and it was no business of ours to look after the other side. The other people could do that."

HELPING BOOST CAR FARE

Two years ago the street-car company in Davenport threatened to abandon its lines unless it were allowed to increase the fare to 10 cents. In the midst of that situation Carmichael engaged Charles Darlington, a reporter on the Des Moines Capital, to write five articles describing the horrors of a street-car strike in Des Moines a few years previously, and depicting the plight of a city without street-car service.

These articles were published in a Davenport newspaper to impress the people of that city with the wisdom of submitting to the company's demands.

"How much did you pay him to write the articles?" inquired Healy. "Twenty-five dollars," replied the witness.

"You mean $25 each?" "No; I mean $5 each."

$80,000 IN FREE ADVERTISING

Carmichael next described the methods employed to get the "publicity stuff" of the utility company into the newspapers. He said the "stories" which the utility companies decided to have broadcast were sent directly to the offices of the press associations and sent by them to the newspapers, while "stories" with only a local connection were sent directly to the local papers, sometimes through the offices of the local utility companies. In one of Carmichael's reports he said the Power Trust materials used by the Iowa papers during the first six months of the information committee's existence would have cost the utility companies, if inserted as paid advertising, more than $80,000.

"All this was propaganda?" asked Healy. "Yes; it was," Carmichael bluntly replied.

"And the man who reads it in the newspapers had no idea it had been written by an employee of the utility companies?" "No; but the newspapers knew it when they printed it."

Healy inquired if some newspapers were not influenced to publish this matter by the paid advertising which they received from the local utility companies. Carmichael hesitated, and Healy asked him if the power companies which advertised in the newspapers did not enjoy better relations with their editors than the companies which did not. "Without exception," Carmichael admitted. "You see, news publishers believe in advertising, and naturally they have more respect for a man who advertises than for one who does not."

Healy then read from a letter in which Carmichael said: "The newspapers can hardly be expected to take a favorable attitude toward companies which fail to use paid advertising, while insisting upon free space." It added that since Carmichael took over the publicity job he had caused a total increase of 1,000 per cent in the advertising appropriations of the utility companies in Iowa.

"Is there any doubt in your mind that this helped you to get your publicity matter into the news columns?" Healy demanded. "No," was the succinct answer.

STRAIGHTENING OUT PUBLISHER

As a matter of fact, it soon was developed that Carmichael had been delegated to "straighten out" a publisher on that subject. It appeared from correspondence that Will V. Tufford, secretary of the Inland Press Association, recommended to the publishers of that association that when Power Trust publicity came to their offices they bundle it up and return it to its source. Tufford stated to members of the association that the publicity matter appeared to be mere free advertising.

Thereupon, Carmichael was instructed to call on Tufford, who lives at Clinton, Iowa, and "give him the right slant" on the situation. Carmichael did so.

"I pointed out to him," said Carmichael, "that the utility companies were buying a large amount of advertising space, and consequently could not be charged with seeking free space. I explained our idea, which was that when we had proper matter for advertising we bought space, but when we had information which we felt was news we expected to have it published in the news columns."

Carmichael reported that Tufford "got the right slant" immediately, and next year wrote to all publishers in the Inland Press Association, calling their attention to the increase in the volume of public-utility advertising.

Reverting to the question of subsidizing and giving employment to college professors, Carmichael testified that he had paid $300 to Prof. Arthur N. Ford, of the department of electrical engineering in Iowa State University for compiling tables which placed municipal ownership in unfavorable contrast with private ownership.

The dean of the engineering school in the State university is Prof. William G. Raymond. He sent several letters to the power interests intimating that he held "safe" views on public-utility subjects. Eventually he began the preparation of a textbook, The Public and Its Utilities. Carmichael discussed the book with him, and the chief publicity agent for the Illinois power interests offered financial assistance in getting it published. When the work was completed, Carmichael wrote that "all of our fellows have read the book and are greatly pleased with it."

"Is it in use in the schools of Iowa now?" inquired Healy. "I think it is used as a reference work," replied the witness.

"What efforts did you make to give it circulation?"

"We sent copies of it to the executives of all our member companies."

When Iowa University invited Prof. Charles E. Merriam, of Chicago University, to speak on economics, Carmichael wired to his Illinois colleagues to learn what sort of beliefs Merriam held. The answer was: "Be prepared for the worst. He is all wrong on the points in which we are interested."

[Editorial from the Washington Herald, May 15, 1928]

POWER-TRUST TACTICS

Every citizen of the country must find something ominous and sinister in the facts being uncovered by the Federal Trade Commission, in Washington, in their investigation of the Power Trust.

They have proved that the electric-power companies of the country are banded together into organizations, which collect huge funds to "influence" legislators, hire professors to give lectures and write textbooks, debauch the press of the country, and so poison the sources of information upon which the public must rely in order to learn what these monopolies are doing.

Not only the methods but the purposes of the organized power interests are being made abundantly clear. They intend to create a "public opinion" which will let the utilities charge such rates and give such service as they please.

The height of their insolence was attained in a "catechism" written by their press agent in Connecticut and used by 10,000 Connecticut school children until it was thrown out of the Connecticut schools last week, following the exposé in Washington.

Here is question 9 of that catechism and the answer, as taught to public-school children in this textbook:

"Question 9. What is the effect of adverse criticism upon utility service?—A. When the people in any community criticize adversely public utilities in their own city they are advertising their own city to outsiders as a poor place in which to live and are thereby retarding its growth."

Letters and telegrams flooding into the Federal Trade Commission show that the same debauchery of schools is going on in every State in the Union. Are the people going to stand for it?

[From testimony of P. S. Clapp]

EXAMINATION BY MR. HEALY

(Pages 1062 to 1072)

Q. We have here the minutes of the national executive committee of January 20, 1927, and I would like to read two paragraphs into the record instead of putting the entire exhibit in. It was—

"Resolved by the executive committee of the public relations section of the National Electric Light Association, That it is the sense of this committee that every effort should be made to discourage the advocacy of Government subsidy, ownership, or operation of electric service; and be it further

"Resolved, That we hereby express our unanimous conviction that the advocacy of Government subsidy or construction of facilities for rural electric service is unsound, uneconomic, unnecessarily discouraging to the efficient efforts now being made to extend rural service and as tending to disrupt those public relations so essential to progress."

Mr. HEALY. From the minutes of the executive committee meeting held February 3, 1926, I wish to read first this paragraph. I will ask Colonel Chantland to read it.

Colonel Chantland read as follows:

"Commenting on the general headquarters activities pertaining to the section, Managing Director Aylesworth stated that over 9,000,000 sets of the so-called Barton pamphlets to customers, 13 in a set, and 900,000 sets of pamphlets to security holders, 4 in a set, had been distributed by member companies, this being the largest distribution of a direct message to the public ever made. Approximately 10,000 copies of 'Niagara in Politics,' by Professor Mavor, have been sold and distributed. Mr. Aylesworth also 'stated that through the public-policy committee contributions have been made to Harvard University and Northwestern University. The fund for Harvard University of $30,000 a year for three years will be used for an investigation of regulation and also for the establishment of a case system dealing with that subject and, it is hoped, a report which will deal with the fundamentals of regulation. The fund for Northwestern University will be devoted to a consideration of Government ownership of every character. The other amount raised was the sum of $30,000 for the General Federation of Women's Clubs, upon application of Mrs. John D. Sherman, president of the General Federation, for part of the expense of a national home survey, both urban and suburban.' Mr. Aylesworth called attention to the weekly letter, Public Opinion, issued from headquarters and forwarded to all member company executives, this letter containing reproductions of articles, addresses, and editorials appearing in the press of the country and dealing with questions affecting the electric light and power industry. Mr. Aylesworth stated that headquarters would be glad to send copies of this weekly letter to editors of newspapers in communities served by member companies, provided the request is made direct by the editor of the newspaper. Mr. Aylesworth also spoke of a service just being started in the form of special letters containing a digest of legislative material of interest to the electric light and power industry.'"

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"Mr. George F. Oxley, director of public information, reported as follows on the activities of the department:

"Headquarters has received many good reports from the distribution of the Barton pamphlets.

"About a year ago a book entitled 'Prosperity Through Power Development' was published by a special committee. That book comprised excerpts from the World Power Conference papers. More than 6,000 have been placed in libraries and distributed to prominent people.

"'Niagara in Politics' has about a 10,000 circulation up to date. The association has sold approximately 3,000 directly from headquarters. At the direction of the public-policy committee 5,243 were placed in college and public libraries and 808 were sent to that many leading newspapers for editorial and newspaper review notices. A total of 9,500 have been ordered by the association and a quantity still remains on hand and copies are available.

"'Political Ownership and the Electric Light and Power Industry' is being revised. Mr. Oxley stated that he had hoped to have the book ready before now, but that some of the sources of information have been rather slow in checking up the lists. The book will show an increase of between 175 and 250 additional communities which have abandoned municipal ownership either in the form of generating plant and distribution or generating plant or distribution system in the last year since the previous book was published. At the direction of the public-relations executive committee, Mr. Oxley said, the same distribution will be made as was made a year ago."

From the minutes of the executive committee of the public-relations national section of the National Electric Light Association, meeting of January 19, 1927, the following from pages 2 and 3:

"Mr. Sloan, chairman of the relations with financial institutions committee, reported that the model public-utility law has been modified and will be introduced in the present session of the New York Legislature.

"He called attention to the fact that a Mr. Heywood, a mechanical engineer and well-known writer, is willing to undertake a book on public relations. It is Mr. Heywood's idea not to make this a book of rules. He would make a study of the situation and be willing to devote an entire year to it. The book would be undertaken with the cooperation of the National Electric Light Association if the association decided that such a book should be written. Mr. Sloan recommended that a committee be appointed to discuss the matter with Mr. Heywood and see if in their opinion he has the proper qualifications.

"Chairman Jones stated that in his opinion there is a demand for a book on public relations, also that the committee ought to consider an educational course on this subject, and suggested that this was a matter that might be taken up after hearing the report of Mr. Niesz.

"Mr. Jackson, chairman of the cooperation with educational institutions committee, reported that a meeting of his committee had been held in Chicago January 4 and 5, with good attendance. He stated that the meeting was called primarily to get in touch with representatives of geographic divisions throughout the country. Before the meeting was held a questionnaire had been sent out in an effort to find out exactly what work was being carried on throughout the country, and the result of the questionnaire showed that no coordinated work was being done in the various divisions, and that, in fact, some had not appointed committees. The questionnaire did show, however, that some very efficient work is being carried on by the utilities themselves with educational institutions in some of the larger cities. A subcommittee was appointed to map out a definite program to be followed, so far as possible, throughout the country, and Mr. Jackson read the report of the subcommittee. Mr. Jackson stated that the report of the subcommittee had been unanimously adopted and that, as chairman of the committee, he was asked 'to report this action to the public-relations section executive committee and recommend that it be approved.'

* * * * * * *

"10. Organization: It is recommended that a contact representative be appointed by the utilities for cooperation with each educational institution carrying on definite instruction in the public-utility field. One such representative might act with all such institutions which are conveniently accessible to him. These contact representatives should report to geographical or State members of this committee, the exact lines of organization depending upon the extent of the activities in any area.

"RALPH HEILMAN, *Chairman.*
"C. O. RUGGLES.
"JOHN F. GILCHRIST.
"HUGH M. BLAIN.
"L. R. NASH.
"R. R. HERRMANN.
"T. D. CROCKER."

* * * * * * *

"Mr. Jones said that the committee was unalterably opposed to public ownership in any form, and that 'any encouragement of State ownership of rural lines is not in the interest of good public relations or in the interest of sound economics in the business.'"

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Resolutions were passed, omitting the preambles, as follows:

"Now therefore be it—

"*Resolved by the executive committee of the public-relations section of the National Electric Light Association,* That it is the sense of this committee that every effort should be made to discourage the advocacy of Government subsidy, ownership, or operation of electric service; and be it further

"*Resolved,* That we hereby express our unanimous conviction that the advocacy of Government subsidy or construction of facilities for rural electric service is unsound, uneconomic, unnecessarily discouraging to the efficient efforts now being made to extend rural service, and as tending to disrupt those public relations so essential to progress."

Mr. CHANTLAND. And from the minutes of July 25, 1927, page 2, the third paragraph:

"Managing Director Paul S. Clapp was called upon for a report upon headquarters activities, which he discussed, and he also spoke of some of the problems pertaining to the industry, chief among which are the Boulder Dam and Muscle Shoals situation, which he referred to in detail, asking that every possible step be taken to inform the public regarding the true facts in connection with these subjects, and also that the Government be informed of the danger of intruding into the field of private industry."

By Mr. Healy:

Q. Will you identify Document No. 1002 for us, Mr. Clapp?—A. Document 1002 is a mimeograph letter from Mrs. Malicke, chairman of the women's committee, dated February 10, 1928, to chairmen of women's committees.

Q. On what subject?—A. It says, "A committee in the southeastern division prepared an interesting program and invited to it the mothers and wives of the company employees."

Q. The second page is addressed to "Chairmen of women's committees," and says: "The committee program for this year includes thorough study of the subjects of immediate interest to the utility industry." Then the subjects are enumerated; one is a proposed investigation of the electrical industry by the senatorial committee. One relates to the building and operating by the Government of a power plant at Boulder Dam, and the other is the Government operation of the power plant at Muscle Shoals.—A. Yes; that is right. This letter was sent out, evidently the two of them together.

[Penciled notation "Public Service Commission"]

GENERAL SUMMARY EDUCATIONAL AND PUBLIC-RELATIONS ACTIVITIES OF THE PUBLIC-UTILITY INDUSTRY IN PENNSYLVANIA 1925–26

In the business of maintaining a working contact with the educational institutions of this Commonwealth, the Public Service Commission cooperates with the Pennsylvania Public Service Information Committee. The committee was formed more than three years ago by representative executives of the foremost public utilities operating in Pennsylvania. Its functions, in general, are similar to those of identical committees operating in 36 other States.

In Pennsylvania the committee bureau has been in close touch with the commission from the outset. Many educational problems in which the commission was interested were carried forward toward solution by the committee with the aid of the commission. Members of the commission participated personally in completing educational plans as undertaken.

In the past year the educational and public-relations work in Pennsylvania, as specifically applied to public service, might be summarized as follows:

First. A course of 15 lectures on the public-utility business by authorities nationally prominent in the industry was completed at Temple University, Philadelphia. The lectures have been published for the information and guidance of those undertaking similar enterprises elsewhere.

The committee was directly instrumental in installing public-utilities courses in the University of Pennsylvania and Temple. It aided materially in the recent completion of a course on public-utility economics at the State College.

The public-service commission is in close cooperation with the committee in this work, and members of the commission have lectured on problems relating to regulation.

It is noteworthy that teaching the fundamentals and economics of public-utility endeavor is spreading with satisfactory rapidity in this country.

The interest in public service has been stimulated in several ways. Securities of public-utility companies are much in the public eye these days. The companies themselves are besieging the universities and colleges for men trained for public-utility work. Various State commissions and information committees are cooperating with the educational institutions in formulating curricula.

The University of Pennsylvania, Harvard University, Temple University, the University of Illinois, the University of Iowa, Northwestern University, and Indiana University are among those which have listed courses in public-utility management.

Others, including the University of Illinois, the University of Pittsburgh, Ohio State University, the University of Michigan, the University

of Tennessee, the University of Wisconsin, Johns Hopkins University, and the Massachusetts Institute of Technology are offering special courses in utility engineering.

Pennsylvania State College conducts an excellent correspondence course on public-utility economics and, I believe, Rutgers University in New Jersey is about a complete a similar course.

Second. The committee maintains a news service for the information of newspapers of the Commonwealth, selected newspapers outside the State, and the leading news associations. News of the industry—not of companies—is disseminated by the committee.

Third. That news service has been supplemented with the publication of nontechnical as well as technical booklets. The information therein contained is of exceeding informative value and was compiled from many statistical sources, including those available to the commission. The booklets are used widely in educational institutions. The circulation is among educators, librarians, public-utility executives, and State, county, and municipal officials.

Fourth. The information committee, in cooperation with the commission and other State authorities, recently completed a comprehensive survey of the textbooks on economics and civics in use in the Pennsylvania public schools. The survey was undertaken to ascertain whether material in the textbooks contained misinformation inimical to the business of public service. It was discovered that there is much misinformation being disseminated to pupils through the medium of obsolete and erroneously compiled textbooks.

The survey was prompted by reports that several textbooks on those subjects were obsolete and inaccurate in so far as they relate to the public-utility industry. They failed to set forth or take into account existing facts, so that misinformation was being conveyed to pupils.

The survey work was divided into three parts: Inquiry as to the books used, examination of the books for significant passages dealing with the public-utility industry, and the final listing of those books by counties and municipalities.

Similar work already had been done in Pennsylvania, Missouri, and Illinois, the modus operandi adopted there being of considerable assistance to Pennsylvania.

It was discovered that, while a considerable measure of misinformation was being conveyed to pupils in certain localities, use of the faulty textbooks was by no means general.

So far no adequate steps have been taken to correct the situation. One leading publishing house has agreed to avoid pitfalls in the future, but the dangerous textbooks already are in use. Only a constructive suggestion could really be effective with the publishers or the educators in the circumstances. Unless and until we have something better to offer in the way of a standard textbook, the existing ones will continue in use, though revision may be effected slowly.

Fifth. An educational subcommittee now has in course of preparation handbooks suitable for use in educational institutions of the State, specifically outlining the history and development of each branch of the public-utility industry, as well as the business of regulation.

Sixth. In Philadelphia and Pittsburgh, with the cognizance of the commission, the public utilities there operating have formed technical subcommittees of the information committee. In Philadelphia the technical subcommittee has functioned for over two years. Through coordination of effort on the part of the subcommittee and the city authorities satisfactory results, helpful to public relations, have been achieved.

There has been less interference with street traffic where subsurface structures are involved and better construction and operation have obtained in the matter of subsurface structures and overhead lines. The committee has made coordinate planning for local utilities possible.

The function of the technical subcommittees of the information committee in Philadelphia and Pittsburgh is to solve by cooperative and coordinating action vexing local problems of a technical nature which had baffled solution by individual effort.

The committee in Pittsburgh, though operating only a short time, already is obtaining effective results.

The work has progressed in Philadelphia to such an extent that the committee has become an important functionary in that community. There public-utility underground construction now is undertaken so that traffic interference is reduced to a minimum and with the smallest possible delay to the city's paving plans.

In the preparatory work for the present large-scale construction of the city's rapid-transit subway system it was through the technical committee that comprehensive study was made of the requirements of the public utilities in the space provided between the roof of the projected tubes and grade. Proper allocation of space followed in due course.

All of this has a distinct reference to upbuilding and sustaining good public relations. The work has received attention from municipal and utility executives of other cities as well as commendations from the Philadelphia departments of public works and city transit. Excellent relations have thus been established between the utilities' working forces and the city.

CONTINENTAL BAKING CORPORATION

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement issued by the Senator from Wisconsin [Mr. LA FOLLETTE] concerning S. Res. 258, introduced by him on May 28, 1928, calling for the prosecution of complaint against the Continental Baking Corporation.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

I am, as my father before me was, much concerned over the combinations in the baking industry of this country tending toward the formation of a nation-wide Bread Trust. * * *

Whatever change may have come in the attitude of some Senators with regard to monopolies in general since the passage of the Sherman antitrust law and the Clayton Act, I feel sure no Senator would by word or act defend a bread monopoly.

I am entirely familiar with the course of events leading up to the unanimous adoption by the Senate on February 16, 1926, of the La Follette resolution for the investigation of the so-called Bread Trust, and with the events which have transpired since. * * *

The history of these events abundantly justifies the fears entertained by my father that a nation-wide Bread Trust was actually in process of formation. * * *

Contrary to the popular notion of the effect of the notorious "consent decree" in the Bread Trust case, neither the Department of Justice nor the Federal Trade Commission has done anything sufficiently adequate to the situation to allay the just fears that a nation-wide Bread Trust is still actually in the making. * * *

On June 30, 1926, I called the attention of the Senate to the public protest contained in the dissenting opinion which Commissioners Nugent and Thompson handed down in the case of the Federal Trade Commission *v.* the Continental Baking Corporation. * * *

I denounced the dismissal of the complaint of the Federal Trade Commission * * * as an "outrageous performance" and a "perversion of the instrumentalities of government." * * *

The following day, July 1, 1926, Senator WALSH of Montana introduced a resolution instructing the Judiciary Committee to make inquiry into the conduct of the Federal Trade Commission and the Department of Justice in regard to this matter. The resolution was unanimously agreed to. A subcommittee composed of Senators WALSH, BORAH, and DENEEN was appointed to carry out the resolution. This subcommittee has held hearings and made its reports.

These reports and the hearings upon which they are based in my judgment fully justify the position I took. * * *

The essential fact is that the Continental got off without any determination by the legal force of either the commission or the Department of Justice that it was in violation of the law as had been formerly charged by both branches of the service. He quoted the resolution from the original report drawn by Senator WALSH to accompany that report in which it is said "the dismissal contemporaneously of proceedings pending before the said commission and before the United States district court for the district of Maryland against the Continental Baking Co., charging it with violating section 7 of the Clayton Act, merits public reprehension and constitutes a dereliction of duty on the part of both branches of the service."

Samuel Untermyer, of New York, after a careful examination of the consent decree said: "The fundamental vice of the decree, as I see it, is in letting out the Continental which is in and of itself an illegal combination."

This considered statement by Mr. Untermyer buttresses my charge that the dismissal of the case against the Continental Baking Corporation made a farce of the proceedings against the Bread Trust by permitting the Continental, which had been denounced both by the Department of Justice and the Federal Trade Commission as an unlawful combination in restraint of trade, to go scot free and to continue its monopolistic course without any effective restraint.

It is chiefly by reason of this sinister fact that Senator WALSH in his proposed resolution heretofore quoted declares that "the dismissal contemporaneously of the proceedings pending before the said commission and before the United States District Court for the District of Maryland against the Continental Baking Co., charging it with violating section 7 of the Clayton Act, merits public reprehension and constitutes a dereliction of duty on the part of both branches of the service."

It is my deep conviction that we who represent here at the seat of government the rank and file of the people—especially those of us here in the Senate, where particular attention has been called to this matter—ought not to content ourselves with mere criticism of those two branches of the public service which have ignominiously laid down in this fight to frustrate the monstrous attempt to monopolize the Nation's bread. We ought to do everything possible not only to defeat this attempt but to have the just penalties of the law applied to the "unscrupulous" Continental Baking Corporation, caught red-handed in the act of violating not only the statute but the social law; caught with the illicit goods upon it; and, instead of leaving it behind a "smoke screen" to concoct further antisocial schemes, to bring and keep it out in the open, where every consumer may watch its every move.

The imminent danger of a nation-wide bread trust has by no means been dispelled. If at this moment the Bread Trust is not actually within our doors, with its greedy hands snatching at the American bread basket, the Bread Trust, armed cap-a-pie, is at our doors, slightly

concealed by the consent-decree "smoke screen," ready to jump in and go to its evil work with might and main at the first favorable opportunity.

Bear in mind that the Continental Baking Corporation, in the language of Commissioner Nugent, "alone is large enough to dominate the bread-baking industry of the United States." He says: "The latest available figures show the capitalization of the bread-baking industry as approximately $400,000,000, while the Continental's authorized capitalization is $600,000,000." We read in the petition of the Department of Justice, "Its charter is of the omnibus variety, granting it almost unlimited power to engage in all kinds of business * * * without restriction or limit as to amount" anywhere on earth. It now controls at least 93 baking plants, so distributed as to be capable of supplying their products to half the population of the entire country. It was alleged in the said petition that the Continental "is capable of acquiring additional competing plants to an indefinite number, thereby increasing the percentage of the total wholesale business."

"Unlimited power." The words are the words of the Department of Justice in the petition which it made indecent haste to convert into a "scrap of paper." Unlimited power over the breads of the American people left untouched or weakly handed over, by grace of the Department of Justice and the Federal Trade Commission, into the hands of the Continental Baking Corporation, which the present chairman of the Federal Trade Commission, Mr. Humphrey, has himself characterized as "an unscrupulous respondent."

If this matter is to be left permanently as it has been left since the consent decree was entered two years ago, it bodes ill for the future of our land. As an immediate step in the direction of preventing the formation of this dangerous monopoly, I propose that the Senate direct the Federal Trade Commission to reinstate its case against the Continental Baking Corporation, as provided in the resolution.

Objection may possibly be raised to this proposal by some of those who would join with me in criticism of the Federal Trade Commission. They may say it is useless to try to make the Federal Trade Commission perform its duty. My answer to this is that the responsible representatives of the people under our republican form of government must never act upon counsels of despair.

The Federal Trade Commission has done very badly in this matter. But the Federal Trade Commission remains a part of the machinery of our Government. We must do our utmost to make it function as it was intended to function. By so doing we shall either make it work, and so redeem itself in the eyes of those who now hold it in contempt, or we shall make it such a demonstration of itself that nobody of good sense or good morals would venture to defend it.

I believe that if the Senate directs the Federal Trade Commission to reinstate its case against the Continental Baking Corporation, with the informal suggestion that Col. A. B. Brindley be intrusted with the prosecution of the case, there is reasonable assurance that the commission will not repeat its past performance. With the attention of the public fastened upon it, as it is fastened upon it in its present investigation of the Power Trust lobby, we may expect the Federal Trade Commission to do its plain duty in this important matter involving the public interest.

AVIATION RULES OF CONNECTICUT

Mr. BINGHAM. Mr. President, I ask unanimous consent that there may be printed in the RECORD 17 aviation regulations rigid obedience to which will assure the minimum number of fatal accidents. These rules have been adopted by the State of Connecticut and, under the State aviation commissioner, since these rules were adopted and since the State aviation law went into effect practically no fatal accidents have occurred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SEVENTEEN AVIATION RULES WILL BE ENFORCED—RIGID OBEDIENCE TO REGULATIONS STARTING JUNE 1 IS EDICT OF KNOX TO INSURE SAFETY—APPROVED PARACHUTES REQUIRED IN ALL CRAFT—BOTH INSTRUCTORS AND STUDENTS MUST WEAR SAFETY DEVICES—ACCIDENTS TOUCHED ON

In harmony with the policy of making flying safe in Connecticut, the principle on which the State commission was founded at the time of its conception about a year ago, 14 aviation regulations formulated December 1, 1927, to which 3 have since been added, regulation No. 15, dated January 1, 1928, and regulations Nos. 16 and 17, dated May 21, 1928, will be rigidly enforced starting June 1, according to Capt. Clarence M. Knox, State aviation commissioner.

Of especial interest to aviation enthusiasts, both student and licensed pilot flyers, is the regulation applying to the wearing of parachutes.

The 17 regulations to be enforced by the department are as follows:

Regulation No. 1. No aircraft shall be flown in the State of Connecticut unless it shall have displayed on such aircraft a Federal identification mark.

Regulation No. 2. Any aircraft used by anyone desiring to obtain a Connecticut State pilot's license shall have been test flown for at least one-half hour since last overhaul of the airplane or motor.

Regulation No. 3. All pilots that have only a student pilot's license must fly solo; that is, two student pilots will not be permitted to fly together.

Regulation No. 4. No aircraft will be flown with more than the number of persons in it than the aircraft was designed for.

Regulation No. 5. Students under flying instruction and instructors must wear approved parachutes in good operating condition.

Regulation No. 6. All parachutes must be maintained by a licensed parachute mechanic; that is, bimonthly airing and repacking of parachute.

Regulation No. 7. For all photographic flights necessitating flying at altitudes less than set by law, the pilots must receive a special photographic permit from the commissioner of aviation for each such mission, which must be carried by said pilot upon such flight.

Regulation No. 8. A fire extinguisher of a design approved by the commissioner of aviation, and in good working order, must be carried at all times on every registered airplane.

Regulation No. 9. A first-aid kit must be carried on every registered airplane.

Regulation No. 10. All aircraft flown between one-half hour after sunset and one-half hour before sunrise must be equipped with electric landing lights and navigation lights and such lights shall be visible for a distance of 2 miles.

Regulation No. 11. All aircraft flown between one-half hour after sunset and one-half hour before sunrise must be equipped with at least one parachute flare.

Regulation No. 12. Safety belts for pilot and passengers must be used in all types of airplanes.

Regulation No. 13. When checking out an applicant for a Connecticut State pilots' license, the owner of the aircraft used and such applicant shall be jointly and severally liable for all damage to property or persons resulting from such checking out.

Regulation No. 14. No pilot shall fly in the State of Connecticut any aircraft of a class other than that class or classes indorsed on the pilot's license.

Regulation No. 15. Any pilot involved in any aircraft accident where there are witnesses availabe must obtain the name and address of at least one such witness.

Regulation No. 16. No aircraft shall be flown in the State of Connecticut for student instruction purposes unless it shall be equipped with an ignition (cut-out) switch in both front and rear cockpits.

Regulation No. 17. No aircraft shall be flown in the State of Connecticut for student instruction purposes unless it shall be equipped with an oil-pressure gauge in both front and rear cockpits.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that to-day, May 29, 1928, the President had signed and approved the following acts and joint resolutions:

S. 2370. An act to amend section 24 of the immigration act of 1917.

APPROVED BY THE PRESIDENT AT THE CAPITOL

S. 126. An act for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased;

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 363. An act for the relief of Louise M. Cambouri;

S. 433. An act for the relief of Harry C. Bradley;

S. 443. An act for the relief of Larry M. Temple;

S. 444. An act for the relief of H. C. Magoon;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1297. An act for the relief of Alice E. Moore;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1541. An act for the relief of George A. Robertson;

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes;

S. 1645. An act for reimbursement of W. H. Talbert;

S. 1769. An act for the relief of the legal representative of the estate of Haller Nutt, deceased;

S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders;

S. 1981. An act for the relief of the owner of Dry Dock No. 6;

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2076. An act authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.;

S. 2336. An act for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2673. An act for the relief of James E. Trussell;

S. 2738. An act for the relief of C. R. Olberg;

S. 2788. An act for the relief of Charlie McDonald;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;

S. 3794. An act for the relief of R. E. Hansen;

S. 3919. An act awarding a gold medal to Lincoln Ellsworth;

S. 3931. An act for the relief of Augusta Cornog;

S. 3942. An act for the relief of Maj. Charles F. Eddy;

S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana;

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;

S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922;

S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation in Arizona, and for other purposes;

S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama;

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;

S. J. Res. 5. Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States;

S. J. Res. 130. Joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest;

S. J. Res. 155. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Jose J. Jimenez, a citizen of Venezuela;

S. J. Res. 161. Joint resolution authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; and

S. J. Res. 164. Joint resolution to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session, the doors were reopened.

APPRECIATION OF THE VICE PRESIDENT

Mr. JOHNSON. Mr. President, I ask unanimous consent to express to the Vice President who occupies the chair the appreciation and the graditude of every Senator upon this floor for his fairness, his impartiality, his ability, and his courage. [Applause on the floor and in the galleries, Senators rising in their places and applauding.]

ADJOURNMENT SINE DIE

The VICE PRESIDENT. The hour of 5.30 having arrived, the Chair, under the concurrent resolution of the two Houses, declares the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate May 29 (legislative day of May 28) 1928

UNITED STATES ATTORNEYS

Oliver M. Loomis, of Indiana, to be United States attorney, northern district of Indiana, vice George L. Rulison, appointed by court.

Everett Greer, of Tennessee, to be United States attorney, eastern district of Tennessee, vice George C. Taylor, appointed district judge.

UNITED STATES MARSHAL

Frank E. Roselle, of Indiana, to be United States marshal, northern district of Indiana, vice Lewis C. Sheets, appointed by court.

POSTMASTERS

ARKANSAS

Mamie L. Glasco to be postmaster at Bigelow, Ark., in place of W. E. Glasco, resigned.

ARIZONA

Charles E. Hand to be postmaster at Winkelman, Ariz., in place of C. E. Hand. Incumbent's commission expired May 17, 1928.

James A. Metzger to be postmaster at Grand Canyon, Ariz., in place of J. E. Kintner, resigned.

Charles C. Rockwell to be postmaster at Gila Bend, Ariz., in place of E. M. McIntyre, resigned.

CALIFORNIA

Chauncey P. Wright to be postmaster at San Pedro, Calif., in place of C. P. Wright. Incumbent's commission expires June 5, 1928.

Elvira J. Brown to be postmaster at Denair, Calif., in place of H. B. Brown, deceased.

Clarence G. Carratt to be postmaster at Templeton, Calif., in place of D. L. Crawford, resigned.

COLORADO

Edwin C. Van Fradenburg to be postmaster at Manassa, Colo., in place of D. E. Daniels. Incumbent's commission expired December 18, 1927.

ILLINOIS

Thomas L. Conn to be postmaster at Lovington, Ill., in place of Nathan Williams. Incumbent's commission expired January 28, 1928.

Edwin C. O'Brien to be postmaster at Barry, Ill., in place of E. C. O'Brien. Incumbent's commission expired May 20, 1928.

INDIANA

Guy H. Walker to be postmaster at Rockport, Ind., in place of G. H. Walker. Incumbent's commission expired January 3, 1928.

IOWA

Albert L. Mensing to be postmaster at Lowden, Iowa, in place of L. H. Meier, removed.

Clara K. Todd to be postmaster at Moville, Iowa, in place of L. K. Bush, resigned.

KANSAS

Floyd W. Sellers to be postmaster at Towanda, Kans., in place of E. R. Bell. Incumbent's commission expired May 5, 1928.

KENTUCKY

Susie H. Curran to be postmaster at Bedford, Ky., in place of C. A. Bell. Incumbent's commission expired December 20, 1920.

Henry O. Hausgen to be postmaster at Anchorage, Ky., in place of H. O. Hausgen. Incumbent's commission expires June 6, 1928.

LOUISIANA

Mildred P. Prescott to be postmaster at Lutcher, La., in place of M. P. Prescott. Incumbent's commission expires May 29, 1928.

Esther E. Harlan to be postmaster at Swartz, La., in place of E. E. Harlan. Incumbent's commission expires June 5, 1928.

MASSACHUSETTS

Earle O. Meuse to be postmaster at Gilbertville, Mass., in place of J. E. Sullivan. Incumbent's commission expired May 20, 1928.

Annie K. Adams to be postmaster at Onset, Mass., in place of C. W. Adams, deceased.

MINNESOTA

Elizabeth K. Ries to be postmaster at Shakopee, Minn., in place of P. J. Schwartz. Incumbent's commission expired December 19, 1927.

MISSISSIPPI

Lamar Herrin to be postmaster at Moss Point, Miss., in place of D. G. Wiggins. Incumbent's commission expired January 10, 1928.

NEW HAMPSHIRE

Ruth C. Gordon to be postmaster at Canaan, N. H., in place of E. M. Allen, deceased.

NEW JERSEY

Julia A. Beer to be postmaster at Beachhaven, N. J., in place of A. P. King, resigned.

NEW YORK

Ethel M. Bluestone to be postmaster at Canaseraga, N. Y., in place of Adolph Bluestone. Incumbent's commission expired January 8, 1928.

Harry J. Thorp to be postmaster at North Syracuse, N. Y., in place of Ernest Goodwin, resigned.

NORTH CAROLINA

Paul J. Robinson to be postmaster at Roanoke Rapids, N. C., in place of W. S. Saunders, removed.

NORTH DAKOTA

Arthur T. Graf to be postmaster at Streeter, N. Dak., in place of M. M. Matheis. Incumbent's commission expired December 19, 1927.

PENNSYLVANIA

Hiram G. Johnson to be postmaster at Oil City, Pa., in place of H. G. Johnson. Incumbent's commission expired February 13, 1928.

David E. Trone to be postmaster at Clarendon, Pa., in place of C. L. McNett, removed.

Thomas L. Lebo to be postmaster at New Bloomfield, Pa., in place of W. C. Lebo, removed.

SOUTH CAROLINA

Thomas E. Howard to be postmaster at Anderson, S. C., in place of J. R. Cochran., jr., deceased.

UTAH

John O. Anderson to be postmaster at Salina, Utah, in place of J. O. Anderson. Incumbent's commission expires June 6, 1928.

WEST VIRGINIA

Charles Ash to be postmaster at Glen Jean, W. Va., in place of John Brash, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 29 (legislative day of May 28), 1928

UNITED STATES DISTRICT JUDGE

William B. Lymer, for the district of Hawaii.

UNITED STATES ATTORNEYS

John L. Gay to be United States attorney, district of Porto Rico.

Oliver M. Loomis to be United States attorney, northern district of Indiana.

Everett Greer to be United States attorney, eastern district of Tennessee.

Anthony Savage to be United States attorney, western district of Washington.

UNITED STATES MARSHALS

Frank E. Rozelle to be United States marshal, northern district of Indiana.

Arthur Rogers to be United States marshal, western district of Tennessee.

PROMOTIONS IN THE NAVY

To be commanders

Francis W. Scanland.
Franklin Van Valkenburgh.
Raleigh C. Williams.
Thalbert N. Alford.
Henry G. Cooper, jr.
Eugene M. Woodson.
James S. Spore.
Mark C. Bowman.
Percy T. Wright.
Jesse B. Oldendorf.
Ernest L. Gunther.
Augustine W. Rieger.

To be lieutenant commander

Ralph U. Hyde.

To be lieutenant

Dallas Grover, jr.

To be lieutenant (junior grade)

Paul S. Crandall.

POSTMASTERS

ALABAMA

Irene K. Petty, Irondale.
Samuel J. Tucker, Springville.
Bettie T. Forster, Thomasville.

ARIZONA

Blaine W. Hugo, Clarkdale.
Charles C. Rockwell, Gila Bend.
James A. Metzger, Grand Canyon.
Charles E. Hand, Winkelman.

ARKANSAS

George W. Stanfield, Corning.
Douglas O. Dover, Cove.

CALIFORNIA

Thurlow T. Workman, Bloomington.
Elvira J. Brown, Denair.
Charles F. W. Rapp, La Mesa.
Clarence G. Carratt, Templeton.
Chauncey P. Wright, San Pedro.

COLORADO

Edwin C. Van Fradenburg, Manassa.

CONNECTICUT

Judson B. Griswold, Ivoryton.
Harry W. Walker, Simsbury.

FLORIDA

John B. Carlin, St. Cloud.

ILLINOIS

Sherman Dorand, Ashland.
S. Elmer Simpson, Carrollton.
Joseph H. Laws, Eureka.
George F. Batty, Greenfield.
Samuel T. Little, Hillsboro.
Thomas L. Conn, Lovington.
Edwin C. O'Brien, Barry.

INDIANA

Guy H. Walker, Rockport.

IOWA

Albert L. Mensing, Lowden.
Clara K. Todd, Moville.

KANSAS

George W. Gerardy, Hanover.
Floy W. Sellers, Towanda.

KENTUCKY

Susie H. Curran, Bedford.
Frank W. Rice, Wilmore.
Henry O. Hausgen, Anchorage.

LOUISIANA

Mildred P. Prescott, Lutcher.
Chester C. Heinemann, Rayville.
Esther E. Harlan, Swartz.

MASSACHUSETTS

Annie K. Adams, Onset.
Earle O. Meuse, Gilbertville.

MICHIGAN

Estella R. Newcomb, Le Roy.

MINNESOTA

Elizabeth K. Ries, Shakopee.

MISSISSIPPI

David J. Crawford, Durant.
Robert O. Norris, Moorhead.
Lamar Herrin, Moss Point.

NEBRASKA

Trevelyan E. Gillaspie, Lincoln.
Leo E. Kraft, Unadilla.

NEW HAMPSHIRE

Ruth C. Gordon, Cannan.
Mina Ouillette, Cascade.

NEW JERSEY

Julia A. Beer, Beachhaven.

NEW YORK

Harry J. Thorp, North Syracuse.
Ethel M. Bluestone, Canaserarga.

NORTH CAROLINA

Paul J. Robinson, Roanoke Rapids.

NORTH DAKOTA

Arthur T. Graf, Streeter.

OHIO

Strawder W. McNeill, Frankfort.
Oscar W. Priddy, Van Wert.

OKLAHOMA

Charles W. Holly, Catoosa.

OREGON

James B. Kirk, The Dalles.

PENNSYLVANIA

Arthur E. Shannon, Beaverdale.
Edward L. Beechey, Clymer.
Judson G. Young, Falls Creek.
William C. James, Mahanoy City.
Stanley L. Campbell, New Albany.
Hiram G. Johnson, Oil City.
Glen H. Roberts, South Montrose.
Cornelius L. Corson, Willow Grove.
M. Grace Gingery, Woodland.
David E. Trone, Clarendon.
Thomas L. Lebo, New Bloomfield.

SOUTH CAROLINA

Thomas E. Howard, Anderson.
James H. McCord, Hodges.

SOUTH DAKOTA

Peder A. H. Hagen, Revillo.

TEXAS

Gilbert McGloin, Corpus Christi.

UTAH

John O. Anderson, Salina.

VERMONT

George E. King, Barton.
Cecile M. Beaton, South Ryegate.

VIRGINIA

Cearles E. Virts, Lovettsville.

WASHINGTON

Julia Enger, Toledo.

WEST VIRGINIA

Charles Ash, Glen Jean.

WISCONSIN

John C. Chapple, Ashland.

WYOMING

Elizabeth Murphy, Edgerton.
Neletta P. Howard, Manville.

REJECTION

Executive nomination rejected by the Senate May 29 (legislative day of May 28), 1928

DISTRICT JUDGE

Edgar J. Adams to be district judge, division No. 1, District of Alaska.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 29, 1928*

(Legislative day of Monday, May 28, 1928)

The recess having expired at 12 o'clock noon, the House was called to order by the Speaker.

THE OZARKS OF MISSOURI

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the State of Missouri.

The SPEAKER. Without objection, it is so ordered.

Mr. COCHRAN of Missouri. Mr. Speaker, in the district in St. Louis which I have the honor to represent in this great body, the giant smokestacks of industry cast their shadows over office buildings and the homes of men and women who grind out daily the products of a great commercial city.

Business, labor, and those who take part in both sides of that economic feature in American life are matters of great interest to my district and to me.

But now I would like to call the attention of this House to a great stretch of rolling ranges and green-clad hills; to precipices and rock-covered slopes; to clear streams and gurgling rapids; to a great open space that lies just south and southwest of me in what is known as the region of the Ozarks.

I believe that this picturesque spot is one of America's greatest outdoor playgrounds, and I do not know whether Congress has ever really appreciated the beauty and the value of this magnificent area.

I know the Ozarks. My vacations since boyhood have been spent on the banks of its rivers or in the forests of its mountain sides, and I feel that I shall have contributed something in the way of information, that may lead to proper congressional recognition of this section in some future day, if I take the time to tell you of these wonderful hills.

Of course, to-day, buffalo grazing on wide plains has been chased from the Ozark region, and the deer and the elk have been hounded into narrow strips. But, with the exception of these two facts, all that has been written of the Ozarks for the past 100 years stands as true to-day as when written, and no eloquence now could in any way improve upon the magnificent tributes that have already been paid to this section of my State.

Any history of this Nation would be incomplete without a chapter devoted to the Ozarks. Every history that has been written has something in it concerning this wonderful region. Romances have been built around its rugged, picturesque characters and many a setting in fiction has been suggested or inspired by Ozark hills and valleys. It has played its part in every step of the evolution or development in American life.

I need not stop here to recount the history of those stirring episodes of the Civil War that took place in these hills. They have been adequately treated by able men in undying literature.

What I particularly desire to call to the attention of the House to-day is the peculiar adaptability of this wonderful area as an outdoor playground for all America, North, South, East, and West.

For many years it was difficult to reach the Ozarks; towns were small, the population sparse, and travel difficult. The great railroad trunk lines running to the south and to the west took the easiest course through these picturesque mountains, and their stations were for many years little better than water-tanks and cattle sheds.

But a few years back the Ozarks awakened to a realization of their own possibilities.

Here and there at the foot of great mountains or in the centers of plains cities have arisen and an industrial population is making new history in this area; always, however, with an eye to the preservation of the natural beauty of the Ozarks and looking forward always to the recognition by America of its wonderful playground facilities.

To-day great white-ribbon highways reach into this area from the industrial centers of St. Louis, Kansas City, Chicago, Indianapolis, Louisville, Cincinnati, Memphis, Dallas, Topeka, Oklahoma City, Joplin, and a number of other commercial centers.

Come out to Missouri now and I will show you a stream of cars chugging along into this great open space, and all during the coming summer the great industrial centers will pour their vacation population into the magnificence of this area.

Paved roads lead right to the heart of this country and graveled roads into its nooks and its picturesque spots, and the great trunk-line railroads no longer pass all this magnificence; excursion trains run with regular schedule and excellent accom-

modations to points which make the fish, the banks, and the hunting grounds easily accessible.

I desire to make clear that while all this modern equipment and all these modern facilities have been provided, not a single step has been taken without keeping in mind the beauty and magnificence of the natural advantages of the Ozarks. The roads have not spoiled but enhanced the beauty; and back of these roads, in the fields and forests or along the streams where nature can be really enjoyed, the hand of civilization and progress has not annihilated her or her beauties.

No section of America offers such remarkable opportunities for great national parks than the Ozarks of Missouri and northern Arkansas. There they lie in the center of the Nation waiting to be set aside for the benefit of the Nation's people. Local communities have made them accessible; nature has made them marvelous. All that is required to preserve them for the future in the interest of a people who love the real outdoors is some congressional recognition of the facts as they exist.

I am not blind to the economic possibilities of the Ozark country in its natural resources, its mines, its fertility, its opportunities for great power developments and various other projects. Undoubtedly there are large opportunities for men of genius, or with ambition, who may go into this country to-day with little, with every certainty of making money.

What I am particularly interested in, however, is calling the attention of Congress to the fact that while these economic conditions still remain true, the natural beauty and possibilities of this section has not yet received proper Federal recognition.

You who have not had the pleasure of tramping its hills or fishing its banks are naturally lacking in the enthusiasm that comes to one who spends his vacation days in that wonderful area. Down there among those wonderful old trees, by those clear waters, you will find men from the North, men from the South, whose pioneer fathers and mothers left them there to make this country great; and you will find new pioneers from the South and from the North moving in to love their new homes better than their own.

After the Louisiana Purchase, when the region west of the Mississippi became the property of the United States, Americans flocked in thousands to the Ozark country of south Missouri. You will find their descendants living there to-day, boasting of their country, of its beauty, and of its possibilities.

Pioneers arrived in the Ozarks by canoes up the White River, and incidentally you can take a trip up the White River to-day and the scenery that will greet you has hardly been changed from the scenery that greeted John Carter, of Virginia, who was one of the earliest settlers to make the trip.

The residents of the Ozarks call it "the Switzerland of America." I have read about the Swiss Alps, and all that they offer in the way of grandeur and picturesque setting. I shall allow something for the enthusiasm of Ozark citizens, but nevertheless I think that very probably the Ozarks may be called the "Switzerland of America," perhaps not so much in its actual similarity to Mont Blanc or St. Moritz or Luzerne, but particularly in the fact that its rugged mountains and its beautiful lakes and its wonderful streams and rolling plains lie in the heart of America, just as Switzerland lies in the heart of Europe, accessible from all sides.

It can not be disputed that the Ozark hill country is one of the most interesting and picturesque sections in the world. Area for area no region in the world contains the amount of natures masterpieces. The western country with its massive peaks, deep canyons of hewn rock, and other interests which after a few days become tiring and upon close examination show bleak rock and waste, inhospitible and beautiful only when viewed from a distance, then they are widely separated and oftentimes a thousand miles of roadway must be driven through a bleak and semidesolate country before another worthwhile section is reached.

Unlike this vast sector the Ozarks are hospitable and contain charm that is appreciated only upon close examination afforded by a lengthier sojourn. Instead of massive bleakness one finds streams winding picturesquely through deeply cut but heavily foliaged valleys, fragrant with the scent of wild flowers and pine. Bird life is abundant and as one visits one valley and on to the next the same hospitality greets the eye, its sameness and monotony is broken by many distinguishing works of nature.

The Ozark country contains many large springs; in fact, some of the largest, if not the largest springs in the world will be found here. Scarcely a county in the hills is without its large springs and innumerable smaller ones. There are over 30 measured springs whose flow exceeds 1,000,000 gallons per day.

Let me endeavor to picture probably the largest spring in the State, if not in the world. Situated in Oregon County not many miles from the Arkansas line will be found Greer Spring. It is 25 miles from a railroad but on an excellent road. Flowing from a cave in the hills its waters rush onward for about one quarter of a mile, where it is joined by a boiling spring. The spring branch is about one and one-quarter miles long and its cold waters empty into the Eleven Points River, a wonderful fishing stream. At no place is it over 500 feet wide, if that wide. Out of this spring comes a sufficient amount of water to provide every man, woman, and child in the United States with from 3½ to 4 gallons daily. Just picture a spring flowing nearly 500,000,000 gallons of water every 24 hours. This spring and 3,200 acres of ground surrounding it are owned by a sportsman, Louis E. Dennig, president of the Independent Packing Co. of St. Louis. So long as the public does not destroy he welcomes visitors. He keeps watchmen on the ground to see that the virgin timber is not disturbed. His answer to the power companies—the spring having a fall of 85 feet in its 1¼ miles—and to prospectors who desire to purchase this wonderful property is always the same: "My price is beyond your ability to pay."

I have visited this place and caught trout weighing 3 pounds, of the beautiful rainbow variety, and have seen them taken weighing 5 and 6 pounds.

About 12 years ago through the Director of the Bureau of Fisheries I had several thousand rainbow trout sent to this spring from the Government hatchery at Neosho. Every year thereafter until four years ago the spring was stocked by the Government. Four years ago Mr. Dennig installed his own hatchery, and now he raises from 50,000 to 75,000 trout annually and when they have reached the proper size places them in the spring. He has an excellent feeding system in connection with his hatchery and employs natives to look after the feeding, while he sends the food by parcel post from St. Louis daily.

The Big Spring, located in the Big Spring State Park, a few miles from Van Buren in Carter County of southeastern Missouri, is perhaps the next largest in the State. Its measured average flow per day is approximately 300,000,000 gallons. The Meramec Springs near St. James, the Alley Springs in Alley Springs State Park, Round Springs in Round Spring State Park, Blue Spring, Bennett Spring, and many others have a flow of many million gallons per day. In addition to these large artesians the country is fairly covered with smaller ones. Scarcely a farm is without one. Aside from the natural beauty these springs are used for other purposes. The crystal clear mineral water is cold and affords excellent sites for fish hatcheries that propagate the prized rainbow trout. The trout are easily raised and breed in the runways, and, consequently, many of the spring-fed creeks and streams are well stocked with this gamy fish.

Twelve State parks are found within the boundaries of Missouri, where you will always find the gates wide open and the sign of welcome greeting you on arrival. Recently in an article published in the Game and Fish News by the State game and fish department the following appeared:

> Our parks, which number 12, comprise one of the best park systems of the United States. National authorities on the subject of State parks expressed surprise at the number and quality of the parks acquired by Missouri in so short a time. This was the expressed conviction of Raymond H. Torrey, field secretary of the National Conference on State Parks, after a recent inspection of our system, made in company with chief of parks, C. D. Monteith, of the Missouri game and fish department.
>
> Their selection was made with due regard to recreational possibilities and the propagation of wild life, while at least two of them were acquired by the department because of their historical coloring—Mark Twain State Park, at Florida, and Arrow Rock State Park, at Arrow Rock, originally New Philadelphia.

Our State parks are Bennett Springs State Park, Big Spring State Park, Mark Twain State Park, Montauk State Park, Indian Trail State Park, Deer Run State Park, Sam A. Baker State Park, Arrow Rock State Park, Alley Springs State Park, Sequiota State Park and Hatchery, Round Spring State Park, and Franklin County State Park. We also have the Chesapeake State hatchery, and under a recent law passed by our State we are inaugurating an auxiliary game-refuge system throughout Missouri. These auxiliary game refuges will be open to the public, no private game refuges being established. The money to support the parks, hatcheries, and game refuges is paid into the State Treasury by the fishermen and hunters in the form of a small license. All such funds collected go for this purpose.

When the State selected the Franklin County site, on which I had hunted game and taken bass for years, it was suggested to the game and fish commissioner to call it the Daniel Boone State Park because Boone had spent many years in this vicinity

and had actually had a hut on the site at one time. This park is 65 miles from St. Louis on a new concrete road.

The Arcadia Valley, with its beautiful "shut-ins" and other natural wonderments, the Shepherd of the Hills country, the Big Spring country, the White River region, the Black River Meramec River, and other portions of the hilly portion of the State possess hundreds of interests that should be perpetuated.

Camping, horseback riding, and, in fact, all woodland and water sports and recreations may be enjoyed. Float trips down its many streams are rivaled by none.

The Ozarks also have many caves of great size and depths. The Onadaga Cave, near Leasburg, and the Marvel Cave, in southwestern Missouri, are the two largest. The Marvel Cave rivals the Mammoth Cave of Kentucky in size and depth and is more interesting; and, I might add, safer, as it is a rock cave eroded from a number of different strata of rock, and according to professors the cave is one of the most interesting in the Nation.

In the Onadaga Caverns, 80 miles from St. Louis, you can walk for miles in subterranean passages, riding through darkness over rivers of great depth, through seeming endless stalactites and stalagmites.

The wild sectors of the region are famed for the hunting and fishing they afford as well as an excellent recreation ground. Quail, doves, rabbits, squirrels, coon, possum, and in the wildest unsettled regions deer, wild turkey, and even bear may be found.

The many swiftly flowing creeks, all practically spring fed, and the principal streams—the Meramec, Current, Black, Gasconade, Piney, White, Osage, Eleven Points, and others—afford excellent fishing. Black bass, trout, croppie, wall-eyed pike—commonly known as the Jack salmon—perch, big-mouth bass, and numerous other game fish literally swarm in the waters. The many State fish hatcheries are keeping up the quality of Missouri's fishing.

The Niangua River where among the rocks you find large jack salmon, small-mouth bass, and the beautiful rainbow trout, is especially worthy of mention. The view from a real castle on the hill at Hahatonka, the country for miles around is truly a paradise of natural beauty.

My friends, until you have landed a small-mouth bass or a rainbow trout in a stream in the Ozarks, on light tackle, you will never experience "the thrill that comes once in a lifetime."

My first visit to the Ozarks was in 1895, when I was 15 years of age. Since that time I have never let a year go by that I have not climbed the hills and fished the streams in that wonderful country. All efforts to get me to leave my State for the lakes in the North or the trout streams in the East or West have failed. I have spurned a hundred invitations. When time permits I desire to spend it in this country. Every Saturday and Sunday finds me in the Ozarks, weather permitting, when I am home. In one year, about five years ago, my diary showed that from April 1 to November 1 I traveled 3,200 miles on trains during my week-end trips entirely within the boundaries of Missouri.

You all have your hobbies. I know there are scores who would fight if some one attempted to use your favorite golf clubs. So it is with me if anyone attempts to cast one of my four fly rods. They weigh 4⅛, 5, 5½, and 6 ounces. Three of these rods I have had for 15 years and one for 4 years. I bring them to Washington and back to St. Louis when I return. They are at all times close at hand.

All of the Ozarks are beautiful and so compacted with interest is the country that the motorist may drive southwestward from St. Louis and within a radius of 75 miles from St. Louis drive into the hills on any of the smaller county roads and find nature in the superlative.

I wish I could take the House with me up the Gasconade to its source winding to the hills of the Ozarks.

I wish I could take you out to the Little Piney with its trout, and the Meraines and Current with their bass, or to the Niangua, where the rainbow runs large and is plentiful, and the jack salmon thrive. Or I wish you could stand on the precipices that overlook the great streams of this wonderful country, or ride with me over the placid waters of Lake Taneycomo. I would not again have to call to your attention the great possibilities of the Ozarks. You yourself would see them! You yourself would appreciate them!

But because of my inability to do so, I mention these few facts in the hope that at some future time some one interested in the great outdoors of America may find these few words in the RECORD, suggesting to them a visit to this wonderful country and resulting in some proper Federal recognition of its great possibilities.

We who represent the commercial and industrial sections of Missouri have no reason thus to exploit the Ozarks except a consciousness that if all America could see the Ozarks, some part of that great and wonderful country would be set aside as a national park to be protected for the future of America as a really great playground where future Americans may enjoy all that is magnificent in outdoor nature.

In concluding let me say there is a perfect paved highway from Washington to St. Louis through the Cumberland Valley. Those of you who will soon depart for Kansas City, where you will select your candidate for President, take your family in your automobile, and leave them for a vacation in the Ozarks while my colleagues on this side who will journey to Houston can do likewise, leaving your cars and families with the hospitable people who you will find by the scores in this wonderful country, and after your labors, return and spend a few days in this region yourself. The outdoors afford no recreation possibilities that you will not find in our Ozarks.

The St. Louis Globe-Democrat has formed what is known as the Forty-ninth State Tour Club, has a large staff in charge of Jimmie and Norman Higgs, recognized as specialists in arranging tours. They have not only visited every interesting spot in Missouri but have also toured the United States and Canada and have prepared log books and pamphlets by the score which show the routes and mileages to the various places of interest.

The St. Louis Post-Dispatch, St. Louis Star, St. Louis Times, Kansas City Star, Kansas City Times, Kansas City Journal-Post, as well as Springfield and Joplin papers, likewise welcome an opportunty to serve visitors in quest of information. Their service is at your disposal and the only requirement is the asking. The St. Louis & San Francisco, Missouri Pacific, Iron Mountain, Rock Island, Missouri, Kansas & Texas, Kansas City Southern, and other railroads issue booklets not only telling you of this wonderful country but also advising you how to reach your destination and where hotels and country homes by the hundreds are located where you can stop with your family. The rates charged by the week will hardly equal what it costs to remain at one of the large summer resorts on the coast a day.

In fact, outside of a nonresident fishing license of $3, or a nonresident hunting and fishing license at $10, both state-wide, the Ozarks are as free to you as the air you breathe. If you care to neither fish nor hunt no fees of any kind are asked.

REVENUE BILL, FARM BILL, AND OTHER BILLS OF THE SEVENTIETH CONGRESS

Mr. GARDNER of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks on the legislative business at this session of Congress.

The SPEAKER. The gentleman's own remarks?

Mr. GARDNER of Indiana. My own remarks, and in the discussion of the tax question I ask unanimous consent to quote from the Washington Herald of December 16.

The SPEAKER. Is there objection to the request of the gentleman from Indiana to his extending his remarks in the manner indicated?

There was no objection.

Mr. GARDNER of Indiana. Mr. Speaker, I desire to speak briefly on some of the important legislation considered at this session of Congress in which I was deeply interested, and in which I think the public is interested.

REVENUE BILL

One of the bills in which every one is interested is the revenue bill. My way of thinking about taxation, in any form, is that it should be the purpose of those framing the laws of taxation to so frame such laws as will equalize the burden as nearly as possible, and place that burden on the taxpayer in proportion to his ability to bear such burden, and with as little injury to his business as can possibly be done. I would like to see the burden of taxation placed in such a way that it will do as little injury as possible to legitimate business. I am glad to see the reductions in taxation in the bill passed at this session of Congress made. And I am for reducing the taxes as much as can be done and still defray the necessary expenditures of the Government, economically administered, and reduce the war debt at a reasonable rate.

It is the great middle class of people who are the bone and sinew of this Nation, and it is that class who do more for the Nation's prosperity than any other class of people. And this class of small taxpayers are in need of, and are entitled to, consideration, the same as the larger taxpayer, and I feel that it is mainly due to the efforts of the Democratic Members of Congress, with the aid of liberal Republicans, that the average taxpayer's interests have been protected and his taxes reduced, as has been done in the tax bill passed at this session of Congress and now a law. And in support of this contention I am

quoting from an article published in the Washington Herald of December 16, 1927, just after the House passed the revenue bill, as follows:

MELLON LIMIT IS CAST ASIDE AS DEMOCRATS WIN, 366 TO 24—REPUBLICANS BEATEN IN ALL EFFORTS TO PREVENT TOTAL EXCEEDING $225,000,000—AUTO TAX IS ABOLISHED—CONSOLIDATED TAX RETURNS BY AFFILIATED COMPANIES ALSO ARE DONE AWAY WITH

By Arthur Hathten, Universal Service

After a savage battle, in which the Democrats won every victory, the House last night passed the new revenue bill, affording tax reduction totaling approximately $290,000,000. The vote was 366 to 24.

The Republicans made an unsuccessful last-minute attempt to refer the measure back to the Ways and Means Committee with the hope of bringing the total tax cut back near the $225,000,000 recommended by Secretary Mellon and backed by President Coolidge. The vote was 93 to 301.

EVERY MOVE BALKED

The Republicans also tried in vain to rescind the repeal of the war-time excise tax on automobiles, the abolition of consolidated tax returns by affiliated corporations, and the provision of a graduated tax on corporations having a net income up to $15,000.

The Democratic line held solidly against all attacks. Augmented by a sufficient number of Republicans, the Democrats mustered 212 votes for a graduated tax on small corporations to 181 against the proposition.

GARNER, Democrat, of Texas, offered the amendment which provides for a tax of 5 per cent on corporations' incomes up to $7,000; 7 per cent on incomes between $7,000 and $12,000; and 9 per cent on incomes between $12,000 and $15,000. Incomes above $15,000 would call for an 11½ per cent tax. This affords $24,000,000 relief for the corporations.

GARNER'S amendment, abolishing consolidated tax returns of affiliated corporations, also was approved in a roll call, 210 to 107.

MUST FILE SEPARATE

As a result, corporations having subsidiaries in which they own 95 per cent or more of stock are required to file separate returns for each affiliated company.

While some of the provisions of the tax bill as it passed the House were modified before its final passage, yet many of the provisions above mentioned were retained in substance as inserted by the Democratic Members, one of which was the elimination of the automobile tax, a war-time measure, thus saving the automobile users $66,000,000. The graduated income tax, giving relief to the smaller corporations, passed by the House, was eliminated by the Senate, but the tax on all corporations was reduced from 13½ cents to 12 cents on the final passage of the bill. The estate tax, I think, was rightly retained in the bill. This tax affects no estate under $100,000, and practically no tax is paid on an estate of less than $500,000.

I feel that the tax reduction bill as passed is an improvement over the bill as was proposed by the Coolidge-Mellon plan and submitted to the House for passage. And I feel that the benefit that will be derived from this bill by the smaller taxpayer is largely due to the efforts of Hon. JOHN GARNER, of the Ways and Means Committee, and his Democratic supporters.

FARM RELIEF BILL

Everyone admits that the agricultural industry is not on a parity with other industries of the country. There is no question but what the farming industry is entitled to relief in some form. Legislative relief has been given to the railroads by permitting the railroads to charge rates sufficient to make a reasonable profit. The manufacturer has been given legislative relief by a high-protective tariff, in many instances at an unreasonable rate, not as a revenue measure but to create a barrier against foreign merchandise. Then why should the farmer be discriminated against as to legislative relief? The McNary-Haugen bill was designed to lift the price of agricultural products to the level of manufactured products. I have been for and voted for the McNary-Haugen bill three times. The first bill failed to pass Congress. Twice the President has vetoed the bill. I feel that this administration must assume the responsibility for not enacting some law that would be helpful to the farmer. The last national Republican platform pledged itself for legislation for the relief of the farmer. I am willing for the farmers to decide whether or not that party fulfilled its promise in giving legislation for their relief. If the President and his administration were not satisfied with the farm relief proposed, it was the duty of that administration to propose some legislation that would be helpful to the farmer and fulfill its promise.

The bill should have been enacted into law, and if it did not work properly then it could be modified or repealed. In my judgment it would be helpful to the farmer, and bring the necessary relief to him, to lower the excessive tariff rates on what he has to buy; lower the freight rates on farm products, and open up trade relations with foreign countries, thereby disposing of the surplus farm products. This could be done without creating a lot of additional machinery and highly paid officers to administer the law. It is a matter of equalizing the various industries, but as everyone knows a remedy of this kind can not be had under this administration.

FLOOD CONTROL

Another important piece of legislation passed at this session of Congress was the flood-control bill. I feel that this is one of the important pieces of legislation of this session of Congress. While it will take years to accomplish the work proposed, yet I feel that a start in the right direction has been made by this legislation, and I am hoping that the plan proposed will be workable, and as soon as the work is completed I am hoping that we will not see a recurrence of the disastrous flood of 1927, which caused the loss of much property and many lives.

MUSCLE SHOALS

As everyone knows we secured Muscle Shoals in war time and have invested in that project probably $150,000,000. This matter has been before Congress for many years and was entitled to be disposed of. As a general proposition I am opposed to the Government going into business in competition with private industry, but we are already in the business at Muscle Shoals, and the bill as it passed the House eliminates the making of the finished fertilizer but produces nitrates in a form that may be sold to the farmers or to the fertilizer concerns. It should reduce the price of fertilizer to the farmers and eliminate the necessity of importing nitrates from Chili and other foreign countries by the fertilizer manufacturers. In addition, under this bill, power can be furnished to the surrounding country and should be helpful to that section of the country in that way and the plant kept in readiness for use in case of war. This bill passed both branches of Congress, but as Congress adjourns the bill has not been signed by the President.

THE BOULDER DAM PROJECT

The Boulder Dam project as passed by the House should be helpful in the way of preventing floods on the Colorado River, furnish water to irrigate the lands of the Imperial Valley, furnish power to that section of the country, and furnish a water supply to many western cities. This bill has not passed the Senate.

THE GEORGE ROGERS CLARK MEMORIAL

One of the bills passed by this session of Congress, and is now a law, that should be interesting to the people of any State is the bill authorizing the appropriation of $1,000,000 to aid in the construction of the George Rogers Clark Memorial. All Members of the House and the Senators of the Indiana delegation were deeply interested and did what they could for the passage of this bill. We are thankful for this appropriation that will give a memorial to a great man and his wonderful accomplishments, and we appreciate the fact that this memorial is to be erected on Indiana soil.

THE ROAD BILL

The passage of the bill continuing Federal aid to the States was one of great importance to the country. I know of no one thing that has done more for the benefit and improvement of this country than has the construction of good roads. It has brought the farmer closer to the markets, and has been the means of developing many sections of the country that were practically inaccessible before good roads were built through those sections. In addition to contributing to the national wealth, I know of no appropriation that has done so much to improve conditions and bring about enlightenment as has the system of extending Federal aid to the States for road improvement. And as a member of the Committee on Roads I am in favor of a continuation of the further extension of Federal aid to the States for the construction and improvement of roads.

OTHER BILLS

There were many other important measures considered, which I can not discuss in these brief remarks. Among them was the bill granting increases of wages to Federal employees. By the passage of this bill approximately 150,000 Federal employees have been materially benefited. The passage of the bill increasing the pay of the fourth-class postmasters, giving them an allowance for rent, fixtures, fuel, and so forth, and the night differential pay bill were secured for the benefit of Government employees by passing these bills over the President's veto. The passage by the House of the bill in regard to prison-made goods was a helpful piece of legislation to a number of industries in my district and to a number of persons who are employees in

those industries. I regret that this bill failed to pass the Senate. A bill has been passed to increase the pensions of Civil War widows from $30 to $40 after the widow has arrived at the age of 75 years. There are few of these widows left, and practically all, by reason of their age, are incapacitated from earning a livelihood. I introduced a bill to increase these pensions to $50, but those in charge of the legislation were unwilling to increase these pensions above $40. In addition to the passage of this law, I have been able at this session of Congress to secure the passage of several private pension bills that brought relief to helpless and dependent sons and daughters of Civil War veterans, and to grant pensions to Civil War widows who were unable to secure a pension under the general law. Other helpful legislation was the liberalization of the World War veteran laws. The immigration laws were slightly modified in order to give preference to some deserving cases, but the Congress still goes on record, as it should do, as favoring a restrictive immigration law.

I have commented briefly on some of the bills considered in this Congress in which I was interested, on which my vote was for the bill, and I am glad to call the attention of the people to the consideration of these legislative measures and to my views on the same.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 433. An act for the relief of Harry C. Bradley;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act;

S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes; and

S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 22

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized and directed to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5.30 o'clock p. m.

MY RECORD IN CONGRESS—A MESSAGE TO THE VOTERS OF THE SECOND CONGRESSIONAL DISTRICT OF KENTUCKY

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House, the voters of the second congressional district of Kentucky will vote on the 6th day of the coming November not only for President and Vice President but for a Member of Congress to further represent them.

Under our form of government the American people do not have the opportunity of voting but for a very few Federal officers. There are to-day in this country over 500,000 Federal officers, and yet only 533 of this number are elected by the people. They vote only for a President, Vice President, 96 Senators, and 435 Members of Congress. The rest of this vast army of Federal officers are appointed and are not responsible to the people for their conduct in office; so each voter in America only votes for five Federal officers—President, Vice President, two United States Senators, and a Member of Congress. Therefore, when either or all of these officers are to be elected it is highly important that all the voters go to the polls and cast their votes for the candidates of their choice. The right to vote is the greatest privilege that any American citizen enjoys, and unless the intelligent citizenship of the country exercises this right of suffrage there can be no hope of having competent and responsible people in office.

For the information of the splendid people of the second congressional district, whom I have had the honor to represent in Congress for the past 14 years, and who have been so loyal to me, I feel that I should make an epitomized statement of the record I have made during that time in this great body.

Five minutes after I first took the oath of office as a Member of Congress from that great district, on the first Monday in December, 1915, I introduced in the House of Representatives a good roads bill providing for Federal aid to assist the various States of the Union in building splendid highways throughout the United States, and I am proud to say that I aided very materially in the passage of a similar bill through Congress and it has been a law since 1916. Congress every year since that time has appropriated from sixty-five to seventy-five million dollars to the States of the Union to assist in building highways, which mean so much to the American people. Under this law Congress has expended on roads in the State of Kentucky over $20,000,000. The first speech I made in Congress was in behalf of this bill.

I think this is perhaps the most important bill that has been passed by Congress in this generation, and I say with pardonable pride that I am glad I had a part in it. Kentucky has been receiving her proportion of these appropriations and she is gradually building a system of fine roads, and I am glad that the enthusiasm in Kentucky for good roads is greater to-day than it has ever been.

FEDERAL FARM LOAN ACT

The next speech I made in Congress was in behalf of the Federal farm loan bill, which established 12 farm loan land banks throughout the United States, and thereby made it possible for the farmers of the Nation to borrow money from the Government at from 5 to 5½ per cent interest. Before the enactment of this law the farmers were compelled to borrow money from their local banks on three months' time, and in many instances had to pay from 9 to 10 per cent interest. Kentucky has at Louisville one of these farm loan banks. Had it not been for these banks there would have been additional thousands of farmers who would have lost their homes during the critical financial depression through which the agricultural interests of this country have gone in the last seven years.

JEFFERSON DAVIS'S BIRTHDAY

The next speech I made in Congress was on the 3d of June, 1916, which was the anniversary of the birth of Jefferson Davis. I am proud to say that I was the first Member of Congress who ever delivered a speech in the Congress of the United States on his birthday. This speech was carried by the Associated Press and was printed in full in the Confederate Veteran.

WOMAN'S SUFFRAGE

I also voted for the nineteenth amendment to the Federal Constitution, giving the women of the United States equal right of suffrage.

SOLDIERS' LEGISLATION

During the World War, in July, 1918, after Congress adjourned, I went to the battle fronts of Europe at my own expense, knowing that by so doing I would have a more intimate knowledge of the needs of our boys over there who were baring their breasts to the bayonets in order that civilization might endure not only in this country but in every civilized nation of the world. Shortly after I returned, and on September 11, 1918, I introduced a bill to erect a soldiers' hospital at Dawson Springs, Ky., and worked on that bill day and night until the 3d of March, 1919, when the bill became a law by the signature of President Wilson. I am proud to say that this great hospital, which cost $2,250,000, has long since been built, and hundreds of ex-service boys who lost their health in the defense of their country have received and are receiving treatment there. It is one of, if not the finest soldiers' hospitals in the United States. I view this as the crowning accomplishment of my service in Congress.

I voted for the soldiers' bonus and for the soldiers' compensation act, and have been assisting ex-service boys ever since the armistice was signed in procuring compensation and hospitalization, and it has afforded me much pleasure to do so. As soon as the armistice was signed I wrote a personal letter to every ex-service man who went to war from my district itemizing the gratuities of the Government to which he was entitled and assisted them in procuring these gratuities in every way possible.

I also voted for the increase of pensions to Spanish-American War veterans, and have also procured an increase of pension for many soldiers and widows of soldiers of the Civil War.

I have voted for all legislation that has come before Congress since I have been a Member that I thought would redound to the interest and happiness of the American laboring man, whether he labored on the farm, on the railroad, in the factory, mill, or mine, and I gladly submit my record to the closest scrutiny on all labor legislation.

Space will only permit the mention of but a few of the other laws which I have helped to enact, as follows:

Adamson railroad law.

Restriction of immigration.

Federal water power act, which retains perpetual ownership by the Government for all the people.

Establishment of the Veterans' Bureau, construction of other hospitals, and numerous liberalizing laws for ex-service men.

Establishment of air mail.

Radio control law, which divides the country into zones and seeks to give the people in every zone equal power and wave lengths.

Removal of all tax from automobiles and automobile parts.

Flood control.

Muscle Shoals.

Liberalized farm loans.

Established Board of Mediation to settle labor disputes and prevent strikes.

Antinarcotic laws.

Hoch-Smith resolution to help reduce freight rates on agricultural products.

Deportation of aliens who violate the laws of this country.

Several hundred laws of general interest which I have helped to enact could also be mentioned.

BETTER MAIL SERVICE

I have always felt that the most beneficial and direct service the Federal Government has given the American people is a good mail service both to those who live in cities and those who live in small towns and in the country. I have procured as many, if not more, new rural routes in my district since I have been in Congress as any other Member from Kentucky. I have always felt that the people who live on the farms are as entitled to as good mail service as those who live in the cities. I secured what is called village delivery mail service for the towns of Morganfield, Sturgis, Dawson Springs, Providence, and Earlington, and enlarged the city carrier service in practically every large town in my district. I now feel that my district is getting splendid mail service.

FARM LEGISLATION

I have the honor to be a member of the great Agriculture Committee of Congress and am now the second Democratic member in rank on that committee. Ever since I have been in Congress I have voted against discriminatory legislation of all kinds that I thought would be inimical to the farmers of the Nation. I have also supported all farm legislation that I thought would redound to the happiness and prosperity of the American farmer. This Republican administration passed the Fordney-McCumber tariff bill, placing the highest tariff in the history of the country on manufactured products which the farmers, the laboring men, and other consumers have to pay. Therefore, the American farmer is compelled to buy all the manufactured products he buys in a protected market and must sell all his products in a world market. To-day the American farmer is receiving about pre-war prices for the products he sells, but is compelled to pay higher than war prices for the manufactured products he buys for himself, his family, and his farm. Consequently the agricultural interest of the country is almost bankrupt. I believe in lowering the tariff on a great many of these manufactured products, which would enable the farmer and other consumers to buy them cheaper. This would also increase the purchasing power of the farmer's dollar and would increase the foreign markets for his surplus products. I was born and reared on a farm and I know the hardships of the farmer and the problems he has to deal with, and I shall continue to give sympathetic and active support to all legislation that will give the farmers of the Nation an equal opportunity with the manufacturers.

At this session of the Congress I was fortunate in having a bill passed giving many unselfish men of Henderson, through a corporation they had formed, a permit by Congress to construct a bridge across the Ohio River at Henderson. This bill became a law May 3 last. There were pending at that time both in the House and in the Senate two bills seeking the consent of Congress to the State of Indiana through its highway commission to construct a bridge across the Ohio River at or near Dade Park. My bill and these two bills contemplated paying for the bridge out of its tolls, and, therefore, private capital will have to be relied upon to finance the building of the bridge. The gentlemen at Henderson and I knew that if either of these Indiana bills became a law it would not only muddy the financial waters but would make it almost impossible to induce private capital to invest money in either of these bridges. Therefore I undertook to and did prevent the passage of both bills through the House, and as a result neither one of the Indiana bridge bills became a law. I am sure the people of Henderson County and other adjoining counties, for that matter, are grateful to me for my activities in this matter, and I assure you it gave me pleasure to be of this service.

The voters of Kentucky for the last 25 years have been exercising good judgment in reelecting their Members of Congress as long as they would serve. Age of service in Congress counts as much as, if not more than, anything else. It gives the Member experience, prestige, and influence that he can not otherwise get. It assists him in getting on important committees in the House and in taking a high rank on these committees.

The voters of the first congressional district kept Ollie James in Congress 10 years, and until he was elected to the United States Senate, where he served almost six years before he died, and would have been reelected for another term of six years had he lived. They also kept ALBEN W. BARKLEY in Congress 14 years, until he was elected to the United States Senate, which office he now holds with honor and distinction.

The voters of the second congressional district kept A. O. Stanley in Congress 12 years, and would have kept him longer had he desired to stay, but he was afterwards elected governor for four years and then served a term of six years in the United States Senate.

The voters of the third congressional district kept R. Y. Thomas in Congress for about 18 years, and until his death.

The voters of the fourth congressional district kept Ben Johnson in Congress for 20 years, and until he retired.

The voters of the fifth congressional district kept Swagar Sherley in Congress 16 years.

The voters of the sixth congressional district kept A. B. Rouse in Congress for 16 years, and until he retired.

The voters of the seventh congressional district kept J. Campbell Cantrill in Congress almost 16 years, and until he retired to run for governor.

The voters of the eighth congressional district kept Harvey Helm in Congress almost 14 years, and until he died.

The voters of the ninth congressional district kept William J. Fields in Congress for almost 14 years, and until he was elected governor.

In order to show the importance of keeping men in Congress from the standpoint of committee assignments, let us note the positions the above-named gentlemen occupied on important committees at the time they were either elected to the Senate, retired, or died:

Ollie James and A. O. Stanley: Members of the Ways and Means Committee at the time of their retirement from the House.

ALBEN W. BARKLEY: Ranking Democrat on the Interstate and Foreign Commerce Committee.

R. Y. Thomas, jr.: Ranking Democrat on Judiciary Committee.

Ben Johnson: Member of the Committee on Appropriations for the War Department.

Swagar Sherley: Chairman of Appropriations Committee.

A. B. Rouse: Second Democrat on the Committee on the Post Office and Post Roads.

Campbell Cantrill: Third Democratic member on Committee on Rules and second Democrat on the Committee on Public Buildings and Grounds.

Harvey Helm: Chairman of Committee on the Census.

W. J. Fields: Ranking Democrat on Committee on Military Affairs.

I am the second Democrat on the Committee on Agriculture.

I think you will agree with me that Kentucky has been ably represented in Congress in the past and I am glad to say is ably represented in Congress now, for the sitting Members from Kentucky all have splendid and important committee assignments considering their length of service here.

CONCLUSION

I wish time and space would admit my giving to you a more detailed statement of my record here, for I assure you my record is an open book to all who might care to investigate it, and I take a pardonable pride in this record.

I am a candidate for the Democratic nomination for Congress and the Democratic primary will be held on August 4. I have Democratic opposition, but I have no fear of winning this nomination by an overwhelming majority if my friends will go to the polls on that day and vote for me. It is an important office and a responsible position. It is the duty of all the Democratic voters in this district, both men and women, to go to the polls on that day and cast their ballot for the candidate of their choice. I have given my time and the best talent I have in the discharge of every duty that this great office entails. No citizen of this district has ever called upon me for any favor that I could grant that I did not do it cheerfully. No one has ever written me a letter about any matter that I did not answer it promptly. I appeal to all Democratic voters in the

district who are my friends and who indorse my record in Congress to go to the polls on the 4th day of August and cast their votes for me. I will appreciate it and promise that I will continue to discharge the duties of this great office to the best of my ability and will continue to look after the interests of the congressional district in the future as I have in the past.

THE DUTY OF CONGRESMEN TO THEIR CONSTITUENTS

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a questionnaire which I sent out to my constituents, together with an editorial from the New York Post, and my answer thereto.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD and include an editorial from the New York Post. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the editorial on?

Mr. SIROVICH. On the questionnaire.

There was no objection.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, on October 15, 1927, I sent the following letter and questionnaire to all citizens of the fourteenth congressional district of New York, asking them to give me an expression of opinion regarding the important bills that were likely to come up before the Seventieth Congress.

The letter to the constituency of my district read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., October 15, 1927.

To My Fellow Citizens of the Fourteenth Congressional District:

Under the present system of convening Congress Members do not take their seats until some 13 months have elapsed since their election. Consequently the first opportunity that I shall have officially to represent you will be on December 5, 1927, when the Seventieth Congress convenes.

As your Congressman, I am anxious to be responsive to your wishes, and in my activities as a Member of the House of Representatives to reflect your views on legislation which may be pending. I am, therefore, taking this opportunity, on the eve of the opening session, to determine your opinion on some of the more important matters which will come up for deliberation. These, briefly explained, are listed on the inclosed card which you are respectfully urged to fill out and return to me.

I shall certainly appreciate your interest in answering the inclosed questionnaire, and the expression of your viewpoint will receive due consideration and serve as a valuable guide to me in my official conduct.

My New York and Washington offices are always open to you, and I shall be happy if at any time I can be of service to you.

Very sincerely yours,

WILLIAM IRVING SIROVICH, M. D.

The questionnaire sent out to the voters of my district, the answers to which guided me to a great extent in my deliberations to express the sentiments of my district, were as follows:

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Hon. WILLIAM I. SIROVICH, M. C.,
Fourteenth Congressional District, New York City.

DEAR SIR: Regarding the following legislative measures to be discussed in the coming session of Congress I desire to express my opinion as follows:

For	Against	
☐	☐	1. Norris amendment: Allowing Congress to convene in January following election rather than, as now, 13 months later.
☐	☐	2. Selective immigration law: Allowing the entrance into the United States of the immediate families of aliens, regardless of quotas.
☐	☐	3. Old-age pensions: For the protection of the worker in his declining years; employer and Government would contribute to a joint fund.
☐	☐	4. McNary-Haugen bill: Providing farmers' relief through Government aid.
☐	☐	5. Flood control: Provisions for the minimizing of loss through future floods in the Mississippi Valley.
☐	☐	6. Defense legislation: For the creation of a department of national defense, with three branches—Army, Navy, and aeronautics.
☐	☐	7. St. Lawrence proposal: For the deepening of the St. Lawrence River, thereby permitting the entrance of ocean liners into the Great Lakes.
☐	☐	8. Muscle Shoals and Boulder Dam: Provides for governmental development of the natural resources of these areas.
☐	☐	9. Tariff revision: Downward revision of the present tariff.

Remarks----------
Name ----------
Address ----------

The reason I sent out this letter and questionnaire to all the citizens of the fourteenth congressional district was my firm conviction that a Representative in the Congress of the United States should act as the servant of his constituency instead of being its master.

On November 1, 1927, the New York Evening Post contained the following editorial about this innovation:

Congressman SIROVICH proposes to simplify his work as a Member of the House of Representatives by having his constituents indicate on a post card how he shall vote on the nine principal questions which will come before Congress at the approaching session. This seems to be a poor way for a statesman to make up his mind as to whether a measure is a desirable one or not. Probably not more than 10 per cent of the voters will take the trouble to reply. When his constituents elected him to Congress they expected him to do his own congressional thinking, reserving the right to find fault and punish him if he persisted in acting contrary to their wishes. In a letter accompanying the post cards Doctor SIROVICH practically tells the voters in his district that he hasn't any ideas of his own regarding the most important questions of the day, but that he wants to be on the popular side of all of them, regardless of whether that side is right or wrong. This is bad politics. As a rule, the voters in any district prefer a leader who shows some independence to one who virtually says that he will do anything to keep the job.

In response to this editorial I wrote the following letter to the New York Evening Post, which speaks for itself:

HOUSE OF REPRESENTATIVES,
Washington, D. C., November 7, 1927.

To the EDITOR OF THE NEW YORK EVENING POST,
75 West Street, New York City.

SIR: Editorial comment contained in your issue of the 1st instant has been called to my attention and I beg leave to congratulate you on the degree of frankness with which you approach the advisability of a Member of Congress consulting his constituents by the method of the referendum on matters of prime importance to the Nation and themselves.

It was after considerable hesitancy that I chose to reply to some of the statements contained in the above-mentioned editorial; a hesitancy that was born out of a disinclination to impede the historic function of a great newspaper to subject public men and public questions to fair-minded criticism. Your views, however, as expressed in the editorial reveal such a distinct divergence of fundamental opinion between you and myself, that I felt that a presentation of my views to your readers might not be taken amiss.

Quite possibly, you selected Edmund Burke's statement in his speech at Bristol, that a representative in a parliamentary body should reflect the views not of his constituents but those of himself, as your major premise, and from that, there quickly flowed the conclusion that I must have been in error in submitting some important congressional measures to my constituents for a determination. Such a view would unquestionably be tenable if it did not conflict with the traditional function of an American Member of the House of Representatives as contradistinguished from that of a member of the English House of Commons. Historically, the backgrounds are quite different.

In England a member of the House of Commons represents, theoretically, not the views and emotions of any local constituency but those of the entire nation. A member may therefore be, and frequently is, elected from a section of England, Scotland, and Wales far removed from his place of domicile. This plan has proved to be a very feasible one for the British Isles, which are geographically closely knit and contain a more or less homogeneous population. A Scotch Laborite who is elected to represent the white chapel district of London can therefore be expected to pay no particular heed to the views and needs of his immediate constituency, but can represent the entire English people, and his opinions may be colored only by his adherence to the platform of the Labor Party.

In the United States, however, which had its inception in a union of federated States, each maintaining its own degree of sovereignty, a quite different theory of the duties of a Representative has been evolved. Our country is a large one, our population contains many racial strains, and the economic as well as political views of our people are found to be sharply divergent as we travel from one portion of our wide expanse to another.

In addition thereto our Federal Constitution has provided that a Member of Congress must be an actual resident of the State from which he is elected and must have so resided in that State for a considerable number of years.

Such a Representative was inherently calculated to give expression to the views of various localities and to make the Representative responsive to the will of those particular districts and to the voters therein.

The other Member of our bicameral Legislature, the United States Senate, was wisely designed on a more national scale, being a small compact body of men intended to be given to the expression of strong individualistic views for the good of the Nation as a whole.

By limiting the mode of election of a Member of the House of Representatives we have thereby limited the freedom of his scope and made him a servant of local opinion rather than its master.

It was in keeping with this construction of my duties as a Member of Congress that I instituted the above-mentioned referendum among my constituents. Incidentally, I might state in passing, that when I stood for election in my district last year, despite the fact that the people therein knew me to be a man entertaining strong personal convictions on public questions, I nevertheless promised them in my canvass that if I were elected to Congress, I would consult them by means of a referendum (such as the one I have employed) and also to report to them of my activities after the close of the session of Congress.

I trust that you will be indulgent with me for stating that you seem to beg the question when you contend that "probably no more than 10 per cent of the voters will take the trouble to reply."

Indifference of voters does not bear on the principle involved. As a matter of pure fact, however, the number of replies to my questionnaire has already gone far beyond 10 per cent of the voters of my constituency.

Thanking you for inducing the discussion of so important a public question and assuring you that I shall be grateful to you if you were to give currency to this letter, I beg to remain,

Very truly yours,

WILLIAM IRVING SIROVICH, M. D.,
Member of Congress,
Fourteenth Congressional District, New York City.

It might interest the membership of this historic body to know that Edmund Burke in 1779, running for the House of Parliament on the principle that a member of the House of Parliament is master of his constituency instead of its servant, the principle enunciated by the distinguished editor of the New York Evening Post, was overwhelmingly defeated on that platform.

It might also interest the Members of this House to know how faithfully and loyally I kept the promise and pledge made to the voters of my district by returning to them during the last fortnight and speaking in three different sections of my congressional district, giving them a summary of everything that took place in the House of Representatives, and how I tried to reflect their views and opinions by voting in accordance with what I believed to be their sentiments.

Thus I have religiously lived up to the traditions and ideals I think every Member of the Congress of the United States should strictly adhere to; that is, to be the servant of his constituency rather than their master.

EXTENSION OF REMARKS

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the gentleman from Indiana [Mr. PURNELL] as permanent presiding officer at the Republican State Convention last Wednesday at Indianapolis.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by inserting a speech delivered by the gentleman from Indiana [Mr. PURNELL]. Is there objection?

Mr. LANKFORD. I object.

AMENDING SUPPLEMENT OF THE CODE OF LAWS OF THE UNITED STATES

The SPEAKER. The Chair lays before the House the following resolution from the Senate.

The Clerk read as follows:

Resolved, That the House of Representatives be respectfully requested to return to the Senate the bill (H. R. 13622) entitled "An act to amend and supplement the Code of the Laws of the United States of America."

The resolution was agreed to.

PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the bill H. R. 5658 allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President be stricken from the calendar, a similar bill having passed the House.

The SPEAKER. Is there objection?

There was no objection.

PAY OF THE ARMY

Mr. JAMES. Mr. Speaker, I also ask unanimous consent that the bill (H. R. 7753) to authorize the disbursement of and accounting for the appropriation, "pay, and so forth, of the Army," as one fund, and for other purposes, be referred back to the Committee on Military Affairs.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. GARNER of Texas. Mr. Speaker, let me ask the gentleman from Connecticut [Mr. TILSON] a question. Does he not think it advisable to ask unanimous consent that Members, for five legislative days, have the right to extend their own remarks in the RECORD?

As I understand it now the Public Printer is taking note of the fact of requests, and unless the request contains permission to insert other than their own remarks, the printer will not permit abuse of the RECORD by the insertion of other than their own remarks by Members. If that is true, I think the gentleman could very consistently have unanimous consent granted to Members to extend their own remarks in the RECORD. They could not then abuse the privilege as it has been done by some Members in the past.

Mr. TILSON. When it is finally determined that we shall adjourn, I have it in mind to do that very thing.

Mr. GARBER. That would obviate the necessity for Members rising to get consent for themselves.

FINAL ADJOURNMENT

Mr. TILSON. Mr. Speaker, I call up Senate Concurrent Resolution 22.

The SPEAKER. The gentleman from Connecticut calls up the following Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 22

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized and directed to close the first session of the Seventieth Congress by adjourning their respective Houses on the 29th day of May, 1928, at 5.30 o'clock p. m.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 155, noes 9.

Mr. SCHAFER. Mr. Speaker, I object to the vote upon the ground that there is no quorum present.

Mr. TILSON. Mr. Speaker, I insist that there is a quorum present. A large number of Members did not vote on the rising vote. I ask that the Chair count.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum.

So the resolution was agreed to.

MEMORIAL DAY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, to-morrow will be Memorial Day. It will be so observed throughout the Nation. Yet few people, I dare say, know its origin.

On April 25, 1866, less than one year after the Civil War closed, the women of Columbus, Miss., in the district which I have the honor to represent, met to decorate the graves of the Confederate dead, and at the suggestion of the widow of a brave Confederate soldier who had been killed in the war, they impartially scattered flowers alike on the graves of about 40 Federal soldiers buried in that city. The incident is reported in the Mississippi Index, a paper published at Columbus, Miss., at that time in its issue of April 26, 1866. The New York Tribune commented on the fact, and the Hon. Francis Miles Finch, a distinguished northern poet, taking his suggestion from that incident, wrote a little poem called "The Blue and the Gray," which stands as a monument to the generosity of those noble women. He published this poem in the Atlantic Monthly for September, 1867, using the New York Tribune's comment on the Columbus, Miss., incident as his introduction. From that incident and that poem came our National Memorial Day. It was observed annually throughout the South from that day on and spread throughout the country until it became so popular that several years later General Logan issued his famous order designating May 30 of each year as a National Memorial Day.

I am going to ask the Clerk to read in my time that introduction and poem just as they appear in the Atlantic Monthly for September, 61 years ago.

The Clerk read as follows:

THE BLUE AND THE GRAY

(From the New York Tribune)

The women of Columbus, Miss., animated by nobler sentiments than are many of their sisters, have shown themselves impartial in their

offerings made to the memory of the dead. They strewed flowers alike on the graves of the Confederate and of the National soldiers.

By the flow of the inland river,
Whence the fleets of iron have fled,
Where the blades of the grave grass quiver,
Asleep are the ranks of the dead;
Under the sod and the dew,
Waiting the judgment day,
Under the one the Blue,
Under the other the Gray.

These in the robings of glory,
Those in the gloom of defeat,
All with the battle blood gory,
In the dusk of eternity meet;
Under the sod and the dew,
Waiting the judgment day,
Under the laurel the Blue,
Under the willow the Gray.

From the silence of sorrowful hours
The desolate mourners go,
Lovingly laden with flowers
Alike for the friend and the foe;

Under the sod and the dew,
Waiting the judgment day,
Under the roses the Blue,
Under the lilies the Gray.

So with an equal splendor
The morning sun rays fall,
With a touch impartially tender,
On the blossoms blooming for all;
Under the sod and the dew,
Waiting the judgment day,
Broidered with gold the Blue,
Mellowed with gold the Gray.

So when the summer calleth,
On forest and field of grain,
With an equal murmur falleth
The cooling drip of the rain;
Under the sod and the dew,
Waiting the judgment day,
Wet with the rain the Blue,
Wet with the rain the Gray.

Sadly, but not with upbraiding,
The generous deed was done;
In the storm of the years that are fading,
No braver battle was won;
Under the sod and the dew,
Waiting the judgment day,
Under the blossoms the Blue,
Under the garlands the Gray.

No more shall the war cry sever,
Or the winding rivers be red;
They banish our anger forever
When they laurel the graves of our dead!
Under the sod and the dew,
Waiting the judgment day,
Love and tears for the Blue,
Tears and love for the Gray.

[Applause.]

Mr. RANKIN. Mr. Speaker, I desire to insert at this point a clipping from the Mississippi Index, published at Columbus on April 26, 1866, giving an account of that first memorial day which inspired the beautiful and touching poem to which you have just listened, and which reads as follows:

The procession on yesterday in honor of the Confederate dead was large and imposing. First marched, in twos, the young ladies and girls, dressed in immaculate white, each bearing her bouquet or chaplet of flowers. Next came the matrons dressed in mourning; like the others, with flowers in their hands, their black dresses typical of the southern heart in gloom for its beloved dead, the fair flowers emblematic of woman's admiration and affection for all that was gallant and chivalrous in patriots. Lastly came the procession of carriages bearing the elderly ladies.

Arriving at the cemetery, the ladies assembled around the graves of the soldiers in the form of a square. From the center of the ground an elaborate and eloquent address was delivered by Rev. G. T. Stainback, and following it a fervent prayer by Rev. A. S. Andrews. The ladies then performed the beautiful and touching duty of decorating the graves with flowers.

There were over 1,400 graves to be decorated. Through exertions and appeals of the kind ladies superintending the good work, all these graves had been neatly cleaned off; so that after the decoration was completed, "God's Acre" of heroes looked as if freshly blooming with a thousand flowers—bearing up to heaven a fragrant and beautiful evidence of woman's love, tenderness, and appreciation.

We were glad to see that no distinction was made between our own dead and about 40 Federal soldiers, who slept their last sleep by them. It proved the exalted, unselfish tone of the female character. Confederate and Federal—once enemies, now friends—receiving this tribute of respect.

CAMPAIGN EXPENDITURES

Mr. SNELL. Mr. SPEAKER, I send to the Clerk's desk a resolution, and ask unanimous consent for its consideration.

The SPEAKER. The gentleman from New York submits a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 232

Resolved, That a special committee of five be appointed by the Speaker of the House of Representatives to investigate and report to the House not later than January 1, 1929, the campaign expenditures of the various presidential candidates, vice presidential candidates, senatorial candidates, and candidates for the House of Representatives in both parties, the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto that would not only be of public interest but would aid the Congress in any necessary remedial legislation.

That said special committee or any subcommittee thereof is authorized to sit and act during adjournment of Congress, and that said committee or any subcommittee thereof is hereby empowered to sit and act at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost of not exceeding $1 per printed page. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the House on vouchers ordered by said committee and approved by the chairman thereof, but the expenses shall not exceed the sum of $20,000.

Mr. SNELL. Mr. Speaker, as the Members of the House know, I am not very much given to bringing in resolutions for investigations. But a great many substantial Members on both sides have spoken to me on the subject and they have thought that on account of the extraordinary conditions that might prevail during the coming presidential election it might be a very proper thing to set up such a committee as is called for in this resolution.

It is not intended that this shall be a snooping committee, to go around and pry into people's private matters, but if such an occasion should arise during the campaign where it would seem to be necessary to have certain investigations made, we felt that we should have the machinery set up in advance of such an emergency. We considered that it would be proper to have such a committee appointed from the House inasmuch as the Clerk of the House is the custodian of all the reports filed by the various campaign committees during the season.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. RANKIN. Would this commission have the power to go into the various States where these matters are alleged to occur, or would they have to make the investigation in Washington?

Mr. SNELL. They would go wherever they saw fit, and necessity demanded. It is not expected to be a general snooping committee to go all over the country, but only to make an investigation in the case of an outstanding occurrence where it would seem that something should be done.

Mr. RANKIN. Will they have the power to make these investigations?

Mr. SNELL. Yes.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DENISON. I want to ask the gentleman from New York if the duties assigned to this committee by the resolution would not duplicate the duties of an investigating committee of the Senate now already established and authorized to act?

Mr. SNELL. To a certain extent that might be true, but the Committee of the Senate covers everything, and they are going at it all the time and working continually. This committee is to deal with any extraordinary occurrences that might happen during the campaign, and nothing more.

Mr. CRAMTON. While it may duplicate the duties, we hope it will not duplicate the performances. [Applause.]

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. SCHAFER. In connection with the gentleman's resolution he should bear in mind that the United States contains a great deal of territory, and although you proposed to give this committee power to conduct the investigations, if you limit the appropriation to $20,000 I do not see much necessity for having this committee at all. Does not the gentleman think $100,000 would be far better?

Mr. SNELL. It might be better, but I think that $20,000 would suffice for all extraordinary occasions. If more is needed it could be provided.

Mr. UNDERHILL. Does the gentleman know how much money has been spent on investigations of this character?

Mr. SNELL. No; I do not know.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. O'CONNOR of New York. I did not just understand how the chairman of the Committee on Rules has called up this resolution.

Mr. SNELL. By unanimous consent.

Mr. O'CONNOR of New York. Was it pending before the committee?

Mr. SNELL. I did not present it as coming from the Committee on Rules.

Mr. O'CONNOR of New York. It has been before the committee?

Mr. SNELL. Yes.

Mr. O'CONNOR of New York. The committee has taken no action on it?

Mr. SNELL. No.

Mr. O'CONNOR of New York. The gentleman reported out a rule a week ago providing for the consideration of the Federal employees' retirement act. Does not the gentleman think that is more important to bring out that rule in the interest of the 500,000 employees than to make this last-minute gesture to the country?

Mr. SNELL. If I wanted purely to be a demagogue I would say "Yes." [Applause.] I have been a Member of this House for 13 years, and I have never uttered a demagogic sentence on the floor of this House, and will not begin now. [Applause.]

Mr. O'CONNOR of New York. Oh, well, the gentleman can not deny—and I disclose no secret—that the gentleman from New York pocketed the rule making it in order to consider the Federal employees' retirement act after voting for the rule. Is that demagoguery? Is not that a fair question? The rule has been pending here for a week. Why deceive our Federal employees?

Mr. SNELL. I have answered the gentleman's question, and I never deceive anyone. I vote as I talk.

Mr. MOORE of Virginia. I have never demagogued on the floor of the House any more than has the gentleman from New York, but I will ask him this question and request a frank answer.

Mr. SNELL. The gentleman can get one.

Mr. MOORE of Virginia. Why he has not brought forward the rule which applies to the retirement bill just mentioned by the gentleman from New York?

Mr. SNELL. Because I have not seen fit to. [Laughter.]

Mr. MOORE of Virginia. That is a frank answer as far as it goes, but will my friend go a little further and tell us why he has not seen fit?

Mr. SNELL. That is as far as I care to go at the present time.

Mr. HOWARD of Nebraska. Will the gentleman yield to me?

Mr. SNELL. Yes; I yield to my friend from Nebraska.

Mr. HOWARD of Nebraska. The gentleman yesterday, in the most beautiful language and yet brutally, objected to my request for unanimous consent to consider a Senate resolution, because it had not been considered by a House committee. I think he was right under the general practice, but if he was right then he is unhappily wrong now. [Laughter.]

Mr. BLACK of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLACK of New York. I want to say that this is the first time since I have been in the House that I have agreed with the gentleman.

Mr. SNELL. Thank you. I must be wrong. [Laughter and applause.] Mr. Speaker, I move the previous question.

Mr. BLACK of New York. Will the gentleman allow me to conclude?

Mr. SNELL. No.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FEDERAL PRISONS

Mr. SNELL. Mr. Speaker, I offer another resolution.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 233

Resolved, That a special committee is hereby created to consist of five Members of the House of Representatives to be appointed by the Speaker. Said special committee is authorized and directed to hold hearings, and to obtain all available information from dependable sources, relative to Federal prisoners confined in Federal, State, county, and municipal prisons and jails; the care of such prisoners as to housing, food, health, recreation, work, discipline, classification, medical treatment, and other pertinent facts; the rates of compensation paid for maintenance and board of such prisoners, the services rendered for such compensation, and the beneficiaries of such compensation; and the need for additional Federal penal and reformatory institutions to take care of the Federal prisoners.

Said special committee is further authorized and directed to make a survey of the employment of prisoners in the penal and reformatory institutions of the United States and of the several States; to gather information and statistics from reliable sources of the amount and kind of goods, wares, and merchandise manufactured, produced, and mined in such institutions; to ascertain to what extent such goods, wares, and merchandise come into competition with goods, wares, and merchandise manufactured, produced, and mined by free labor; and to determine how such prisoners can be employed regularly and in what manner the goods, wares, and merchandise manufactured, produced, and mined by such prisoners can be best disposed of with the least disadvantage to free labor.

Said special committee is authorized to sit in Washington or any other convenient place, to administer oaths and affirmations, to send for persons and papers, to employ necessary clerks and stenographers, the latter to be paid at a cost not to exceed 25 cents per 100 words, and said committee shall make a report to the House of Representatives of its findings, conclusions, and recommendations for legislation on or before the first Monday in February, 1929, and may prepare bills to carry out its recommendations for reference to the proper committees of the House of Representatives. The expenses attendant upon the work of said committee shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by said committee and signed by its chairman, but such expenses shall not exceed the sum of $20,000.

Mr. SNELL. Mr. Speaker, this resolution provides for a general survey of the penal institutions of the United States and the conditions existing therein by a committee of the House of Representatives. There has been no such survey made in the last 40 years. There seems to be a general demand for this survey not only by the Department of Justice but by several associations and people who have given a great deal of time and attention to a study of those conditions. As far as I know, there is no opposition whatever to the resolution. The only question is of getting some Members of the House who will do the real work that is required to make a proper report to the House in order that we may get some real instructive information—information that will guide us in passing legislation in regard to these institutions.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. OLIVER of Alabama. There is no question but that the purpose of the resolution is important, and I happen to know that the Department of Justice is very much interested in having this survey made; but my thought is whether the resolution is sufficiently broad to authorize the committee to prepare and introduce bills seeking to remedy conditions they may find.

Mr. SNELL. It does not go as far as to authorize them to introduce legislation, but they can get the required information on which to base information, and we can have the legislation introduced. This is as broad a resolution as we could offer.

Mr. RAMSEYER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. RAMSEYER. The resolution provides specifically that the committee may embody their recommendations in bills to

be referred to the proper committees of the House; that is, the special committee itself can not report bills.

Mr. DYER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. DYER. Has the gentleman any objection to stating from whom this resolution came?

Mr. SNELL. Well, if the gentleman wants to know, the gentleman from Iowa [Mr. RAMSEYER] is responsible for the mechanics of it, and it was based on a resolution originally introduced by my colleague from New York [Mr. BOYLAN].

Mr. DYER. I will state to the gentleman from New York that the Judiciary Committee of the House under the rules is charged with the responsibility of legislating on matters affecting our penal institutions. We have made some surveys; we have considered that subject very carefully in many respects and presented a bill, which passed the House at this session, calling for two additional institutions to care for Federal prisoners. There has been no request, so far as I know, during this entire session by either of the gentlemen mentioned by the gentleman from New York, Mr. RAMSEYER and Mr. BOYLAN, that the Committee on the Judiciary investigate this subject and report the matter to the House.

Mr. SNELL. This is no reflection whatever on the Committee on the Judiciary, let me say to the gentleman. It simply is to get information to place before the Judiciary Committee in connection with such legislation as may be desirable.

Mr. DYER. I understand that.

Mr. SNELL. And the Attorney General told me he had practically the same bill before the Committee on the Judiciary. I do not know whether that has ever been reported out or not.

Mr. DYER. There has been no request of the committee, so far as I know—and for most of the session I have been the acting chairman—for any consideration of this subject. I think this is a bad time to present the matter here, in the closing hours of the session, without the committee having had a chance to consider it.

Mr. SNELL. This is not legislation. This is simply to make a survey and get some information to place before the gentleman's honorable committee, so that the committee can legislate intelligently.

Mr. DYER. Our committee should have been consulted about this proposition in some way.

Mr. MICHENER. Mr. Speaker, the Committee on the Judiciary is not an investigating committee. All matters providing merely for investigating must go to the Committee on Rules.

Mr. DYER. I will state to the gentleman that these resolutions, according to the gentleman from New York, were referred to the Committee on the Judiciary, and, so far as I know, there has been no request whatever from any of these gentlemen that the committee investigate the subject, and for that reason I do not think the House should act upon it without some evidence that such an investigation is necessary.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DYER. I have not the floor.

Mr. SNELL. I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, particularly in answer to the gentleman from the Judiciary Committee, I would like to say that this resolution was introduced on the very opening day of the session, December 5 last, and the bill was referred to the Committee on Rules. I have been trying ever since that time to get some action on it. So the gentleman will see there was an effort made to get action.

There is not any desire under this resolution to take anything away from the distinguished Judiciary Committee. It is simply to ascertain facts that may be presented to them in order that proper legislation may be framed. As the distinguished chairman has told you, for over 40 years there has been no investigation of Federal prisons.

Mr. DYER. If the gentleman will permit, I do not desire to take up the time of the House or to cause unnecessary debate. I realize myself, personally, that such an investigation is highly important and necessary, and my only comment was that we should have considered it in the committee before it was brought upon the floor; but I shall not insist upon that and I will not object to the resolution.

Mr. BOYLAN. I would like to say one further word. The prison population has increased within the last 10 years over 150 per cent, and in the Federal prisons to-day conditions are deplorable, due to overcrowding. The physical conditions are such that they can not properly care for the vast number of prisoners confined on account of the enforcement of the narcotic law and the prohibition law.

This is simply a step along humane lines in order that proper housing and proper feeding and the question of employment of prisoners may be carefully looked into. I think in the passage of this resolution the House will perform one of its outstanding humane acts of this session.

Mr. CANNON. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. CANNON. Is there not the desire on the part of those in charge of local State prisons to which the overflow from the Federal prisons has been sent that some more modern and more equitable arrangement be made as to the agreement which the Federal authorities may make with the local prison authorities in the housing of these prisoners?

Mr. BOYLAN. I believe that is true; and, furthermore, I think conditions are such that we should have additional Federal prisons in this country in order to properly care for Federal prisoners and not have us knocking at the doors of county jails looking for the admission of Federal prisoners and having them admitted to jails where there are not proper accommodations to care for them.

Mr. CANNON. And without the local institutions being adequately compensated.

Mr. BOYLAN. Yes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNOR of New York. The gentleman said something about not getting action. The gentleman had a hearing before the Committee on Rules?

Mr. BOYLAN. Yes.

Mr. O'CONNOR of New York. And the gentleman knows that our committee has been considering this matter and has given it thorough consideration.

Mr. BOYLAN. Yes; I simply stated that in answer to the statement of the chairman of the Judiciary Committee.

Mr. SNELL. So far as the Rules Committee is concerned, I may say that it has given this resolution more consideration than any resolution that has been before it this session.

Mr. BOYLAN. I simply made that statement in answer to the gentleman of the Judiciary Committee who has stated that no effort was made to get action on it.

I want to say that the treatment accorded by the Rules Committee has been splendid. They gave a very extended hearing, for which I am very deeply grateful to them, as well as for their action to-day.

Mr. KINCHELOE. Will the gentleman yield for a question?

Mr. SNELL. Yes.

Mr. KINCHELOE. Is it contemplated that this committee is going to investigate conditions where district courts are held and the prisoners go into various county jails?

Mr. SNELL. So far as they can, in a general way. Of course, they will not visit every county jail in the United States.

Mr. KINCHELOE. But that is contemplated?

Mr. SNELL. In a general way, they will go over the whole situation. It is a very wide resolution if they undertake it all.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

FARM RELIEF

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. WILLIAMS] may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. WILLIAMS of Illinois. Mr. Speaker and gentlemen of the House, I desire to discuss briefly the causes of the failure to enact adequate farm relief at this session of Congress.

The farmers of the United States, who have been looking to Congress for legislation that would assist them in marketing the surplus of the great staple food products in a more orderly and profitable manner, are again to see Congress adjourn with no law on the statute books. They will be greatly disappointed, and they have a right to be. They will know that somebody, somewhere, is to blame for this failure to enact proper and helpful legislation for agriculture. Both political parties are solemnly pledged to assist in the enactment of legislation that will put agriculture on an economic parity with industry and labor. Everybody and every party has been for farm relief. Yet another session of Congress is closing, with no legislation, and the problem is apparently no nearer solution than when it was first considered in 1924, and is to be made a political football in a presidential campaign.

The farmers of America have common sense. They are intelligent and fair-minded, and will when they have dispassionately considered the whole matter, fix responsibility for the failure of Congress to enact adequate farm legislation where

that responsibility rightfully belongs. If any person or any group of persons or any political party imagine they can successfully play politics with the farmers of the United States or their economic problems, they are doomed to a certain and a rude disallusionment.

No one was surprised when President Coolidge vetoed the Haugen-McNary bill the other day. Everyone knew he would veto it if it was again presented to him with an equalization-fee provision. No one knew this better than those who sponsored the bill. They knew if Congress passed a farm bill with the equalization fee it meant no legislation at this session of Congress. They proceeded with their eyes wide open, and knew just as well what would happen three months ago as they did the day the veto message reached the Senate.

President Coolidge vetoed this bill in 1927. He based his veto largely on the ground the equalization-fee provision was unconstitutional. He was fortified in his position by an opinion of the Attorney General of the United States stating the scheme was unconstitutional. He was also supported in his position by the ablest constitutional lawyers in the House and Senate. During the debates it has been declared unconstitutional by such eminent authorities as Senator REED of Missouri, Senator BORAH, of Idaho, Senator WALSH of Montana, and in the House by men like Judge MOORE, of Virginia, and Governor MONTAGUE, of the same State.

Mr. CANNON. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I do not yield.

Entertaining these views no one expected President Coolidge to give his approval of that proposition when presented to him a second time.

This was the situation confronting the friends of farm-relief legislation when Congress convened in December. Those of us who had been supporting the equalization-fee principle and who believed the necessity for farm legislation was urgent, were called upon to decide the very serious question of whether we would insist on the equalization fee going into a farm bill again, thus defeating all farm legislation for the session, or whether we would for the time being waive that controversial feature of our farm bill and make an effort to get on the statute books the very best farm legislation possible at this session. The decision we were called upon to make was a very grave one and was of tremendous importance to American agriculture. The decision we made would determine whether we would have legislation or no legislation. We were not passing judgment on whether the equalization fee was sound or unsound, whether it was constitutional or unconstitutional, whether President Coolidge was right or wrong in vetoing the former bill.

We were simply accepting a practical situation as we found it and trying to determine the proper course to pursue in the interests of agriculture.

Before the Christmas holidays, the gentleman from Indiana [Mr. PURNELL] and myself, both being members of the House Committee on Agriculture, undertook to ascertain the sentiment of Members who had in former sessions supported the Haugen bill with the equalization fee. We made a very careful canvass and I think talked with practically every Member, at least on the Republican side, who had voted with us in the last Congress.

Mr. CANNON. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I can not yield.

The sentiment expressed to us was almost unanimous that the equalization fee should be omitted from whatever bill was reported by the Agricultural Committee. I am sure he will bear me out in the statement that less than 20 Members on the Republican side of the House expressed the view that the equalization fee should be included in a bill this year. While I am not in a position to speak definitely as to the sentiment of Members generally on the Democratic side of the House, I can say that many of our friends on that side who heretofore earnestly and consistently supported the equalization fee advised us they favored dropping the fee for this session and passing the best possible bill under the circumstances. It is my opinion, and I measure my words in making the statement, there were not to exceed 50 Members of the House who believed it good policy or in the interest of agriculture to insist on the equalization fee going into the bill this year. That was the undoubted and, I think, the admitted feeling and judgment of Members of the House as they assembled in December for the opening of the session.

Fourteen members of the House Committee on Agriculture out of 21, in formal conferences and in conversations among themselves, agreed that the equalization fee should be omitted from the bill reported by the committee.

This was the situation in the House and in the Committee on Agriculture of the House when hearings on farm relief legislation started in January. At that time spokesmen for certain farm organizations and others who had been active in the support of the Haugen bill with the equalization fee came to Washington. They were informed as to the situation and told that the overwhelming sentiment of friends of agricultural relief legislation in the House favored a bill incorporating as much of our program as we could hope to have approved by the President, eliminating for the present the equalization fee. These gentlemen were told their insistence on the equalization fee meant no legislation at this session and would probably delay legislation for two years. They were told a majority of the committee and a majority of Members of the House felt it would be a very serious mistake to defeat all farm legislation by standing for a program which was doomed to failure.

Very much to the surprise of members of the committee and to the friends of agricultural relief legislation in the House, representatives of the American farm bureau and other organizations affiliated with that organization took the position that the equalization fee must be retained as part of any farm bill enacted.

They took the position that it was better to have no legislation than to have legislation with the fee omitted.

They utterly disregarded the opinions and advice of Members of the House whose friendship for agriculture no one questioned and indicated clearly their intentions to go into the districts of Members and fight them for reelection unless they joined in the program of putting an equalization fee bill up to President Coolidge again.

The attitude of these organizations in insisting on the equalization fee or nothing is clearly shown in the testimony of Chester H. Gray, Washington representative of the American farm bureau when he appeared before the House Committee on Agriculture.

The following questions propounded to Mr. Gray and his answers to the same appear in the record of the hearings:

Mr. WILLIAMS of Illinois. Mr. Gray, you stated in answer to a question by Mr. KINCHELOE that your organization was backing up its original position on the equalization fee?

Mr. GRAY. Yes.

Mr. WILLIAMS of Illinois. That means that you would prefer to have Congress pass a farm relief bill containing an equalization fee, and have that vetoed and get no legislation, rather than have Congress pass the very best possible farm relief bill at this time?

Mr. GRAY. I could not answer your question as you state it.

Mr. WILLIAMS of Illinois. You would rather have no bill than have one without an equalization fee?

Mr. JONES. I would like to have an answer.

Mr. GRAY. I don't agree, neither does this conference—and I think I speak the unanimous voice of the conference—that we necessarily must expect a presidential veto on a bill such as we are now advocating.

Mr. WILLIAMS of Illinois. The President said in his veto message he could not approve it on account of the equalization fee, and he gave two reasons. One was that it was unconstitutional. He undoubtedly will not change his position on that. The other was that it would destroy American agriculture. You don't expect him to sign a bill with an equalization fee in it, do you?

Mr. GRAY. Yes, sir; as this bill is drawn.

Mr. WILLIAMS of Illinois. Then you are the only man in Washington that knows what is going on that even dreams that he will sign it. You are here asking the American Congress, after we have worked seven years, and worked hard, to get some real farm relief, to pass a bill that you and your organization are bound to know is going to be vetoed, and destroy the possibility of getting any kind of relief in this session. I asked you to state, and I think you should state to this committee, because I think the committee has a right to know, and I think the Congress has a right to know, and this country has a right to know, whether you are here now demanding the enactment of a bill containing an equalization fee or nothing.

Mr. GRAY. We are demanding the enactment of a bill containing the equalization fee.

Mr. WILLIAMS of Illinois. You know that means nothing. You are bound to know that.

Mr. GRAY. I do not agree that it means nothing.

* * * * * * *

Mr. PURNELL. Mr. Gray, if I may interrupt Mr. ANDRESEN for just one question: On the other hand, if some of us decide to follow the views of the farm organizations, as we have done here for a number of years, and take the responsibility for sending a bill down to the President which we know now will be vetoed, and we rely upon your judgment and the farmers get no legislation, then you take the responsibility for our action?

Mr. GRAY. We are not shirking that responsibility.

Mr. PURNELL. I say it is a two-edged sword. If we do what we think is right and it does not agree with what you think is right, then we are responsible; but if we follow your judgment and are wrong, that is your responsibility.

Mr. GRAY. That is a very gentlemanly and very exact way of stating it, I believe.

Mr. ADKINS. In other words, if we can not get the bill as suggested by your organization, with the equalization fee in it, your judgment is that we had better not have anything?

Mr. GRAY. That would be our judgment.

Mr. ADKINS. That is what I want to know.

* * * * * * *

The unyielding attitude of farm representatives doomed all farm legislation for the session and created a situation very much to the liking of those who regard political relief more desirable and urgent than farm relief. Full advantage of this situation was taken by those who thought it good politics for themselves to embarrass the President of the United States.

Naturally leaders of the opposition party felt a veto of a farm bill would work to their advantage. It would embitter and turn against the President and his party Republican farmer votes in the agricultural States. Consequently we found ardent and last-ditch equalization-fee advocates springing up overnight. While talking long and loud in public, they were assuring each other in private that they were taking no chances in demanding the equalization fee, as the President was sure to veto it, and it would not become a law, and that would defeat the Republican Party in the agricultural States.

On the Republican side also the opportunity to play politics could not be resisted by those whose chief political strength is in farming the farmer. These gentlemen evidently thought it would be good politics to force President Coolidge to veto a farm bill just before the Kansas City convention, and they left nothing undone to bring about that situation.

The influences I have enumerated—the unyielding attitude of powerful and reputable farm organizations, aided and abetted by those seeking political relief—were sufficient to retain the equalization fee in the bill in the Committee on Agriculture, to pass it through the House, and send it down to the President.

Those who wanted an equalization fee bill or nothing got both their first and their second choice. They got the equalization fee and they got nothing. They ought to be satisfied.

Frantic and violent criticism of President Coolidge will not long mislead the farmers of the United States as to what has really happened to them and will not blind them in fixing responsibility for the failure of farm legislation at this session of Congress where that responsibility rightfully belongs.

There was urgent need for farm legislation at this session of Congress. The farmers expected legislation. They were entitled to it, and a majority of the Members of Congress, especially a majority of the Members of the House of Representatives, were anxious and willing to assist them in getting the very best possible legislation that could be obtained under existing conditions.

Responsibilty for failure must rest with those who, assuming to speak for agriculture, demanded the impossible—those who said we will have just what we want, and all we want, or we will have nothing.

The American people have confidence in President Coolidge. They know that he is honest and that he is courageous. They may disagree with him on matters but they know he will do the right as he sees it at all times without regard to what the political consequences may be to himself or his party. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GARNER of Texas. Reserving the right to object, if the gentleman is going to get additional time he ought to yield.

Mr. WILLIAMS of Illinois. I will yield when I am through.

Mr. GARNER of Texas. The gentleman is making a speech now for the farmer when he voted to support the bill. He ought to recognize the right to be interrupted.

Mr. WILLIAMS of Illinois. I am speaking for the farmers and explaining how they were denied legislation.

Mr. HASTINGS. How did the gentleman vote on the McNary-Haugen bill?

Mr. WILLIAMS of Illinois. The gentleman from Texas voted against the bill a year ago and then this session urged his Democratic colleagues, both in the Committee on Agriculture and on the floor of the House, to be sure and retain the equalization fee in the bill because it would be certain to be vetoed and would help the Democratic Party. [Applause on the Republican side.]

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. GARNER of Texas. The gentleman is as accurate about that as he is as to the position of the President of the United States in regard to farm organizations. The gentleman from Texas did not vote against the bill a year ago.

Mr. WILLIAMS of Illinois. The gentleman did not vote; he was against the bill.

Mr. GARNER of Texas. Then why does the gentleman put into the RECORD statements that are erroneous?

Mr. WILLIAMS of Illinois. That was an oversight. The gentleman did not vote; he was against the legislation.

Mr. GARNER of Texas. The gentleman can not point to anything to show that I was against it.

Mr. WILLIAMS of Illinois. The gentleman from Texas was active during the time that the hearing was going on before the Committee on Agriculture, assuring his colleagues in the cloak room that it was good politics to keep the equalization fee in the bill.

Mr. GARNER of Texas. I was only following out what the gentleman from Illinois wanted me to do. He was in favor of the legislation, and I wanted to see him and the farmers get what they wanted.

Mr. WILLIAMS of Illinois. I have been constantly in favor of farm legislation both in the committee and in the House. I voted for the McNary-Haugen bill with the equalization fee in it. I would have been glad to have done it again this session if we had a ghost of a chance to have it written on the statute books. My position was that we ought to have farm legislation. I did not agree with those who took the position that the equalization fee is absolutely essential to legislation that is worth something to agriculture. So I took the position that the majority of the membership in this House entertained in December, that if we wanted to help agriculture and not play politics the thing to do was to report out the best possible bill we could get signed, recognizing the fact that it takes both the Congress and the President to make laws; and, as a member of the Committee on Agriculture, I say to the gentleman that I voted to strike the equalization fee from the bill, and he well knew it, and when that was not done I supported the bill.

Mr. GARNER of Texas. I want to know if the gentleman is not on the Republican steering committee?

Mr. WILLIAMS of Illinois. No; I am not.

Mr. GARNER of Texas. Well, he ought to be. [Laughter.]

Mr. WILLIAMS of Illinois. If I were on the Democratic steering committee, perhaps I could do a better job for the gentleman's party.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield to me?

Mr. WILLIAMS of Illinois. Mr. Speaker, they did not expect him to sign the McNary-Haugen farm bill with its equalization fee. They knew he would not. He had vetoed it once on the ground that it was unconstitutional and unsound. They knew he was supported in his views as to its unconstitutionality by the best legal minds in the country. They would have lost their respect for him if he had yielded to political expediency and signed the bill.

This game of trying to put President Coolidge "in the hole" is not a new one in Congress. During the winter of 1923 and 1924 Congress did little else than play at the game of putting Coolidge in the hole. His suggestions were scouted and his policies were defeated on roll call after roll call. This Chamber resounded daily with the applause of those who were engaged in the delightful pastime of putting him in the hole. A few months later the people marched to the polls and pulled him out of the hole by a plurality of more than 7,000,000 votes. He still has the confidence of the people, and this latest attempt to put him in the hole will recoil on those who schemed it. [Applause on the Republican side.]

The American people know that of all men in public life in this country to-day, Calvin Coolidge is preeminent in courage, and that his integrity is as fixed and rugged as the granite hills of his native State. [Applause on the Republican side.] Nothing but his own positive statement that he will not accept the nomination if tendered him by the Republican convention at Kansas City will prevent him from being the next President of the United States. [Applause on the Republican side.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House of Representatives was requested, a bill of the House of the following title:

H. R. 13622. An act to amend and supplement the Code of Laws of the United States of America.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes";

S. 1297. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore;

S. 1541. An act for the relief of George A. Robertson;

S. 3314. An act for the relief of John J. Fitzgerald;

S. 3931. An act for the relief of Augusta Cornog; and

S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida, to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes."

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport;

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise; and

H. R. 13996. An act granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House was requested bills of the House of the following titles:

H. R. 13930. An act to authorize an appropriation for the American Group of the Interparliamentary Union;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States; and

H. R. 12064. An act to discontinue certain reports now required by law to be made to Congress.

SAFETY OF SUBMARINES

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Idaho asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker and gentlemen of the House, when the second deficiency appropriation bill was considered in the Senate, an item was added of $20,000 for the purpose of authorizing the Navy Department to make certain investigations and appoint experts to assist in the work in connection with submarine disasters, the proposition doubtless growing out of the *S–4* disaster. That amendment was eliminated in conference. Since the House approved the action of the conferees, the question has been raised whether or not anything is being done or will be done looking to the further study of the submarine question, especially from the standpoint of safety. The reason the item was eliminated by the conferees was because the naval appropriation act for the coming fiscal year, and which had been signed by the President less than 10 days previously, carried not $20,000, but $200,000 for the work that could have been accomplished under the $20,000 item carried in the deficiency appropriation bill. As a matter of fact, we made the amount of money immediately available, and the department is proceeding at this time with the work of studying the problem of submarines, having particularly in view the thought of eliminating disasters that may result in loss of life and destruction of property. Already very great attention has been paid to the subject by the department, and for this work the measure already passed carried the amount of money that experts within the department had indicated to the members of the subcommittee that framed the Navy bill could be reasonably and wisely expended for this important undertaking.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

SUBMARINE SAFETY APPLIANCES—VETERANS' CREDIT IN CIVIL-SERVICE EXAMINATIONS

Mr. FISH. Mr. Speaker, I take this opportunity to make a few remarks along the lines of those of the gentleman from Idaho [Mr. FRENCH]. About two years ago the gentleman from New York [Mr. GRIFFIN], after the disaster to the *S–51*, spoke in this House and advocated certain safety devices which the Navy Department proceeded to ignore, and, as a result, when the *S–4* was sunk, the lives of the crew were lost. If the advice of the gentleman from New York [Mr. GRIFFIN] had been taken I think it fair to say that the lives of every one of those men would have been saved. The present Congress has appropriated $200,000 in order to permit the Navy Department to go ahead immediately with their research work to develop practical safety devices for use in submarines and for taking the crew out of disabled submarines. It does not do any good to criticise the Navy Department for what has taken place in the past, but that department now has ample funds available to construct emergency devices to save the lives of any men who may go down in submarines.

A friend of mine from New York City, Mr. John F. O'Rourke, a prominent consulting engineer, who has built many of the subways under New York and has given years of expert study to the construction and use of compressed-air chambers, has suggested a plan to lower a diving bell or compressed-air chamber by a derrick upon the hatch of a sunken submarine. This is a very simple, practical device, which will not cost more than $5,000. I have been assured by the Navy Department, by the officers in charge of construction, that they are now proceeding with the $200,000 allotted by Congress to make a diving bell or compressed-air chamber along the design presented by Mr. O'Rourke to lower down upon the hatch of a submarine. All that is necessary is to put a ring around the hatch with clamps on it, and then simply to lower this compressed-air chamber upon or near the hatch, there being weights in the bell to move it around, and after attaching the clamps and regulating the compressed air to permit the men in the sunken submarine to come out through the compressed-air chamber, which would hold its own crew of several men and have telephone connections.

In all of the accidents to submarines in this country never once has the Navy Department saved the men who have gone down in the submarine. Now, with $200,000 available for research work and the construction of safety devices and with the O'Rourke design and 3,500 others that need analysis, I am hopeful for once that Congress can adjourn feeling assured when they adjourn that the Navy Department will do its full duty, and that the lives of men who may go down in submarines will be saved in the future. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield on that subject, before he leaves it?

Mr. FISH. I yield to the gentleman, briefly.

Mr. BLACK of New York. I would like to point out to the gentleman that this $200,000 appropriation was inserted by the Senate Committee on Appropriations on the motion of the senior Senator from New York [Mr. COPELAND], who received the amendment from myself, with an application from the New York Navy Yard. It is for the increase of the Navy. It provides for plans and specifications for three fleet submarines authorized in 1916 and four destroyers.

That is the kind of contribution made by this Congress to the increase of the Navy. It was thought at the time it was put in to be a purely submarine safety device.

Mr. FISH. I think the gentleman is in error. I believe that appropriation was put in as the result of House Joint Resolution 131, introduced by our beloved deceased colleague, Thomas Butler of Pennsylvania, and that when the Senate refused to agree the House Committee on Appropriations in charge of naval appropriations authorized $200,000 for research work. Is that correct?

Mr. FRENCH. I think the gentleman from New York [Mr. BLACK] is speaking about an entirely different subject from that which I was discussing and which is now being discussed by my colleague [Mr. FISH] from New York. The item to which we are referring is the $200,000 item included in the regular Naval Establishment bill; an item that was put in on the House side; an item that I would say originated within the subcommittee itself, and after further discussion with the department and others it was the subject of a special estimate from the Bureau of the Budget, in the amount of $200,000. The item to which the gentleman from New York [Mr. BLACK] seems to have referred was another item of $200,000 carried in the second deficiency bill and which provided for plans for construction of new submarines, and not for the study of safety devices.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. FRENCH. Mr. Speaker, I ask that the gentleman may have five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. The House passed yesterday afternoon House Joint Resolution 238 introduced by me, providing for 5 points credit to all veterans and 10 points to all disabled veterans in civil-service examinations. The Senate acquiesced unanimously in last night's session and the resolution now goes to the President for signature. We all know that Congress has been liberal in providing compensation, hospitalization, and rehabilitation for our disabled veterans, but we have done very little to secure jobs for the disabled, and that applies not only to the present Republican administration but to the prior Democratic administration under President Wilson. We have not been able to break down the red tape so that the crippled veterans can get a job, to help in providing for their families.

The Congress of the United States has appropriated large sums for our disabled veterans, and the United States Veterans' Bureau under General Hines has administered these funds honestly and efficiently in the interests of the disabled veterans of the World War. There are still a number of claims that need adjustment and there yet remains those claims where there is difficulty in proving war origin which need adjudication. We are spending over a million dollars a day on our disabled and no American begrudges the expenditure. We have, however, fallen down badly on the main objective of finding positions for the disabled and thereby helping the veterans to help themselves. They do not seek charity but an opportunity to work for a living and to support their wives and families. It is true that banks and large private concerns have employed a number of our disabled veterans, but that does not excuse the Government or free it from further obligation. The Government has given a large measure of lip service through public statements, but has failed lamentably to help the disabled obtain positions in the Federal service through the one agency under its control—the United States Civil Service Commission.

It is not a pleasant duty for me to arraign the members of the Civil Service Commission for lack of sympathy for the disabled veterans, but the facts speak for themselves. The Executive order of March 3, 1923, issued by President Harding, requires the commission to add 5 points to the earned rating of the veteran, and 10 points to the disabled veteran, when he takes an examination for a civil-service position, but the commission refuses to live up to either the spirit or the letter of that Executive order.

Frequently the disabled veteran who applies and takes the examination does not receive this preference of 10 points. The commission has justified its action by a ruling whereby the 10-point advantage is not allowed unless the candidate receives 60 per cent in his written test. Consequently the disabled veteran who receives 59 or less gets no preference and is not allowed to qualify for the ensuing oral and character test, whereas the nonveteran with 60 per cent is. The same arbitrary ruling applies to the able-bodied war veterans with 5-point preference as to the disabled veterans. There are 559,138 Federal civil service employees with a turnover of approximately 40,000 a year.

It seems to me there is a duty on the part of the Government to see that the disabled veterans are given a chance to earn a livelihood when Government positions are open. I do not ask that the present employees be thrown out, but with 40,000 positions available each year I believe the veterans should be given preference in filling them. The high-handed and arbitrary action of the commission helps to shut the door to these jobs in the face of the American veterans of both the Spanish and the World War, and defeats the very object of the existing Executive order. There has been no armistice for many of these disabled veterans, yet the United States Civil Service Commission sits back in smug complacency and has declined to grant the prescribed preference to the disabled veterans. If the commissioners continue to act in contravention to the Executive order they should be asked to resign and some disabled veterans appointed in their places.

The number of disabled veterans in the Government service is criminally small. Ask the American Legion, Veterans of Foreign Wars, Disabled American Veterans, or the Spanish War Veterans. They know the facts and the difficulty in getting a job for a disabled veteran on account of the civil-service regulations. Go to the various departments in Washington and see how many disabled veterans of the World War are working for the Government; go to the National Museum or the Smithsonian building, where practically every man should be a disabled veteran and you will find only two. There are 368 men employed by the National Museum, Smithsonian, and so forth, and only two are disabled veterans of the World War. Eighty per cent of the positions are for watchmen or guards and the very place for disabled soldiers. One of the disabled without a leg is a guard at the Freer Art Gallery and the other without an arm is watchman at the Zoological Park. Go to the Museé du Louvre, or to any other of the French, British, or German public buildings or museums and you will find practically all the guards and guides disabled soldiers with one arm or one leg or badly crippled or gassed. The American people have repeatedly made promises and given pledges to care for our disabled and they want to keep faith by helping them to fill every available position in the Government service for which they are qualified.

I get no satisfaction in criticizing the Civil Service Commission; what I want is favorable action; to get action it is necessary to place the blame publicly where it belongs on the commission which will probably issue a long statement proclaiming its innocence and devotion to the disabled. It is acts not words that counts. It is jobs not excuses or arbitrary rulings that help the veterans and keeps faith with them.

There are 170 men employed by the United States Civil Service Commission, all with civil-service status, and yet just one disabled veteran of the World War. The proof of the pudding is in the eating. What kind of preference can the disabled American veteran expect from the United States Civil Service Commission which only employs one disabled World War Veteran on its own force.

It might also be interesting to know, although I do not want them thrown out unless they were slackers, how many of the employees now holding jobs under the Civil Service Commission were appointed during the war, when the disabled veterans got their wounds and disabilities.

It is time for us to wake up to the fact that we have not been getting jobs in this country for our disabled soldiers under the Federal Government. I hope when we come back we shall be able to enact some more legislation that will give real preference to disabled soldiers and help place them in Federal positions where they can earn their living. [Applause.]

MEMORIAL DAY SPEECH

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following speech, which I will deliver to-morrow, May 30, at Warwick, N. Y.:

It is fitting that the American people should pause in their daily tasks and do honor and pay tribute to the heroes of all our wars and bedeck their graves with flowers.

It is just 10 years ago to-day that the onrushing victorious German armies captured Chateau Thierry and reached the Marne, where they were stopped by the Second and Third American Divisions. The German offensive the end of May, 1918, took the French by surprise. It was the most successful major operation on the western front, and in three days the German Army advanced from the Chemin des Dames with little loss to Chateau Thierry, on the Marne, capturing 60,000 prisoners and 500 field guns, to be finally checked by American troops. It was our first important military contribution toward winning the war.

We should not only pause on Memorial Day to pay our homage to these veterans who paid the supreme sacrifice and to those who have gone beyond, but we should ask ourselves if we have kept faith with our pledges that this was a war to end wars. It is true that for 10 years our efforts have been faltering and faint-hearted, but a new dawn of world peace has suddenly appeared on the horizon as a result of the proposal of Secretary of State Kellogg to renounce war as an instrument of national policy between the six great nations of the world, which has already been accepted in principle by all of them.

As a Representative in Congress from this district I am glad to state that I spoke in Congress and urged the outlawry of wars of aggression

three years ago. The outlawry of war is one of those foolish ideas that remain foolish until realized. Six months ago every diplomat in Europe thought such a proposal crazy, and to-day it is dominating the whole diplomacy of Europe and of the civilized world. It is not a question at this moment of disarmament, but if the scheme works then practical disarmament will follow. We are in the midst of the greatest bloodless revolution in the history of the world—the outlawry of war and substitution of arbitration and justice. The time is fast approaching when swords will be beaten into plowshares and spears into pruning hooks and nation shall not arm against nation. This bloodless revolution is the work of the ex-service men. It is the result of their sacrifices and hardships and would have been different if we had lost the war. The credit belongs to them.

It is our duty to strive to prevent wars, to outlaw wars, and to do away with this curse of mankind. There is an overwhelming desire for peace among the thinking people throughout the world because they know that there is no human excuse for the barbaric, savage, and antiquated method of settling international disputes by bloodshed and the killing of our fellowmen. It is now 10 years since the armistice yet war as an institution is just as legitimate as it has been since the dawn of history. If the Emperor of Japan declared war on us to-morrow, it would be just as legal and lawful as for American citizens to belong to a church or to send their children to public schools.

Have we already forgotten that there were 10,000,000 selected men of the enlightened nations slaughtered in the World War, 5,000,000 more maimed, and hundreds of billions of dollars of the savings of generations consumed for destructive purposes? We have done nothing, attempted nothing to destroy the legality of the war system. The only time to fight war and try to prevent future wars is in time of peace.

The hopes and aspirations of humanity are written in the Kellogg proposal, here is a program that the peace-loving people of the world can agree upon. If the six leading powers will mutually agree to renounce war, except for self-defense, the peace societies can get ready to disband. The multilateral treaty presented by Secretary Kellogg to outlaw war goes far beyond the wildest dreams of the League of Nations. The substitution of arbitration, mediation, conciliation, and judicial processes for arbitrament by bloodshed is not visionary or impractical. It is nothing more than a great human proposal for the benefit of humanity and the maintenance of civilization.

The conscience of the thoughtful people of the world is awake to the obligations to promote peace, and woe to the nation that stands in the way. The people of the world know the horrors and folly of the war system and are united in demanding its abolition. No nation or people will want to take the responsibility of blocking the road to peace or preventing the leading nations of the world from combining to outlaw war and thereby turning their undivided efforts to abolishing ignorance, poverty, disease, and crime—the four great remaining enemies of mankind. Let us unite in support of true international Christianity and write into a treaty this international desire for world peace, this vision of a better world in which reason and justice will be substituted for violence and war among civilized nations.

We are accustomed to hearing our diplomacy jeered at and belittled and often overreached by foreign diplomats. We can well afford to ignore such criticism, as our American foreign policy has won a notable triumph for world peace. We have proposed to renounce war in spite of the fact that we are the richest and most powerful nation in the world. Every American citizen should feel proud of our honest and sincere efforts and active leadership in urging a world-wide renunciation of war as an instrument of national policy.

RESIGNATION FROM COMMITTEES

The SPEAKER. The Chair lays before the House the following communications which the Clerk will report.

The Clerk read as follows:

MAY 29, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Post Office and Post Roads.

Yours very truly,

C. W. RAMSEYER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair also lays before the House another resignation, which the Clerk will report.

The Clerk read as follows:

MAY 29, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. LONGWORTH: I herewith tender my resignation as a member of the following committees: Banking and Currency, Library, Irrigation and Reclamation.

Very truly yours,

JOHN C. ALLEN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair also lays before the House another resignation, which the Clerk will report.

The Clerk read as follows:

MAY 29, 1928.

To the honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Irrigation and Reclamation, the Committee on Flood Control, the Committee on Merchant Marine and Fisheries, and the Committee on the Library, said resignation to take effect immediately.

Yours very truly,

F. M. DAVENPORT,

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk three resolutions and ask unanimous consent for their immediate consideration.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House Resolution 234

Mr. TILSON submitted the following resolution:

"*Resolved*, That DANIEL R. ANTHONY, Jr., of Kansas, be, and he is hereby, elected chairman of the Committee on Appropriations."

House Resolution 235

Mr. TILSON submitted the following resolution:

"*Resolved*, That FRED A. BRITTEN, of Illinois, be, and he is hereby, elected chairman of the Committee on Naval Affairs."

House Resolution 236

Mr. TILSON submitted the following resolution:

"*Resolved*, That the following Members be, and they are hereby, elected members of the following-named standing committees of the House, to wit:

"C. WILLIAM RAMSEYER, of Iowa, and FREDERICK M. DAVENPORT, of New York, Committee on Ways and Means.

"JOHN C. ALLEN, of Illinois, Committee on Appropriations.

"JOSEPH L. HOOPER, of Michigan, Committee on the Library."

The SPEAKER. Without objection, the resolutions will be respectively agreed to.

There was no objection.

ESTATE OF HALLER NUTT, DECEASED

Mr. HOOPER. Mr. Speaker, I call up a conference report on the Senate bill 1769.

The SPEAKER. The Clerk will read the conference report.

The conference report was read.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1769) entitled "An act for the relief of the legal representative of the estate of Haller Nutt, deceased," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount inserted by the House amendment insert the following: "$75,000"; and the House agree to the same.

JAMES G. STRONG,
JOSEPH L. HOOPER,
B. G. LOWREY,
Managers on the part of the House.

GERALD P. NYE,
W. H. MCMASTER,
H. D. STEPHENS,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

EXTENSION OF REMARKS

Mr. WOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BYRNS], who is the ranking member of the Committee on Appropriations, and myself, as

ranking member on the Republican side, may have 10 legislative days in which to file a statement, respectively, in reference to the accomplishments of this Congress.

Incidentally, I would like to ask the gentleman from Georgia [Mr. LANKFORD] to withdraw his objection to my request to insert in the RECORD the speech made by the gentleman from Indiana [Mr. PURNELL].

Mr. LANKFORD. Mr. Speaker, I wish to state that I now withdraw my objection to the request made by the gentleman from Indiana and willingly and gladly consent to the request. [Applause.]

The SPEAKER. The gentleman from Indiana asks unanimous consent that he and the gentleman from Tennessee [Mr. BYRNS] be allowed 10 days in which to extend their remarks on the accomplishments of the Congress. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana renews his request, to which objection has been withdrawn by the gentleman from Georgia, that he be allowed to extend his remarks in the RECORD by printing an address delivered by the gentleman from Indiana [Mr. PURNELL]. Is there objection?

There was no objection.

REVIEW OF APPROPRIATIONS, BUDGET ESTIMATES, AND OTHER GOVERNMENT FINANCES

Mr. WOOD. Mr. Speaker, the close of the first session of the Seventieth Congress brings us to that stage in the political life of the Government and parties where a mere recital of the work of the past session would be an incomplete account of the stewardship of the party which has been in full control of the Government for the last seven years and in partial control during the last nine years. We have passed through a financial epoch in Government and an historical résumé of the achievements of the Republican Party during that period reveals a record of financial accomplishment so courageous, so steadfast, so sound, and so successful that it is not equaled in the history of any nation.

The Republican Party came into power in the Congress on March 4, 1919, as a result of the elections of the fall of 1918. The new Congress was summoned into extra session by President Wilson on May 19, 1919. President Harding took office on March 4, 1921, as a result of the elections of the fall of 1920. The record made by the Republican Congress during the two years from 1919 to 1921, while the administration was Democratic, and by the Republican Party in full control of the executive and legislative branches of the Government since 1921 under Presidents Harding and Coolidge, has been a constant succession of events of good administration and sound business management.

Upon assembling in extra session in 1919 the Republican Congress was confronted with innumerable and difficult fiscal problems, both domestic and foreign. The country had just emerged from a devastating war, the administration of which had been characterized by gross waste and extravagance. Government expenditures were on a scale which no nation could long endure. Loans in huge and staggering sums had been made to foreign governments without any understanding as to the basis of repayment. Administrative officials were striving to hold at swollen strength many of the enlarged activities of the Government, particularly the military and naval arms. The host of Federal employees assembled during the period of the conflict was not being demobilized with the rapidity that the cessation of war activities would permit. The public debt and the annual interest charge were a burden upon the resumption of normal financing. Taxation was crushing the individual and stifling business. The American people were demanding a speedy resumption of normal conditions in the finances of the Government as an imperative relief to them and as an example and healthy impetus to industry.

The reduction of taxes, the curtailment of the public debt, the decrease of swollen Federal activities, and the return to a normal state of affairs could not be accomplished without a drastic reduction of expenditures, and that could only be had by a decrease in appropriations.

Upon assembling in extra session May, 1919, the new Republican Congress was confronted with the duty of passing, before the commencement of the fiscal year on July 1, 1919, eight of the largest of the appropriation bills which the Democratic Congress had failed to enact into law before it went out of power. Those bills at the time of their failure were all pending in the Senate. The amounts carried in them at the time of their failure aggregated $3,768,000,000. The total of the same eight bills after their repassage was $2,828,000,000. The first legislative action of the new Congress resulted in the passage of these bills before the fiscal year began and in the decrease of the appropriations proposed by the Democratic Congress for the fiscal year 1920 by $940,000,000. The estimates for the fiscal years ending June 30, 1921, and June 30, 1922, respectively, and deficiency estimates for prior years, were prepared by the Wilson administration and submitted to the Republican Congress. They were predicated upon that same basis of extravagant administration which had characterized the conduct of the administration even during the war period. The reductions made by the Congress in these estimates aggregated slightly more than $2,950,000,000. The total reductions which the Republican Congress effected in the amounts proposed to it by the Democratic administration for the fiscal years 1920, 1921, and 1922 reach $3,890,000,000, a sum almost as great as the total appropriations for the next fiscal year.

In addition to the reduction effected in the estimates of the Democratic administration and the bills of the Democratic Congress, the succeeding Republican Congresses in connection with the appropriation bills have brought about the repeal of war-time appropriations, which were on the books and subject to expenditure, totaling approximately $1,500,000,000.

The new Congress at once realized that the conduct of the finances of the Government, according to safe principles, could not be accomplished without the inauguration of a systematic procedure. It accordingly prepared and presented to President Wilson the Budget bill. His veto of that legislation postponed until the advent of the Republican President the enactment of that important measure. The new law was signed by President Harding on June 10, 1921. Its operation has covered the period of seven fiscal years of administration and the preparation of the budgets for eight full fiscal years. The initiation of the system under the leadership of President Harding and the successful administration and faithful adherence to its principles by President Coolidge take high place in the outstanding events in executive administration of the affairs of government. To President Coolidge is due great credit for his courageous and unswerving leadership in fiscal administration under the Budget. His tenacity and integrity of purpose in insisting upon an economic and efficient conduct of the business of government have given to his subordinates a leadership in fiscal matters that has been immeasurably productive of efficient administration.

The Congress has cooperated with the Executive in the operation of the Budget in the fullest sense. In no year since the establishment of the new order has the Republican Congress exceeded the aggregate of the requests for funds submitted by the President, and on important points of difference involving matters of major policy there has been full consultation and adjustment and no serious or insurmountable differences in Budget policy. The full success of the Budget system through the years since its establishment has been due entirely to the complete accord between the President and the Congress on matters of fiscal policy.

The efforts of the Republican Party to decrease the expenses of the Government commenced in 1919. The last appropriations made by the complete Democratic administration, even after the Republican House at the succeeding Congress had eliminated $940,000,000 from certain of the bills, totaled $7,272,000,000. The appropriations made at this session, nine years later, are still $2,644,000,000 less than the final record of a Democratic administration.

Expenditures are directly dependent upon the appropriations. The decrease of the former can not be accomplished without a reduction of the latter. The actual expenditures for the fiscal year 1920, including public-debt retirements payable from ordinary receipts and excluding the Postal Service payable from the postal revenues were $6,141,000,000. The expenditures during the fiscal year 1921, the first fiscal year in which Republican control came into all branches of the Government, were $5,538,000,000. The estimated expenditures for the fiscal year 1928, which closes on June 30 next, on the same basis as those given above, are $3,658,000,000. The decrease in expenditures since 1920 and 1921, respectively, are $2,483,000,000 and $1,880,000,000.

The reduction in appropriations and expenditures outlined above has been accompanied by a very favorable condition of the Treasury. Commencing with the fiscal year 1921, and including the estimated condition for the current fiscal year, the excess of ordinary receipts over ordinary expenditures is as follows:

Fiscal year:	
1921	$86,723,000
1922	313,801,000
1923	309,657,000
1924	505,366,000
1925	250,505,000
1926	377,767,000
1927	635,810,000
1928 (estimated)	413,000,000

The total of the surpluses in the Treasury for the eight years under Republican control has amounted to $2,892,629,000.

The reduction in Government expenditures and the recurring surpluses in the Treasury have resulted in two very gratifying financial operations, namely, tax reduction and decrease in the public debt. The gross public debt at its peak point, August 31, 1919, totaled $26,600,000,000. The gross debt on May 31, 1928, was $17,755,000,000. This shows a reduction from the peak of $8,845,000,000 in approximately nine years, or an average reduction per year of nearly $1,000,000,000.

The largest amount of interest paid on the public debt in any fiscal year was in 1920, when there was disbursed in interest payments $1,024,000,000. The estimated interest charge for the next fiscal year, which commences on July 1 next, is $670,000,000. This will be a decrease in the amount of interest on the public debt from the fiscal year 1920 of $354,000,000. While the very great part of this decrease in the annual interest bill has been due to a decrease in the amount of the outstanding debt, there is a considerable proportion of it attributable to the splendid refunding operations which have been conducted under the able direction of the Secretary of the Treasury, Hon. Andrew W. Mellon.

The refunding of the second Liberty loan at lower rates of interest on the securities issued to replace those retired as a part of the refunding operation, represents a decrease in interest alone of $21,000,000. The average rate of interest on the outstanding interest-bearing debt of the United States on December 31, 1927, was 3.88 per cent compared with an average rate of 4.29 per cent in 1921. This decrease in the average rate has been brought about gradually by refunding operations and represents an annual saving of approximately $72,500,000, the difference between interest at the average of 4.29 per cent and interest at an average of 3.88 per cent on the amount of the interest-bearing debt outstanding on December 31, 1927.

The aim of the Republican Party from its partial assumption of control of the Government in 1919 and throughout its full control has been to grant relief from taxation. Decreases in appropriations, expenditures, public debt, interest charges, and other retrenchments lead to this natural sequence. Four substantial decreases in taxation have been effected. The revenue acts of 1921, 1924, 1926, and 1928 have granted extensive relief both to the individual and the corporate taxpayer by the reduction of direct taxes on incomes, the elimination of many of the indirect taxes that constitute a burden on business and the individual though not tangibly sensed, and the increase in the exemptions allowed both to individuals and corporations. The revenue act of 1924 by the increase of personal exemptions freed approximately 3,400,000 taxpayers in the lower income brackets. The relief to the individual and to business, the stimulation of industry and private enterprise, due to the lifting of the burdens of taxation by the Federal Government, can readily be visualized and understood by a glance at the amounts removed from the American public by the enactment of these four laws:

The reduction under each act, arrived at by a comparison of the receipts during the first fiscal year under the new act with what might have been collected if the reduced rates had not been made effective, is as follows:

Revenue act of 1921	$663,000,000
Revenue act of 1924	519,000,000
Revenue act of 1926	422,000,000
Revenue act of 1928 (estimated)	222,000,000
Total reductions	1,826,000,000

As indicated by the foregoing tabulation, the total accumulative reduction in taxation under these four acts is $1,826,000,000. It is no challenge to the cold facts of history or to the fervid fancy of imagination to say that such an achievement is unparalleled anywhere in the history of governments. While this lifting of burdens has been taking place in the Federal Government, both in the matter of debt reduction and tax relief, the tendency in State and municipal affairs has been in the other direction. To sense the beneficence of the suspension of this aggregate amount from the economic and financial life of America one need only to contemplate for a fleeting second the damper that would be placed upon our material progress if there should be restored to our statutes a tax bill designed to raise approximately $2,000,000,000 a year in revenue. Each successive act cutting tax rates has been productive of an impetus to business and a larger happiness and comfort for the entire American public. We are enjoying now the fruits of this relief, and the results to come from the revenue act of 1928 will be a further stimulus to prosperity and a greater incentive to industry.

The advent of Republican control found unsettled and in a chaotic condition the status of the loans made by the United States to foreign governments during the period of the war. Evidences of the loans were in most instances in memorandum form only and with little tangible evidence of any basis on which the loans were made. Agreements have now been entered into with all of our foreign debtors. All of the settlements have been ratified except the agreement with France. These adjustments have been effected in sums less than the face value of the amounts loaned, which aggregated nearly ten billions of dollars. The United States has dealt honorably and fairly in these funding agreements. The nations with whom we negotiated suffered tremendously in loss of man power, material resources, and earning power, and the inevitable solution lay, not in the harsh position of a creditor insisting on a return of dollar for dollar, but in the more generous attitude based upon the ability of the nations to pay. In general, the terms of payment extend over a period of 62 years, and the aggregate of principal and interest to be received by the United States approximates $22,000,000,000. Payments have been received under these agreements, the amount during the fiscal year 1927 being $206,000,000, of which $46,000,000 represented payments on principal and $160,000,000 payments on account of interest. The disposition of this phase of our foreign relations marked the termination of a very vexatious, delicate, and exceedingly human problem in a most satisfactory manner. Great credit is due the Secretary of the Treasury and the World War Debt Funding Commission for the efficacious manner in which they have handled this unusual diplomatic situation.

It is appropriate at this point to call attention to the reductions made by Congress in estimates of appropriations since the inauguration of the Budget system. Seven sets of Budget estimates, including the regular annual Budget and the supplemental and deficiency estimates, have been transmitted to Congress since the passage of the Budget and Accounting Act in 1921. The net reductions effected by Congress in each of the seven sets of estimates are as follows:

Fiscal year 1923 and prior years (67th Cong., 1st and 2d sess.)	$312,361,792.27
Fiscal year 1924 and prior years (67th Cong., 3d and 4th sess.)	10,741,504.15
Fiscal year 1925 and prior years (68th Cong., 1st sess.)	9,024,637.08
Fiscal year 1926 and prior years (68th Cong., 2d sess.)	12,596,495.90
Fiscal year 1927 and prior years (69th Cong., 1st sess.)	6,716,064.34
Fiscal year 1928 and prior years (69th Cong., 2d sess.)	7,752,939.03
Fiscal year 1929 and prior years (70th Cong., 1st sess.)	9,331,779.05
Total reduction effected by Congress in estimates of appropriations since establishment of the Budget system	368,525,211.82

A widespread misapprehension prevails throughout the country that the Congress is grossly extravagant and has exceeded the recommendations made by the President for Government expenditure. The foregoing table is ample and accurate proof of the fact that in no year since the Budget became operative has Congress exceeded in the aggregate the requests of the President. On the other hand, except in the first year of Budget procedure, the margin of difference between what the President requested and the amount Congress granted has been small.

A reduction of $368,500,000 by Congress in Budget proposals in a period of seven years under the Budget law, and the decrease of $3,890,000,000 by the Republican Congress during 1919–1921 under the proposals of the Democratic administration, are satisfactory evidence of the part Congress has taken in restoring and keeping expenditures to a normal basis and in paving the way for debt reduction and tax relief. A comparison of the reductions in estimates for the two periods is further evidence of the soundness of Budget cooperation between the President and Congress during the past seven years.

The total of estimates submitted during the present session by the President in the December Budget, and from time to time during the session in supplemental and deficiency Budget estimates, aggregated $4,637,376,814.14. The total appropriations made by Congress in all acts and including the amounts under the permanent and indefinite appropriations is $4,628,045,035.09. The total of appropriations is $9,331,779.05 less than the total of all estimates. A comparison of the estimates submitted for each of the appropriation acts and the amounts appropriated in

each of those acts will be found in Table A, appended to this statement. The following recapitulation shows the reduction in the estimates for the regular annual and the deficiency bills and the net reduction in all estimates:

Estimates submitted in the Budget, transmitted in December, 1927, for the fiscal year 1929	$4,258,793,765.53
Supplemental estimates submitted during the session for consideration in connection with the regular annual bills for the fiscal year 1929	$22,071,319.38
Total estimates for regular annual bills and under permanent appropriations	4,280,865,084.91
Total appropriations in regular annual bills and under permanent appropriations	4,280,290,329.81
Reduction effected by Congress in the estimates for regular annual bills	574,755.10
Supplemental estimates submitted during the session for consideration in connection with deficiency and other bills, primarily for the fiscal year 1928 and prior fiscal years	356,511,729.23
Total appropriations made in deficiency and other acts	347,019,705.28
Reduction made by Congress in estimates for deficiency bills	9,492,023.95
Total reduction made by Congress in estimates for regular annual and deficiency bills	10,066,779.05
Deduct appropriations made in special acts for payment of claims and other special items for which estimates were not transmitted by the President (approximated)	735,000.00
Net amount by which total appropriations are less than total estimates	9,331,779.05

In arriving at the net reduction of Budget estimates only three significant increases have been made in the totals of any of the appropriation bills. The agricultural bill is $1,008,954 in excess of Budget recommendations, due primarily to the addition of $1,000,000 to the appropriation for forest roads and trails, bringing the amount from $6,500,000 to $7,500,000, to correspond to the authorization provided by law. The War Department appropriation bill is $6,655,208.50 in excess of the Budget, due in the main to the increase of the appropriation for rivers and harbors to provide for improvement of the Missouri River. The naval appropriation bill is $880,905 in excess of Budget recommendations, mainly on account of an increase from 83,250 to 84,000 in the enlisted strength. All other bills are at substantially Budget figures or sufficiently under to offset the major increases made in these three instances.

The net reduction of $9,331,000 in total Budget estimates has not been arrived at by any arbitrary method. The net is reached by a large number of small increases and decreases widely distributed over the entire service. The Budget estimates have not been accepted just as submitted. Each paragraph has been carefully scrutinized by the committee and full explanation and justification for the amount required from those defending the requests. The preparation of a budget for a government with as diverse interests and ramifications as those of the United States is a complicated and difficult task. There must be denials and disappointments. After seven years of experience it can safely be said that we have made steady progress.

The total of all appropriations made at this session will be found in Table B. They may be summarized as follows:

Total in regular annual acts	$2,906,585,736.28
Total in deficiency acts	346,954,705.28
Total in miscellaneous acts	800,000.00
Total of permanent and indefinite appropriations	1,373,704,593.53
Total	4,628,045,035.09

This latter sum, classified according to fiscal years, shows the following results:

Fiscal year 1929	$4,322,148,922.06
Fiscal year 1928	283,409,395.22
Fiscal year 1927 and prior years	22,486,717.81
Total	4,628,045,035.09

For the information of those who desire to visualize by large groups the principal objects of appropriation made at this session for the fiscal year 1929 and prior years, I shall insert the following tabulation:

Interest on the public debt	$670,000,000.00
Sinking fund and other public-debt retirement funds	541,623,393.53
Veterans' Bureau, including insurance, compensation, hospitalization, adjusted compensation, and hospital construction	586,461,094.71
Postal Service	776,974,541.45
Navy	392,617,307.22
Military activities, War Department (Army)	334,703,357.75
Pensions, all wars prior to World War	256,000,000.00
Pensions of civil employees (toward Government's accrued liabilities)	19,950,000.00
Federal aid for construction of roads, roads in forest reserves, and for gratuity to States of Vermont, New Hampshire, and Kentucky for damage or destruction of roads by floods	85,577,294.00
Refund of internal-revenue taxes	173,000,000.00
Shipping Board and Merchant Fleet Corporation	13,688,750.00
Rivers and harbors, flood control, acquisition of Cape Cod Canal property, operation of Panama and other canals	118,829,510.00
Enforcement of prohibition, including sums for the Bureau of Prohibition, Coast Guard, customs service, and estimated amounts under the Department of Justice	36,000,000.00
Settlement of war claims (alien property, etc.)	50,000,000.00
Construction of public buildings within and without the District of Columbia and for acquisition of property for sites for public buildings	54,315,083.56
All other activities, including the Executive Office, Congress, the judiciary, the executive departments, the independent establishments, payment of judgments, etc	518,304,702.87
Total	4,628,045,035.09

The amount appropriated at this session of Congress in all bills, regular annual and deficiency, for the fiscal year 1929 and for prior years, and including the permanent and indefinite appropriations, is $4,628,045,035.09. There is included in this amount, however, the appropriations from the second deficiency bill for the fiscal year 1927, which became stranded at the second session of the Sixty-ninth Congress, due to a filibuster in the Senate. The estimates for that bill, and the public buildings appropriation bill which failed with it, aggregated $135,000,000. Approximately $120,000,000 of this amount have of necessity had to be added to the appropriations of the present session in order to meet the laws covered by the appropriations in the bill which failed. If this sum of $120,000,000 be deducted from the appropriations of the present session, there remains $4,508,045,035.09 in appropriations chargeable to the Seventieth Congress.

The appropriations for the second session of the Sixty-ninth Congress, exclusive of the bills which failed and including the revised figures on permanent appropriations, total $4,149,502,526.65. Adding to this sum the $120,000,000 of appropriations made at the present session, but more accurately chargeable to the past session, there is reached a total of $4,269,502,526.65.

The total appropriations for the two sessions, therefore, on a comparable basis, show an increase from $4,269,502,526.65 to $4,508,045,035.09, or in the sum of $238,542,508.44.

This increase covers practically every range of Federal activity. It is nearly 10 years since the war closed. Our population has increased by nearly 10,000,000 persons and our national wealth has been greatly augmented. As the result of the war and our secure financial position the United States has become the outstanding world power. Our activities and interests have multiplied and with it our national expenditures must necessarily grow. The country has been and is prosperous, and as industry and individuals prosper the revenue of the Government will keep pace with the normal increase in expenditures.

With the retrenchment and readjustment period passed, with a balanced Budget each year including liberal provision for debt curtailment, and with confidence in the conduct of the affairs of the Government, there need be no anxiety felt or heed paid to the alarmists. Government expenditures are being carefully and cautiously watched, both by the executive and legislative branches through the operation of the Budget. Denial and repression must always be practiced and unworthy projects rejected, but all progress in Government affairs to keep pace with the rapidly advancing interests of the United States can not be judged solely by the mere size of the total of appropriations or expenditures. If the Nation lives within its income, reduces its debt, and still has a margin left with which to reduce the tax burden, it can hardly be accused or convicted of extravagance merely because there is an increase in totals.

While there are a large number of comparatively small increases running through the great majority of Federal activities, the total increase of the session is due in the main to a number of items of considerable size resulting from the enactment of new laws at this session designed to expand our national interests and further protect and promote the prosperity of our people.

Though the war ended nearly 10 years ago there is included in the appropriations of this session an item of $50,000,000 for the carrying into effect of the settlement of war claims act of 1928 to provide for the disposition of alien property and the payment of claims arising out of the war. The act authorized appropriations of not to exceed $100,000,000 for this purpose. The $50,000,000 appropriation will be devoted partly to the payment of compensation under awards made by the arbiter for German ships, patents, and radio stations seized by the United States during the war and partly to the credit of a special fund from which will first be paid the claims arising out of the war and adjudicated in favor of American citizens.

Under the provisions of the public buildings act of May 25, 1926, as amended, appropriations are made for work on public buildings throughout the United States totaling in all acts for this session $39,035,083.56, and in the District of Columbia for Federal office buildings to replace temporary war-time construction and rented quarters, $5,600,000, an aggregate of $44,635,083.56. Of this latter amount approximately $20,000,000 is accounted for by funds for building construction which came over to the present session due to the delay in the program occasioned by the failure of the appropriations in the Senate filibuster of last session. The amount for buildings outside of the District of Columbia provides for work on 233 projects under an aggregate limit of cost of approximately $125,000,000. The sum of $9,680,000 is also carried for the acquisition of property in Washington City to provide additional sites for public buildings and to carry out the scheme of development for the National City.

An impetus to aviation, both military and civil, is given by the appropriations of the present session. The increase for the War Department is $4,233,968, for the Navy Department $11,856,000, for the Department of Commerce $1,642,850, for the Post Office Department $4,000,000, making a total increase of $21,732,818. The increase for the Postal Service includes $2,050,000 for the extension of air-mail routes outside the limits of continental United States for the carrying of mail by air to foreign countries. It is anticipated that with this sum the lines to Cuba and the West Indies will be expanded and service facilitated and routes will be operated to Mexico, other Central American countries, and possibly to the west coast of South America. The importance of this phase of air development can not be overemphasized and Congress has recognized the opportunity thus presented.

An item of $74,500,000 appears in the appropriations of this session for the first time and is in effect a "bookkeeping" appropriation so far as the total is concerned. This sum represents premium payments on Government life insurance credited to the Government life-insurance fund for payment of losses, dividends, refunds, and other benefits under the insurance policies and appropriated by law for such purposes. It at once represents a receipt and an appropriation and is an offset, but is included in the totals of the Budget in order that all properly chargeable appropriations may be listed in giving a true picture of the total.

The Postal Service shows an increase of approximately $21,000,000. Exclusive of the increase for postal air mail, just referred to, there is, in addition to the normal increase in expenses of operating the Postal Service, an unusual item of $7,500,000 to enable the Post Office Department to carry out the provision of the merchant marine act of 1928 in so far as they relate to the carrying of mail to foreign countries. That act provides for increased rates for the carrying of mail in ships flying the American flag as an aid in the development of the American merchant marine and the sum appropriated is in furtherance of the policy adopted at the present session of Congress.

Pursuant to the policy of construction at military posts to replace war-time structures and provide adequate housing for officers and men, a total has been appropriated at this session of $13,819,975 over and above items of purely repair and general improvement nature. The amount thus granted is an increase in the total of this session's appropriations over those of last session of $10,299,975.

An appropriation of $19,950,000 is made to apply toward the Government's accrued liability in the fund for the retirement of Federal civil employees for disability and age. While the amount in the fund thus far, contributed solely by the employees, is sufficient to pay current annuities, Congress has recognized that the Government liability must be met and should be met currently rather than defer it to the time when the payment of the Federal share would prove a serious charge against the revenues. The retirement act was first passed in 1920 and up to the present no payment has been made into the fund by the United States toward a liquidation of its share to care for those currently retired or to assume the liability created at the time of the passage of the original act by the retirement of those by whom no contribution whatever had been made.

The appropriation for the Navy Department shows a large increase. While some additional amounts are provided for current operating expenses, including provision for 750 additional enlisted men, there is an increase, exclusive of the increase for aviation heretofore referred to, of $24,300,000 for carrying on the program of construction of light cruisers authorized in the 1924 act.

The additional sum of $15,000,000 is allowed under the provisions of the flood control act to be expended in conjunction with the previous appropriation of $10,000,000 under the provisions of the new law toward the enlarged plan for curbing the flood waters of the Mississippi River and its tributaries.

In addition to the foregoing increase, other major items of increase at the present session are as follows:

Eradication and control, quarantine, and establishment of cotton-free zones, to curb the spread of the pink bollworm of cotton in Texas and other Southwestern States	$5,000,000
Acquisition of the bonds of the Cape Cod Canal Co. under the contract for purchase of the canal by the United States	6,230,000
Relief of the States of Vermont, New Hampshire, and Kentucky on account of the damage to or destruction of roads and bridges by the floods of 1927	5,197,294
Increase for rivers and harbors, including the improvement of Missouri River	5,886,310
Toward the construction of the Memorial Highway from Washington to Mount Vernon as a part of the commemoration of the two hundredth anniversary of the birth of George Washington	2,500,000
Construction and readjustment of storage facilities for ammunition for the Army and Navy to correct conditions adjacent to populous centers and to provide proper storage for supplies not now adequately housed	3,108,159
Extension of the Foreign Service building program to provide adequate quarters for representatives of the United States abroad	2,000,000

One decrease under normal appropriations deserves particular mention. The amount for interest on the public debt is estimated to be decreased from $720,000,000 for the current year to $670,000,000 for the next year, or by the sum of $50,000,000. This is brought about by a decrease in the amount of the outstanding principal of the debt and by the refunding operations resulting in a lower rate of interest for the new securities than that paid on the issues retired by the refunding. The amount saved in interest might be very well added to the total relief granted by the tax bill, for it is a permanent lifting of a burdensome obligation.

The Congress at this session has passed an unusual number of laws authorizing appropriations, which will be felt for many years to come. While initial appropriations under many of these acts have been made at the present session, there will follow in the ensuing years appropriations in larger amounts to carry the acts into full effect. The total of the various measures spread over a period of years in the future, running as high as 10 years for the flood control act, is in excess of $1,000,000,000. A partial list showing the major expenditure authorizing legislation will be found in Table C appended to this statement.

The Republican Party has kept faith in its promises for retrenchment in Government expenditures and financial reform. Its record is complete and unanswerable. From the assembly of the Republican Congress in May, 1919, to the present date, every effort has been made to manage public affairs according to efficient, economical, and constructive business principles. How well these efforts have succeeded is reflected in the following résumé:

A reduction in total appropriations since the third session of the Sixty-fifth Congress (Democratic) of $2,644,000,000.

A reduction in annual expenditures under those for the fiscal year 1920 (Democratic) of $2,483,000,000.

A decrease in the public debt from its peak of $8,845,000,000.

A decrease in the annual interest on the public debt since 1920 of $354,000,000.

A decrease of the annual tax burden since 1921 of $1,826,000,000.

A total of Treasury surpluses in eight fiscal years of $2,892,629,000.

A decrease by Congress in estimates of appropriations submitted by the Executive of more than $4,250,000,000.

The repeal of appropriations totaling in excess of $1,500,000,000.

The settlement of debts due from foreign countries on account of loans advanced during the World War, providing for repayments of principal and interest amounting to approximately $22,000,000,000.

This record, and the traditional capacity of the Republican Party to provide efficient and sane management of the affairs of the Government, should commend themselves to every thoughtful citizen.

TABLE A.—*Comparison of Budget estimates and appropriations, Seventieth Congress, first session*

Title of act	Budget estimates, Seventieth Congress, first session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), appropriations compared with Budget estimates
Regular acts, fiscal year 1929			
Agriculture, Department of	$138, 129, 839. 88	$139, 138, 793. 88	+$1, 008, 954. 00
District of Columbia	[1] 37, 693, 686. 00	37, 625, 208. 00	−68, 478. 00
Independent offices	527, 553, 802. 00	527, 593, 111. 00	+39, 309. 00
Interior Department	[2] 273, 165, 839. 00	272, 656, 039. 00	−509, 800. 00
Legislative establishment	18, 072, 146. 86	17, 746, 893. 26	−325, 253. 60
Navy Department	361, 264, 907. 00	362, 145, 812. 00	+880, 905. 00
Departments of State, Justice, Commerce, and Labor:			
State	13, 950, 955. 14	13, 955, 955. 14	+5, 000. 00
Justice	26, 874, 742. 50	26, 759, 342. 50	−115, 400. 00
Commerce	38, 071, 460. 00	38, 136, 960. 00	+65, 500. 00
Labor	10, 960, 840. 00	10, 968, 340. 00	+7, 500. 00
Total	89, 857, 997. 64	89, 820, 597. 64	−37, 400. 00
Treasury and Post Office Departments:			
Treasury	301, 510, 218. 00	296, 392, 018. 00	−5, 118, 200. 00
Post Office	768, 050, 042. 00	764, 950, 042. 00	−3, 100, 000. 00
Total	1, 069, 560, 260. 00	1, 061, 342, 060. 00	−8, 218, 200. 00
War Department:			
Military	309, 781, 755. 00	309, 601, 568. 50	−180, 186. 50
Nonmilitary	82, 080, 258. 00	88, 915, 653. 00	+6, 835, 395. 00
Total, War Department	391, 862, 013. 00	398, 517, 221. 50	+6, 655, 208. 50
Total, regular annual acts	2, 907, 160, 491. 38	2, 906, 585, 736. 28	−574, 755. 10
Deficiency acts			
First, 1928	200, 774, 524. 89	200, 936, 947. 54	+162, 422. 65
Second, 1928	155, 672, 204. 34	146, 017, 757. 74	−9, 654, 446. 60
Total, deficiency acts	356, 446, 729. 23	346, 954, 705. 28	−9, 492, 023. 95
Total, regular annual and deficiency acts	3, 263, 607, 220. 61	3, 253, 540, 441. 56	−10, 066, 779. 05
Miscellaneous relief, claims, and other acts (estimated)	[3] 65, 000. 00	[4] 800, 000. 00	+735, 000. 00
Total, regular annual, deficiency, and miscellaneous	3, 263, 672, 220. 61	3, 254, 340, 441. 56	−9, 331, 779. 05
Permanent and indefinite appropriations	1, 373, 704, 593. 53	1, 373, 704, 593. 53	
Grand total	4, 637, 376, 814. 14	[5] 4, 628, 045, 035. 09	−9, 331, 779. 05

[1] Exclusive of $42,500 for Freedmen's Hospital transferred to Interior appropriation bill.
[2] Includes $550,000 transferred from first deficiency and $42,500 from District of Columbia estimates and exclusive of $222,000 transferred to first deficiency bill.
[3] House Document No. 149, Water Boundary, United States and Mexico.
[4] Estimated.
[5] Classification of foregoing appropriation by fiscal years:

1929	$4, 322, 148, 922. 06
1928	283, 409, 395. 22
1927 and prior years, including judgments and audited claims	22, 486, 717. 81
Total	4, 628, 045, 035. 09

TABLE B.—*Comparison of appropriations made during the first session of the Seventieth Congress with those of the second session of the Sixty-ninth Congress*

Title of act	Appropriations, Sixty-ninth Congress, second session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), first session Seventieth Congress compared with second session Sixty-ninth Congress
Regular annual acts			
Agriculture	$128, 511, 739. 00	$139, 138, 793. 88	+$10, 627, 054. 88
District of Columbia	36, 282, 385. 00	37, 625, 208. 00	+1, 342, 823. 00
Executive office and independent offices	512, 903, 808. 00	527, 593, 111. 00	+14, 689, 303. 00
Interior	260, 305, 020. 00	272, 656, 039. 00	+12, 351, 019. 00
Legislative establishment	16, 433, 779. 56	17, 746, 893. 26	+1, 313, 113. 70
Navy	316, 215, 107. 00	362, 145, 812. 00	+45, 930, 705. 00
State, Justice, Commerce, and Labor:			
State	12, 013, 886. 41	13, 955, 955. 14	+1, 942, 068. 73
Justice	26, 400, 889. 50	26, 759, 342. 50	+358, 453. 00
Commerce	36, 627, 450. 00	38, 136, 960. 00	+1, 509, 510. 00
Labor	10, 134, 516. 00	10, 968, 340. 00	+833, 824. 00
Total, State, Justice, Commerce, and Labor	85, 176, 741. 91	89, 820, 597. 64	+4, 643, 855. 73
Treasury and Post Office:			
Treasury	137, 581, 093. 00	296, 392, 018. 00	+158, 810, 925. 00
Post Office	755, 336, 200. 00	764, 950, 042. 00	+9, 613, 842. 00
Total, Treasury and Post Office	892, 917, 293. 00	1, 061, 342, 060. 00	+168, 424, 767. 00
War Department:			
Military	280, 618, 885. 00	309, 601, 568. 50	+28, 982, 683. 50
Nonmilitary	79, 162, 844. 00	88, 915, 653. 00	+9, 752, 809. 00
Total, War Department	359, 781, 729. 00	398, 517, 221. 50	+38, 735, 492. 50
Total, regular annual acts	2, 608, 527, 602. 47	2, 906, 585, 736. 28	+298, 058, 133. 81
Deficiency acts			
First, 1927	185, 612, 334. 01		−185, 612, 334. 01
First, 1928		200, 936, 947. 54	+200, 936, 947. 54
Second, 1928		146, 017, 757. 74	+146, 017, 757. 74
Total, deficiency acts	185, 612, 334. 01	346, 954, 705. 28	+161, 342, 371. 27
Miscellaneous acts carrying appropriations, fiscal year 1928			
Miscellaneous, relief, and other acts	10, 410, 082. 17	[1] 800, 000. 00	−9, 610, 082. 17
Total, regular annual, deficiency, and miscellaneous acts	2, 804, 550, 018. 65	3, 254, 340, 441. 56	+449, 790, 422. 91
Permanent and indefinites			
Agriculture	11, 351, 250. 00	11, 010, 500. 00	−340, 750. 00
Commerce	3, 000. 00	3, 000. 00	
Independent offices	7, 452, 000. 00	84, 650, 250. 00	+77, 198, 250. 00
Interior	25, 179, 000. 00	27, 454, 000. 00	+2, 275, 000. 00
Labor	25, 000. 00	10, 000. 00	−15, 000. 00
Legislative	800. 00	160, 800. 00	+160, 000. 00
Navy	1, 916, 850. 00	1, 887, 550. 00	−29, 300. 00
Post office		220, 000. 00	+220, 000. 00
State	141, 233. 00	141, 233. 00	
Treasury:			
Interest on the public debt	[2] 720, 000, 000. 00	670, 000, 000. 00	−50, 000, 000. 00
Sinking fund and other public-debt retirement funds	[2] 537, 120, 735. 00	541, 623, 393. 53	+4, 502, 658. 53
Ordinary permanent and indefinites	31, 145, 040. 00	23, 735, 737. 00	−7, 409, 303. 00
Total, Treasury	1, 288, 265, 775. 00	1, 235, 359, 130. 53	−52, 906, 644. 47
War Department:			
Military activities	1, 500, 000. 00	1, 565, 900. 00	+65, 900. 00
Nonmilitary activities	6, 575, 600. 00	8, 522, 230. 00	+1, 946, 630. 00
Total, War Department	8, 075, 600. 00	10, 088, 130. 00	+2, 012, 530. 00

[1] Approximated.
[2] Revised in Budget in December, 1927.

TABLE B.—*Comparison of appropriations made during the first session of the Seventieth Congress with those of the second session of the Sixty-ninth Congress*—Continued

Title of act	Appropriations, Sixty-ninth Congress, second session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), first session Seventieth Congress compared with second session Sixty-ninth Congress
District of Columbia	$2, 542, 000. 00	$2, 720, 000. 00	+$178, 000. 00
Total, permanent and indefinite	[2] 1, 344, 952, 508. 00	[3] 1, 373, 704, 593. 53	+28, 752, 085. 53
Grand total	4, 149, 502, 526. 65	4, 628, 045, 035. 09	+478, 542, 508. 44
Postal Service (regular annual and deficiency acts)	755, 336, 200. 00	776, 974, 541. 45	+21, 638, 341. 45
Grand total, exclusive of Postal Service from postal revenues	3, 394, 166. 326. 65	3, 851, 070, 493. 64	+456, 904, 166. 99

[2] Revised in Budget in December, 1927.

[3] Exclusive of $15,050,042 included in the Budget statements as a permanent appropriation to cover estimated deficiency in postal revenues for 1929. This sum is included in the total of the Post Office appropriation act and to include it again in the total of the permanent appropriations would constitute a duplication.

TABLE C.—*List of major measures of the Seventieth Congress authorizing expenditures over a period of future years*

Flood control act:		
Mississippi River and tributaries	$330, 000, 000	
Sacramento River	12, 000, 000	
		$342, 000, 000
Merchant marine act of 1928, authorization of loans for building of ships to fly the American flag up to $250,000,000. Amount authorized in excess of available balance in present construction loan fund		200, 000, 000
Public buildings for post offices, courthouses, marine hospitals, quarantine stations, immigration stations, and accommodation of other Government offices and activities		100, 000, 000
Acquisition of land in Washington as sites for public buildings and for development and beautification of the National Capital		25, 000, 000
Settlement of war claims act (alien property)		100, 000, 000
Increase of pensions for widows of Civil War veterans		10, 800, 000
Federal aid in road construction and for roads in forest reserves		165, 000, 000
Acts increasing the compensation of Federal employees generally and specifically for the Customs and Immigration Services		22, 000, 000
Construction of barracks, quarters, and other facilities at military posts and flying fields of the War Department		20, 000, 000
Mount Vernon Memorial Highway		4, 500, 000
Retirement of disabled emergency officers		2, 000, 000
Additional hospitals for the United States Veterans' Bureau		15, 000, 000
Acquisition of additional lands for reforestation		4, 000, 000
Pacific Branch, National Soldiers' Home, barracks		2, 100, 000
Redistribution and storage of ammunition, Army and Navy, in addition to appropriations made		6, 000, 000
Increase in capital stock of the Inland Waterways Corporation		10, 000, 000
Enlargement and expansion of system of fish-cultural stations		2, 000, 000
Memorial to George Rogers Clark		1, 000, 000
Eradication and control of the European corn borer		7, 000, 000
Middle Rio Grande conservancy district, New Mexico, irrigation of Indian lands		1, 500, 000
Amendment of the World War veterans' act		5, 500, 000
Acts affecting the Postal Service through granting a differential in pay for night work, increased allowances for fourth-class postmaster, and reductions and adjustments in postal rates		20, 000, 000

APPROPRIATIONS, EXPENDITURES, AND AUTHORIZATIONS, 1928–29

Mr. BYRNS. Mr. Speaker, the appropriations made at the first session of the Seventieth Congress which ended on May 29, 1928, amount to the staggering sum of $4,628,045,035.09. This is a greater sum than has been appropriated in normal peace times in all history. They exceed the appropriations made during the preceding session by $478,542,508.44, although carrying $50,000,000 less in interest on the public debt. They are greater than appropriations made by any session of Congress since 1921, at which time the country had not fully emerged from the World War and demobilization of the Army and war-time agencies was taking place. At the session in that year appropriations amounted to $4,780,829,510.35, or $152,784,475.26 more than was appropriated at the last session. But, as stated, the country was at that time demobilizing, and it must also be remembered that in the year 1921 there was appropriated for interest on the public debt the sum of $1,017,000,000, while only $670,000,000 was appropriated for that purpose at the last session, a difference of $347,000,000. Deduct this item and the appropriations of the session just closed exceed those of the demobilization period of 1921 by over $194,000,000.

The present Chief Executive assumed office early in the fiscal year 1924. From that time perhaps there has never been put forth a greater effort to impress the country with Federal economy, with the result that the average citizen has no doubt buf that since that time Federal expenditures have been reduced to the extent of billions of dollars. And yet the appropriations at the last session are practically 20 per cent greater than they were at the first session after Mr. Coolidge became President. In the December, 1923, session, immediately following the accession of Mr. Coolidge to the Presidency, there was appropriated the sum of $3,863,645,208.12. This is $764,399,826.97 less than was appropriated at the session of Congress just closed, and that, too, notwithstanding the annual interest on the public debt is $270,000,000 less than it was in 1923. The appropriations have been growing by leaps and bounds ever since, and the prophecy of the lamented chairman of the Appropriations Committee that session appropriations will reach the $5,000,000,000 mark unless there is a check on increased activities and extravagance is likely to be realized sooner than he could have anticipated.

Let no one seek to justify this enormous increase on the ground that it is due to unexpected emergencies like the flood disaster, for, although an authorization of $325,000,000 was made for flood control, the appropriations only carry $15,000,000 for that purpose. Neither is it due to the merchant marine, for, although there was an authorization of $250,000,000 for the building up of our merchant marine, there was no appropriation made at this session for that purpose. Nor is it due to the extensive building program which has been projected, for the session's appropriations carried only $36,468,500 for the building program. Nor is it due to increased sums for disabled soldiers of the World War, for the appropriations for the Veterans' Bureau are over $7,000,000 less than they were for last year. There are no extraordinary grounds upon which this increase can be justified.

BUDGET ESTIMATES

But even this huge sum is less than was asked for by the President. It is $9,331,779.05 less than the estimates submitted. I will append at the end of these remarks Table A, comparing the estimates submitted and the appropriations carried in the various annual and deficiency bills passed at this session of Congress. While Congress may be criticized for these large appropriations, it has shown itself to be more economical than the administration. It may be said that, including this session, Congress has reduced the estimates of the President more than $367,000,000 since the Budget was established in 1921.

AUTHORIZATIONS

A statement of the actual appropriations is not a complete picture of the demands upon the Treasury, for Congress has been extremely liberal in its authorization of future appropriations. The authorizations made at this session of Congress will amount to approximately $1,150,000,000. They range all the way from a thousand dollars for surveys and markers on battle fields to the largest item of $325,000,000 for flood control. Of this sum approximately $115,000,000 has been appropriated in the second deficiency bill, leaving more than $1,000,000,000 which must be carried in the appropriation bills in the next and few succeeding years in addition to the present large ordinary expenditures of the Government.

Even if Congress should refuse hereafter to make additional authorizations there is no hope of a reduction. There is not even the hope that appropriations will remain at the present figure. These increased obligations must be met, and the people must expect a continued increase in appropriations as a result. The sooner, therefore, that the people disabuse their minds of the false idea that they have been living under a régime of the strictest economy for the past six years and that there has been a reduction of expenditures the better it will be for the country.

But this is not all the story. There are pending in either the Senate or the House authorization bills which have passed one or the other of these two bodies amounting to over $450,000,000. Since these bills have passed one of the two Houses it is safe to assume that they will nearly all become laws at the next session. Certainly the naval authorization bill of $274,000,000, and most probably the Boulder Dam authorization of $125,000,000, and which some say will ultimately cost nearer $250,000,000, will become laws at the next session. Bills aggregating more than $400,000,000 in authorizations have been favorably reported by committees and are now on the calendar awaiting action by the two Houses. It is apparent, therefore, that at the close of the next session the authorizations for future or new appropriations by this Congress will amount to between $1,500,000,000 and $2,000,000,000, all of which will have to be taken care of in the next few years in addition to the existing ordinary expenditures of the Government. Never in peace time has a Congress shown such extreme liberality in pledging the future revenues of the Government.

In addition Congress passed the Welch salary increase bill which fixes an annual increased charge upon the Government of over $22,500,000 and which it is confidently asserted was designed to raise the salaries of the higher-paid employees rather than those who need it most. It increased salaries of customs service employees $1,625,799. It increased pensions $10,000,000 per year. It passed two bills over the veto of the President affecting the Postal Service and carrying approximately $10,000,000 per year by way of increase. It also passed the emergency officers' retirement bill over the veto of the President, which will cost more than $2,000,000 a year. With the exception of these three bills all of the above-named appropriations and authorizations were made with the approval of the President.

It may be said that all of these authorizations were meritorious and that many were essential at this time, but it can also be equally well said that some could have been postponed until a later date. The record of the administration and the Congress in regard to the appropriations and authorizations at this session must carry its own commendation and likewise its own condemnation. This is a rich and resourceful country and happily can stand even larger expenditures, but that is no excuse or justification for either extravagance or improvidence. The question is, How long will the business and tax-paying interests of the country stand this rapidly mounting increase in expenditures in the face of repeated assurances given in the past few years that Federal expenditures would be reduced or held down to a minimum?

COMPARISON OF APPROPRIATIONS

There will be found at the close of these remarks Table B, which is a comparison between the appropriations made at the second session of the Sixty-ninth Congress and those made at the first session of the Seventieth Congress for the fiscal years 1928 and 1929, respectively. It will be observed that the appropriations for this session exceed those of the last session in the sum of $478,542,508.44, or if the Postal Service is excluded, in the sum of $456,904,166.99.

But it should be said that not all of the appropriations carried in the two deficiency bills enacted at the last session are for the fiscal year 1929, and the same is true of the deficiency bill enacted at the preceding session as applied to the fiscal year 1928. The greater part of these two deficiency bills is for the combined years of 1928 and 1929. A portion, therefore, of these combined appropriations could be fairly applied to 1929. But deducting all these sums we find that at the beginning of the year the appropriations for the fiscal year 1929 amount to $4,322,148,922.06, and this sum will undoubtedly be increased by deficiencies at the next session, as has been done in all past years. Making the same deductions from the deficiency bill carried in the table referred to for 1928, the appropriations for the fiscal year 1928, at the beginning of that year were $4,014,988,936.40, showing an increase for the fiscal year 1929 over 1928 of $307,159,985.66, and this will be increased by such deficiencies as are appropriated at the next session.

EXPENDITURES

Expenditures are, of course, reflected by the appropriations. The actual total expenditures for the fiscal year 1924, ending June 30, 1924, were $4,079,626,493.75; for 1925, $4,129,234,923.68; for 1926, $4,230,851,302.36; for 1927, $4,176,706,508.06. The Budget Bureau in December, 1927, estimated that the total expenditures for the fiscal year 1928, ending June 30, 1928, would be $4,331,814,285. The latest revision of 1929 expenditures is $4,406,000,000, but since this revision there have been additional authorizations and appropriations, including an increase in the estimated postal deficit, and it is entirely safe to say that the total expenditures for 1929 will approximate $4,464,000,000.

The above figures include Postal Service expenditures, and properly so, because it is the only way to present a true picture of the entire expenditures of the Government. The omission of Postal Service expenditures has the effect of giving misleading information and creating the impression that expenses are less than they really are. Postal receipts are covered into the Treasury just like other collections and are taken therefrom by regular annual appropriation bills. They are, therefore, just as much ordinary expenditures as appropriations for the revenue and customs service, the Patent Office, and other bureaus which collect revenues. It may be said that these bureaus do not pay their own way. Neither does the Postal Service, for there is always a deficit. The Bureau of the Budget, however, has followed the custom of segregating postal expenditures from all other expenditures, which it chooses to class as "expenditures payable from ordinary receipts." Following this custom and excluding the Postal Service, the expenditures of the Government for the years stated were as follows:

1924	$3,506,000,000
1925	3,529,000,000
1926	3,584,000,000
1927	3,493,000,000
1928 (estimated)	3,621,000,000

For 1929 a fair and conservative estimate is $3,700,000,000.

And during all these years there has been in each succeeding year less to pay in interest on the public debt. The interest on the public debt for each of these years was as follows: 1924, $940,000,000; 1925, $881,000,000; 1926, $831,000,000; 1927, $787,000,000; 1928, $720,000,000; 1929, $670,000,000. It will be noted that the interest payable in 1929 is $270,000,000 less than in 1924, and yet there is a net increase in the six years of $385,000,000 in the total expenditures of the Government. This is a striking revelation of the extent of the increases in the cost of Government during this period.

PUBLIC DEBT

At its peak on August 31, 1919, the public debt was over $26,500,000,000. On June 30, 1927, it had been reduced by $8,084,794,716. Prior to March 3, 1921, under a Democratic administration, it had been reduced to $24,051,000,000—a net reduction of $2,549,000,000 in 19 months. Approximately $5,535,000,000 represents the reduction during the six years of the Harding-Coolidge administrations. It is estimated that there will be in the Treasury from the sinking fund and foreign repayments in the fiscal year 1928 approximately $537,000,000 which, under the law, will be applied on the public debt, and to which will be added whatever surplus there may be in the Treasury on June 30, 1928. It is estimated that the sinking fund and foreign repayments will approximate $541,000,000 in the fiscal year 1929, and this will be applied under the law on the public debt for that year with whatever surplus there may be in the Treasury on June 30, 1929.

One of the many highly constructive measures passed by a Democratic Congress and approved by a Democratic President was the sinking fund act. The passage of this act has contributed in very large measure to the reduction of our public debt. Nearly $2,000,000,000 of the reduction on the public debt by the Harding-Coolidge administrations was paid out of the fund created by this act. This fund alone will wipe out more than $10,000,000,000 of our public debt by 1946.

The Harding-Coolidge administrations can not claim all the credit for the reductions from 1921 to 1927. I have many times called attention to the cash assets inherited by these administrations from the Wilson administration. These cash assets aggregating probably $3,786,000,000 contributed to this reduction and came from various sources, such as the sale of surplus war supplies, collections on loans to railroads by the Wilson administration during the World War, back taxes collected from taxes levied during the war and under the Wilson administration, and other sources. Some time ago my colleague, Mr. HULL, inserted in the RECORD a table showing in detail the amounts and sources of these cash assets, and I will take the liberty of inserting that as Table C at the close of these remarks.

Under our form of government party control necessarily carries with it party responsibility. The Republican Party has had control of Congress since March 4, 1919, and of the Executive branch since March 4, 1921. Congress alone has the power to levy taxes and appropriate money to be expended for the executive departments. If there has been a reckless misuse of public money and an utter disregard of the taxpayers' interest during this period the Republican Party must be held responsible. A considerable increase in Government expenditures was to be expected. Greater attention to education; good roads and other activities which make for the enlightenment and progress of a people have necessarily increased our national expenditures, but taking these desirable activities and necessary expenditures into consideration the present and rapidly increasing expenditures of the National Government, with the added expenditures made necessary by the action of Congress at this session, shows a reckless disregard of the taxpayers' interest which no Republican platform pronouncement or administration propaganda of alleged economies can possibly explain or overcome.

During the past seven years the American people have been humiliated and outraged by the evidences of fraud and corruption which has taken place in their Federal Government. Without casting reflections on the thousands of honest persons in the Government service in the White House and other places, high and low, it must be apparent to every unbiased thinking citizen who loves his country more than he does his party that if the American people really desire to clean house and restore confidence in their Government; if the taxpaying citizens wish to call a halt on the increasing expenditures of their Government then they will make a change in the administrative and legislative branch of our Government at the coming election.

TABLE A.—*Comparison of Budget estimates and appropriations, Seventieth Congress, first session*

Title of act	Budget estimates, Seventieth Congress, first session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), appropriations compared with Budget estimates
Regular acts, fiscal year 1929			
Agriculture, Department of	$138, 129, 839. 88	$139, 138, 793. 88	+$1, 008, 954. 00
District of Columbia	[1] 37, 693, 686. 00	37, 625, 208. 00	−68, 478. 00
Independent offices	527, 553, 802. 00	527, 593, 111. 00	+39, 309. 00
Interior Department	[2] 273, 165, 839. 00	272, 656, 039. 00	−509, 800. 00
Legislative establishment	18, 072, 146. 86	17, 746, 893. 26	−325, 253. 60
Navy Department	361, 264, 907. 00	362, 145, 812. 00	+880, 905. 00
Departments of State, Justice, Commerce, and Labor:			
State	13, 950, 955. 14	13, 955, 955. 14	+5, 000. 00
Justice	26, 874, 742. 50	26, 759, 342. 50	−115, 400. 00
Commerce	38, 071, 460. 00	38, 136, 960. 00	+65, 500. 00
Labor	10, 960, 840. 00	10, 968, 340. 00	+7, 500. 00
Total	89, 857, 997. 64	89, 820, 597. 64	−37, 400. 00
Treasury and Post Office Departments:			
Treasury	301, 510, 218. 00	296, 392, 018. 00	−5, 118, 200. 00
Post Office	768, 050, 042. 00	764, 950, 042. 00	−3, 100, 000. 00
Total	1, 069, 560, 260. 00	1, 061, 342, 060. 00	−8, 218, 200. 00
War Department:			
Military	309, 781, 755. 00	309, 601, 568. 50	−180, 186. 50
Nonmilitary	82, 080, 258. 00	88, 915, 653. 00	+6, 835, 395. 00
Total, War Department	391, 862, 013. 00	398, 517, 221. 50	+6, 655, 208. 50
Total, regular annual acts	2, 907, 160, 491. 38	2, 906, 585, 736. 28	−574, 755. 10
Deficiency acts			
First, 1928	200, 774, 524. 89	200, 936, 947. 54	+162, 422. 65
Second, 1928	155, 672, 204. 34	146, 017, 757. 74	−9, 654, 446. 60
Total, deficiency acts	356, 446, 729. 23	346, 954, 705. 28	−9, 492, 023. 95
Total, regular annual and deficiency acts	3, 263, 607, 220. 61	3, 253, 540, 441. 56	−10, 066, 779. 05
Miscellaneous relief, claims, and other acts (estimated)	[3] 65, 000. 00	[4] 800, 000. 00	+735, 000. 00
Total, regular annual, deficiency, and miscellaneous	3, 263, 672, 220. 61	3, 254, 340, 441. 56	−9, 331, 779. 05
Permanent and indefinite appropriations	1, 373, 704, 593. 53	1, 373, 704, 593. 53	----------
Grand total	4, 637, 376, 814. 14	[5] 4, 628, 045, 035. 09	−9, 331, 779. 05

[1] Exclusive of $42,500 for Freedman's Hospital transferred to Interior appropriation bill.
[2] Includes $550,000 transferred from first deficiency and $42,500 from District of Columbia estimates and exclusive of $222,000 transferred to first deficiency bill.
[3] House Document No. 149, Water Boundary, United States and Mexico.
[4] Estimated.
[5] Classification of foregoing appropriation by fiscal years:

1929	$4, 322, 148, 922. 06
1928	283, 409, 395. 22
1927 and prior years, including judgments and audited claims	22, 486, 717. 81
Total	4, 628, 045, 035. 09

TABLE B.—*Comparison of appropriations made during the first session of the Seventieth Congress with those of the second session of the Sixty-ninth Congress*

Title of act	Appropriations, Sixty-ninth Congress, second session	Appropriations, Seventieth Congress, first session	Increase (+) or decrease (−), first session Seventieth Congress compared with second session Sixty-ninth Congress
Regular annual acts			
Agriculture	$128,511,739.00	$139,138,793.88	+$10,627,054.88
District of Columbia	36,282,385.00	37,625,208.00	+1,342,823.00
Executive office and independent offices	512,903,808.00	527,593,111.00	+14,689,303.00
Interior	260,305,020.00	272,656,039.00	+12,351,019.00
Legislative establishment	16,433,779.56	17,746,893.26	+1,313,113.70
Navy	316,215,107.00	362,145,812.00	+45,930,705.00
State, Justice, Commerce, and Labor:			
State	12,013,886.41	13,955,955.14	+1,942,068.73
Justice	26,400,889.50	26,759,342.50	+358,453.00
Commerce	36,627,450.00	38,136,960.00	+1,509,510.00
Labor	10,134,516.00	10,968,340.00	+833,824.00
Total, State, Justice, Commerce, and Labor	85,176,741.91	89,820,597.64	+4,643,855.73
Treasury and Post Office:			
Treasury	137,581,093.00	296,392,018.00	+158,810,925.00
Post Office	755,336,200.00	764,950,042.00	+9,613,842.00
Total, Treasury and Post Office	892,917,293.00	1,061,342,060.00	+168,424,767.00
War Department:			
Military	280,618,885.00	309,601,568.50	+28,982,683.50
Nonmilitary	79,162,844.00	88,915,653.00	+9,752,809.00
Total, War Department	359,781,729.00	398,517,221.50	+38,735,492.50
Total, regular annual acts	2,608,527,602.47	2,906,585,736.28	+298,058,133.81
Deficiency acts			
First, 1927	185,612,334.01		−185,612,334.01
First, 1928		200,936,947.54	+200,936,947.54
Second, 1928		146,017,757.74	+146,017,757.74
Total, deficiency acts	185,612,334.01	346,954,705.28	+161,342,371.27
Miscellaneous acts carrying appropriations, fiscal year 1928			
Miscellaneous, relief, and other acts	10,410,082.17	[1] 800,000.00	−9,610,082.17
Total, regular annual, deficiency, and miscellaneous acts	2,804,550,018.65	3,254,340,441.56	+449,790,422.91
Permanent and indefinite			
Agriculture	11,351,250.00	11,010,500.00	−340,750.00
Commerce	3,000.00	3,000.00	
Independent offices	7,452,000.00	84,650,250.00	+77,198,250.00
Interior	25,179,000.00	27,454,000.00	+2,275,000.00
Labor	25,000.00	10,000.00	−15,000.00
Legislative	800.00	160,800.00	+160,000.00
Navy	1,916,850.00	1,887,550.00	−29,300.00
Post Office		220,000.00	+220,000.00
State	141,233.00	141,233.00	
Treasury:			
Interest on the public debt	[2] 720,000,000.00	670,000,000.00	−50,000,000.00
Sinking fund and other public debt retirement funds	[2] 537,120,735.00	541,623,393.53	+4,502,658.53
Ordinary permanent and indefinite	31,145,040.00	23,735,737.00	−7,409,303.00
Total, Treasury	1,288,265,775.00	1,235,359,130.53	−52,906,644.47
War Department:			
Military activities	1,500,000.00	1,565,900.00	+65,900.00
Nonmilitary activities	6,575,600.00	8,522,230.00	+1,946,630.00
Total, War Department	8,075,600.00	10,088,130.00	+2,012,530.00
District of Columbia	2,542,000.00	2,720,000.00	+178,000.00
Total, permanent and indefinite	[2] 1,344,952,508.00	[3] 1,373,704,593.53	+28,752,085.53
Grand total	4,149,502,526.65	4,628,045,035.09	+478,532,508.44
Postal Service (regular annual and deficiency acts)	755,336,200.00	776,974,541.45	+21,638,341.45
Grand total, exclusive of Postal Service, from postal revenues	3,394,166,326.65	3,851,070,493.64	+456,904,166.99

[1] Approximated.
[2] Revised in Budget in December, 1927.
[3] Exclusive of $15,050,042 included in the Budget statements as a permanent appropriation to cover estimated deficiency in postal revenues for 1929. This sum is included in the total of the Post Office appropriation act and to include it again in the total of the permanent appropriations would constitute a duplication.

TABLE C

Practically, cash assets inherited by Harding-Coolidge administrations and amount of net receipts to Treasury, fiscal years 1922 to 1927, inclusive:

War Finance Corporation	$157,247,000
Receipts from sale of Federal farm-loan bonds	199,928,000
Railroads	442,652,000
Grain Corporation	7,000,000
Total	806,827,000
Add:	
Foreign debt interest and repayments	841,000,000
Back taxes collected after 1920 for 1917, net	1,300,000,000
German payments for Army occupation	25,000,000
Sale of surplus war supplies, including transfers and withdrawals	492,949,000
Reduction of balance in general fund on June 30, 1921	321,000,000
Total	3,776,776,000
Public debt reduction prior to Mar. 3, 1921	$2,545,000,000
Grand total	6,321,776,000
Debt of the Federal Government when at its peak, Aug. 31, 1919, was	26,596,000,000
Feb. 28, 1921, it was	24,051,000,000
Reduction	2,545,000,000
Total gross debt, Feb. 28, 1921	24,051,000,000
June 30, 1927, it was	18,512,000,000
Reduction	5,539,000,000
Grand total reduction from Aug. 31, 1919, to July, 1927	8,084,000,000
The amount of reduction prior to Mar. 4, 1921, $2,545,000,000, plus Treasury receipts from cash assets left by Wilson administration, $3,786,000,000	6,332,000,000
Total reduction for which Harding-Coolidge administrations supplied money	1,752,000,000

ADDRESS OF HON. FRED S. PURNELL

Mr. WOOD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by my colleague Hon. FRED S. PURNELL, of Indiana, as permanent chairman of the Republican State convention of Indiana, held at Indianapolis, Ind., May 23–24, 1928:

ACHIEVEMENTS OF THE REPUBLICAN PARTY

Some one has said it is impossible to draw an indictment against a whole people. If that task were assigned me, I should charge that the one great fault of the American people lies in the fact that in the prosperity and contentment of to-day we forget the adversities and the discontent of yesterday. Every American citizen, and certainly every Republican, could with profit to himself and his country read and reread the matchless story of progress written by this Nation under the policies of our party. The history of the Republican Party is so interwoven with that of the Nation that to read one is to know and understand the other. The real story of progress in this Nation covers that period in our history from 1860 to this hour. During that period of 68 years the Republican Party has, with the exception of two brief periods, been in continuous power. Grover Cleveland served for eight years and Woodrow Wilson, by virtue of an unfortunate division within our own ranks, served a like period. So that, with the exception of 16 years, this entire period of 68 years has seen the Republican Party in control of and responsible for the welfare of the Nation.

During the period of 68 years this Nation has grown from one in swaddling clothes, with a national wealth of less than 16 billions, with no standing among the nations of the earth, with little influence at home or abroad, until to-day it stands triumphant with a prosperous, contented, and equal people, more than 110,000,000 in number, representing a national wealth of more than $350,000,000,000. The United States of America stands to-day not only as the richest nation of the world but it is without question the most powerful, the most influential, the most Christian, and the most unselfish. It is the only solvent nation on this earth and is the one land of opportunity under the sun. Though we are cordially hated by most of the European nations, it is not strange that millions of their subjects are looking with longing eyes toward America and praying for an opportunity to renounce allegiance to kings and queens and make this country their country.

It is my purpose to discuss as briefly as possible some of the things that have made this Nation great and to show, as I think I can, that this Nation is what it is to-day by reason of the policies of government advocated and put into practice by the Republican Party.

By their fruits ye shall know them. The Republican Party is not ashamed to look backward nor afraid to look forward; the history of the Republican Party is its own best campaign document. Let it be said to its everlasting credit that it stands to-day upon the great fundamental principles of government exactly where it stood in the beginning and where it has stood throughout its long and honorable history.

I am afraid I can not say as much for the Democratic Party, which through all these years has been its principal opponent. While this great Rock of Gibraltar has been lashed by the waves of Democratic fury in many campaigns, it still stands unmarked and has lived to see each issue of its opponent sink in the foam of repudiation at its feet.

When the Democratic Party advocated slavery it was wrong. They would no more advocate it to-day than would the Republican Party, which opposed it then.

When the Democratic Party advocated State rights it was wrong. The Republican Party believed in a strong, centralized government then, and it believes in it now, just as the Democratic Party believes in it now.

When the Democratic Party advocated free trade it was wrong. The Republican Party believed in protective tariff then; it believes in it now. More than that, both parties understand fully that the policy of a protective tariff is not only the basis of our great wealth, but, more than that, is directly responsible for the equality of opportunity and the happiness that fills every home in America. Not only has American industry been protected, but through that protection the American laborer has been lifted from the ranks of the ignorant and underpaid of other lands and set among his countrymen as an equal. The humblest home in America may to-day contain the President of to-morrow.

The Democratic Party now enters the plea that it is no longer a free-trade party and that it no longer thinks in "pre-war" terms. The fact is that upon the tariff question the Democratic Party has during the last half century boxed the compass. It has denounced the protective tariff policy as unconstitutional. It has declared for a tariff for revenue only, a competitive tariff, an economic tariff, a tariff for revenue without domestic injury (a sop thrown to the sugar producers of Louisiana), has insisted that tariff is a "local question," and has conceded that the Underwood-Simmons bill contained "incidental projection." So confused have some of their Representatives in the South become in an effort to keep up with the changing sentiment within their party that one of them, in answer to an inquiry from a constituent whose position he did not know as to how the Representative stood on the tariff, replied, "I am in favor of raising it where it is too low and lowering it where it is too high."

But always they knock at the door where Republicans are writing a tariff bill and pray that the products of their several States be given a full measure of protection. It is said that during the consideration of the Fordney-McCumber tariff bill almost every Democratic Senator secured the adoption of an amendment giving protection to some product from his State, but later voted against the bill when satisfied there were sufficient Republican votes to pass it.

There are many ways of demonstrating loyalty to America, but I know of no more practical way to express it than for us all to be quite certain that when we need articles of either necessity or luxury that we buy goods made in the United States, where a decently filled pay envelope is the reward for toil and service. Every dollar of American money spent on imported goods feeds cheap foreign labor, deprives skilled American labor of wages, reduces American labor's ability to purchase from American retailers, and undermines our American living standards.

Not only have our Democratic friends changed their position on the tariff, but tongues that once propounded the doctrine of free silver are forever silenced. When the Democratic Party advocated this fallacious financial program it was wrong. The Republican Party was right, as time has demonstrated, when it met this unsound proposal with a demand for gold standard.

In a recent campaign the Democratic Party, with all the spirit of the crusaders, pledged the nations of Europe that if their party should be retained in power this great Nation would enter the League of Nations and join them in the discussion and settlement of their own political problems. When they advocated our entrance into the League of Nations, they were wrong, and, save for a scattering few, the members of that party join to-day in giving thanks to that vast majority of more than 7,000,000 which, under the leadership of the Republican Party, heeded the admonition of George Washington, the father of our country, who urged that we avoid the political entanglements of Europe.

The League of Nations issue has been relegated to that vast Democratic cemetery wherein rest the bones of State rights, slavery, free trade, free silver, anti-imperialism, Government ownership of railroads, and a score of other abandoned and forgotten issues. May they rest in peace.

This inclination to be led astray by strange gods and false issues suggests Abraham Lincoln's story of the irresponsible calf which broke through the fence and followed a runaway bull until it was lost in a cloud of dust. The disgusted farmer pursued the wayward calf a short distance, but gave up in disgust with the parting injunction: "Run, durn ye, you'll learn your mistake at feedin' time."

What issue will they raise in the coming campaign? Some say it will be corruption. If so, corruption is a personal and not a political matter. It must be remembered that a strong, courageous, and honest man in the

person of Calvin Coolidge sits in the White House and will continue to preside over the destinies of this Republic until he is relieved of that duty on the 4th of March next by another equally honest and equally courageous Republican. Does anyone dare to think that there is a dishonest drop of blood in the veins of Calvin Coolidge? He meant it when he said: "No man will be persecuted because he is a Democrat, and no man will be protected because he is a Republican."

The results in this campaign will not rest upon the personality of any individual or group of individuals, but rather upon the record of the parties based upon service rendered. Our Government is comparable with a great financial institution. Would you destroy a strong, successful bank because one or more employees had proven false to their trust? Would you wreck the institution and denounce the policies that made it great because a cashier or clerk, or even its president, had not measured up to all that was expected of him?

The Republican Party is larger than any individual or group of individuals in it and enters the coming campaign unashamed and unafraid. Its record is an open book to which every American, without regard to party, can point with pride.

What is the record? For the purpose of giving you a comprehensive picture, let me refer briefly to conditions as they existed immediately preceding the great World War. The Underwood tariff law again demonstrated that a Democratic tariff means closed factories and hard times. It became a law in October, 1913, and by the early summer of 1914 the unemployment situation became serious. The operations of the law prostrated industry. Notwithstanding the fact that Woodrow Wilson characterized it as "psychological," the railroads nevertheless laid off thousands of workmen and their yards became filled with empty cars. Factories and mills closed indefinitely and the Nation was threatened with a serious panic. Then came the great World War, which immediately stopped all imports and increased our exports beyond all precedent. The war automatically suspended the effects of the Underwood tariff law and gave to the Nation a tariff equivalent to an embargo.

It is unnecessary to retell the financial story of our participation in the World War. Money in unheard-of sums, borrowed from the people, was spent with a lavishness heretofore unknown to the world. Indeed, so liberal were those who held the purse strings of the Nation that more than $10,000,000,000 was loaned to foreign governments without security or any written or verbal promise to pay. As a matter of fact, I doubt if these foreign countries ever expected to repay this money. I doubt if our Democratic friends who turned it over to them ever expected to ask them for it. My views in this regard have been strengthened by a more or less recent interview given out by Newton D. Baker, Secretary of War in the Wilson Cabinet and a close personal friend of William G. McAdoo, in which he advocated cancellation of all these debts. Like a profligate son who suddenly comes into an inheritance, the Nation indulged in an era of reckless extravagance and waste, from which it has not yet fully recovered. The borrower, however, must ultimately pay and the day of reckoning was at hand.

Daniel Webster, in his famous reply to Hayne, used the figure of a storm-tossed mariner taking the first opportunity of a reappearing sun to ascertain the true position of the ship to see how far it had drifted from its course. By a majority of more than seven million, the voters of the Nation in 1920 again intrusted the Government to the hands of the Republican Party. As our Democratic friends backed off the stage our party, like the mariner, took advantage of this reappearing sun to learn the true position of the ship of state.

When the Republicans came into power in 1921 we found that the national debt, which was less than $1,000,000,000 in 1913, had reached the gigantic sum of $24,000,000,000; that the annual interest on the debt was more than the original debt itself; that, although two years had elapsed since the signing of the armistice, we were still technically at war; that 19 nations had borrowed nearly $11,000,000,000 of the people's money for which there was no evidence except mere scraps of paper given as receipts; that Government bonds to the extent of $20,000,000,000 purchased by 15,000,000 loyal Americans were selling in the open market at 85; that 5,000,000 men were walking the streets restless and jobless; that a steady stream of immigrants, many of them the undesirables of Europe, was pouring into this Nation displacing American workmen and adding terror to the Nation. Five hundred thousand had entered the year before.

We found that the railroads were demoralized by admitted mismanagement which cost the country in taxes $2,950,000,000, wages alone having been increased $1,765,000,000.

We found that a vast merchant fleet had been built for war use at a cost of more than $3,000,000,000, which in 1921 was appraised at less than $500,000,000, with claims filed against it for more than $200,000,000.

We found the farmers again facing ruin because of the low prices they were receiving under the Underwood tariff law. The low tariff rates of the Underwood bill not only permitted our markets to be flooded with foreign farm products but with foreign manufactured products as well. It was the old story of what happens under a tariff for revenue bill.

The American manufacturer lost to a large extent the American market. Our factories were compelled to close down, with the result that in the spring of 1921 the 5,000,000 men who were out of employment were no longer able to purchase the products of the farm except in a most limited degree. We found that in order to meet the operating expenses of the Government a new high level of taxes to the extent of nearly $6,000,000,000 per year was being levied upon the people. Four million soldiers who had been inducted into the service of their country were back in private life restlessly seeking to find employment and sadly in need of helpful legislation. Maimed and disabled soldiers were in need of hospitalization and vocational training while the dependents of those who made the supreme sacrifice or were physically incapacitated looked with longing eyes toward their Government for relief.

With a spirit born of an experience gained in handling great governmental problems, as well as a determination to save the Nation and restore peace at home and abroad, the Republican Party gritted its teeth, rolled up its sleeves, and faced this herculean task. The story of reconstruction, covering the last seven years, forms the most interesting chapter in the glorious history of the Republican Party, as well as the Nation itself.

In view of that unexampled record of achievement, what issue can our Democratic friends hope to raise in the coming campaign?

They can not criticize us, because we have established a Budget system which has resulted in reducing the annual operating expenses of the Government from $6,000,000,000 to less than three and one-half billions, thus putting the Government for the first time in its existence upon a sound financial basis.

They can not complain, because we have reduced the national debt from twenty-five billions to less than eighteen billions in a period of seven years, with the result that a load of more than $300,000,000 per year in interest on the national debt has been lifted from the backs of the people.

They dare not make an issue of the fact that in 1921 we passed the emergency tariff law to supplant the iniquitous Underwood law until we could later pass the Fordney-McCumber tariff law, an act which has given impetus to the restoration of industry, labor, and agriculture.

They can not hope to make a successful appeal, because we have, through the Budget system and the practice of rigid economy, taken more than 100,000 employees off the Government pay roll and sent them back to private life.

They can not complain, because we have established peace with the nations of the world, with whom we were still at war when we came into power.

An appeal to labor would fall upon deaf ears, because labor in the main is generally employed, and at good American wages.

They can not cry out because we have enacted a stringent immigration law which serves to protect American labor and preserve America for Americans. To my mind this is one of the outstanding achievements of the Republican reconstruction program. Picture, if you can, the motley herd of undesirables numbering 500,000 which poured into this country from the four corners of the earth during the year preceding the passage of the present immigration law. Such a body is equal to 27 Army divisions. If they were to march down Fifth Avenue in New York City in regular formation it would take four days and four nights for this vast army to pass a given point. Recognizing that you can not make a trotter out of a draft horse by puting him into a stable; that you can not make a well-bred dog of a mongrel by teaching him tricks any more than you can make an American out of an undesirable alien by putting an American flag in his hand and having him sing the Star-Spangled Banner, the Republican Party not only saved America through the passage of the immigration law, but has reaffirmed its faith by repeatedly strengthening it.

They can not charge us with lack of appreciation, because we have enacted legislation and liberalized it from time to time so as to give justice to the World War soldiers and their dependents.

They can not complain because we have funded the foreign debts which were inherited from our Democratic friends. Original debts aggregating more than $10,000,000,000 have been funded so that the United States will in the end receive in principal and interest more than $22,000,000,000. The funding of the debt of Great Britain, providing for the repayment of $4,600,000,000 over a period of 62 years, is the largest financial transaction in the history of the world.

They can not complain because we have reorganized and improved our Diplomatic and Consular Service.

They can not complain because of the revision of postal rates which has put the Post Office Department on a self-supporting basis.

They can not take issue because we have expanded and improved aviation in the Army and Navy and provided a definite building program.

They will not make an appeal for votes because we have reduced Federal taxes more than $2,000,000,000 nor because 80 per cent of the reductions were made for the benefit of the average taxpayer rather than for the benefit of the rich.

Those who seek an issue dare not criticize the Republican Party because of the Federal road act under which we are rapidly spreading a network of hard-surfaced roads throughout the United States which

will, when completed, consist of approximately 170,000 miles of improved highways, touching every community of 5,000 inhabitants or over.

Our Democratic friends will not attack us because, through sound business policies, Government bonds selling at 85 were brought to par and above, as a result of which $3,000,000,000 were added to the pockets of the people.

What then will be the issue? Little is left save an appeal to the prejudice of the American farmer because of the admitted inequality which exists between American agriculture on the one hand and industry and labor on the other. The present condition of agriculture, however, is not due to the Fordney-McCumber tariff law but rather agriculture is in as good condition as it is to-day because of that law. There is no commodity that the farmer buys to-day for which he pays as much as he paid the day the Fordney-McCumber tariff went into effect, and there is not a farm commodity which does not bring more money on the market to-day than when the same tariff act became a law. The American market is the prize market of the world, and it is protected for the American farmer just as it is protected for American industry and American labor. The farmer sells 90 per cent of his products in America in the very finest market in the world. When the factories, mines, and railroads are running and prosperous, labor is employed at high wages, and it likewise prospers. This means that the great army of laboring consumers in this country are able and do buy in great quantities the product of the farm. Factories, mines, and railroads run and are prosperous because of the Republican protective system which keeps out the cheaply made products of foreign countries. Any tariff less than a protective tariff cripples industry, with the result that millions of American workmen are thrown out of employment and walk the streets. Men without employment must live on short rations, sometimes soup, and thus the farmer's best and only market is destroyed. The protective tariff system makes it possible for American wage earners to receive wages amounting to more than $12,000,000,000; salaried employees more than $5,000,000,000 and for millions to enjoy incomes amounting to more than $13,000,000,000. These figures are based upon an estimated national income of from thirty to forty billion dollars. I can not believe that our farmers will listen to the cry of those who would lead them into free trade and thus destroy their home market and reduce them to further distress.

Democratic Senators and Representatives know, and many of them admit, that anything short of protection means disaster to the country. One of the most influential and highly respectable Democratic Representatives from a Southern State made an appeal to his colleagues on the Democratic side when the present tariff law was under discussion, and said: "If the duty is lifted on cattle, it will drive every cattleman into bankruptcy." A Senator from a rock-ribbed Democratic State, where free trade has been as sacred as liberty, voted for a duty of 3 cents per pound on peanuts because there are more than 2,000,000,000 pounds of peanuts exported yearly from the West Coast of Africa, British Isles, and China, of which we take about 50,000,000 pounds of peanuts and 15,000,000 pounds of oil. Similar illustrations could be cited with other products from other States. These men, though they are Democrats, know that Argentina can produce livestock for a mere fraction of the cost of production in the United States; that Argentina and Canada can raise wheat for a fraction of what it costs to produce wheat in the United States; that New Zealand and Australia can raise sheep and export wool and mutton for much less than the cost of production in the United States; that citrus products can be grown in other countries more cheaply than in the United States; that Denmark and New Zealand can produce butter more cheaply than the United States; that sugar can be raised in Cuba at a much lower cost than in this country; that China and Japan can produce soy beans for less than the United States; that olives can be grown abroad more cheaply than in California; that Argentina can raise flax for less than the Dakota farmer can produce it; that Argentina and Canada can produce oats, rye, and barley for 15 to 20 cents per bushel less than they can be produced in the United States; that Argentina, Canada, Dominican Republic, and Kwangtung can produce corn for at least 15 cents per bushel less; that China, Japan, Siam, British India, Mexico, and India can produce rice more cheaply and gladly paid $2,000,000 in one year for the privilege of selling us 40,000,000 pounds of rice. There is no halfway place, as far as the farmer is concerned, between protection and free trade. If we do not give the American farmer a tariff that actually protects, we may as well give him none. Without a tariff the farmer must either go out of business or come down to the standard of foreign farmers. The Republican Party is unwilling to slip the wooden shoes of European peasants upon the feet of the American farmer.

Notwithstanding the tariff, agriculture is not yet on a parity with industry and labor. This is attributable very largely to two major causes. First, the tariff is ineffective upon products of which we have an exportable surplus. Second, by reason of the magnitude of the business of farming, it does not easily adapt itself to organization, and therefore has been unable to recover as quickly from the effects of the war as have industry and labor. To correct these two conditions, farm leaders in and out of Congress have devoted the better part of the last six years to a study of this problem in the hope that a legislative solution may be found. To those who have become impatient with the delay and who perhaps may border upon disgust, let me suggest that this is the most comprehensive problem the Congress of the United States or any committee thereof has ever undertaken to solve. I have faith that a solution will be found and am convinced it will be found by the Republican Party. It will not be accomplished by destroying the protective tariff system.

There are those who would create the impression that the Republican Party is and has been unfriendly to agriculture. Let me remind them that one of the first acts after the foundation of the Republican Party was the signing by Abraham Lincoln of the Morrill bill, which gave the proceeds from the sale of certain public lands for the creation of the land-grant colleges for the specific purpose of teaching agriculture. The first Republican President, therefore, stands as sponsor for ours, the greatest system of agricultural education on earth.

The Department of Agriculture itself was established by the Republican Party in 1863. When established, it had only 29 employees on the pay roll, and the first appropriation for carrying on its activities was only $1,000. It has grown until to-day its personnel totals 21,524 and the appropriation for the fiscal year ending June 30, 1929, was $156,276,729. It started with one office, and to-day includes 20 comprehensive bureaus, among which are included the Weather Bureau, Bureau of Animal Industry, Bureau of Dairy Industry, Bureau of Plant Industry, Bureau of Chemistry and Soils, Bureau of Entomology, Bureau of Biological Survey, Bureau of Public Roads, Bureau of Agricultural Economics, Bureau of Home Economics, Food, Drug, and Insecticide Administration, Federal Horticultural Board, Packer and Stockyards Administration, Grain Futures Administration, Forest Service, and a number of other important bureaus.

The Hatch Act passed in 1887 created the agricultural experiment stations. This act was later supplemented by the Adams Act, passed by a Republican Congress in 1906 and signed by President Roosevelt, appropriating additional Federal money for the support of these institutions and the further scientific study of farming.

In 1925 a Republican Congress passed the Purnell Act, which appropriated additional funds for the agricultural experiment stations and made available Federal money for the scientific study of marketing farm products. This act was signed by President Coolidge.

The farmers of the country will not forget that the Rural Free Delivery Service of the United States, which has no prototype anywhere else in the world, was authorized by a law passed by a Republican Congress and signed by President Taft. By this act the Republican Party gave evidence of its desire and determination to give to the farmer the same expeditious mail service as is enjoyed by those who live in the cities.

The parcels post law, passed by a Republican Congress and signed by President Taft, likewise is a measure of peculiar benefit to the farmer.

Several homestead laws and internal development laws have been passed by Republican Congresses and signed by Republican Presidents.

The dairy industry of the country was recognized by the Republican Party in the establishment of a dairy bureau within the Department of Agriculture.

The Republican Party sponsored and enacted an amendment to the Federal farm loan act by increasing the amount extended to any borrower from $10,000 to $25,000 and by giving authority to increase the rate to 5½ per cent on the bonds, so they would sell more easily.

The intermediate credit act, enacted by a Republican Congress and signed by a Republican President in 1923, providing for a flexible banking and credit system under the supervision of the Federal reserve act, extends farmers credit corresponding to their production without any departure from sound banking practices.

In 1918 a Republican House and Senate enacted the farmers' emergency tariff law, which gave quick relief to the farmers of the country who were almost bankrupt by reason of the Underwood tariff law. President Wilson vetoed the bill, but in the very next session it was repassed by a Republican Congress and signed by President Harding. The Republican Party showed its interest in the American farmer by immediately passing this farmers' emergency relief and by not waiting until we could work out a general tariff law. The agricultural schedule in the farmers' emergency relief were later incorporated in the Fordney-McCumber tariff law.

The War Finance Corporation was amended and had its life extended three different times to save the farmers by making agricultural loans. The act empowered the corporation not only to loan money to banking institutions but also to associations of producers themselves.

The Federal Reserve Board act was amended so that agriculture should have representation upon the board as well as the financial, industrial, and commercial interests of the country. Membership of the board was increased to make place for a farmer representative.

The United States warehousing act was amended renewing the limitation upon the products that could be stored under the law and providing that banks must loan money at a fixed rate of interest to anyone who presents a United States warehouse receipt.

Cooperative marketing associations were given recognition by a Republican administration under a law passed in 1922. The act authorized

those who engage in the production of agricultural products and livestock, including dairymen, planters, and fruit growers, to form associations for collecting, preparing, and marketing their product with authority to engage in interstate and foreign commerce. This act expressly exempts farmers from prosecution under the antitrust laws.

The butter standards act, passed in 1923 by a Republican Congress and signed by a Republican President, was enacted to prevent the flooding of the market with adulterated products, misbranded as butter. These products were not only lacking in nourishment because of their cheap production, but were driving genuine butter out of the market. The purpose of this act was to establish a standard for all products sold as butter, fixing a minimum percentage of butterfat, and other necessary food ingredients.

The filled milk act was approved in 1923 and prohibits the shipment of filled milk in interstate or foreign commerce. Filled milk is an imitation of natural cow's milk made by mixing vegetable oils with skimmed milk. This act is of particular benefit to dairymen and those interested in pure food for the protection of the health of infants and children.

A Republican Congress passed and a Republican President signed the packer and stockyards act in 1921, which prohibits livestock marketing agencies from charging unreasonable rates or engaging in unjust discriminatory or deceptive practices. This act is calculated to give to the producer of livestock the very highest dollar for his product.

The grain futures act passed by a Republican Congress has eliminated the "bucket shops" by providing for a prohibitory tax upon every transaction which does not actually involve real grain. The effect of this act has been to eliminate manipulation and curtail violent market-depressing fluctuations.

The grain standards act passed by a Republican Congress and signed by a Republican President authorized the establishment of a uniform set of standards for all grain entering interstate or foreign commerce and eliminates fraud and misrepresentation on the part of dealers and shippers of grain.

The Federal road act was amended by a Republican Congress so as to protect the Federal expenditures as well as insure the construction and maintenance of highways according to the best engineering practices.

A recent Republican Congress passed the so-called Hoch-Smith resolution providing for an adjustment of freight rates by the Interstate Commerce Commission with the least delay, so as to insure to agricultural products, including livestock, the lowest possible rates compatible with the maintenance of adequate transportation service.

The present Republican Congress passed the Mississippi flood control act, which is of inestimable value to that great army of producers who live within the area adjacent to this greatest of all American rivers.

The legislative enactment of the preceding Congress, supplemented by that passed by the present Congress, has deepened the channel of the Mississippi and its main tributaries and enlarged the barge line transportation so as to furnish a ready outlet to the markets for the abundant products of the Mississippi Valley. This will unquestionably affect the reduction of transportation rates to the extent of 5 cents per bushel, which will mean an increase to the farmer of 5 cents per bushel for each bushel of grain produced. This is now recognized as one of the most important measures ever passed in the interest of American agriculture.

Last, but by no means least, the Republican Party passed and a Republican President signed the present Republican tariff law, which repealed the iniquitous Democratic Underwood tariff law and replaced it by passing a bill which gives protection to American agriculture unparalleled in the history of the country. By the terms of this act practically everything the farmer produces is given protection and everything he buys is placed on the free list. If our Democratic friends contend that we ought to revise the tariff downward in order that the farmer may buy what he uses for less, let me remind you that the following articles which the farmer purchases are admitted to the country free of duty under the present Republican tariff act: Agricultural implements and repair parts for same, binding twine, fertilizer, building material, brick, cement, stone, shingles, pickets, palings, hoops, logs and timber, gloves, boots, shoes, saddles, harness, whetstones, horsepads, barbed wire, coal (both hard and soft), and other commodities he purchases in which wood enters.

For the purposes of comparison, let me here call your attention to some outstanding differences between the Republican tariff act of 1922 and the Democratic tariff act of 1913:

Comparison of protection afforded farm products under Republican tariff act of 1922 and Democratic act of 1913

	Republican tariff, 1922	Democratic tariff, 1913
Wheat (originally 30 cents per bushel)	42 cents per bushel [1]	Free.
Corn	15 cents per bushel	Do.
Rye	do	Do.
Oats	do	6 cents per bushel.
Butter (originally 8 cents per pound)	12 cents per pound [1]	2½ cents per pound.

[1] Rates of duty increased by President Coolidge under flexible provisions of the tariff act.

Comparison of protection afforded farm products under Republican tariff act of 1922 and Democratic act of 1913—Continued

	Republican tariff, 1922	Democratic tariff, 1913
Eggs	8 cents per dozen	Free.
Poultry, live	3 cents per pound	1 cent per pound.
Milk	2½ cents per gallon	Free.
Cream	20 cents per gallon	Do.
Honey	3 cents per pound	10 cents per gallon.
Alfalfa seed	4 cents per pound	Free.
Clover seed	1 to 4 cents per pound	Do.
Millet seed	1 cent per pound	Do.
Timothy seed	2 cents per pound	Do.
Beef and veal, fresh	3 cents per pound	Do.
Cattle	1½ to 2 cents per pound	Do.
Meats prepared or preserved	20 per cent	Do.
Lamb, fresh	4 cents per pound	Do.
Mutton, fresh	2½ cents per pound	Do.
Sheep	$2 per head	Do.
Swine	½ cent per pound	Do.
Ham and bacon	2 cents per pound	Do.
Lard	1 cent per pound	Do.
Lard compounds	4 cents per pound	Do.
Hay	$4 per ton	$2 per ton.
Potatoes	50 cents per hundred pounds.	Free.
Onions	57 cents per bushel	20 cents per bushel.
Wool, scoured	31 cents per pound	Free.

In conclusion let me again suggest that the Nation has come to associate prosperity with Republican rule. It is the party of progress, a debt-paying rather than a debt-making party. Its record is an open book, and its history is inseparably linked with the growth and progress of the Nation.

May I express the hope that each of you will go forth inspired by patriotic devotion akin to that which has guided those who have gone before and through whose devotion to party and country we have received this priceless heritage? I trust you will retell the story in every home and rekindle in every breast a love for the things for which it stands, to the end that the torch of liberty may burn on and on forever, to the further end that this Government—Abraham Lincoln's Government—of, by, and for the people shall not perish from the earth.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate 3848, creating the Mount Rushmore national memorial commission and defining its purposes and powers.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the bill?

Mr. LUCE. The Mount Rushmore national memorial commission bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, what is this bill?

The SPEAKER. The Clerk will report the entire bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the Mount Rushmore national memorial commission (hereafter referred to as the commission), to consist of 12 members, who shall be appointed by the President. The members shall serve at the pleasure of the President, who shall fill all vacancies that from time to time occur.

The members of the commission shall serve without compensation, except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act or acquired by other means hereafter authorized: *Provided*, That the Secretary may be paid such reasonable stipend for his services as may be determined by the commission. Such expenses shall be paid by the treasurer of the commission upon the order of the Secretary thereof, and then only when approved and countersigned by the chairman of the executive committee.

SEC. 2. The commission when appointed shall organize by electing a chairman, a vice chairman, a secretary, and a treasurer: *Provided*, That a treasurer may be selected outside of the commission and may be a bank or trust company. Such treasurer shall execute a bond so conditioned and in such amount as shall insure the protection of funds coming into his possession.

The commission may also create from its own membership an executive committee of five, which shall exercise such powers and functions within the purview of this act as may be authorized by the commission.

SEC. 3. The purpose of the commission is to complete the carving of the Mount Rushmore national memorial to consist of heroic figures of Washington, Jefferson, Lincoln, and Roosevelt, together with an entablature upon which there shall be cut a suitable inscription to be

indited by Calvin Coolidge, and to landscape the contiguous grounds and construct the entrances thereto. Such memorial is to be constructed according to designs and models by Gutzon Borglum, now owned or contracted for by the Mount Harney Memorial Association of South Dakota.

SEC. 4. The commission is authorized—

(a) To receive and take over all property, contracts, rights, and moneys now in the hands of and possessed by the Mount Harney Memorial Association, including memoranda, records, sketches, models, and the incompleted figures on Mount Rushmore.

(b) To receive, solicit, and collect funds and pledges to cover the expense of finishing such memorial, and to pay out the same upon properly receipted vouchers to persons entitled.

(c) To designate solicitors to collect funds and pledges for the prosecution of its work and pay such solicitors such expenses and compensation as it may deem proper.

(d) To employ the services of such artists, sculptors, landscape architects, and others as it shall determine to be necessary to complete said memorial, including the landscaping of the grounds and construction of the entrances thereto.

(e) To procure by purchase or gift such tools, machinery, structures, and equipment as are necessary and proper to complete such memorial with expedition and economy; and generally,

(f) To exercise such powers and functions as are necessary and proper to carry out the purposes of this act.

SEC. 5. That one-half of the cost of such memorial and landscaping shall be borne by the United States, and an appropriation of not to exceed $250,000 is hereby authorized for the purpose. Upon requisition of the executive committee herein provided for, the proportionate share of the United States shall be advanced to the treasurer of said commission from time to time by the Secretary of the Treasury out of any available appropriation, and in sufficient amounts to match the funds collected from other sources by said commission, whether such funds are in the hands of its treasurer or have already been expended upon such memorial by the commission or by its predecessor, the Mount Harney Memorial Association: *Provided*, That the Secretary of the Treasury shall first be satisfied that the funds received from sources other than the United States are actually available in the hands of the treasurer of the commission or have been properly expended in carrying out the purposes of this act.

SEC. 6. That such commission, on or before the 1st day of December of each year, shall transmit to Congress a report of its activities and proceedings for the preceding year, including a full and complete statement of its receipts and expenditures.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, if the bill is to provide for heroic figures and not colossal figures, you may not be able to see them if this mountain is as large as it is stated to be.

Mr. LUCE. The language of the bill, I think, was prepared by the commission.

The SPEAKER. Is there objection?

Mr. GILBERT. Mr. Speaker, reserving the right to object, is this bill identical with the House bill we had up yesterday?

Mr. LUCE. It is an identical bill, but after a conference with the gentleman from Michigan [Mr. CRAMTON] I intend to advise the House to accept certain amendments which appeared in the RECORD this morning, and I think the gentleman from New York has a change of one word which he desires to make. The House bill was identical with the Senate bill, and I am asking to consider the Senate bill rather than the House bill.

Mr. GILBERT. There was a rumor on this side yesterday about which I would like to consult the gentleman from South Dakota [Mr. WILLIAMSON]. The rumor was to the effect that the real purpose was to erect there a monument to the President. In the hearings before the House committee there was no intimation of that kind, and I would like to know if there is any truth in that rumor?

Mr. WILLIAMSON. I will say to the gentleman that I have been a member of the national advisory committee of the South Dakota Rushmore National Memorial Commission ever since its inception, and there has never been any discussion about erecting a monument to any man now living as a part of the memorial. No such thing is in contemplation; it has never been discussed, and has never been thought of by any member of the association. I wish to say that there is absolutely no foundation at all for that rumor. I first heard of it yesterday, and discussed it yesterday. I can assure the gentleman that his fears will never be realized.

Mr. BLACK of New York. If the gentleman will permit, I think I am responsible for that rumor, and I will tell you the genesis of it. An article appeared in the Springfield Republican to the effect that when the President was in South Dakota last summer he was taken to the site of this monument by the sculptor, Gutzon Borglum, and shown the place reserved for his statue.

This rumor has never been denied. The memorial proposes statues to Washington, Jefferson, Lincoln, and Roosevelt, and there is a place for a pedestal for another statue, and at that point Borglum is understood to have said that it was reserved for the President. There is nothing in the bill to prevent a monument being constructed to any living American. In addition, there is a criticism of this bill to the effect that there are no arrangements made for a memorial in the Northwest to a great President of the United States, Mr. Wilson. I promised the gentleman from South Dakota [Mr. WILLIAMSON] I would not object to this bill, because the folks in South Dakota seem to want it. If they want a statue of Coolidge out there to look at or laugh at or do anything else they want with, so far as I am concerned they are welcome to have it.

Mr. WILLIAMSON. Let me point out to the gentleman that I was present at that dedication, and nothing of the kind that the gentleman has suggested occurred there. At least no serious thought was given to any such suggestion. I am very certain of that. The President would be the last man to want to be included in the memorial.

Mr. CRAMTON. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CRAMTON. The bill does not, in so many words, say that no living person shall have a statue there. It enumerates, however, certain figures, as I recall, that will be placed there, and there is no living person among them. Yesterday we passed a bill without question enumerating the figures of three Presidents to be commemorated at Nashville. There was no word in the bill that Al Smith's figure should not be put there, or any other living person [laughter], but the fact that the name was not enumerated was sufficient assurance to the House that only these three persons would be commemorated there.

Mr. RAGON. Will the gentleman yield to me?

Mr. LUCE. Certainly.

Mr. RAGON. I want to say that my objection yesterday to this bill was not prompted by any belief of any rumor that the figure of anyone, living or dead, other than the four enumerated, would be engraved upon this monument. I feel that if we are going to build memorials of this kind out in South Dakota or down in Tennessee, the States of South Dakota and Tennessee should be the ones to furnish the funds to construct the memorials. If the Republican Members can afford to go down in Tennessee and construct a memorial to Andrew Johnson and neglect here in the city of Washington memorials to William McKinley, General Grant, President Garfield, and various other Republican Presidents I might mention, or if the Democrats could afford to overlook Woodrow Wilson and Grover Cleveland and go down there and build one to James K. Polk, I felt that, in view of the fact that I did not know this Tennessee bill was on the calendar, I ought to withdraw my objection to the pending bill.

Mr. BYRNS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. BYRNS. So far as the memorial that is to be constructed in Tennessee is concerned, it has been planned for the three Presidents, Andrew Jackson, James K. Polk, and Andrew Johnson, to be erected in Nashville because those three Presidents were citizens of Tennessee at the time they were elected to the Presidency, and the State of Tennessee is contributing 50 per cent of the cost. I understand the same thing to be true with reference to this memorial out in South Dakota; and it seems to me that under these circumstances Congress should not undertake to dictate to South Dakota, any more than to say to Tennessee, what that State shall do with reference to a memorial for ex-Presidents. The only question with Congress is whether or not it is willing, in view of the services of these ex-Presidents, to participate, and I think every President of the United States ought to have a memorial here or elsewhere. [Applause.]

Mr. RAGON. I do, too.

Mr. BYRNS. And so far as I am concerned, I shall never vote against any proposition to provide a reasonable memorial to any man who has enjoyed the high honor of being President. [Applause.]

Mr. RAGON. If I may continue, I share exactly the gentleman's views, but my idea is that when you put a figure out there in South Dakota—I am going to speak frankly because that is the only way for us to understand each other—of Abraham Lincoln, you more or less detract from the wonderful memorial we have constructed to him here. So far as I can call to mind at this time there is not a statue erected by the Government to the memory of Thomas Jefferson, the author of the Declaration of Independence, anywhere.

Mr. BYRNS and Mr. MOORE of Virginia rose.

Mr. JOHNSON of Washington. I may call the gentleman's attention to the fact that there is one in the Capitol itself.

Mr. RAGON. That is a very small affair and I do not think that was put there by the Government. It was put there by the State.

Mr. JOHNSON of Washington. I do not mean in Statuary Hall, but in the Rotunda.

Mr. RAGON. I do not bet, but, as the colored folks down in my country say, I would not be afraid "to lay" you a little it did not cost over $10,000. Thomas Jefferson's home down here is not even owned by the Government. You have not any memorial to one of the greatest Americans that ever lived; and both parties in this country are proud to claim him as an American. I am in favor of giving the Presidents of the United States proper recognition by way of memorials, but let us put them in Washington here where the world can see them and put up something worth while to each one of them.

This was the reason for my objecting to the bill, and had I known that the bill with respect to Tennessee was on the calendar I am frank to say to my friend that I would have accorded it the same treatment, and as soon as I discovered it had been passed I withdrew my objection to this bill.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. MOORE of Virginia. I understand there has been a bill pending for some time before the committee providing for a memorial in Washington to Mr. Jefferson. Does the gentleman know anything about that bill and why it has not received favorable consideration?

Mr. RAGON. I do not. It looks to me, from the way we are erecting memorials here, that we are providing for them on a pork-barrel scale.

Mr. LAGUARDIA. Yes; by building roads and the like. The gentleman gets what I mean.

Mr. RAGON (continuing). And if anybody can go out and get a little monument for his district then he has done something worth while.

Mr. SCHAFER. Did not the gentleman and his Democratic colleagues support the pork-barrel road bill for Virginia?

Mr. MOORE of Virginia. I think the gentleman from Wisconsin has a curious idea of things when he speaks of that bill as a pork-barrel bill. He forgets the history of his country and the reverence we owe to the greatest man the country has produced.

Mr. SCHAFER. The gentleman from Wisconsin does not favor every kind of a raid on the Treasury under the guise of a memorial.

Mr. LUCE. Mr. Speaker, I see my colleague on the committee on his feet. If he desires to make some further remarks I will yield to him.

Mr. GILBERT. Mr. Speaker, I was seeking to make some observations as a member of the Library Committee, which has been severely criticized by the gentleman from Michigan [Mr. CRAMTON] throughout this session as spending so much money, and who on yesterday objected to a memorial to Nancy Hart that was to cost $1,000 on the ground that the committee was running wild.

I supported this bill for $300,000 for the Tennessee memorial, and I am glad to say that I supported the South Dakota proposition. I am glad to say that the gentleman from Tennessee and others express themselves as favoring liberal appropriations for monuments, which meets with my approval. I want merely to have the House know that the intimation that there was something behind the bill—that the President was to have a monument there—had no foundation in fact. The gentleman from South Dakota assures me of that fact.

What Roosevelt gave to the West is well known. I know of nothing that the President has given the West except to have his picture taken last summer in a cowboy suit.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. LUCE. I will yield.

Mr. WAINWRIGHT. Does not the gentleman think that if Congress is to appropriate for a monument to ex-President Roosevelt, that the proper place for it is in the State of New York?

Mr. GILBERT. No; I do not think so. I am glad to see the cooperation of the gentleman from Michigan [Mr. CRAMTON] in supporting the two resolutions calling for $600,000.

Mr. LUCE. The Committee on the Library in the matter of the Roosevelt memorial is waiting the pleasure of the Roosevelt Memorial Association.

Mr. WAINWRIGHT. The question of erecting a monument in the State of New York is a broader question than the Roosevelt Memorial Association, and should be a question for the people of the State of New York. Does the gentleman from Massachusetts consider the Tennessee bill and the bill we are now discussing as fixing a policy for the contribution by the Federal Treasury to any State that desires to erect a memorial to an ex-President of the United States?

Mr. LUCE. The matter has been discussed in committee and will probably receive attention at the next session, but the committee has taken no fixed position on the matter.

Mr. WAINWRIGHT. In other words, if the State of New York should come to Congress with a similar proposition for its ex-Presidents Van Buren, Cleveland, and Roosevelt would that proposal be as liberally entertained as that of the Tennessee proposition and this bill?

Mr. LUCE. The committee seeks to give consideration to all these matters.

Mr. GILBERT. Will the gentleman permit me for one moment?

Mr. LUCE. I do not want to be impatient, but time is getting short. There are but a few hours left, and whatever we do must pass through the enrolling clerk's office and the amendment must be accepted in the other branch.

Mr. GILBERT. There have been so many coming and asking why the Library Committee did not take action toward the monument for Thomas Jefferson in the city of Washington, that I as ranking Democratic member of the Library Committee wish to say that I have voted consistently against these bills because they carried from $100,000 to $150,000. When the time is ripe to build a memorial to a man who occupies the position in history that a President of the United States and the author of the Declaration of Independence did I will support it. I will not support a memorial to Thomas Jefferson in the city of Washington that will cost $150,000 or $200,000, when we have a memorial here to Lincoln and Washington that cost millions of dollars.

Mr. HASTINGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. HASTINGS. I did not want to make a speech, but I wanted to ask one question. I remember the other day seeing where a bill passed the Senate to pension the widow of ex-President Woodrow Wilson. I wonder what has become of that bill?

Mr. LUCE. That did not come before the Committee on the Library, and I can not answer the gentleman.

Mr. BLACK of New York. I want to know if the Bureau of the Budget, of which the President is the head, approves of this bill.

Mr. LUCE. Mr. Speaker, the Library Committee recommends this to the House on its own responsibility.

Mr. HASTINGS. And I want to know whether any Member of the Pension Committee is on the floor at the present time who can reply to this inquiry.

Mr. LUCE. I see none present.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RANKIN. Mr. Speaker, I object.

Mr. BYRNS. I say to the gentleman that a similar bill was passed yesterday by unanimous consent.

The SPEAKER pro tempore. Objection is heard.

LINCOLN ELLSWORTH AND OTHERS

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3919) awarding a gold medal to Lincoln Ellsworth, which I send to the desk.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to consider at this time S. 3919, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, do I understand that the amendment I suggested to the gentleman last night will be accepted?

Mr. LUCE. I shall advise the acceptance of the amendment.

Mr. HUDDLESTON. Mr. Speaker, I reserve the right to object. I would like to know what the bill is.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to present a gold medal to Lincoln Ellsworth, the distinguished American explorer, who, by his conspicuous courage, sagacity, and perseverance, made his famous polar flight of 1925 and the transpolar flight of 1926.

SEC. 2. That the President of the United States is hereby authorized to receive, in the name of the Nation, the American flag which the said Lincoln Ellsworth took over the top from Kings Bay over the North Pole to Point Barrow and Teller, Alaska.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 7, strike out the period and insert the following: "And the President is further authorized to present gold medals of honor to Roald Amundsen, the distinguished Norwegian explorer, and to Umberto Nobile, the distinguished Italian explorer, who participated with the said Lincoln Ellsworth in the trans-Polar flight of 1926."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 12456) was laid on the table.

MOUNT RUSHMORE MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, it is my understanding now that the objection made a moment ago to the consideration of S. 3848, will be withdrawn, and I again call it up for consideration.

The SPEAKER pro tempore. Is there objection?

Mr. RANKIN. On account of the gentleman from South Dakota [Mr. WILLIAMSON] I withdraw my objection. He has explained the matter to me.

Mr. BRAND of Georgia. Mr. Speaker, I reserve the right to object. I want to know what the bill is.

The SPEAKER pro tempore. Without objection, the Clerk will again report the bill.

There was no objection, and the Clerk again reported the bill.

Mr. LUCE. Mr. Speaker, I will say to the gentleman from Georgia that this is a bill authorizing the cooperation of the Federal Government on a basis of equal contribution with the State of South Dakota to carve on the face of an immense cliff there the statues or figures of Washington, Jefferson, Lincoln, and Roosevelt.

Mr. BRAND of Georgia. Has the gentleman from Michigan [Mr. CRAMTON] anything to do with this?

Mr. LUCE. No.

Mr. BRAND of Georgia. Then I withdraw my objection.

Mr. LUCE. Mr. Speaker, I offer the following amendments which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. LUCE: Page 2, lines 3 to 9, inclusive, strike out all of the proviso.

Page 3, line 5, after the word "Dakota," insert the following: "No charge shall ever be made for admission to the memorial grounds or for viewing the memorial. No money hereby authorized to be appropriated shall be expended until the Secretary of the Treasury receives satisfactory assurance that said memorial when completed will be suitably maintained by the State of South Dakota."

Page 3, line 12, strike out the comma and the words "solicit, and collect."

Page 3, strike out all of lines 16 to 18, inclusive.

Page 3, line 19, strike out "(d)" and insert in lieu thereof "(c)."

Page 3, strike out lines 24 and 25, inclusive, and lines 1 and 2, on page 4.

Page 4, line 3, strike out "(f)" and insert in lieu thereof "(d)."

Page 4, line 5, insert after the word "that," the words "not more than."

Page 4, lines 6 and 7, strike out the words "an appropriation of" and after the word "authorized" insert the words "to be appropriated."

Page 4, line 13, strike out the word "collected" and insert in lieu thereof the word "advanced."

Page 4, line 13, strike out the word "by" and insert the word "to."

The SPEAKER pro tempore. The question is on agreeing to the amendments offered by the gentleman from Massachusetts.

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL LEAVE TO PRINT

Mr. TILSON. Mr. Speaker, I think it will be convenient and save time if I now ask unanimous consent for the extension of remarks of Members at the close of the session. Before making the request, however, I wish to state that, as I understand it, permission to extend remarks, not otherwise specified in any way, simply means extending one's own remarks, and does not include the printing of newspaper or magazine articles, newspaper editorials, or anything of that kind.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GRIFFIN. Does it permit a Member to insert extracts from his own speeches?

Mr. TILSON. Yes; those are his own remarks.

Mr. Speaker, I submit the unanimous-consent request, that for 10 days after the close of the session, and up to the time of the publication of the last number of the RECORD, all Members of the House may have leave to extend their own remarks in the RECORD.

Mr. McCLINTIC. Mr. Speaker, will the distinguished leader yield to me for a question?

Mr. TILSON. Yes.

Mr. McCLINTIC. I would like to ask if it is the gentleman's understanding that where there is a RECORD already printed and something has since transpired, prior to that time set, you can include in your own remarks extracts from a previous speech?

Mr. TILSON. It merely means excluding from the RECORD, as a part of one's remarks, somebody else's articles.

Mr. RANKIN. Anything that has been previously printed in the RECORD may be reprinted?

Mr. TILSON. For a long reprint I understand that you would have to have special permission.

Mr. GARNER of Texas. For the information of the House, I may say that it is the usual thing for the Committee on Printing to have the last RECORD come out about 30 days after the adjournment of Congress, and at any time within those 30 days Members can insert their remarks in the RECORD. If a Member has prepared them and fixed them up within 30 days, he can get them into the RECORD. That, however, can only be brought about by order of the Committee on Printing.

Mr. TILSON. The Joint Committee on Printing has the right to extend the time.

Mr. GARNER of Texas. As I understand, extending one's own remarks does not include platforms of parties or speeches made in conventions or otherwise?

Mr. TILSON. I understand it does not.

Mr. GARNER of Texas. If they are inserted, they must be inserted by authority of another body, which is usually done.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that all Members be permitted, up to the date of the publication of the last RECORD, to extend their own remarks. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I think it would be well to have it understood whether this permission would apply to more than one extension if a Member so desires.

Mr. TILSON. I understand that a Member can make as many extensions as he wishes, provided they are his own remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

RESOLUTIONS ON DEATH OF MARTIN B. MADDEN

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include as a part thereof a copy of the resolutions passed by the Committee on Appropriations on the death of the late MARTIN B. MADDEN.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks by inserting the resolution passed by the Committee on Appropriations concerning the work and record of the late MARTIN B. MADDEN. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, under the leave granted me therefor, I extend my remarks in the RECORD by including therewith the following:

Whereas on the 27th day of April, 1928, at his post of duty in the National Capital, in the full vigor of his faculties, and in the seventy-fourth year of his age, Hon. MARTIN B. MADDEN, Representative in Congress from the State of Illinois, and chairman of the House Committee on Appropriations since July, 1921, died as he wished to die and passed into the great beyond: Be it therefore

Resolved by the committee, as follows:

First. That in the death of its greatly beloved and distinguished chairman the committee has suffered an irreparable loss, and each member of it has been deprived of a loyal friend, comrade, and counselor. The sorrow thus sustained by the members of the committee may be softened only by the memory of his splendid deeds and character, and by the indulgence of the honorable pride which is theirs because of their intimate service with him, and under his wise and effective leadership, in the accomplishment of great tasks of usefulness for the Nation. As chairman of the committee ever since there came to it the greatly increased powers and jurisdiction following the enactment of the Budget

act of 1921, he gave to the Nation and to its taxpayers a service of immeasurable value.

Second. That because of the important work he so long and so ably performed for them—extending without break or interruption from the Fifty-ninth to the Seventieth Congress—his country and his countrymen have also sustained a great and irreparable loss. His courage and sense of duty, his diligence and tact, his unselfish zeal, his marvelous knowledge and grasp of the fiscal and other affairs of the Nation, his broad experience and wide sympathies, his rugged honesty and sense of justice, and his sturdy patriotism were qualities that made him throughout a great generation of our American history an outstanding figure in the conduct of our national affairs. Self-made in the best and fullest sense of the term, and holding always the unstinted respect and esteem of his fellow citizens, his career epitomized and exemplified the richest and noblest values of American life and enterprise. Possessed in the highest degree of the "common touch," ripe with years and honors, and universally beloved, he has gone to his great reward, and his splendid life and achievements have become the heritage of the Nation and the memory of them a vital star in the Nation's firmament.

Third. That his faithful companion and helpmate and the other members of his family have suffered a bereavement which only time, faith, and the remembrance of his rare and noble character and of his all-embracing love and devotion for them may alleviate; and the committee and each member of it conveys to them the assurances of a profound sympathy and a tender solicitude.

Fourth. That these resolutions be made a part of the records of the committee and that a copy of them be furnished to the bereaved family.

DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS

Mr. DYER. Mr. Speaker, by direction of the Committee on the Judiciary of the House, on account of the real emergency existing in the United States court for the district in which Chicago is situated, due to the illness of one of the judges, where the law does not permit a successor to be appointed, I ask unanimous consent to consider Senate bill 4183.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to consider the bill S. 4183, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4183) authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, do I understand the gentleman to say that the Committee on the Judiciary is unanimously in favor of this action?

Mr. DYER. Yes.

Mr. GARNER of Texas. This is not the creation of an additional judge?

Mr. DYER. Under the law as it exists now one of the judges appointed several years in the Chicago district is ill and no successor can be appointed to succeed him. The present judge can not perform his duties any more, and this bill is to authorize the President to appoint a successor to him. That is all.

Mr. GARNER of Texas. It does not create an additional judge?

Mr. DYER. It does not create an additional judge.

Mr. GARNER of Texas. While this judge is living?

Mr. DYER. No.

Mr. LAGUARDIA. Does the gentleman intend to call up any more bills providing for the appointment of judges?

Mr. DYER. If I get permission, I will.

Mr. LAGUARDIA. You will have to call up the bill providing for New York judges before you will get permission to call up any more bills for additional judges, I can assure you.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That a vacancy occurring at any time in the office of district judge for the northern judicial district of Illinois, created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922, is authorized to be filled.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SPEECH OF HON. TOM CONNALLY, OF TEXAS

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by the Hon. TOM CONNALLY, a Member of this House, on his record in the House.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following speech by Hon. TOM CONNALLY, a Member of this House, on his record in the House:

RECORD IN CONGRESS

Mr. Chairman and the Democrats of Texas, to the midst of the splendid district which has honored me with a seat in the House of Representatives of the United States I have come to open my campaign for United States Senator from Texas. Twelve years ago the people of this district elected me to Congress. Since that time I have had two contests for renomination. In the first the people gave me a majority of 22,500 votes. In 1926 I received a majority of 26,500. For your confidence and support I am deeply grateful. It has been my constant endeavor to render faithful and efficient service, with a vision of comprehending not simply your local interests but including the interests of Texas and all of the people of the United States. In response to the invitation of those who have repeatedly honored and trusted me, I embrace this opportunity to launch my campaign for the United States Senate among those who have known me longest and who know me best. Their friendship and support have sustained me in the past and now give me strength and confidence as to the future.

A candidate for public office should lay before the people his views upon political issues and public policies. During 11 years of service, by my votes and speeches in the Congress, a public record has been made of my views and actions respecting most of the public questions now attracting attention. It will not be possible in a single speech to review, even briefly, legislation upon which my duty has required me to take action. It is due the public that I express my views on matters of current national interest.

EIGHTEENTH AMENDMENT

The eighteenth amendment is a part of the Constitution of the United States. I am sworn to uphold and defend it. In Congress I have consistently voted for its faithful and efficient enforcement. I stand for the enforcement of the law. Since of voting age I have uniformly voted for local option and prohibition.

RAILROAD RATES

I favor the repeal of section 15 (a) of the Esch-Cummins transportation act and the restoration of "a reasonable rate" as a basis of rate making. On the 26th of May, 1921, I introduced a bill, H. R. 6642, to accomplish that result. I voted against the Esch-Cummins bill. Freight rates on agricultural products and commodities which the farmer must buy are too high. I favor a survey of the whole rate structure with a view to its readjustment to meet present conditions.

HELPFUL FARM LEGISLATION

All legislation in behalf of agriculture that is beneficial and economically sound has had my consistent support. Legislation providing for an agricultural member on the Federal Reserve Board, the establishment and continuance of the War Finance Corporation to aid in financing the exportation of agricultural products and products of the ranch, the establishment of intermediate credit banks to provide loans for carrying farm products and giving rediscount privileges for a longer period, and measures to promote cooperative marketing are among the measures which I have urged and advocated.

The Aswell farm relief bill, offered by the Representative of a cotton district in Louisiana, had my active support. It provided $250,000,000 capital with which export corporations should buy and carry cotton and farm products for farmers and maintain prices. This bill was in conformity to a Democratic platform demand.

The Crisp farm relief bill, by Mr. CRISP, of Georgia, based upon the same general plan, with $250,000,000 with which to finance it, received my hearty support. Neither bill provided any tax or fee on the already overburdened farmer.

NEW USES FOR COTTON

On December 21, 1926, I offered in the House an amendment to the agricultural appropriation bill to provide $50,000 for a scientific investigation to discover new and further uses for cotton and aid the cotton farmer. When the bill reached the Senate an amendment of Senator HARRIS, of Georgia, for $25,000 was adopted in the committee and became a law. The Department of Agriculture is conducting a research under the direction of a Texan, Dr. B. Youngblood, until recently director of the Texas experiment station, a part of the Agricultural and Mechanical College, and under this plan has already accomplished much

toward the discovery of new and additional uses of cotton in the industries, to the benefit of the cotton producer.

CENSUS OF COTTON CARRY-OVER

Congressman MARVIN JONES, of Texas, on December 7, 1926, began the movement to provide a census of the cotton carry-over from year to year. The Jones bill had my hearty support and in substantial form became a law. It is intended to establish a record of the amount, the grade, and staple of the cotton surplus and stocks carried from year to year. It seeks to prevent low-grade stocks from depressing the market of the entire crop. Unspinnable and "dog-tail" cotton in carry-over stocks had a tendency to depress the market.

NEED FOR FARM RELIEF

The depression in agriculture has admittedly been caused by the high Republican tariff, which forces the farmer to sell his products in a cheap world free market and buy his goods in a high protected market. Under Republican economic polices we have seen agriculture prostrated. The greatest industry in the land has been made to suffer hardships it has never heretofore known through the favoritism of the Republican Party to manufacturing and other pampered industries. The Republican Party, the author of the farmer's distress, plans to fasten the tariff on the farmer forever.

Republican representatives from the farm States of Iowa and the Northwest are so wedded to the high-tariff policy that they join the eastern Republicans in robbing their own people. Their so-called relief bills are intended to rivet tariff shackles more firmly on the farmer. Their prime purpose is to perpetuate the tariff and rob the farmer under the pretense of aiding him. Farm prices are further depressed by the dumping of cotton on a seasonal market of three months rather than over an annual period.

RELIEF PLAN PROPOSED

How can these wrongs to the farmer be remedied? I have introduced a bill to create a Federal farm board, with power to organize an export corporation for each primary farm product, such as cotton and wheat. The Connally bill provides a revolving fund of $500,000,000, to be supplied by the Treasury of the United States. In periods of depression the cotton export corporation would go into the market and buy and hold cotton and feed it out into the market over an annual period. The bill further directs that the Treasury issue to exporters, farmers, cooperative societies, and others Treasury certificates on farm products exported to foreign countries. Certificates of 3 cents per pound on cotton and 21 cents per bushel on wheat are provided. The certificates are negotiable and may be sold for cash and are tenderable in payment of tariff customs on goods imported. The bill would directly bring to the farmers of the South $200,000,000 per year. Through stimulation of the market and the reduction in cost of manufactured goods it would give still greater indirect farm relief. The export corporations, with $500,000,000, will have sufficient funds to finance an entire crop without taxing the farmers with a new and burdensome tax. Other farm bills take money out of the farmer's pocket in the form of equalization fees of $10 to $25 per bale on cotton. My bill carries no unjust or unconstitutional fee. It adds $15 to the value of every bale of cotton instead of subtracting $15 to $25. It provides no army of employees and taxeaters to be paid for out of the farmer's pocket. It gives the farmer an export bounty on his cotton exported just as the manufacturer gets a bounty out of the tariff on imports. It costs the farmer nothing.

The industrial sections have been made prosperous at the expense of the farmer. The stock market is prosperous. Securities of the great corporations are active. The manufacturing centers are growing richer and richer. The farming sections have been growing poorer and poorer. The discrimination against agriculture must be destroyed. The Connally bill takes the tariff off the farmer's back and gives him sound and real and workable relief.

REGULATION OF COTTON EXCHANGES

A bill introduced by me proposes to place the cotton exchanges under Government supervision and regulation. It is notorious that in the fall of 1927 the cotton market was scandalously manipulated and farmers were robbed by juggling and gambling. The August Government report of more than 13,000,000 bales put cotton up. Under a later estimate of a million bales less cotton the price was forced down $30 per bale. Through "washing" and "straddling" the operators and manipulators of the cotton-future markets, through the accumulation in New York of large stocks of low-grade cotton, were able to depress the market in an endeavor to "shake out" spot cotton of the farmers and merchants and buy it at ruinous prices. The cotton farmers of the South have been robbed of hundreds of millions of dollars through the cotton exchanges. The Connally bill provides criminal prosecution for its violation. It prohibits juggling and manipulation. It prevents gambling and "straddling" and "washing" the market, yet permits legitimate transactions. It will correct abuses and give the farmer relief. It will give the farmer an honest and fair market.

VETERANS OF AMERICAN WARS

Liberal provisions for hospitals for veterans of the World War and other wars, adequate care of dependents, the adjusted compensation act, measures for training and rehabilitation and other veteran relief, and the gold star mothers' bill providing a trip to Europe for mothers of soldiers who sleep in France had my active support. In time of national danger, when war is forced upon our country, when at last the sword must be drawn in defense of the lives and liberties of our people, the young manhood of the Nation has always responded, and with rifle and bayonet has marched away to the battle field. In the Spanish-American War our troops shed their blood in the fever-infested swamps of Cuba and in the distant jungles of the Philippines. In the World War, American boys from every section of the Republic answered the summons, and on every fighting field in Europe, from Cantigny to the forests and ravines and wire entanglements of the Argonne, blazed a pathway of glory. They gathered up the richest garlands of victory and laid them at their country's feet. Thousands sleep on the hillsides where they fell. Other thousands in their maimed and broken bodies will bear all the way to the tomb the badge of their courage and their sacrifice for their country. Others are infirm and ill from the seeds of the disease contracted in camp and in the trenches. Our great Republic must not be ungrateful to its heroic defenders. In times of peace we must adequately provide for those who served and suffered in times of war.

Veterans of the Spanish-American War were ignored for nearly 30 years. I actively advocated the pension acts which gave tardy recognition to the veterans in 1898.

In the World War we drafted the man power of the Nation. Industry and resources should be drafted if war should come again. Profits and wealth are no more sacred than human life.

NICARAGUAN INTERVENTION

As a member of the Committee on Foreign Affairs, I have vigorously opposed the course of the administration in Nicaragua. Intervention ought to be limited to protecting American life and property. The United States should not have recognized the government of Diaz, the usurper and dictator who has been repudiated by the people of Nicaragua. The administration has become his partisan supporter, and with the Navy and marines has forced him upon the people of that Republic. Not one American civilian has been killed in Nicaragua. No American property has been destroyed. The only American blood that has been shed has been that of marines who were sent into the jungles of Nicaragua without having their will consulted. A considerable number of marines have been killed and wounded in the unauthorized war in Nicaragua. Congress has not declared war, but the State Department is waging war in the name of the American Government. I would not give the life of one American boy from an American home for all the concessions in Nicaragua. The blood of American boys is too dear to pour it out in the wilderness of Nicaragua in guerrilla warfare.

RIVERS AND HARBORS

Deep-water ports and channels are necessary for modern commerce. Through the Gulf of Mexico the products of Texas find their markets in distant corners of the earth. Deep-water ports reduce freight rates. They give an outlet to the world.

They add revenue to what we sell and cheapen what we buy. They are not local. They serve the whole State. They are necessary to the prosperity of the Southwest. Improvement of all Gulf projects and all Texas ports and the Houston ship channel and the intercoastal canal have had my earnest support, as well as meritorious projects elsewhere. Such shall be my policy in the future.

SAVE MUSCLE SHOALS

At Muscle Shoals, on the Tennessee River, in Alabama, the Government during the war began the building of a great dam and electric-power plant to manufacture nitrogen for the manufacture of munitions of war. The plant has cost $150,000,000. Electric-power interests have endeavored to secure control of the project.

Muscle Shoals should not be turned over to the Alabama power interests and I shall oppose their efforts to secure control. That great plant should be operated to produce fertilizer for the farmers and power for the public. The soil is being impoverished and its fertility must be renewed. We should manufacture nitrate fertilizers at home, instead of importing them from Chile. Muscle Shoals can supply munitions in time of war.

NATIONAL DEFENSE—ARMY AND NAVY

So long as naval armament is not limited by agreement of the powers I favor the maintenance of a Navy adequate to national needs. A Navy can not be quickly constructed in time of danger. American commerce and our possessions, as well as self-defense, require such a Naval Establishment as will insure our complete protection. So long as foreign nations refuse to agree to the limitation of naval armament, I favor the maintenance of a Navy as powerful as that of any other nation.

A large standing army in time of peace is not necessary. It is both expensive and dangerous to liberty and to peace. The present strength of the standing Army is sufficient for our national needs. However, proper preparedness requires liberal appropriations for the maintenance of the National Guard, the Organized Reserves, the Reserve Officers' Training Corps, and citizens military training camps. These services

must be maintained to train civilian officers to command and train the civilian armies called to the colors in time of war. I have vigorously urged proper support of these services.

AVIATION IS VITAL

Aviation is a vital arm of the military and naval service. Its development has worked a revolution in warfare. Lack of aircraft preparedness was a handicap in the Great War. Obsolete planes and equipment hampered our gallant aviators in their daring exploits over the lines. We must not again send our boys into danger and death through false economy. The marvelous flights of Colonel Lindbergh have demonstrated what training and proper preparation and lofty courage can achieve. Aircraft is a powerful weapon of defense against hostile fleets and a mighty instrument of offense. I favor generous appropriations for the development of aircraft equipment, for the training of aviators, and for military and naval aircraft. I favor the gradual extension of the air mail service. We must keep pace with the world in the development of both military and commercial aviation.

PROBLEM OF THE TARIFF

The Democratic Party is opposed to high protective tariffs. I stand with my party for a tariff for revenue only or a tariff so adjusted as to derive revenue from imports, instead of shutting out imports by prohibitive rates. I spoke and voted against the Fordney-McCumber tariff bill. I favor a competitive tariff, with rates so adjusted as to equalize the costs of production at home and abroad, considering the cheaper labor abroad and other elements of cost. A competitive tariff is a tariff for revenue, because it promotes healthy competition and produces revenue.

So long as the Government is committed to a tariff policy, I favor the inclusion of farm products and the products of the ranch. The tariff should not discriminate against the farmer and the ranchman, either as to their raw products or articles manufactured abroad from such raw products. They are as much entitled to the protection of the tariff as the manufacturers.

GOOD ROADS PROGRAM

The Federal Government, because of its interest in post and military roads has a distinct interest in the maintenance of highways. Federal aid has always had my active support. It shall be my policy to advocate the extension of Federal aid in proportion to the advancement of road building programs throughout the United States. Texas receives more money from this source than any other State.

POSTAL LEGISLATION

For many years the salaries of postal employees and carriers were much lower than those of others in Government employ. I have voted for the adjustment of salaries to equalize them. The efficiency of the Postal Service should be maintained.

RESTRICTING IMMIGRATION

In Congress I have supported restrictive immigration legislation. The conditions in Europe following the World War demanded that the United States protect its own interests and those of its people by preventing an influx of aliens. I voted against Japanese immigration and took an active part in preventing the administration from handling that question by a "gentlemen's agreement." To have tolerated such a policy would have given immigration the color of being an international question. It is purely a domestic question, subject alone to the action of Congress and the American people. No other nation nor foreign influence has any right either to dictate or suggest to the people of the United States what their policy shall be with reference to immigration.

WAR DEBTS OF EUROPEAN COUNTRIES

By vote I opposed the cancellation of war debts due the Government of the United States by European countries. The bonded war debt is a mortgage upon the people of the United States. The debts of foreign nations to the United States should be paid. Their payment will relieve the burden of American taxpayers.

TAXATION AND CITIZENSHIP

The many billions in Liberty bonds and war obligations must be paid by Federal taxation. I have stood for so adjusting income and other taxes, as to place the burden upon those most able to bear it, considering, however, the fact that the payment of taxes in some amount quickens the responsibility of the citizen and increases his interest in behalf of an economical administration of the Government. Graduated rates with a reasonable exemption afford the best standard. I have stood with the Democrats in Congress in support of tax reduction bills. In the tax reduction bill now pending I voted for the repeal of the excise tax on automobiles and for the repeal of nuisance taxes. They were imposed as war measures and should be removed.

LAWS ORIGINATED

While a member of the Texas House of Representatives I was one of the authors of the Connally-Meachum antitrust law of Texas of 1903. It has brought millions of dollars into the treasury of Texas.

When the national defense act of 1920 was before Congress I was instrumental in securing the adoption of a number of amendments which liberalized that legislation.

I offered in Congress and secured the approval of legislation requiring the discharge from the Army and Navy of boys under 21 years of age who enlisted without the written consent of their parents. Under the former law, boys of immature years were enticed from home to enlist for long periods in the military or naval services against the wishes of their parents and to the neglect of their education.

In 1921 I proposed an increase in the fee on passports. The policy was adopted and brought into the Treasury, during its operation, approximately $5,000,000 annually.

On April 2, 1921, I offered an amendment to the naval appropriation bill to call an international conference on disarmament. The amendment was defeated by Republican votes. However, when the bill reached the Senate, Senator Borah's amendment was adopted and the conference was called.

SPECIAL INTERESTS

Legislation in the interest of special classes is harmful to the interest of the people. Selfish interests have their lobbyists at each session of Congress. They are there to kill legislation that may destroy the preference they are enjoying or that may investigate or regulate them. Powerful lobbies, through propaganda, through political pressure, and by the seductive blandishments of personal and political assistance and advantage, seek to influence Members of the House and Senate. As your Senator I shall oppose the granting of special favors and shall resist the efforts of the paid or secret lobbyists to secure them.

MONOPOLY AND THE TRUSTS

With the inauguration of the Republican administration in 1921 there immediately began an era of favoritism which has debased the public service and robbed and exploited the people of the United States. Under official sanction and favor there have been formed many gigantic mergers of corporate properties in industry and business. Consolidation is centering in New York the control of industries that reach into every corner of the Republic. Individual business enterprise is being hard pressed to survive. The Department of Justice has been indifferent to the growth of monopoly. The destruction of competition hurts honest and lawful business as surely as it oppresses the public. The control of great industries by a few men is dangerous to the economic freedom of the people. Large corporate organizations are necessary in modern finance and industry. However, when they become so large or so powerful through combination as to become a monopoly, competition is destroyed and their power becomes an economic menace. Self-defense in such a case requires regulation and control. An instance is found in the case of the Chicago packers. Not content with control of the meat-packing business, they were acquiring control of the fruit, vegetable, and food canning business, and were invading the general grocery field. They were threatening to acquire a dominant position in the control of the food supplies of the American people. Regulation of their operation was the only remedy that could be employed. In the interest of the people the Government was reluctantly forced to adopt that policy. Competition must be preserved. The small business and the individual of small capital is as much entitled to the protection of the law as the powerful concerns. I shall favor an investigation of the organization, methods, operations, and financing of monopolistic concerns to determine whether they are violating the Federal antitrust laws or are operating in violation of wholesome regulation of interstate commerce.

FEDERAL TRADE COMMISSION

The Federal Trade Commission was created to investigate unfair trade practices and the operation in interstate commerce of business concerns under the antitrust laws. It was conceived for a useful purpose. The Republican administration has deliberately stacked the commission. It has placed in control men who are boldly the friends of the trusts and the malefactors whose conduct the commission was created to investigate. Under the present chairman the Federal Trade Commission is the champion of monopoly. It is the haven of refuge for unfair and cutthroat business. It is a safe port for pirates and buccaneers who exploit the American people and prey upon their commerce. The $2,000,000,000 Bread Trust found safety under its protecting wings. As a Senator I shall endeavor to make the Federal Trade Commission an impartial arbiter between the people on the one hand and the interests it is to investigate on the other.

INVESTIGATION OF POWER TRUST

Senator TOM WALSH, of Montana, performed outstanding service to the American people in his drastic unmasking and the liberty and corruption involved in Teapot Dome and the Sinclair-Fall-Doheny oil-leasing scandals. Senator WALSH offered a resolution in the United States Senate providing for the investigation by a senatorial committee of the financing and organization of the Electric Power Trust engaged in interstate business. The people have a right to know the truth about their Government and about the control and regulation on monopoly. They

ought to know the truth. Monopoly can exist only by the consent of government. The Government belongs to the people. The power which government exerts belongs to the people. The Government is responsible to the people for the exercise of that power.

An investigation of the Power Trust could do no more than reveal the truth. The efforts of the Power Trust to secure control of the water-power sites belonging to the people is a matter of legitimate governmental concern. The people ought to know the truth about contributions by the Power Trust to political campaigns and to candidates for office.

When the Walsh resolution came before the United States Senate the stand-pat Republicans were against it. One of the most powerful lobbies ever gathered in Washington began to dig its grave. It did not want any investigation. Especially it did not want Senator WALSH to conduct the investigation. Everybody knows that Senator WALSH is honest. Everybody knows he would dig out the truth. Fearful of public indignation if the resolution were killed outright, the lobby determined to first cripple it and then bury it alive. If investigation must come, it must be made by its friends. The burial ground was selected in the Federal Trade Commission. The hard-boiled Republicans in the Senate voted to send it there. A group of Democratic Senators joined them. Senator MAYFIELD voted with the Republicans and the lobby.

The Senate investigated Teapot Dome and Fall, Doheny, and Sinclair. Had that investigation been sent to the Federal Trade Commission, Fall would still be in the Cabinet with his black satchel filled with $100,000 in cash and $233,000 in Liberty bonds. Sinclair would still have Teapot Dome, and Doheny's oil rigs would be dotting the slopes of Elk Hills. JIM REED, of Missouri, and a Senate committee investigating VARE in Pennsylvania and Frank Smith in Illinois and exposed the astounding corruption in election frauds. Could not the Senate be trusted to get at the truth as to the Power Trust?

INSULL CAMPAIGN CONTRIBUTIONS

Mr. Samuel Insull, one of the commanding figures in the Power Trust, gave $125,000 to the campaign fund of Frank L. Smith, candidate for Senator in Illinois. Why was Mr. Insull so deeply interested in having a friend in the United States Senate? Did he fear the Walsh resolution? Did he hope to have a Senator to vote to send it to the Federal Trade Commission? Mr. Insull when he contributed $125,000 did not want a Senate investigation. He refused to tesitfy about his contributions until compelled by the court to do so. He does not want an investigation now. Mr. Frank Smith would have voted to send the Walsh resolution to the Federal Trade Commission. Mr. Frank Smith was thrown out of the Senate for receiving the Insull contribution. Some Senators who voted to oust him voted just as Smith would have voted had he been there. Even Illinois in the election last Tuesday repudiated Frank Smith for his alliance with Insull. Illinois has rebelled against her Senator becoming tied to the Power Trust. He was ingloriously defeated.

The Democratic Party is not the enemy of business. The proposal of the Democratic Senators to investigate the Power Trust was not an act of enmity to business. I am not against business. I am not a baiter of corporations. This is the electric age. We need power companies. I welcome them to Texas. I am glad they are here. I want them to get a fair and just return on their investment. I want to see their properties protected. As a Senator I shall not be unfair to them. All that I demand is that they submit to the laws and to investigation as other business enterprises. They enjoy corporate existence by grace of the public. They are granted franchises and special privileges by the people. They are engaged in a public service. In their very nature they are monopolies. They possess enormous economic power and billions of dollars in financial resources. They ought not to object to proper investigation. In return for the privileges, franchises, and patronage given to them by the people they owe the people the duty to neither conceal the truth nor resist proper investigation. I hope that the power companies will not follow the lead of Mr. Insull.

LABOR AND JUSTICE

Human labor applied to natural resources creates all wealth. In mine and factory, field and shop, and in industry and commerce muscle and mind combine to produce the necessities and comforts of modern life. Labor is entitled to a fair return for its contribution to the creation of wealth and is entitled to enlightened and modern working conditions. Legislation giving fair and just consideration to labor has had my support. Labor has the right to organize and to bargain collectively with the industries which it serves. Industry is organized, and only through organization can labor effectively present its claims.

The man who toils is the basis of all industry and commerce. He feeds and clothes the world. In the congested city and in the country sweating brows and bending backs bear the burden of civilized society. Toiling hands erect the skyscraper of stone and steel. The fleets that carry the commerce of modern times are manned by men who toil. Through the day and through the night laboring men, amidst danger and peril, operate the railways that serve all mankind. The mass of our people are toilers and workers. Justice requires full and fair protection of and regard for the rights of labor.

WATERS OF THE RIO GRANDE

The uninterrupted use of the waters of the Rio Grande in Texas is vital to Texas citizens and to the Magic Valley. Some permanent agreement regarding their appropriation ought to be secured from Mexico. Two-thirds of the water of the Rio Grande comes from the Mexican side. The property of the entire valley is dependent upon the permanence of the water supply. The waters of the Colorado River originate in the United States. Yet about 200,000 acres of land in Mexico, just below the California border, is irrigated from the Colorado. The United States, through control of the Colorado River, can effect an agreement with Mexico to secure continued use of the waters of the Rio Grande.

The United States should not grant to Mexico the use of waters of the Colorado without securing to our citizens the use of the Rio Grande. I shall urge our Government to negotiate with Mexico a treaty confirming the right to use water from the Rio Grande. The use of the Rio Grande waters is necessary to the life of the valley.

CAMPAIGN EXPENDITURES

Beginning with Newberry in Michigan and most recently in the cases of VARE in Pennsylvania and Smith in Illinois, selfish interests have expended millions of dollars in primary elections to elect Senators who would be subservient to their masters. Large sums of money are given with expectation of a return on the investment. Stupendous sums corrupt the ballot and degrade the public life of the country. Such practices are vicious and dangerous to free government.

WILL SUPPORT NOMINEE

I am a Democrat. I shall support the nominee for President of the Democratic National Convention at Houston, whoever he may be. It has been my uniform practice to support the nominees of my party.

To-day the American people are confronted by the tremendous issue of corruption in high office. In 1921 the Republicans came into power. They made haste to plunge into an orgy of bribery and conspiracy. They made merchandise of the oil resources of the Nation. The reserves pledged to the Nation's defense in time of war were bartered for gold, corroded with shame.

The Department of Justice, established to prosecute violators of the law, became a nest of conspiracy against the law.

The office of Alien Property Custodian criminally betrayed maimed and wounded veterans and pilfered the sacred funds of hospitals. It perpetrated vast frauds upon the Government. Members of the President's Cabinet disgraced and debauched their high office and dragged the public service to the lowest depths of degradation. Never did there come from the head of the Republican Party rebuke or condemnation. Never did there come from the White House either denunciation or scorn. The tainted and odious spoils of bribery and barter found their way into the national treasury of the Republican Party. High officials of that party, with guilty knowledge, condoned and concealed the foul and corrupt scandal that debauched the Cabinet itself. More than $3,000,000 were poured into the ballot boxes by Republicans in a senatorial primary in Pennsylvania. In a Republican senatorial primary in Illinois a million dollars and more tarnished the election booths of that State. The successful candidates accepted contributions from a power magnate while still serving on the State commission which fixed power rates. Never was there such a putrid mass of corruption and scandal under any administration in the history of the Republic. The Democratic Party is the only instrumentality with which the American people can drive from power the party responsible for those terrible wrongs. The Democratic Party is the only hope of redemption of the public honor. Honesty and public purpose are eternal issues. On those issues a united Democracy deserves to win. A united Democracy can win. There is no place in the United States Senate for a Texas Democrat who votes with the enemies of democracy.

KU-KLUX KLAN

I have never been and never expect to be a member of the Ku-Klux Klan. I am opposed to secrecy in politics or government. One of the dearest traditions of America is that its Constitution guarantees to every citizen religious freedom, free press, and free speech. Secrecy in government is contrary to the genius of a free people. It was against the closed doors of the secret star chamber of the King that the champions of English liberty hurled their attacks.

The secret court of the Crown was a terrible and tyrannical instrument of oppression of the subject. The courts, legislative halls, and agencies of government ought to be conducted without the mask of secrecy. There should be no chamber the people can not enter. There should be no whispered words that the ear of the people can not bear—no screen behind which the eye of the people can not see. Secret political organizations are dangerous to free government and to the liberties of the citizen. Sooner or later they are employed by selfish and designing men for their own political or financial or personal gain. I am opposed to the participation of such organizations in politics or in an effort to control the Government.

GROUP GOVERNMENT

Government by any group or bloc is an attack on democratic institutions. This Government belongs to all the people and it ought not to be

controlled or dominated by any bloc, faction, or interest. Representative institutions are based upon the right of all of the people to rule. Whenever a group or faction undertakes to gain control of the Government or endeavors to secure control of a political party for selfish advantage it is undermining real democracy and representative government.

In submitting my candidacy, I appeal to no clique, faction, bloc, group, nor special interest. My appeal is to all of the Democrats of Texas, as citizens and as lovers of free government. If elected I shall be the servant of all the people and not the tool of any secret or sinister master. My country and its people shall be my only masters.

THE CONSTITUTION

When a Senator takes the oath of office he does not swear allegiance to the Government of the United States. He makes no pledge of loyalty to the President or to the courts or to the Congress. He assumes no oath of fealty to any administration. He makes no promise to support any official in Washington or out of it. His pledge is of deeper, stronger, and more fundamental things. He swears to support and defend the Constitution of the United States. That is the measure of his responsibility. That is the length and breadth of his duty.

The Constitution invests the Government with whatever power and jurisdiction it possesses. It sets the limits and boundaries of governmental authority. By it the citizen is guaranteed rights that are placed beyond the reach of the arm of government. The Constitution prescribes and defines the functions and duties of the three departments of our system. It is the fundamental basis of American institutions. It is the charter of our rights and liberties as citizens of the United States. The Senate not alone possesses legislative power but under the Constitution has the function of confirming or rejecting appointments of ambassadors, judges, and of all officers, civil and military.

As a court of impeachment it may sit in solemn judgment on the Supreme Court and upon the President himself.

A treaty with a foreign nation is effective only when ratified by the Senate. Failure to obtain its consent dooms it to defeat. With its vast powers under the Constitution, the Senate of the United States is today the most powerful governmental assembly on this revolving globe. Its duties and responsibilities are commanding. As a forum for lofty service it is without an equal on this earth. A station so great challenges all that is finest and best in one who counts it an honor to serve his country, and whose ambition is to advance the interests of his countrymen. If elected a Senator of the United States, I shall endeavor to keep inviolate the sacred obligation which the Constitution imposes. No other oath or obligation shall stand in its way. A discharge of that duty comprehends a due regard for the welfare, the prosperity, and the rights of every citizen under the flag.

With confidence in the Democrats of Texas and as assurance that I shall ever strive to justify their confidence by a faithful discharge of the tremendous responsibilities of the high station to which I aspire, I submit my candidacy for the United States Senate to the Democracy of Texas.

CAMP CLARK, NEVADA, MO.

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 12951, a bill providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for the present consideration of H. R. 12951, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, how much of an appropriation is involved?

Mr. JAMES. Seventy thousand dollars. It is approved by the Director of the Budget and the War Department.

Mr. SCHAFER. And unanimously reported by the committee?

Mr. JAMES. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a sum not to exceed $70,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of 640 acres of land, more or less, described as follows: The south half of section 12, township 35 north, range 31, and the south half of section 7, township 35 north, range 30, immediately adjoining and for use in connection with the present military reservation of Camp Clark, at Nevada, Mo.; and the Secretary of War is hereby authorized to make such purchase.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS THE KANKAKEE RIVER AT MOMENCE, ILL.

Mr. DENISON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 13831, relative to the dam across the Kankakee River at Momence, Kankakee County, Ill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of H. R. 13831, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is this bill?

Mr. DENISON. It permits the construction of a small dam across a small river in northern Illinois.

Mr. SCHAFER. By a private corporation?

Mr. DENISON. It is a conservancy district and this is for city park purposes.

Mr. SCHAFER. It will not be constructed for power purposes?

Mr. DENISON. No. The bill contains a provision which expressly prevents that.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, I reserve the right to object for the purpose of making a statement. I will not object to the consideration of this bill, but we have had two days on the Consent Calendar and the Private Calendar. We are winding up this session and I hope too many requests will not be made for unanimous consent to consider bills which the House has not had a chance to look over, and when the various Members whose duty it is to object to these bills may not be present on the floor of the House. I have no objection to this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States be, and is hereby, given to the Menominee conservancy district and to its successors and assigns, without further authority from the United States, to construct and maintain a dam across the Kankakee River at Momence, in Kankakee County, Ill., and to repair and improve same, expressly reserving to the United States, however, the right to alter, amend, or repeal this act as the needs of navigation may hereafter require: *Provided, however,* That this act shall not have the effect of changing in any manner the liability of the owners of said dam for injury or damages to adjacent property.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the consent of Congress be, and is hereby, granted to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.: *Provided,* That work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further,* That in approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further,* That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

"SEC. 2. The authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided,* That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said Momence conservancy district, or its successors and assigns, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, repair, and improve said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

DIVERSION OF COMMERCE FROM UNITED STATES PORTS TO CANADIAN PORTS

Mr. BEEDY. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution 184, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent for the present consideration of House Resolution 184, which the Clerk will report.

The Clerk read the resolution, as follows:

Whereas during the past 10 years there has been diversion of commerce from United States ports to Canadian ports, particularly in grain and other farm products, so great as to threaten the foundation of the future commerce and prosperity of the ports of the United States and to affect seriously the agricultural and transportation interests of this country, including the development of its merchant marine; and

Whereas this diversion of commerce is the result of (1) more favorable railroad rates between points in the United States and Canadian ports than between the same points and United States ports; (2) more stringent regulations as to grading and inspection of grain at ports of the United States than at Canadian ports, especially the higher grain standards and the dockage rules of the United States; (3) the preferential customs regulations of Canada, giving lower tariffs on products imported into Canada directly through Canadian ports than on those routed through ports of the United States; and (4) the preferential schedules of other ports of the British Empire, imposing lower duties or more favorable regulations on products of the United States routed through Canadian ports than on those shipped from United States ports; and

Whereas the adoption by Congress of constructive legislation to meet these conditions is imperative and depends on the solution of problems within the respective provinces of the Department of State, the Department of Agriculture, the United States Shipping Board, and the Interstate Commerce Commission: Therefore be it

Resolved, That the Secretary of State, the Secretary of Agriculture, the United States Shipping Board, and the Interstate Commerce Commission are requested (1) to investigate, in cooperation with each other, the factors which are contributing to the diversion of commerce from points in the United States to Canadian ports and practicable remedies for preventing such diversion, and (2) to report thereon to the House at the beginning of the next regular session of the Seventieth Congress.

The SPEAKER pro tempore. The Chair will ask the gentleman whether he is authorized by the committee to bring up this resolution?

Mr. BEEDY. No. The resolution simply calls for an investigation. It has been passed by the Senate, and it asks for no appropriation. Several of the departments have been working on this matter, and we thought it would be helpful to have them work together.

The SPEAKER pro tempore. The resolution was referred to the Committee on Interstate and Foreign Commerce, and the Chair would not want to recognize the gentleman to call up the resolution without the authorization of the committee.

Mr. BEEDY. That committee will have no objection to it.

The SPEAKER pro tempore. The Chair would not want to recognize the gentleman under those conditions.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER of Texas. I thought I understood just what bills would probably be considered this afternoon under suspension of the rules. I have just been told by the gentleman from Oregon [Mr. HAWLEY] that I was probably in error with reference to one bill and that it was intended to call up the so-called Austrian debt settlement bill. If that is so, I wish the Chair would advise me at this time, because I am very much opposed to that bill, and if I can, by parliamentary methods or otherwise, defeat the consideration of that bill between now and the adjournment at 5.30 I hope to do so.

The SPEAKER pro tempore. As far as the present occupant of the chair is concerned, he knows of no intention to call up that bill under suspension of the rules.

Mr. GARNER of Texas. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER of Texas. Is it the purpose to bring in a rule to consider that particular bill?

The SPEAKER pro tempore. The Chair can not tell the gentleman at the present time, because he does not know.

THE IMPORTATION OF FOREIGN PRODUCTS

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to proceed for two minutes and to extend my remarks.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for two minutes and to extend his remarks. Is there objection?

There was no objection.

Mr. CROWTHER. Mr. Speaker, every dollar of American money spent on imported goods feeds cheap foreign labor, deprives skilled American labor of wages, reduces American labor's ability to purchase from American retailers, and undermines the American living standards, of which you as an American have been and should be justly proud. [Applause.]

BE LOYAL TO LABOR IN AMERICA

There are many ways of demonstrating our loyalty to America, but I know of no more practical way to express it than for us all to be quite certain that when we need articles of either necessity or luxury that we buy goods made in the United States of America, where a decently filled pay envelope is the reward for toil and service. Money spent for goods made in foreign countries does not put a dollar in the pay envelopes of American workers. The American workman has shorter hours, better working conditions, and higher wages than the workmen of any country in the world. He is enabled to not only purchase the necessities of life, but enjoys as well the luxuries, and has an opportunity to lay aside a few dollars for the proverbial rainy day.

TOO MANY FOREIGN GOODS ON STORE SHELVES

Foreign-made merchandise is sold at a tremendous profit, even after the tariff charges are paid by the importer. This is a result of starvation wages paid to labor in the countries where these goods are produced. Compared with the great mass of American workers, these people are just able to eke out a mere existence. America is the Mecca of the importer who has no pay roll to meet, and sends good American money to Europe to help the foreign manufacturer pay his employees, and fattens his own bank account with the profits that represent the difference between cheap foreign goods and the high-price tag that is placed on them when offered for sale to the American public. Our stores are filled with pottery, china, glassware, jewelry, silks and satins, broadcloth, woolen textiles, dress goods, and every conceivable kind of novelty. These imported articles have not furnished a single hour of labor to American workmen, and have not added a single dollar to an American manufacturer's pay roll.

WE NEED A TARIFF THAT REALLY PROTECTS

Allow me to present a few of the importations since the Fordney-McCumber bill became law. The Democrats wept and wailed at the passage of that bill, declaring that the rates were so high that it would be impossible for the European countries to do any business in this country. The fact is that our foreign trade has increased by leaps and bounds and imports have increased to such an extent that we have averaged to take in at the customhouses $550,000,000 a year:

Woolen fabrics imported, 1923–1927 ——square yards——	106,000,000
Carpets and rugs imported, 1923–1927, annually ——do——	3,000,000
Total value in five years, over	$90,000,000
Scotch sweaters imported:	
1926	297,000
1927	446,000
Knitted gloves imported:	
1922	645,365
1926	6,534,515
1927	6,247,267
Knitted gloves produced in United States of America:	
1921	21,308,700
1925	8,339,612

Knitted outer wear, wool, imported, in 1926 increased 360 per cent over 1922, in spite of the fact that a fair rate of duty was collected on these importations.

EXCESSIVE IMPORTATIONS OF CONSTRUCTION MATERIALS

To appreciate the growing ascendancy of Europe in the markets of American construction industries it is necessary only to digest the following, by which the significance of trade movements may be gauged:

Common brick imports have increased from 2,648,000 in 1923 to 114,343,000 in 1926.

Iron and steel imports in 1926 were 87 per cent of the 1920 figures, while exports were only 23 per cent.

In glass and glassware, imports in 1926 represented 245 per cent of those in 1920, while exports represented only 30 per cent.

In plate glass, exports had almost entirely disappeared, whereas imports had increased to 390 per cent of the 1920 figures.

Cast-iron pipe exports dropped from $9,750,000 in 1920 to $4,094,000 in 1926, while imports were increasing from $41,074 in 1920 to $2,500,000 in 1926.

In the case of cement, in 1920 imports were valued at $1,310,000 and exports at $10,000,000, while in 1926 imports were valued at $5,487,000 and exports at $2,995,000.

These figures show that Europe is extending its encroachment of American markets to every construction material.

The effect of this invasion is not distinctly apparent to the casual observer in periods of national prosperity, but the individual industries are feeling the pressure and unemployment, as a result of shops running part time, is gradually cutting down the pay roll and reducing the purchasing power of the workmen of this country.

EVERY DAY'S LABOR WE IMPORT TAKES THE PRICE OF A DAY'S LABOR FROM THE INCOME OF THE AMERICAN WAGE EARNER

As a new country we believed in encouraging immigration until within the last decade the tide of immigration rose to more than a million a year. Congress then deemed it wise to make our immigration more selective and to reduce the number of immigrants to a total that can be readily assimilated.

Labor favored this restrictive legislation since the labor market was becoming glutted and American standards of living seriously threatened. Sane labor leaders to-day agree that if this restrictive legislation is beneficial when applied to men it should apply to their handiwork as well, and that we should not cripple our industries and deliberately create unemployment by permitting the importation of vast quantities of commodities produced abroad by these potential immigrants under conditions with which American labor can not compete. [Applause.] Every day's labor we import takes the price of a day's labor from the income of the American wage earner. [Applause.]

We have had in this country for a long period of years a protective tariff which has tended to build up the rate of wages, and at the same time has created a grade of values growing out of the wages of the labor that produced our buildings, machinery, and other capital investments. An increase in wage scales has resulted from the new immigration laws.

THE AMERICAN FARMER

Why do the leaders of the Democratic Party persist in classing the farmers of this country as a group of citizens who must have their thinking done for them? Let me advise my Democratic friends that the American farmer no longer wears long chin whiskers, chews a straw, and swallows the time-worn doctrine of free trade with a little dash of "tariff-for-revenue-only sauce" to make it a little less nauseating.

The American agriculturist rides in the first division and usually rides in his own limousine. He enjoys a greater degree of independence than perhaps any other citizen in the land, no matter what his position or mode of making a living may be. The American farmer is the greatest individualist of society to-day. Each man's problem as to acreage, rotation of crops, soil analysis, the kind of stock most profitable, marketing conditions, and shipping facilities is an individual one, and Mr. American Farmer solves them as they develop. He avails himself of such assistance as his State agricultural department and his Federal agencies afford him and mixes with it a little common sense and American genius. But do not lose sight of the fact that farming is a brow-sweating, back-breaking job, even with the tremendous advantage supplied by modern machinery, and nowhere does this old adage, "Man works from sun to sun, but woman's work is never done," so well apply as on the farms of the country. They well deserve all the comforts and luxuries that have become a part of their daily program.

Mr. Speaker, the average American farmer knows as much about the benefits of a protective tariff as the average Congressman can tell him. He keeps abreast of the times, is active in the grange, and subscribes to farm journals that provide him with up-to-date news, and the telephone and radio keep him posted on current events and market conditions.

He knows that we as a people can not be successful and prosperous in groups; we must prosper together. He realizes that his chances of marketing a profitable crop are better when the industrial plants of his neighboring cities are distributing a full-sized pay envelope to their employees regularly every Saturday night. He is young enough to vision a still greater prosperity in this greatest of nations and old enough to remember the days of free trade when public soup houses were established and the price the farmers could command for their produce would scarcely pay for seed. Everything was cheap in those days, but as a general proposition where commodities are cheapest the people are least able to buy.

PURE UNADULTERATED HYPOCRISY

During this session of Congress the Democratic leaders have been pleading the cause of the American farmer. Let me call to your attention the fact that when the Democratic Party was in power and wrote the Underwood-Simmons tariff bill they ignored the farmer completely. His case was given scant consideration, for, as they informed him, they were not believers in a protective tariff, and the result was that he was entirely out of the picture. If you will just glance at the following comparison of rates in the Underwood bill and the Fordney-McCumber bill you observe that the Democrats told the American farmer where to get off and helped him to dismount. This list has been published before, but it can not be published too often, as it illustrates the absolute hypocrisy manifested by the Democratic Party when they announce themselves as the real friend of the farmer.

Commodity	Act of 1922, Fordney-McCumber	Act of 1913, Underwood-Simmons
Beef and veal, fresh	3 cents per pound	Free.
Live cattle	1½ and 2 cents per pound	Do.
Oleo oil	1 cent per pound	15 per cent.
Oleo stearin	do	Free.
Tallow	½ cent per pound	Do.
Goats	$2 per head	Do.
Fresh lamb	4 cents per pound	Do.
Fresh mutton	2½ cents per pound	Do.
Sheep	$2 per head	Do.
Bacon and hams	1 cent per pound	Do.
Lard	2 cents per pound	Do.
Lard compounds and substitutes.	4 cents per pound	Do.
Fresh pork	¾ cent per pound	Do.
Pork shoulders	2 cents per pound	Do.
Swine	½ cent per pound	Do.
Extract of meat	15 cents per pound	10 cents per pound.
Fluid	do	5 cents per pound.
Fresh meats	20 per cent	Free.
Cream	20 cents per gallon	Do.
Cream powder	7 cents per pound	Not dutiable.
Malted milk	20 per cent	Free.
Condensed milk, sweetened	1½ cents per pound	Do.
Condensed milk, unsweetened.	1 cent per pound	Do.
Skimmed milk powder	1½ cents per pound	Not dutiable.
Whole milk powder	3 cents per pound	Free.
Butter [1]	8 cents per pound	2½ cents per pound.
Oleomargarine	do	Free.
Cheese	5 cents per pound	20 per cent.
Live poultry	3 cents per pound	1 cent per pound.
Dressed poultry	6 cents per pound	2 cents per pound.
Dried egg albumen	16 cents per pound	3 cents per pound.
Frozen egg albumen	6 cents per pound	1 cent per pound.
Dried egg yolk	18 cents per pound	10 per cent.
Frozen egg yolk	6 cents per pound	Free.
Eggs of poultry in shell	8 cents per dozen	Do.
Dried whole eggs	18 cents per pound	10 cents per pound
Frozen whole eggs	6 cents per pound	2 cents per pound..
Barley	20 cents per bushel	15 cents per bushel.
Buckwheat	10 cents per 100 pounds	Free.
Corn	15 cents per bushel	Do.
Corn meal	30 cents per 100 pounds	Do.
Oats	15 cents per bushel	6 cents per bushel.
Unhulled ground oats	45 cents per 100 pounds	30 cents per 100 pounds.
Rice (brown hulls removed)	1¼ cents per pound	⅜ cent per pound.
Rice flour	½ cent per pound	¼ cent per pound.
Milled rice (bran removed)	2 cents per pound	1 cent per pound.
Paddy or rough (rice)	1 cent per pound	⅜ cent per pound.
Rye	15 cents per bushel	Free.
Rye flour	45 cents per 100 pounds	Do.
Wheat [2]	30 cents per bushel	Do.
Crushed or cracked	78 cents per 100 pounds	Do.
Flour and semolina	do	Do.
Coconuts	½ cent each	Do.
Peanuts, not shelled	3 cents per pound	⅜ cent per pound.
Shelled peanuts	4 cents per pound	¾ cent per pound.
Castor beans	½ cent per pound	15 cents per bushel.
Cottonseed	½ cent per pound	Free.
Flaxseed	40 cents per bushel	20 cents per bushel.
Poppy seed	32 cents per 100 pounds	15 cents per bushel.
Soy beans	½ cent per pound	Free.
Alfalfa seed	4 cents per pound	Do.
Alsike clover seed	do	Do.
Crimson clover seed	1 cent per pound	Do.
Sweet clover seed	2 cents per pound	Do.
Red clover seed	4 cents per pound	Do.
White clover seed	3 cents per pound	Do.
Dried beans	1¾ cents per pound	25 cents per bushel.
Dried peas	1 cent per pound	10 cents per bushel.
Tomato paste	40 per cent	25 per cent.
Turnips	12 cents per 100 pounds	15 per cent.
Hay	$4 per ton	$2 per ton.
Straw	$1 per ton	50 cents per ton.
Sugar	$0.0176 per pound	$0.01005 per pound.
Wool	12 to 31 cents per pound	Free.

[1] Tariff on butter increased by Tariff Commission to 12 cents per pound.
[2] Tariff on wheat increased to 42 cents.

BENEFITS TO AGRICULTURE OF FLEXIBLE CLAUSE

Based on the investigations made by the Tariff Commission under the flexible clause of the Fordney-McCumber bill, the President has adjusted rates of duty on six agricultural products—a raise on wheat from 30 to 42 cents a bushel; wheat flour, from 78 cents to 1.04 cents per hundred pounds; butter, from 8 to 12 cents per pound; and Swiss cheese, from 5 cents per pound and not less than 25 per cent ad valorem to 7½

cents per pound and not less than 37½ per cent ad valorem. The duty on mill feeds, such as bran, shorts, and other by-product feeds, which the farmers purchase for feeding livestock, was reduced from 15 to 7½ per cent ad valorem.

DEMOCRATIC INCONSISTENCY REGARDING TARIFF

The spectacle of Democratic leaders loudly abusing the policy of a protective tariff and then bending their united efforts to secure protection for the commodities produced or manufactured in their own States is highly amusing. We have a few Democratic Members of the House and Senate who are consistent in their attitude, and after they secure these favorable rates in the tariff act they vote for the bill. The great majority, however, vote against a Republican tariff bill, but vote with their fingers crossed, praying that it will pass and that their constituents may benefit by its provisions.

Right here I desire to present a letter signed by the governors of nine great Southern States, in which they request that the Tariff Commission give no heed to the demand for a reduction on vegetable oil:

To the President of the United States and Honorable Tariff Commission:

We, the undersigned chief executives of the cottonseed-producing States, feel impelled to collectively petition you on a matter which is of grave importance to our farmers.

There is now pending before the Tariff Commission a petition to reduce the duty on vegetable oil. We are informed that final determination of this matter will soon be made.

We desire to stress the fact that the only possible reason anyone can have for reducing the duty on vegetable oil is to reduce the market price of vegetable oil. This positively will reduce the price of cottonseed oil, which automatically will reduce the price the farmer can get for his cottonseed, as the price of cottonseed is completely controlled by the vegetable-oil market.

The foregoing statement of fact is the beacon light which should be kept steadily in view by those who are seeking the truth.

The national administration has repeatedly declared its desire to help the farmer. If the duty on vegetable oil is reduced, it will mean millions of dollars taken from the farmers of this country. Those seeking a reduction of duty on vegetable oil are enjoying the duty that was given them on their manufactured products.

On behalf of the farmers of this country we ask that the duty on vegetable oil be not lowered.

CLIFFORD WALKER, *Governor of Georgia.*
THOS. G. MCLEOD, *Governor of South Carolina.*
HENRY L. FUQUA, *Governor of Louisiana.*
JOHN W. MARTIN, *Governor of Florida.*
M. E. TRAPP, *Governor of Oklahoma.*
WILLIAM W. BRANDON, *Governor of Alabama.*
HENRY L. WHITFIELD, *Governor of Mississippi.*
AUSTIN M. PEAY, *Governor of Tennessee.*
TOM J. TERRAL, *Governor of Arkansas.*

The commodities involved in the case are as follows: Cottonseed oil, animal and fish oils, peanut oil, coconut oil, soy-bean oil, and olive oil.

UNDER PROTECTIVE TARIFF FARMERS TREBLE INCOME FROM WOOL IN LAST SIX YEARS

Farmers of Minnesota, North Dakota, South Dakota, and Montana have trebled their income from wool in the last six years, according to a report published by the Ninth Federal Reserve Bank of Minneapolis. The 1927 income totaled $12,000,000, as compared with $4,290,000 in 1921, the bank states, adding that "all signs point to a larger income in 1928 than in 1927." The estimated wool clip in these States has increased from 26,454,000 pounds in 1920 to 36,787,000 in 1927, with Montana furnishing two-thirds of the clip from the district.

The farm price of wool has not been below 22 cents a pound since June, 1922, the bank points out, and for the last three years the income has averaged between $11,500,000 and $12,000,000.

All signs point to a larger income from wool in 1928 than in 1927—

The review states—

The number of sheep on farms has increased from 4,855,000 on January 1, 1927, to 5,162,000 on January 1, 1928. The farm price of wool in Montana and South Dakota was 5 cents a pound higher in January and February than in the previous year.

There also has been a gradual increase in the weight of the individual fleece. The average Montana fleece in 1927 weighed 8.6 pounds, compared with 8 pounds in 1920. South Dakota fleeces averaged 8 pounds in 1927, compared with 7 pounds in 1920. There were similar increases in the weight per fleece in Minnesota and North Dakota.

AGRICULTURAL PRICES REACH HIGHER LEVELS

Prices of farm products are higher in May, 1928, than they have been at any time in the past several years, except for four months in 1925, says Dr. G. F. Warren, agricultural economist at Cornell University, in a statement on the agricultural situation.

An index of farm prices in the United States, based on prewar levels, rose from 141 in March to 145 in April, due to the general increases in many products. Of the shifts that occurred during the past months, eggs advanced 24 points, wool advanced 9, beans 18, cotton 7, corn 6, oats and butter moved up 4 cents each, and potatoes advanced 3 points. Other changes were slight.

Prices of cattle and cattle products may be expected to continue high for several years, Doctor Warren says, because low prices resulted in a great reduction in the number of cattle. As for other farm products, some advances in prices may be temporary, however, he points out.

Food production has been declining while population has been increasing. Such a condition inevitably results in an improvement in the farm situation.

INDUSTRIES SUFFERING THAT WERE PLACED ON FREE LIST—SHINGLES AND POTASH

The great shingle industry of the Northwest has been almost paralyzed as a result of having cedar shingles placed on the free list. The loss in revenue alone to the Government since the duty was removed amounts to nearly $20,000,000. The great mills of that region have been idle for months, while trainload after trainload of Canadian shingles produced by oriental labor at low wages have flooded the United States market. We have all received shingles from the State of Washington, and the label on the package reads as follows:

Hundreds of men are out of employment; families and communities are suffering because American labor can not compete with orientals; cedar mills idle—logging camps idle—tariff protection at this session of Congress is vital.

This is a fair sample of what happens when protection is denied to an American production. Are the shingles any cheaper in price to the American consumer? Oh, no; that never happens when an article is placed on the free list. Potash was placed on the free list presumably to help the farmer, but once on the free list the German and French combination proceeded at once to raise the price. When the European manufacturers find that an American article has been placed on the free list they sell at a price that will completely destroy the industry in this country, and then proceed to raise the price all the traffic will bear. The promise of the Democrats that low tariff or free trade would result in the benefit of low prices to the ultimate consumer has never been fulfilled.

CEMENT

Cement is on the free list, and the importations from Europe are becoming a serious menace to the American producers. Imports in the last few years total 9,000,000 barrels, and the effect of this foreign competition upon the American industry has been to deprive the American plants of the markets they were built to supply; to lose to labor in the cement mills $4,000,000 in wages in curtailing employment; to cost the American seaboard mills more than $16,000,000 in lost revenue, due to displacement of domestic cement.

These losses have been without compensation to the consumer of cement or of the concrete in which it is used. Cement is purchased for concrete work by contractors, who estimate their costs on the basis of the market price for American cement. If they are able to purchase foreign cement for the particular job at a saving, their contract price for the finished concrete does not change. In other words, the contractor pockets the profit, as under his contract he is not required to pass the saving to the consumer, whether the consumer be a private concern or a public body. This has been demonstrated in cases where bidders were required to specify the use of either foreign or domestic cement, in which cases the cost to the consumer was shown to be the same.

For these 9,000,000 million barrels of cement imported not a pound of domestic coal or gypsum was used. As a result, domestic coal mines lost the sale of 787,958 tons of coal and receipt of $1,741,387, of which the American coal miner would have received in wages $1,044,832. Gypsum mines lost revenue of $148,587, from which the gypsum miner would have received $52,005 in wages.

The cement industry is one of the best customers of the cotton farmer and the textile mill. Ten per cent of the 1926 business of domestic textile bag manufacturers was in cotton sacks for the cement industry. The foreign cement producer patronizes neither. He ships his cement in jute because it is cheaper. Cotton textile mills lost over one-half million dollars which should have been spent for cotton cement sacks but which was not because of foreign cement. The textile worker as a result was poorer by $132,082. And the cotton farmer, whose

income is not too encouraging at any time, dropped an additional $300,000.

Let us carry the picture a little further. Cement and the materials for making it and carrying on its operations are bulk freight. This pays immense sums to American railroads. Almost all foreign cement is sold in seaboard markets and pays little or no freight. If these more than 9,000,000 barrels of foreign cement had not displaced a similar amount of cement of domestic production, American railroads would have received a total of revenue from them of over $6,000,000. Of this, the rail worker would have received 43 per cent, or $2,724,753.

LEATHER AND BOOTS AND SHOES

No one industry has been harder hit than the tanners whose products, including calf leather, were placed on the free list. Nearly 8,000,000 pounds of sole leather were imported during 1926, and that figure has increased tremendously during 1927. Imports of calf leather will reach a total of 40,000,000 square feet for 1927. Importations of boots and shoes are gradually increasing, and the shoe and leather business is having a hard fight to continue its existence. The Shoe and Leather Reporter says:

> It may be said that the losses have been astounding. In spite of the large volume of business resulting from keeping the feet of the American people properly shod it is merely a question of arithmetic to demonstrate that the making of shoes and the tanning of leather has degenerated into an unprofitable business. It is well known that many firms have liquidated their affairs and abandoned the trade rather than to throw good money after bad. We need protection if any business ever did.

Those of you who live in the vicinity of cities or towns where the leather-tanning industries were once prosperous, and where shoe shops ran full time with a full pay roll, have all seen the gradual decline of the business, and the unemployment, that means hard times.

Wages

France:		
Average hourly wage in Paris	cents	15
Other cities and suburbs	do	9½
Ten-hour day		$0.95–$1.50
Poland, skilled labor: Iron works, metal industries, and textiles	cents per day	55–97
Japan: Average daily wage skilled textile workers	do	54
Belgium, plate-glass workers	dollars per day	1.45
United States, plate-glass workers	do	5.44
Germany, textile workers:		
Male	do	1.60
Female	do	1.00
Germany, steel workers, rolling mills	dollars per week	8.40
United Kingdom, steel workers, rolling mills	do	13.40
United States, steel workers, rolling mills	do	32.00

These are a fair sample of the wide discrepancy between wages paid in the United States and in foreign countries. The tremendous advantage that this gives to the European producer is plain to be seen. The fact is that the difference in production costs is becoming greater instead of less. Wages have gradually increased in this country since the World War and have decreased in Europe.

Let us all unite in a common effort to maintain the wage scale that now prevails, and fight against any attempt that may be made to flood our country with cheap labor's products. The most important thing we must insist on is that the purchasing power of our people shall not be destroyed.

Democratic rule means low tariff, just as near free trade as they dare to go. This is their declared purpose, they boast of it, and seem quite delighted to present to the workers of the United States a plan that has always worked a hardship on our people, filled the streets with unemployed, established soup houses, driven the workers into debt, caused great business losses, and produced a general condition of chaos.

THE PAY ROLL, THE PAY ROLL

I have already called attention to the American pay roll, the result of three-quarters of a century of well-nigh unbroken Republican protection, now much larger than that of all the rest of the world. Are you interested to know what becomes of this huge sum, which, including salaries, exceeds $500,000,000 each week of the year?

Most of it is promptly spent for necessities, or comforts, or luxuries or foolishness. The balance is as promptly invested or deposited for some one else to use or invest. Much of it goes direct to the store. From the store it goes to the producer of what the merchant sells, then again to the pay roll, and back to the store. President McKinley estimated that wages and salaries made the circuit and back to the pay roll once a month.

Early in the spring it was ascertained that 1,800,000 were unemployed. The effect on trade was noticeable, and Democrats featured it. The condition was temporary, but it suggested what would have resulted had the number been as large as when President Wilson retired.

Samuel Gompers, president of the Federation of Labor, a close friend and adviser of President Wilson, estimated the unemployed at that time at 5,000,000. And that number was but half of the estimate when General Coxey led his army of unemployed across the country during Cleveland's administration.

Under present conditions, with foreign competition just reaching high tide, a Democratic tariff will send more than 10,000,000 into the streets seeking work, and their children seeking bread.

At the present scale of wages the discharge of 10,000,000 from the ranks of the gainfully employed will cut our cash pay roll more than $200,000,000 per week.

The American pay roll is the one thing that distinguishes us from all other people. The American pay roll is the one thing that enables us to reduce our public debt while every other country increases theirs, and the preservation of this pay roll is the only issue of this campaign worth considering.

A DEMOCRATIC SCARECROW SCOTCHED

Have you ever heard of the Republican "tariff wall"? Of course you have. Democrats talk much about it, and international bankers talk of little else. It may interest you, therefore, to know that nothing of the kind exists. On the contrary, we always—not sometimes, but always—import more with ample protection than under a tariff for revenue only.

The quarrel between the parties relates solely to the nature of the things imported. Under adequate protection we import little except raw material to keep our factories running, noncompetitive merchandise, and luxuries. Under a tariff for revenue our markets are at once flooded with competitive products, such as we have hitherto produced. This must and does cut our pay roll, which restricts the buying power of our people. Then even imports drop to the minimum.

This is the most logical thing in the world, and there has never been an instance when it has failed to work exactly that way.

In his published answer to certain international bankers who had insisted that we must lower our tariffs and allow other nations to share our markets on terms of equality with ourselves or they would be unable to pay their debts to us, Secretary Mellon first showed from the records published by the Bureau of Foreign and Domestic Commerce that at that very time we were importing more than under the Underwood tariff during its last year, and that our foreign commerce—imports and exports combined—was more than twice what it was in 1914.

Mr. Mellon then explained that ample protection by creating general prosperity always increases both imports and exports. He then formulated the fundamental truth in language all should remember and heed:

> It is the purchasing power of our people and not tariff rates that determine imports.

Republicans are quite as anxious for large imports as Democrats. But Republicans see to it that they shall consist of noncompetitive products so as not to demolish the pay roll. Protect the American pay roll and imports will be always large.

HALLOO, KINFOLKS

Governor Shaw tells of having been diverted by the salutation his mountaineer companion on one of his campaigns through the hill country of Virginia would shout to men and women he chanced to see in field or yard. "Halloo, kinfolks" was his ever-ready greeting.

Kinfolks—

Says Governor Shaw—

> is the cardinal principle of protection, and he who fails to recognize a true kinship with everyone beneath the flag has no right to call himself a Republican.

Democratic tariff legislation always proceeds on the assumption that it matters not who produces the things we need, provided they are cheap. Republicans insist it is relatively unimportant what we pay if we buy of ourselves, get what we pay for, and keep the money in the family. They promise to throw open to us the cheapest markets in the world in which to buy. We promise to protect for you the best market in the world in which to sell. You can take your choice, but you can not have both.

As a result of this kinfolks principle when applied to politics, with ample protection for every product of soil as well as toil, our farms produce more than the farms of any other country on the map; we transport from the one State of Minnesota and leave in Ohio alone more iron ore than any other country mines; we have builded about the same mileage of railroads as all the rest of the world; our retail trade alone is the equal of all the international trade of creation; we manufacture more

than Great Britain, France, Germany, and Japan added together plus thirty thousand million dollars' worth every 12 months; and we pay out in wages vastly more than all the rest of the human family. "Halloo, kinfolks."

Our population is one-sixteenth of the aggregate on earth, but because of our enormous pay roll, wages and salaries combined exceeding $500,000,000 each week, passing as it does to the store or the bank and back again to the pay roll, we possess a buying power that astonishes even ourselves. Listen: We are the ultimate consumers of more than one-third of all the coal mined, nearly one-half of all copper, more than one-half of all coffee, two-thirds of all rubber, and of every gallon of petroleum pumped from mother earth the United States demand three quarts, while fifteen times as many people scattered elsewhere in the world get the other quart, and have all their needs require.

Will you not, by your vote, help protect that American pay roll now at issue?

ATTENTION FIRST VOTER

Both political parties promise in their platforms, and each as soon as in power enact tariff laws. Both parties, therefore, believe in a tariff. But as they radically disagree on the purpose of tariff laws their enactments are entirely different, and bring opposite results.

Republican tariffs are designed to foster industry. They foster all industries—industries of farm and factory, mill and mine, merchant and mechanic, North, South, East, and West.

The Democratic tariff machine had its origin with the old ante-bellum slaveholder, with whom labor was a reproach. Their tariffs are based upon the theory that it is better to import that revenue may result than to produce that pay rolls may multiply. The third and fourth generation of these good people clinging religiously to the traditions of their ancestors, vote to legislate as did their fathers and grandfathers.

But because a few southern Democrats desire protection on peanuts, citrus fruits, vegetable oil, and cane sugar, some ill-advised people think the tariff issue has been taken out of politics. Not until Democratic platforms promise general rather than sectional protection, and Democratic legislation make good these promises will protection of the American pay roll cease to be the paramount issue of every campaign. Few would be thoughtless enough to place an osteopathic practitioner in charge of an allopathic hospital simply because he had been known to buy castor oil for his own children.

A FACT ELUCIDATED

Republicans always give Americans an advantage in their own markets. This is called protection, and is accomplished by tariff rates that compel importers to pay into our Treasury such portion of what they receive as will fully offset the much higher wage paid in this country. This insures the pay roll.

Democrats insist that protection is not only vicious in practice, but that it violates the Constitution. They always so adjust their tariff rates as to give the foreigner such advantage in our markets as will permit importations of what American labor has hitherto produced. This is called "tariff for revenue only," and by demoralizing the pay roll it insures the soup house.

Only once in the memory of man has a Democratic tariff failed to work universal ruin. The one exception was when the World War afforded protection. The prosperity of the Wilson administration was war prosperity, and that ceased when the war ended. There were 5,000,000 men out of work when President Harding was inaugurated. The emergency tariff, which was immediately enacted, brought prompt relief, and the present tariff law, plus immigration restriction, made unprecedented prosperity possible.

Let Tammany once get control and the floodgates not only of tax-free products from the ends of the earth, but of immigration of the worst elements of Europe will be swung wide. Either of these will spell ruin to the American pay roll.

THE FORDNEY-M'CUMBER ACT

A few words should be added concerning the status of our foreign trade since the Fordney-McCumber Act went into operation. We have in the last five years experienced a volume of imports and exports never before equaled in the history of the country. Imports since the act has been in force have averaged over $4,025,000,000, while the highest average ever attained under any previous act was $2,965,000,000, which occurred during the Underwood Act of 1913. Other features of interest are found in the fact that the duty collected since the act went into operation have amounted to two and a quarter billion dollars or an annual average in excess of $550,000,000. Such a statement is all the more interesting when it is realized that the percentage of duties collected to total imports is lower under the Fordney-McCumber Act than any other act in history since 1860, with the exception of the Underwood Act. Duties collected under the Fordney-McCumber Act average 14.4 per cent of the volume of total imports, while under the Underwood Act they were equivalent to 9.1 per cent and 19.3 under the Payne-Aldrich Act, before which time they were always in excess of 20 per cent.

The Department of Commerce has recently published an estimate that the volume of importations into the United States for 1926 was 78 per cent greater than it was in 1913, which was the highest point in history prior to the war. These few bits of evidence are enough to indicate that the Fordney-McCumber Act is undeserving of the criticism that has been directed against it to the effect that it would stifle our import trade. Realization of the significance of these facts is important in considering the problem of the tariff of to-morrow.

DEMOCRATIC PROMISES BETRAYED

The platform on which Woodrow Wilson and a Democratic Congress were elected in 1912 contained the following:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses. We demand a return to that simplicity and economy that befits a democratic government and a reduction in the number of useless officers, the salaries of which drain the substance of the people.

Within 12 months they added 10,000 additional names to the roster and $10,000,000 to the pay roll. Extravagances multiplied and revenues dropped until President Wilson recommended an increase of $100,000,000 in income taxes to meet the growing deficiency.

On April 10, 1914, three years before we entered the war, Representative Fitzgerald, chairman of the Committee on Appropriations, denounced his party in these words:

> Whenever I think of the horrible mess I shall be called upon to present on behalf of the Democratic Party, I am tempted to quit my job.

A week before that Congressman Sisson, of Mississippi, had said:

> We are writing ourselves down as the most outrageously and criminally extravagant Congress that ever sat on the American Continent.

And just two days before John Sharp Williams, also of Mississippi, had said:

> The poor, dear, old foolish Democratic Party is going through the same game she can be generally depended upon to go through soon after she gets into power. That is its history. That is what led dear old Tom Reed to say in 1894, "You can not last. You can not govern the country. You can not govern yourselves."

And Speaker Champ Clark had left the chair to utter his protest, in the course of which he had said:

> Tell it not in Gath, proclaim it not in the streets of Askalon, that the Democratic Party will not keep faith with a confiding public.

And dear old Ben Tillman, of South Carolina, had graphically expressed himself thus:

> The wild asses of the desert, athirst and hungry, have broken into the green corn. That applies all along the line. The Senators themselves are green and the Democrats have been out in the cold so long they are simply wild.

If that was their record under Wilson, what will it be under Tammany?

DEMOCRATS AND INTERNATIONAL BANKERS WOULD DESTROY PROTECTION

The Democratic Party has a new ally in its attack upon the policy of a protective tariff. The international bankers who are vastly more interested in the industrial success of Europe than of America are urging the removal of tariff barriers. They have loaned vast sums to European countries for the rehabilitation of their manufacturing plants and they are moving heaven and earth to provide a market in the United States for these goods produced by the poorest-paid labor in the world. This same group is desirous of canceling the European war debt owed to this country.

The Republican Party demands a continuance of high-living standards for our workers, payment of the war debts, a continuation of restrictive immigration, and the maintenance of the policy of a protective tariff.

Every country in the world has raised its tariff rates since the World War ended, except Canada. The United States is the best cash customer in the world, and this country has been flooded with literature and professional propagandists during the last few years, all for the purpose of creating discord and to discredit the protective policy. They would have us throw the gates wide open for the entrance of their manufactured goods and farm products, which would eventually drag our folks down to the level of European workers who just merely

exist and do not live as we desire American workmen and their families to live. Let's keep America for Americans, see to it that we purchase goods made in the old United States of America, keep the pay envelope well filled, give our working folks a chance to educate the children, dress them comfortably, nourish them with good food, and at the same time allow them to enjoy not only the necessities of life but a few of the comforts and luxuries. The folks that devote their lives to labor and production are and will always be in the great majority; they are the backbone of the Nation, and it is our duty as Americans to keep the standard of their living high, and their field of opportunity the widest in all the world. [Applause.]

INTERPARLIAMENTARY UNION

Mr. BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13930) to authorize an appropriation for the American group of the Interparliamentary Union, with Senate amendments, and concur in the Senate amendments.

The SPEAKER pro tempore. Has the gentleman authority from his committee to submit the request?

Mr. BURTON. I have not been able to poll the committee, but I am aware, however, it is favored by all the members of the committee.

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, I understand from the gentleman from Ohio that the only difference in this resolution as it passed the House is that the appropriation is made immediately available.

Mr. BURTON. It is made immediately available and that is necessary because of the delay; otherwise the bill would be ineffective.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill and Senate amendment.

Mr. CRAMTON. I want the RECORD to show just what we are doing. I am not going to object, but the amendment is not to make the appropriation immediately available, but is to make it an appropriation instead of an authorization.

Mr. BURTON. Yes; that is what it is.

Mr. CRAMTON. I simply wanted the RECORD to show that. I do not object.

The Senate amendment was agreed to.

MAJ. CHARLES F. EDDY

Mr. HICKEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12871) for the relief of Maj. Charles F. Eddy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HICKEY. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 3942) be substituted for the House bill.

The SPEAKER. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Maj. Charles F. Eddy, Finance Department, United States Army, on account of the loss of public funds amounting to $2,872.85, for which he was responsible, and which were intrusted to Warrant Officer Clark T. Browning, United States Army, at Fort Bragg, N. C., on or about January 14, 1928, who embezzled these funds and deserted the service.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CIVIL AVIATION

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on civil aviation by printing a speech delivered by me in the House on January 9, 1928, while the bill H. R. 8269 was under consideration.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

SPEECH OF HON. WILLIAM B. OLIVER, OF ALABAMA, IN THE HOUSE OF REPRESENTATIVES, JANUARY 9, 1928

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, the comprehensive statements of my colleagues, Mr. SHREVE and Mr. ACKERMAN, make it unnecessary for me to detain the House with further general statements relative to the pending bill as a whole. I feel, however, that the House may be interested in some data as to the progress of civil aviation. You will recall that the act authorizing Government aid was passed in 1926 and that the Bureau of Civil Aeronautics was later created in the Department of Commerce and placed under the Hon. William P. McCracken, Assistant Secretary of Commerce. The first appropriation made for this service was carried in the deficiency act for the fiscal year 1927 and amounted to $550,000. The next appropriation was $3,700,000 plus, and then comes the appropriation carried in this bill approximating $4,300,000. Before this Congress adjourns in June a further request will be made for an appropriation approximating $1,725,000, and I think the House can now feel assured that the deficiency bill will later carry this additional sum for the service. These amounts total about $9,725,000 and represent the sums heretofore spent and the additional amount to be spent during the fiscal year 1929. Aside from the salaries paid to service personnel the amount appropriated has been expended in lighting and mapping the airways over which mail is carried and in providing equipment and emergency fields.

On the map before you will be found marked in red the airways lighted during the fiscal year 1927, in blue the airways lighted during the fiscal year 1928, and in yellow the unlighted airway routes over which mail is regularly being carried under contract. The yellow with the blue lines show the airway routes that are to be considered for lighting during the fiscal year 1929. I will later ask the House for permission to insert a small copy of this map in the RECORD. (By way of parenthesis I will here say that while permission was granted by the House to insert the map, yet I found the information could be better communicated by providing a larger map than could be inserted in the RECORD; and such larger map, properly colored, will be mailed by me to every Member of the House.) From the map it will be seen that there was lighted 4,121 miles of airways prior to June 30, 1927; that during the fiscal year 1928, 3,577 miles of lighted airways have been added, making the total on June 30, 1928, of lighted mail airways 7,698 miles. This will leave unlighted on June 30, 1928, 6,264 miles of air routes over which mail is now being carried under contract. The appropriations carried in the pending bill and to be carried in the deficiency bill for the fiscal year 1929 will provide sufficient funds for the department to light approximately 5,300 miles of additional airways. This will give on June 30, 1929, about 13,000 miles of lighted airways. It is well to remember in this connection that we are the only country in the world that has lighted its airways, and yet without lighted airways night flying is neither safe nor practicable.

The map, you will observe, also shows additional airways which the Post Office Department is considering letting mail contracts for. Army airway routes are shown on the map and also 58 radio stations now established. The radio stations will be largely increased during the fiscal year 1929. Emergency or intermediate fields about 10 miles apart are maintained at the expense of the Government along this 13,000 miles of air routes.

Certainly this chart furnishes a very gratifying and graphic picture of how rapidly our country has advanced since 1926 in the utilization of aircraft for the transportation of mail, freight, and passengers. This advance is accompanied by such a widespread public confidence in aircraft as to insure the continuance of a liberal policy by Congress that will serve to stimulate, enlarge, and maintain on a thoroughly efficient basis the commercial, the Army, and the Navy air services of the country. From the standpoint of national defense and commercial advancement the importance of these three services can not be overemphasized.

On and off the present mileage of existing air routes will be found 482 municipal and commercial fields in operation, and about 50 more under construction. Something like 400 more are being proposed and considered for early construction. When you add to the existing municipal and commercial fields the emergency fields, the Army and Navy fields, we have about 1,600 safe landing places for planes.

No progressive city should overlook the importance of providing an adequate airport. Nothing is more certain than that the transportation of mail, packages, and passengers by airplanes will rapidly increase in the next few years, and the city without an airport will be like a town without a railroad. Some of our transcontinental rail lines are preparing now to establish a joint rail and air service, and when you further consider that many large business companies are providing planes for transporting their officials and advertising their products, the necessity of modern airports should be apparent to every forward-looking city.

We now have air service with Cuba, and soon will have service with Haiti, San Domingo, Porto Rico, and Canada, and we hope with Mexico. The great oceanic liners, arriving and departing, are also installing an airship service, and it requires no dreamer to vision how communities in our country, pro-

vided with airports, may contemplate in the next five years daily trips to and from any State of the Union—yes; trips made under conditions insuring greater safety and comfort than could be found in motoring on long stretches of highways.

Further evidence of the wide public interest shown by our people in civil aeronautics will be found in the educational and research work along this line at a number of our leading technical colleges. A large number of students are taking courses leading to degrees in aeronautical engineering. The liberal financial assistance extended these colleges by the Daniel Guggenheimer fund for the promotion of aeronautics has resulted in the establishment of aeronautical professorships and the addition of special equipment and buildings for research work and study.

Schools for the training of pilots under Government supervision and direction are maintained at different places, and very high physical and mental exactions are required for admission to such schools.

Referring again to the map, you will find that a proposed air-mail route is being considered from New Orleans to Laredo or Brownsville, Tex., with the expectation that it will be extended later to the City of Mexico and from there to the countries farther south.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. OLIVER of Alabama. Certainly.

Mr. WAINWRIGHT. Is it contemplated that the routes southerly from the Mexican border and from Mexico down through Central America are to be an all-American-operated air service? In other words, is it contemplated that we shall extend our air mail route through Mexico?

Mr. OLIVER of Alabama. That will be determined later by agreement with those countries. It is the confident hope that a satisfactory agreement can be made whereby those routes will be extended. Up to this time no definite arrangement or agreement has been reached. The route from Key West to Habana will likely be extended early during the fiscal year 1929 to Colon and the route will likely go first to Yucatan, then to British Honduras, to Honduras, to Nicaragua, to Costa Rica, and from there to Colon.

Mr. WAINWRIGHT. That is not a definite project yet?

Mr. OLIVER of Alabama. No; but likely we will have definite information of it when Congress meets in December.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. Do we maintain those routes by treaties?

Mr. OLIVER of Alabama. No; but I am sure there is a keen and friendly interest as to the matter between the countries concerned, and it may not be long before those routes are established. That is the hope entertained in considering the establishment of this air line to Laredo or to Brownsville.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. WAINWRIGHT. When I was in Salvador and Guatemala last spring I found that one of the things that they were most interested in was the establishment of air mail service.

Mr. OLIVER of Alabama. My impression is that all of the countries are friendly and well disposed toward the establishment of connecting air routes. The details must be worked out. We look forward to the execution of the projects in the near future. In this connection, you will recall that the Pan American aviation treaty was drafted and approved in February, 1928, and is now awaiting ratification by the various countries. When the treaty is ratified international communication with all countries to the South of us will be encouraged and I trust speedily realized.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. KELLY. There is a bill pending now before the Committee on the Post Office and Post Roads to authorize the Postmaster General to fix the rates on aircraft for carrying the mail at $2 a mile.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. JOHNSON of Texas. I observe that the air mail between Washington and Texas is not satisfactory. The mail does not arrive any more promptly than the ordinary mail. May I inquire if that blue line delineated on the map goes to New Orleans?

Mr. OLIVER of Alabama. Yes. From there it will be extended to Texas at an early day, I think.

Mr. JOHNSON of Texas. At this time air mail is not expedited because it has to go to New Orleans and return?

Mr. OLIVER of Alabama. Yes; but with the route extended into Texas from New Orleans the delay you refer to will be corrected.

Mr. CRAIL. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. CRAIL. Can the gentleman tell us what is the comparative cost and the receipts from the service?

Mr. OLIVER of Alabama. From the Post Office Department?

Mr. CRAIL. Yes.

Mr. OLIVER of Alabama. I think the gentleman from Pennsylvania [Mr. KELLY] could, perhaps, give more accurate information relative to the proceeds received by the Post Office Department than I could. I would be very glad to yield a few moments to him.

Mr. KELLY. We have figures received from the Post Office Department covering the fiscal year 1927 and nine months of the fiscal year 1928, as follows:

Contract air mail service

CONSOLIDATED STATISTICAL REPORT FOR FISCAL YEAR 1927

Month	Length of routes	Frequency (round trips per month scheduled)	Miles of service		Total weight of mails dispatched	Amount paid to contractors
			Scheduled	Actually flown		
1926	*Miles*				*Pounds*	
July	3,912	298½	222,370	214,585	26,673	$82,619.12
August	3,912	299½	220,284	214,368	32,404	91,367.70
September	5,301	307	248,570	228,775	35,246	100,474.42
October	5,456	325	269,062	256,189	42,070	121,908.12
November	5,456	312	289,109	257,057	37,686	109,878.18
December	5,178	297	286,254	239,433	39,340	114,087.74
1927						
January	4,495	262	244,010	205,612	32,510	93,552.23
February	4,495	240	223,412	191,383	35,037	101,293.52
March	4,495	274	251,778	233,308	42,111	121,987.91
April	4,618	275	246,333	231,998	45,856	133,129.25
May	4,618	298½	256,363	248,109	46,133	133,738.10
June	4,618	298	253,648	250,491	55,026	159,201.84
Total			3,015,993	2,776,108	470,092	1,363,208.13

CONSOLIDATED STATISTICAL REPORT FOR 10 MONTHS, FISCAL YEAR 1928

1927						
July	6,617	329	377,336	375,923	99,589	$250,891.15
August	6,617	338	379,991	376,998	102,047	258,963.45
September	7,340	384½	455,052	444,519	146,486	312,809.88
October	7,340	394	466,638	449,562	153,649	329,531.51
November	7,360	385	456,534	413,054	141,080	304,082.70
December	7,804	428½	485,594	402,267	165,768	353,253.21
1928						
January	7,804	453½	494,629	431,310	144,289	300,281.34
February	8,815	505½	520,785	450,058	153,363	329,379.70
March	8,815	553	561,693	523,287	173,929	368,191.21
April	8,872	527	544,716	513,144	171,028	359,182.12

Mr. OLIVER of Alabama. The statistics furnished by Mr. KELLY, of Pennsylvania, show a very gratifying increase in our air mail, and in that connection it should be stated that aid-mail pilots fly every day more than 25,000 miles. The gentleman from Pennsylvania told the House a few days ago that legislation now pending before his committee would be favorably reported at this session, and, if passed, would result in a substantial reduction of rates on air mail. The Post Office Department estimates that the reduction of rates which will follow the passage of this legislation will increase the volume of air-mail business more than 100 per cent.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. WAINWRIGHT. May I ask whether the gentleman is going to touch on the subject of passenger transportation?

Mr. OLIVER of Alabama. I will be very glad to do that.

Mr. WAINWRIGHT. And enlighten us as to the number of passengers that have been carried in connection with the air-mail service.

Mr. OLIVER of Alabama. You understand that from New York to Chicago, from Chicago to San Francisco, from San Francisco to Seattle and San Diego, from Salt Lake City to Los Angeles, and from Boston to New York—all of the routes are now operated as mail and passenger routes. It is estimated that during 1927 there were more than 19,000 passengers carried on the mail routes. On independent routes not connected with the mail service and from private landing

fields it is estimated that more than 600,000 passengers were carried.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. Of course, that includes the short rides over fields?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. That is not from one point to another?

Mr. OLIVER of Alabama. That number includes short rides.

Mr. LAGUARDIA. That includes short rides over fields, where they go up for a few minutes?

Mr. OLIVER of Alabama. Not merely short rides over fields, but short-distance rides from local fields.

Mr. LAGUARDIA. I looked into that because I was so startled by the figures.

Mr. WAINWRIGHT. May I say to the gentleman that I think the significant figures are the large number who traveled over scheduled air routes in connection with their various avocations.

Mr. OLIVER of Alabama. It might be interesting to mention that the contractor who has the route from Chicago to San Francisco is putting on within the next few weeks three large planes each capable of carrying 12 passengers.

Mr. MANLOVE. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. MANLOVE. The gentleman has very explicitly explained concerning this Army route. I would like to ask whether or not there will be any conflict by reason of the fact that that is designated as an Army route, which comes down through Springfield, Mo., and Joplin, Mo., my home town?

Mr. OLIVER of Alabama. No. In other words, the Army is cooperating splendidly with the civil aviation branch and has been very helpful in making inspections and establishing routes. The Army routes may be used for commercial purposes, and when a paying business is developed on these routes the Government will light them.

Mr. MANLOVE. That is, the Army routes?

Mr. OLIVER of Alabama. Yes. We are undertaking now to light only those airways over which mail is carried.

Mr. PARKER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. How many passengers were carried between Cleveland and Detroit by the Ford outfit?

Mr. OLIVER of Alabama. I am not prepared to say.

Mr. PARKER. I am informed about 20,000 in the last year.

Mr. OLIVER of Alabama. That number, doubtless, is included in the total I gave.

Mr. MANLOVE. I understand no passengers were lost on that route, and I think that is very significant.

Mr. OLIVER of Alabama. I would like to invite the attention of the House to page 45 of the hearings, where will be found an interesting tabulation of air accidents and giving causes therefor. In most instances it will be found that the accidents were due to inexperienced pilots or to the use of unlicensed planes—one or both. The Department of Commerce is prepared to give full information as to schedules maintained on air routes, the name of the contractors on the several routes, type of equipment used, and so forth.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. Is it not fair to state at this point that the casualties on the regular lines, flying on schedules, are down to the minimum?

Mr. OLIVER of Alabama. Yes.

Mr. LAGUARDIA. That the few casualties we have had have mostly taken place in the rides over the fields and before the Department of Commerce could establish supervision over them.

Mr. OLIVER of Alabama. The information I referred to on page 45 of the hearings discloses that.

Mr. PARKER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. I made the statement, when we were discussing the civil aviation bill in the last Congress, that the one thing we needed to accomplish in order to make flying a success was the safety of the passengers. Does the gentleman concur in that?

Mr. OLIVER of Alabama. Absolutely so, and it is important in that connection to remember that the bill as it finally passed did not clothe the department with authority to regulate intrastate flying. Intrastate flying unregulated may become a great menace to interstate flying, and when Mr. Lindbergh was before our committee, we asked his opinion as to the importance of centering authority in some one to control all air flying, and he gave hearty concurrence to the great importance of centering authority in one Government agency to promulgate rules and regulations, to which all pilots and planes must conform. We have had very few accidents to carefully inspected planes operated by license pilots.

The House, you will remember, in passing the air commerce act, undertook to provide a centralized control over air flights, both intrastate and interstate. The Senate limited the authority to interstate largely. It is interesting to note that many States have shown a sympathetic desire to cooperate, and some have gone so far as to require that before a plane can be flown it must be inspected by the proper Federal officers and a license obtained for the operator.

Mr. PARKER. Will the gentleman yield again?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. I will say for the gentleman's information that the reason that was left out was because the commercial aviation bill could not have passed with that provision in it.

Mr. OLIVER of Alabama. Yes.

Mr. ARENTZ. Will the gentleman from Alabama yield?

Mr. OLIVER of Alabama. Yes.

Mr. ARENTZ. The other day I very briefly stated the history of the pioneer air-mail pilots, and the gentleman spoke about my putting in some history regarding the routes, and so forth. I wish the gentleman would do that in his discussion here to-day. I found it impossible because of lack of information. The Post Office Department did not have the information at its fingers' ends. When we think of the air-mail routes being established in 1918 and think of all this pioneering work with millions of miles flown and 381,000 miles for each casualty, and then consider the months of pioneering with only 32 crashes, it is a wonderful record, and I hope the gentleman and the other Members present here to-day will assist before the Committee on the Library in bringing about the establishment of the memorial asked in the joint resolution to which I have referred.

Mr. OLIVER of Alabama. It was a most deserving tribute that the gentleman paid these patriotic fliers, and I shall be very glad to cooperate with him in getting the information for insertion in the RECORD either as an extension of the gentleman's remarks or as a part of mine.

Mr. ARENTZ. I thank the gentleman.

Mr. McDUFFIE. May I interrupt the gentleman to ask how the development of commercial aviation in this country compares with that of other nations?

Mr. OLIVER of Alabama. We think it is rapidly approaching what any other country has accomplished. Of course, the routes here are very much longer, and while we may not reach every part of our territory so well as some of the smaller countries do, yet we have established much longer routes than any of them; and when we consider how far one could go in the countries of Europe over our 13,000 miles of airways, more than one-half of which are lighted, you will understand we occupy an advanced place. No country has better planes, better pilots, and the industry here is well financed and fairly prosperous.

Mr. LAGUARDIA. In that connection, should it not be stated that all the foreign companies that have shown any development have received direct subsidy from the government for the operation of such lines, and we have no direct subsidy, of course?

Mr. OLIVER of Alabama. We have not thought it necessary, and reports indicate that many operating companies are making money.

Mr. KELLY. If the gentleman will permit a further answer to the question, in Germany, which is regarded as the foremost country in commercial aviation, they pay a subsidy of 77 cents a mile where the total cost is $1.11 a mile. We hear a great deal about the amount of freight carried there. The mail carried on all German lines is about 600,000 pounds a year. In the last six months in the United States on the air-mail lines we carried 800,000 pounds, so that in six months we have carried more than they carried in an entire year.

Mr. WAINWRIGHT. How about passenger service? How does the carriage of passengers compare?

Mr. KELLY. As to passengers, Germany carried 52,000 passengers during the last year for which figures are available.

Mr. LAGUARDIA. Mostly Americans at that.

Mr. KELLY. Yes; mostly Americans.

Mr. BRIGGS. I would like to ask the gentleman from Alabama whether the appropriation carried in this bill for the aviation features are commensurate and in keeping with the spirit of the provision made for the five-year program with reference to commercial aviation?

Mr. OLIVER of Alabama. I am not prepared to make the comparison. However, we are keeping fairly well up with the demands of the Post Office Department and, of course, that de-

termines largely our appropriations for lighting. The gentleman will be interested to know that the area from Dallas to Galveston is in the area to be soon lighted.

Mr. BRIGGS. I am delighted to hear that, and I simply wanted to know whether there are funds enough provided to carry through the development.

Mr. OLIVER of Alabama. I am glad the gentleman has asked the question. Some question has been raised since this bill was reported as to whether we had provided funds sufficient to light the airways already let by the Post Office Department, and inquiries are now being prosecuted by the members of our subcommittee with a view of determining what additional amount, if any, is required. I am confident that an additional sum will be needed, and when the amount is definitely estimated for it will be provided in the deficiency bill this session.

Mr. BRIGGS. I am very glad to hear that.

Mr. BACHMANN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BACHMANN. I understand the Government has nothing to do with the establishment of airports; is that correct?

Mr. OLIVER of Alabama. Yes.

Mr. BACHMANN. But they do provide these large beacon lights and the radio operators at the different places?

Mr. OLIVER of Alabama. Yes; at emergency fields and at points along the routes where radio stations are located. The emergency fields are supposed to be located about 10 miles apart, and large beacon lights every 30 miles. The emergency fields are well lighted and, though small, furnish safe landing places. An airport is a well-constructed field provided with full repair facilities and other requisites and is supposed to comprise an area of from 120 to 160 acres. Emergency fields are maintained at the expense of the Government, but airports are maintained by municipalities or private companies.

Mr. BACHMANN. What control does the Government maintain over this transcontinental route or its feeders?

Mr. OLIVER of Alabama. Only over emergency fields and the air routes. They have no control over airports. These are owned and controlled by the towns, cities, or private interests.

Mr. BACHMANN. If a private company were incorporated to carry passengers over this transcontinental route, could it do so without having a permit from the Government?

Mr. OLIVER of Alabama. It would have to secure a permit from the Government. Their planes must be inspected and registered and their pilots would have to be licensed.

Mr. BACHMANN. Then, any company could enter the field for the transportation of passengers if it had the necessary permit and met the tests?

Mr. OLIVER of Alabama. Yes; provided they met the requirements and observed the regulations of the department. They could not land at airports without the consent of the towns or cities that owned them. It is thought that airports eventually will prove sources of revenue. They keep fuel and maintain repair shops, and will be prepared to accommodate the public, just as railroad passenger stations do.

Mr. BACHMANN. Does the gentleman know whether there are any great number of these private companies now engaged in the transportation of passengers over this transcontinental route?

Mr. OLIVER of Alabama. Yes; several.

Mrs. KAHN. Are these emergency fields owned by the Government?

Mr. OLIVER of Alabama. They are either owned or leased. Most of them at present are rented, but a few are owned. We are paying from $7 to $10 an acre rent for emergency fields. In future lease contracts there will be carried a provision giving the Government the right to purchase within the lease period for an agreed sum.

Mr. ANDREW. Will the gentleman state how many emergency fields there are?

Mr. OLIVER of Alabama. There are about 107, and this number is rapidly increasing.

Mr. MANLOVE. As I understand, anyone with a Government license can have the benefit of these lights and travel the same route?

Mr. OLIVER of Alabama. Provided they comply with Government regulations. The plane has to be identified, and certain rules must be observed by the pilots to insure safety.

Mr. MANLOVE. But anybody in Missouri or Nebraska who has a State license would have the right to use the lighted way in that State without a Government license?

Mr. OLIVER of Alabama. Yes.

Mr. MANLOVE. Are we not coming to a point where that situation will have to be corrected?

Mr. OLIVER of Alabama. I think so.

Mr. PARKER. The use of the Government-lighted ways corresponds exactly to the use of the waterways. The bill was drawn with that in view?

Mr. OLIVER of Alabama. Yes; and to the use of the highways.

Mr. PARKER. If they conform to the rules of the road and the rules set down by the Government, they have a right to use it?

Mr. OLIVER of Alabama. Yes.

Mr. BACHMANN. I notice from the press that some fliers were unable to fly over this route on account of a blizzard or snowstorm. Does the gentleman know whether there is any movement to have the route placed farther south?

Mr. OLIVER of Alabama. It is contemplated that sooner or later there will be a southern transcontinental route; its western terminal will likely be San Diego, Calif. You will find it sketched on the map.

Mr. BACHMANN. And over that southern route they will be able to transport the mails at all times?

Mr. OLIVER of Alabama. Yes; there are not many days they can not fly over the present transcontinental route. They are sometimes prevented from landing. Machines can fly in all kinds of weather, but they can not always make a safe landing on account of fog or soft fields. The planes not infrequently are forced, because of weather conditions, to pass over some of the regular landing fields.

Mr. BACHMANN. I notice that in reading the speech made by the gentleman last year he referred to Charles A. Lindbergh being the first air-mail pilot that flew from Chicago to Dallas—that he was the first man to fly over that lighted route and the thermometer was below zero.

Mr. OLIVER of Alabama. You will be interested to know that over that route, where he was the pioneer up to that time, there has never been an accident. They are never behind time. [Applause.]

Mr. LaGUARDIA. Will the gentleman yield?

Mr. OLIVER of Alabama. Certainly.

Mr. LaGUARDIA. The interest the gentleman has taken has been a great contribution to the aviation of the country. [Applause.] May I suggest that the committee give some study to the advisability or desirability of offering a substantial prize for some fog piercing or penetrating light. When I flew from New York to Minnesota and back we laid in Cleveland 31 hours waiting for the fog to clear up. Would it not be well to offer a prize to develop some fog-piercing light so that we could overcome that difficulty?

Mrs. KAHN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes; certainly.

Mrs. KAHN. I had a long talk with the Assistant Secretary of Aviation on that very subject because that is one of our troubles in San Francisco—the fog and low visibility. He told me that the department is making scientific research in order to discover something which will either dissipate the fog or render greater visibility.

Mr. OLIVER of Alabama. Mr. Chairman, the Bureau of Standards is making a study of that, and the department has allocated funds for the purpose of having a study made along those lines.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. PARKER. Has the gentleman the figures of the percentages of landings and time of the air mail?

Mr. OLIVER of Alabama. No; I have not, but there have been very few delays.

Mr. PARKER. As I understand it, the mail is delivered on time in over 90 per cent of the cases.

Mr. OLIVER of Alabama. I think the percentage is greater than 90 per cent. [Applause.]

Mr. Chairman, I ask unanimous consent to insert in my remarks these items to which I have referred.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by inserting the data he used in the course of his remarks. Is there objection?

There was no objection.

FARM RELIEF

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, ladies and gentlemen of the House, ever since farm-relief legislation has been before this body I have been a consistent supporter of the McNary-

Haugen bill, equalization fee and all included, but at the beginning of this session I began to see that it was a presidential year and there was a great diversity of opinion and that we would be expected to get up here at the tail end of the session and give a further excuse to the farmer, that on account of a division there would not be any farm-relief legislation.

The gentleman from Illinois [Mr. WILLIAMS], who spoke just a few moments ago, is now trying to relieve the administration of its failure to put through legislation for farm relief. Suppose certain farm leaders did say they wanted no legislation unless they had the McNary-Haugen bill with the equalization fee. Does this relieve the responsible leadership of the dominant party for its failure to bring in a bill that would give relief to the farmers, that would meet the views of the Executive?

Now, we have had plenty of time since the veto of the President was not sustained for the responsible leadership of this House and the other body to get together and give the farmers of this country some substantial relief by bringing out a bill we could vote for, and not adjourn this Congress without giving such relief.

You can not get by with any such excuse any longer. [Applause.]

ANNIVERSARY OF THE BATTLE OF WYOMING

Mr. LUCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14034) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Wyoming, an emergency measure.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object——

Mr. LUCE. Mr. Speaker, this involves no expense. It is simply for the appointment of a commission, one by the President, three by the President of the Senate, and three by the Speaker of the House.

Mr. CRAMTON. And after you get the commission, what are they going to do—develop a plan for an ornamental highway from here to Wyoming?

Mr. LUCE. No; the celebration takes place the first week in July, and they will hardly have time to be that fertile.

Mr. CRAMTON. If there is one commission that is not going to cost us anything, I am for it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby established a commission to be known as the United States Commission on the Sesquicentennial of the Battle of Wyoming (hereinafter referred to as the commission) and to be composed of seven commissioners, as follows: One to be appointed by the President of the United States, three Senators by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker, to cooperate with the Wyoming Commemorative Association and the Wyoming Monument Association in the observance of the sesquicentennial of the Battle of Wyoming. The commission shall serve without compensation and shall select a chairman from among their number.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A TRIBUTE TO HON. W. FRANK JAMES

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a tribute to the gentleman from Michigan, Mr. W. FRANK JAMES, by General Summerall, Chief of Staff of the Army, together with a short editorial from the Ironwood Globe.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I place herein the following tribute to the distinguished gentleman from Michigan, the acting chairman of the Committee on Military Affairs, Hon. W. FRANK JAMES, by the Chief of Staff of the Army, Maj. Gen. Charles P. Summerall, together with editorial on General Summerall's tribute from the Daily Ironwood Globe of May 21, 1928:

[From the Marquette Mining Journal, of Marquette, Mich., May 19, 1928]

SUMMERALL LAUDS JAMES IN ADDRESS IN THEATER

Preliminary to his address yesterday afternoon in the Delft Theater, Major General Summerall, Chief of Staff of the United States Army, paid a warm tribute to Congressman W. FRANK JAMES, of the twelfth district, as follows:

"My presence here is due not only to my desire to share with my comrades of 1898 the observance of the day but to the even more potent appeal of your distinguished Representatives in Congress, W. FRANK JAMES. Indeed, without his presentation of your very generous invitation, I should not have understood the significance of this event. Congressman JAMES needs no testimonial from me to his fellow citizens and constituents. I can not, however, resist the desire to pay even a small tribute to his services to the Nation.

"His lofty patriotism, his sterling integrity, his sound judgment, his keen insight into men and national affairs, and his absolute unselfishness make him one of the greatest men in public life to-day. His force of character and his honesty of purpose have won for him the complete confidence of all who know him.

"As acting chairman of the Committee on Military Affairs in the House of Representatives, he has contributed, as few men have, to the development of every phase of the national defense. To me it has been an especial privilege to enjoy his friendship. The people of this congressional district are particularly fortunate in the choice of such a Representative, and after seeing you I feel that he but reflects the character and the ideals of his community and his State. His influence, and yours through him, is far-reaching and irresistable for the good of the country."

[Editorial in Daily Ironwood Globe, of Ironwood, Mich., May 21, 1928]

SUMMERALL PRAISES JAMES

Preliminary to an address he made at Marquette recently on the occasion of a celebration by the Spanish War veterans of that city, Major General Summerall, Chief of Staff of the United States Army, spared no words in his tribute to W. FRANK JAMES, Congressman from this district.

General Summerall declared that "his lofty patriotism, his sterling integrity, his sound judgment, his keen insight into men and national affairs, and his absolute unselfishness makes him one of the greatest men in public life to-day. His force of character and his honesty of purpose have won him the complete confidence of all who know him. As acting chairman of the Committee on Military Affairs of the House of Representatives, he has contributed, as few men have, to the development of every phase of the national defense. To me it has been an especial privilege to enjoy his friendship."

Because of the aggressive manner in which Congressman JAMES has sponsored better living conditions for the United States Army and has otherwise contributed to the morale of the standing forces of the country, General Summerall would feel duty bound to praise Mr. JAMES in the Congressman's own bailiwick. Yet no seasoned veteran like Summerall would go to such length to pay tribute to a Congressman unless he thoroughly meant it. Old Army men are not prone to lavishness in praise. Under the circumstances the tribute to Mr. JAMES is all the greater.

RENT FOR UNITED STATES VETERANS' HOSPITAL NO. 90, MUSKOGEE, OKLA.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13199) authorizing the payment to the State of Oklahoma the sum of $4,955.36 in settlement for rent for United States Veterans' Hospital No. 90 at Muskogee, Okla.

The SPEAKER. Has the gentleman the authority of the committee?

Mr. HASTINGS. No; but it is the unanimous report of the committee. It is on the calendar, and it is recommended by the Veterans' Bureau.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Oklahoma the sum of $4,955.36, out of any money appropriated for rent, maintenance, or support of hospitals, the same being in full settlement for rent of United States Veterans' Bureau Hospital No. 90 at Muskogee, Okla., from February 11 to April 30, 1925, being the date of passing of title to the Government of the United States for said hospital.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONTRACTS WITH THE SECRETARY OF WAR TO BE IN WRITING

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 12352), requiring certain contracts entered into by the Secretary of War or by officers authorized by him to make them to be in writing, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following: "*Provided*, That this act shall cease to be in effect after June 30, 1930"; and the Senate agree to the same.

W. FRANK JAMES,
L. A. FROTHINGHAM,
WILLIAM C. WRIGHT,
Managers on the part of the House.

DAVID A. REED,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: The amendment to the measure agreed to by the Senate provided that the provisions of the act expire on June 30, 1929, thereby giving but one year. An agreement was reached extending this time one year, making the date for the expiration June 30, 1930, and giving the War Department time to give the subject further study and recommend further legislation on the subject.

W. FRANK JAMES,
L. A. FROTHINGHAM,
WILLIAM C. WRIGHT,
Managers on the part of the House.

The conference report was agreed to.

NECESSARY LEGISLATION

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

The SPEAKER. Is there objection to the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I voted against both resolutions providing for adjournment this afternoon, because I believe there is a great deal of legislation which this Congress should have written into law before adjourning, legislation such as the Boulder Dam bill, the bill to restrict the immigration of Mexicans, farm relief, abolishment of the "lame-duck" session of Congress, Federal employee retirement liberalization, regulation of lobbyists, prohibition of tyrannical injunctions in labor disputes, modification of the Volstead Act, and complete investigation of the administration of alien property.

I sincerely hope that when Congress reconvenes in December the rules of this House will be liberalized so that a little powerful group of the Rules Committee will not control and prevent the House from considering legislation which committees have reported. [Applause.]

I introduced H. R. 6098, a bill to regulate lobbyists and prevent their pernicious activity. [Applause.] Anyone who has followed the investigations of the Power Trust and the brazen, high-powered lobby for the repeal of the inheritance tax can not but reach the conclusion that the legislation as embodied in H. R. 6098 should be written into law. Under the existing conditions we have the disgraceful and deplorable spectacle of former Members of Congress serving as highly paid propagandists and lobbyists and using the privilege of the floor of the House and Senate while those bodies are considering legislation which they are attempting to defeat or to pass.

One of the sections of H. R. 6098 provides that any former Member of the Senate or the House who is employed as a lobbyist shall be denied the privilege of the floor of the House and the Senate or the cloakrooms while he is employed as such. [Applause.]

I hope the rules of the House will be so amended that legislation modifying the Volstead Act can be brought before the House and a roll call had, so that the country will be able to see some of those Members who are on both sides of the fence on this question jump one way or the other. [Laughter and applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. I can not yield; I have only a few minutes.

Mr. CRAMTON. When you did get a roll call you were sorry for it afterwards.

Mr. SCHAFER. Oh, let me state to the gentleman that the roll call which he has in mind and to which he has frequently referred on the floor was not a roll call on modification, and the gentleman can not convince even the most ardent dry that it was. In 1926 the voters of Wisconsin, by an overwhelming majority in a referendum vote, favored the modification of the Volstead Act to permit the manufacture and sale of beverages containing not more than 2.75 per cent of alcohol by weight. The citizens of my congressional district voted 15 to 1 in favor of such modification. I introduced legislation to carry out the mandate of my constituents, and, in fact, have introduced modification bills in each Congress to which I have been elected. From the standpoint of the people of Wisconsin it is not only a question of modification but of principle, because political platforms in Wisconsin for many years have contained planks in favor of the initiative, referendum, and the recall. [Applause.]

Since the Legislature of Wisconsin submitted to the people of the State the question of modification, and they voted overwhelmingly in favor of modification, I believe all of the Representatives of the State whose constituency voted for such modification should have introduced bills carrying out the mandate of their constituents, both in this and in the other body of Congress. Preaching in favor of referendum when running for office and failing to heed a referendum carried by an overwhelming vote is political dishonesty and obtaining public office by false pretense.

Mr. HOLADAY. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes; for a question.

Mr. HOLADAY. Has not Wisconsin very recently indorsed a dry candidate for the Presidency?

Mr. SCHAFER. I say to the gentleman that I did not indorse any dry candidate, to whom he refers, and did not vote for the delegates pledged to him, not only because he was a consistent dry, but because he voted for the World Court, and for the discriminatory native-origin scheme for determining immigration quotas. On those three vital principles I could not agree with the politicians who brought forth their dry, World-Court, native-origin presidential candidate. I am aware there is some sentiment in Wisconsin for the Tammany chieftain, Al Smith, mostly because he is classed as a liberal in so far as modification of the Volstead Act is concerned. If the Tammany chieftain, Al Smith, runs for the Presidency on a dry platform, controlled by the Ku-Klux Klan and the Anti-Saloon League, he can never hope to carry the State of Wisconsin next November. [Applause.]

THE LATE REPRESENTATIVE THOMAS S. BUTLER

Mr. TILSON. Mr. Speaker, to-day in Pennsylvania is being laid to its last rest the body of one of our most beloved Members, the late Representative THOMAS S. BUTLER. This is the exact hour fixed for the funeral, 2.30 o'clock in the afternoon. As a mark of respect to his memory, I ask unanimous consent that the House now pause in its deliberations, and that the Chaplain be asked to lead us in prayer.

The SPEAKER. Without objection it will be so ordered.

There was no objection.

The CHAPLAIN. Almighty God, Father of our Lord and Saviour, Jesus Christ, Thou art our Father and we are Thy children. Thou wilt surely hear us when we call and answer us when we pray. We lift our eyes unto the hills whence cometh our strength. Do Thou arrest our minds and stay our deliberations as we pause and meditate upon the brevity and uncertainty of life. In this consciousness we praise Thee that Christ, our Saviour, has become the first fruits of them that sleep. As in Adam all die, even so in Christ shall all be made alive again.

We ask Thy consoling blessing upon the sorrowing ones to-day. Be there as well as here and here as well as there. O Lord, help us in our limitations, pity us in our weakness, pity us in our frailties, pity us in our tendencies, pity us in our sins, pity us in the moment of death, and catch us when we fall. Abide with all of us in the measure of a great peace. Grant, O God, that the memory of Mr. BUTLER may be held as

a sacred memory in our lives. His stability, his conscientiousness, his manly bearing, his just decisions are all virtues worthy of our emulation. The workman dies, but the work goes on forever.

Now, as we are on the very verge of the last moments of this session, Thou God of infinite mercy, abide with all of us in the measure of a great peace, and as we move forward, and as the summer months pass by, may no plague come nigh our dwellings. Give wisdom to direct us; bless us with mercy to make us considerate of our fellows; and, Heavenly Father, regard us always in divine favor, and at the last, when one door is closing, may another door open; when earth begins to recede, may the skies eternal appear and lead us up the stairway through the darkness to the Father's house, to the Father's arms, to the Father's breast, to the Father's heart, to the Father's home, and we shall go out no more forever.

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: He leadeth me beside the still waters.

He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; Thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever. Amen.

ELECTION INVESTIGATION COMMITTEE

The SPEAKER. The Chair appoints the following Members to the election investigation committee in accordance with the resolution passed this morning.

The Clerk read as follows:

Mr. LEHLBACH, of New Jersey; Mr. NEWTON, of Minnesota; Mr. NELSON, of Maine; Mr. RAGON, of Arkansas; Mr. BLACK, of New York.

PRISONS BOARD

The SPEAKER. The Chair appoints the following Members of the Prisons Board.

The Clerk read as follows:

Mr. COOPER, of Ohio; Mr. KOPP, of Iowa; Mr. TABER, of New York; Mr. BELL, of Georgia; Mr. BOYLAN, of New York.

ADDRESS OF THE PRESIDENT AT GETTYSBURG MAY 30, 1928

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address which the President of the United States will deliver at Gettysburg to-morrow.

The SPEAKER. Is there objection?

There was no objection.

MEMORIAL DAY ADDRESS OF PRESIDENT COOLIDGE

Mr. TILSON. Mr. Speaker, in accordance with consent granted by the House, I insert herewith copy of an address to be delivered by the President of the United States at Gettysburg on May 30, 1928.

The address is as follows:

MY FELLOW AMERICANS: This returning Decoration Day brings our entire Nation in reverence and respect to the graves of our departed soldiers. Each year their number has increased, as that long blue line which stood so valiantly for the cause of the Union has grown thinner and thinner, until to-day it has almost vanished from earthly view.

"On Fame's eternal camping ground
Their silent tents are spread.
And Glory guards with solemn round
The bivouac of the dead."

We do not come to lament, but to give thanks. With one acclaim the people bestow upon them all that divine salutation, "Well done, thou good and faithful servant."

To express our devotion we have come to the field of Gettysburg. It ranks as one of the great historic battle grounds of this continent. In the magnitude of its importance it compares with the Plains of Abraham, with Saratoga, and with Yorktown. It is associated with a great battle between the Union and Confederate forces and with one of the greatest addresses ever delivered by one of the greatest men ever in the world, Abraham Lincoln.

The respect in which the United States hold its service men is indicated by something more substantial than lip service. Between $6,000,000,000 and $7,000,000,000 have gone out of the United States Treasury in pensions and gratuities to those who fought in that war which reached its crest upon this hard-fought field. These payments are still going on at the rate of about $200,000,000 each year. To the account of those who took part in the World War, for benefits and compensations in the short period of 10 years since its close already, there has been set aside almost $5,000,000,000, and payments are going on at the rate of about $560,000,000 each year. Our people do something more for their service men and their dependents besides giving them a kind word while they live and placing a wreath on their last resting place when they are gone.

All the countries on earth in all their history, all put together, have not done as much for those who have fought in their behalf as our country alone has done in the past 50 years. Our appreciation and our devotion is evidenced by something more than tributes and monuments and yearly assemblages devoted to their praise.

While making these tremendous expenditures for the benefit of those who have seen military service, our country at the same time is making outlays in excess of those ever before made in time of peace for the purpose of national defense. Yet our military force is exceedingly moderate, our standing Army is small, our National Guard and Reserve represent little more than a supplementary police force, when we consider our great area at home and our obligations in our outlying possessions. Our naval force necessary for the protection of our commerce, which is world wide and not exceeded in importance by that of any other country, while of very respectable proportions, needs to be strengthened in cruisers and other auxiliary craft. Such construction is already under way and plans are maturing for the necessary increases. Our air forces are being steadily improved and enlarged.

While we are maintaining these moderate forces, we are especially anxious for the world to know that they are purely for defensive purposes and to promote general peace and tranquillity. No other nation has anything which we would think of taking by force. Our restrictive immigration law is a declaration of national policy against the acquisition of the territory of any foreign people. Though we have at this time some of our forces in Haiti, Nicaragua, and China, they are in none of these places for the purpose of making war, but for the purpose of insuring peaceful conditions under which the rights of our nationals and their property may receive that protection to which they are entitled under the terms of international law. Our further purpose in Haiti and Nicaragua is to assist the peoples and governments of those two countries in establishing stability, in maintaining orderly and peaceful institutions in harmony with civilized society. We are there at their express invitation and in accordance with explicit agreements.

The world-wide interests of the United States aside from the dictates of humanity make us view with peculiar disfavor not only any danger of being involved in war ourselves, but any danger of war among other nations. Our investments and trade relations are such that it is almost impossible to conceive of any conflict anywhere on earth which would not affect us injuriously. The one thing that we want above all else for ourselves and for other nations is a continuation of peace. Whether so intended or not, any nations engaging in war would thereby necessarily be engaged in a course prejudicial to us.

The strength of this Nation, however, is not expressed merely in terms of an Army and Navy. A yet greater power is derived from the happiness and contentment of the people. During recent years this has been our national position to a greater extent than ever experienced by any other people. A realization of the benefits derived from our political and economic institutions naturally results in patriotic devotion. The efforts made to establish a Government free from tyranny, in which the fullest freedom consistent with order and justice would be granted, and where opportunity would be open and industry attended with the largest rewards, all have an important bearing on the subject of national defense.

But to the contentment and patriotism of the people there must be added the resources that are derived from prosperous industry, agriculture, and commerce. Good credit, which is derived from sound financial conditions, is the principle foundation of national defense. That country which has so ordered its finances as to be in a position to furnish the largest amount of money will always be in the best position to protect itself. Reduction of our national debt, permitting a reduction of taxes which stimulates private enterprise and increases our credit, is an important addition to our national strength. The industrial advance, the agricultural development, the financial resources, strengthened by wise policies in time of peace are of inestimable value in time of war.

A people which gives itself over to great armaments and military display runs great danger of creating within itself a quarrelsome war spirit. But these other elements of power, although their importance is usually ignored, by contributing to the happiness and contentment of the people, are important influences for peace. Those who seek for vast military establishments requiring enormous expenditures of money are not necessarily contributing so much to national defense as those who would apply more of our revenue to the payment of our debt and a corresponding reduction of our taxes, which would be reflected in increased prosperity. With this method of preparedness, the more we have of it the more peaceful we become.

It can be said of our country that in all its history it has never made preparations to attack any other country. Whenever it has been engaged in conflict it has entered it in such a state of unpreparedness

as to demonstrate that it was not sought or even expected. While others have felt that they were forced to prepare for war, our situation has been such that we have always been preparing for peace.

It is our theory that while the Army and Navy are an important and necessary part, they are by no means the only agency of national security. We know that there are times when race antagonisms and national animosities break out in the world in the most unexpected way. At other times all nations are subjected to more or less domestic tumult. In such cases the presence of adequate armed forces is the only practical method of protection for life and property. But the world has advanced far enough now in civilization and experience so that a great conflict is not likely to arise so much from design as from accident. It is realized that war can not be profitable. The trend of civilization is undoubtedly toward peace.

The reason for this is not far to seek. War means the application of force. Peace means the application of reason. War is complete lawlessness. Peace is the rule of law. The principal effort of civilization, after all, is to bring the world under obedience to law. The great conflict which raged upon this battle field had for its ultimate decision the question of whether the power of the sword or the power of the Constitution was to be supreme. Under republican institutions an industrious and law-abiding people will make a peaceful nation, while a lawless and riotous people will make a warlike nation. Like many other of our problems, the solution runs back to the individual and the home. If around the Nation's fireside respect for authority, reverence for holy things, and obedience to parental discipline are taught, the surest foundation for peace will be laid. Where these home influences are lacking the danger of conflict increases.

While the people of the United States as a whole are peaceful and law-abiding to a remarkable degree, it can not be denied that we have had sporadic outbreaks of crime, especially those of violence, which are exceedingly disturbing. Such a condition will indicate, if continued, a loosening of the moral fiber of the Nation. It is very easy to cast the blame upon the police authorities, the prosecuting officers, and the courts. But if a criminal condition, continues to prevail, the blame goes beyond these officials. We live under a system of popular government. Our officers reflect to a very large degree public opinion.

If the people themselves show that they are determined to have crime stamped out, there will be no lack of vigilance on the part of the police, no lack of energetic action on the part of prosecuting attorneys, and no lack of adequate penalty on the part of the courts. If the people are careless and indifferent, if they look with complacency on crime and assume a sentimental attitude toward criminals, little reform can be hoped for. If, on the other hand, the people remember that good government only can be secured by the exercise of eternal vigilance, that it is necessary constantly to resist evil tendencies, if they will take such action as is necessary to give adequate expression to their determination to terminate lawlessness and crime, it can be done.

For the purpose of promoting a reign of law in the world there is a special obligation resting upon all public officials. In our own country, and in most others, the Government is one of limited powers. The purpose, as has been so well expressed, is to provide a government of law and not of men. The great majority of offices are those created by statute. Those who fill such places should be alert to ascertain the powers with which they have been invested and scrupulous to observe the law under which they have been appointed. But in addition to these there is a considerable body, executive, legislative, and judicial in its functions, which derive their authority directly from constitutional sources. None of these are all-powerful, but are held within strict limits. They have all come into existence because the people have decreed by their Constitution that they should be clothed with certain limited authority.

The chief temptations to go beyond the bounds which the people have set arise in legislatures. In their desire to take some action which they conceive to be in the public interest, they oftentimes manifest a disposition to exceed their constitutional authority. Such action is a larceny of power. Responsibility for it can not be evaded by the weak plea to let the law be passed and the courts can decide its constitutionality. Legislators are required to qualify upon their solemn oath. That oath is not that they will leave the courts to defend and support the Constitution, but that they themselves will defend and support it. When additional authority is required, they should apply to the people to amend the Constitution, and not atempt to evade it or strain it by subterfuge and misconception.

The same necessity for being law-abiding at home applies to our citizens when they are abroad. Our people are granted free access on the same basis as others into all the countries of the world. As a general policy they go with the encouragement of our Government to engage in all kinds of enterprise. But when once they have set foot in foreign land, it is their duty to render obedience to the domestic and international law which is applicable to their proposed actions. Our Government necessarily has rights over its citizens and their property in whatever country they may be. While we do not and can not undertake to interfere in the application of domestic law to our nationals unless it contravenes the rights of our Government and people under international law, nevertheless the carelessness of some of our citizens abroad in violating domestic law and in assuming an arrogant attitude toward the local inhabitants tends to bring our country into disrepute and endangers the continuance of friendly relations.

A Government of the United States that failed in its duty to protect the lives and property of its citizens would be justly condemned at home and covered with derision abroad. But our citizens ought to remember that it is their duty so to conduct themselves in their relations with foreign interests that they are worthy of whatever protection they may need from their home Government.

Obedience to international law, however, is a reciprocal duty. It is necessary not only that we scrupulously observe it ourselves, but that it be known that we shall require such observance from others. When we make agreements with other nations we must see that they are performed. If they are ever to be abrogated, it must be only in accordence with their terms. For us to insist at all times and places on the observance of international law is to strengthen the main foundation of peace. By our influence and by our example we can do much to discourage all acts of international lawlessness.

After all, peace is a spiritual attainment. We can set up material safeguards like fortifications and armaments, which will afford us much protection against attack, but unless we cultivate and cherish sentiments of friendship and understanding they are no guaranty of peace. One method of arriving at a better state of understanding, so that friendship may be preserved, is to provide before the event for methods of negotiating and adjudicating matters in dispute. In furtherance of the plan of this Government to settle international controversies by pacific means and thereby lessen the causes of war, the United States is now negotiating new arbitration treaties and additional conciliation treaties with the principal nations of the world.

The Pan American Conference, which met at Habana in January, 1928, passed a resolution calling a conference of all the American States to meet in Washington within a year to draft treaties of arbitration and conciliation. For that purpose, such a conference probably will be held in Washington the latter part of this year. The peace of the world can not, of course, be obtained by any one single act, but every treaty of arbitration and conciliation and every agreement against resorting to war adds another barrier against those conflicts which from time to time have recurred in the history of nations, and it is the hope of mankind that these repeated steps may in time establish a mode of thought and a custom of action that will do much to prevent war.

As is well known, we are also engaged in conversations with different powers for putting peace on a new basis and making it still more permanent. In June, 1927, M. Briand, the French Minister of Foreign Affairs, made a historic proposal to this Government. He suggested that France and the United States sign a treaty condemning recourse to war and renouncing it as an instrument of national policy in their mutual relations. During the 11 months that have since elapsed this suggested has been developed into one of the most impressive peace movements that the world has ever seen. The United States has accepted the principle underlying M. Briand's suggestion and has advocated its extension so as to include within the scope of the proposed treaty not only France and the United States, but also Great Britain, Germany, Italy, and Japan, and any other nations of the world that might care to join with these six powers in a common renunciation of war.

In order to facilitate discussion and to demonstrate that a treaty such as that desired by the United States could be short, simple, and straightforward, Mr. Kellogg, Secretary of State, submitted on April 13, 1928, for the consideration of the other interested powers, a preliminary draft of a treaty representing in a general way the form of treaty which he suggested we were prepared to conclude. This draft treaty has met with very favorable reception. Not only has the idea of a multilateral treaty for the renunciation of war been indorsed by public opinion here and abroad but the governments themselves have approached the matter with an interest and a sympathy which is most encouraging.

We have gathered to pay tribute to our soldier dead. This day is consecreated to their memory. It seems to me that the greatest honor that we can do to those who have died on the field of battle that this Republic might live is soberly to pledge ourselves to bend our every effort to prevent any recurrence of war. The government of the people, by the people, for the people, which Lincoln described in his immortal address, is a government of peace not of war, and our dead will not have died in vain if, inspired by their sacrifice, we endeavor by every means within our power to prevent the shedding of human blood in the attempted settlement of international controversies. It is my earnest hope that success may crown the negotiations now in progress, and that the ideals which have inspired the French Minister of Foreign Affairs and the Secretary of State of the United States in their joint efforts to find a solution of the problem of peace may find a practical realization in the early making of a multilateral treaty limiting future resort to war.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. TILSON. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 237

Resolved, That a committee of two Members be appointed by the House, to join a similar committee appointed by the Senate, to wait upon the President of the United States to inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless the President has some other communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Chair appointed the following members of the committee: Mr. TILSON, of Connecticut, Mr. GARNER, of Texas.

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communications, which the Clerk will read.

The Clerk read as follows:

MAY 29, 1928.

The SPEAKER,

House of Representatives, United States.

DEAR MR. SPEAKER: Herewith I hand you, for presentation to the House, copy of a telegram which I have sent to the Governor of the State of Oregon tendering my resignation as a Member of this House, to take effect on the 31st of this month.

Respectfully yours,

N. J. SINNOTT.

WASHINGTON, D. C., *May 29, 1928.*

Hon. I. L. PATTERSON,

Governor of Oregon, Salem, Oreg.

MY DEAR GOVERNOR: I hereby tender my resignation as Representative in Congress from the second district of Oregon, to take effect May 31.

N. J. SINNOTT.

The SPEAKER. The letter and the accompanying telegram will be printed in the RECORD.

AID FOR AUSTRIA

Mr. BURTON. Mr. Speaker, I ask unanimous consent to proceed for four minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for four minutes. Is there objection?

Mr. BURTON. Mr. Speaker, in view of the vigorous opposition expressed by the gentleman from Texas [Mr. GARNER] to House Joint Resolution 247, which is entitled:

A resolution to authorize the Secretary of the Treasury to cooperate with other relief creditor governments and make it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to include an agreement for the settlement of the indebtedness of Austria to the United States—

And in view of the further fact that the gentleman from Texas has announced that he would resort to every parliamentary device to defeat that resolution, I regard it as utterly futile to bring it up this afternoon. But I can not too strongly express my regret that action has not been taken upon this measure at this time.

What is the history of this measure? Under an act passed in 1920 the United States Grain Corporation, an agency of the Nation, sold to Austria some $25,000,000 worth of food; speaking exactly, $24,055,000 worth of food. For those sales bonds were taken. Austria at that time was in a worse condition than any country in Europe. Her people were starving. At the same time other countries of Europe, friend and foe alike, advanced about $95,000,000 worth of food to her. Payment was guaranteed by the taxes on tobacco and other commodities, in fact, all the revenues of Austria. In 1922 an act was passed by Congress postponing the payment of this amount until 1943, and in the year 1923 a loan of $120,000,000 was made to Austria from divers countries, some of which guaranteed payment.

That country, which formerly had some 40,000,000 people, is now reduced to 6,000,000, with Vienna, which was the metropolis of a great region, shut off from other parts of Europe by restrictive regulations and statutes of contiguous countries.

She is in a condition of great distress, and it is desired that a further loan, amounting to $100,000,000, be made, and that the loan of this $24,055,000, to be paid in 1943, be postponed in its lien as above described so that a further loan of $100,000,000 can be contracted by Austria. In an agreement to that effect, each of the countries of Europe which furnished food have joined for the much larger amount due to them—Denmark, France, Great Britain, Italy, the last three at war with Austria during the great contest; also the Netherlands, Norway, Sweden, and Switzerland.

And what is our attitude in failing to pass this resolution? That while these countries, some of them enemy countries of Austria, are willing to be generous and postpone their lien for the amounts due to them, we decline to do so; that while Austria is suffering and desirous of negotiating this loan, the United States alone, of nine countries, holds aloof. My friends and Members of the House, I can not face this situation with equanimity. I think it gives ground for the accusation made in Europe—I do not think it is rational, but it will cause the accusation to be made—that Uncle Sam is a Shylock. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BURTON. Mr. Speaker, I ask for another minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURTON. I want to say that just as soon as the House meets next December I shall make every effort to bring this resolution up for consideration and passage. It was reported by the Committee on Ways and Means. There is no dissenting report filed. So far as I know, the report was made, if not with practical unanimity, with general agreement. I have the greatest sympathy with that suffering country. I have visited it on several occasions since the Great War, and if there is any country of Europe, any country in the Old World or in the new, to which we should hold out a helping hand, it is Austria. I trust that next December, while I fear it may be too late to render efficient aid, we may pass this resolution by an overwhelming majority. [Applause.]

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization of the House be permitted to sit in Washington after the termination of this session and prior to the beginning of the next session and employ stenographers for the purpose of codifying the immigration act and preparing proposed legislation.

Mr. DICKSTEIN. What is the purpose of this?

Mr. JOHNSON of Washington. The purpose is to get rid of what we have, 150 bills, introduced by Members of Congress, so that if Members make inquiries concerning those bills after the election we may work with the stenographers for three weeks before the assembling of Congress.

Mr. DICKSTEIN. Can the gentleman state what particular legislation they are going to discuss during this time?

Mr. JOHNSON of Washington. A rather important bill will be that with reference to naturalization.

Mr. MACGREGOR. I would ask the gentleman to withdraw his request for a few minutes until we can find out about the matter.

Mr. JOHNSON of Washington. That is all there is to it. The committee can not do the work in the time at its disposal. It has not sufficient help, and we can have the help and aid of the solicitor of the State Department and others.

Mr. MACGREGOR. Mr. Speaker, I will object for the time being.

CLARK MEMORIAL COMMISSION

The SPEAKER. The Chair appoints on the Clark Memorial Commission, Mr. WOOD, of Indiana; Mr. VESTAL, of Indiana; and Mr. GILBERT, of Kentucky.

BOARD OF ENGINEERS TO EXAMINE AND REPORT ON THE BOULDER DAM BILL

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 164, to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill, and consider the same.

The SPEAKER. The gentleman from Nevada asks unanimous consent to take from the Speaker's table Senate Joint Resolution 164. Is there objection?

Mr. LEATHERWOOD. Reserving the right to object, what is the purpose of it?

Mr. ARENTZ. There has been some question brought before this House by the objectors to the Swing-Johnson bill that there has not been sufficient engineer investigation to demonstrate the cost of material, the height of the dam, the site of the dam, and other features entering into the construction of this meritorious work. This resolution has to do with the appointment of five nationally known engineers, one of whom must be a retired Army officer. These men will investigate every feature of this proposed construction and report to Congress.

Mr. LEATHERWOOD. Does the gentleman admit the truth of his statement?

Mr. ARENTZ. I am willing to do everything I can to make sure in the mind of the gentleman from Utah that the engineering features of the construction of the dam are sound. I

want these engineers to report back the exact truth, so that you will be satisfied, and if they find there is something wrong, or if they find there is nothing wrong, in the material, the site and height of the dam, and all other features going into the construction is true I want that to be brought out.

Mr. LEATHERWOOD. Does the gentleman claim that it is necessary to pass this resolution?

Mr. ARENTZ. Yes; it is the thing to do.

Mr. LEATHERWOOD. Who is to appoint the commission?

Mr. ARENTZ. The Secretary of the Interior will pick out well-known engineers from all over the United States—men of national reputation—and tell them to go down to the Colorado River and investigate; tell the men to go into the office of the Reclamation Service, study the maps and the details and everything.

Mr. LEATHERWOOD, I regret, Mr. Speaker, to find myself in doubt as to this resolution. Only a few days ago I took up the question with the Secretary of the Interior as the result of a bill almost exactly the same in its provisions as the resolution before us, being called up in the Committee on Irrigation and Reclamation. I wrote the Secretary of the Interior at that time and asked him if it was his purpose if such a bill or resolution was passed to investigate and have further engineering work done on Boulder Dam. In his reply he stated that it had no connection whatever with Boulder Dam. Therefore I am constrained to believe that the gentleman from Nevada must be laboring under a serious mistake, and I object.

Mr. SMITH. Mr. Speaker, I move that the rules be suspended and pass Senate Joint Resolution 164, to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

The SPEAKER. The gentleman from Idaho moves to suspend the rules and pass Senate Joint Resolution 164. Is a second demanded?

Mr. LEATHERWOOD. I demand a second.

Mr. DOUGLAS of Arizona. I demand a second.

The SPEAKER. The Chair thinks that in view of the fact that the gentleman from Arizona [Mr. DOUGLAS] led the opposition when the bill passed the House that he should be recognized. He is a member of the committee and also a member of the minority.

Mr. DOUGLAS of Arizona. Mr. Speaker, I will yield in favor of the gentleman from Utah.

Mr. LEATHERWOOD. Then, Mr. Speaker, I demand a second.

Mr. SMITH. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The gentleman from Idaho is entitled to 20 minutes, and the gentleman from Utah to 20 minutes.

Mr. SMITH. Mr. Speaker, this resolution is almost identical with the provision which was incorporated in the Boulder Dam bill when it passed the House. The only difference being special reference is made to the Boulder Dam project. The gentleman from Utah is correct in his statement that a somewhat similar bill is pending before the Committee on Irrigation and Reclamation, but that bill was general in its provisions.

This resolution is supported by the proponents as well as the opponents of this legislation in the Senate. It was offered by Senator PITTMAN, of Nevada, and was unanimously adopted with very little debate. I, as chairman of the Committee on Irrigation and Reclamation, have been requested by those who are opposing as well as those who are supporting the Boulder Dam legislation to bring the resolution up this afternoon, so that the engineers could be appointed and an investigation made during the summer months. As has been stated by the gentleman from Nevada, this action is intended to meet the objections which have been raised to the engineering feasibility of this great enterprise. It is important, in my opinion, that the legislation should be enacted at once.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. CRAMTON. I have read the resolution as it appears in the RECORD, and it seems to me to be word for word the same thing as was embodied in the amendment to the Boulder Dam bill, when it recently passed, offered on the floor of the House by the gentleman from California [Mr. SWING], including also the amendment to that amendment which I offered, and also the amendment to that amendment with reference to the approval of the President and his sanction, which was offered by the gentleman from Virginia [Mr. MOORE]. In other words, every syllable of this was approved by the House in the passage of the bill.

Mr. SMITH. With the exception that the resolution contains a provision with reference to the legislation embodied in H. R. 5773.

Mr. CRAMTON. Certainly, a reference to it.

Mr. KINDRED. And this is intended to safeguard in a double way, so that all the conditions there would be favorable and proper.

Mr. SMITH. Absolutely so. It is important to have this investigation made and report submitted by December next.

Mr. DENISON. The resolution provides that the engineers are to be selected by the Secretary of the Interior?

Mr. SMITH. Yes; with the approval of the President.

Mr. BACON. I am very glad of that. I reserve the remainder of my time.

Mr. LEATHERWOOD. Mr. Speaker and Members of the House, I am not one of those who would in any way put any obstacle in the way of passing legislation to safeguard life and property. I have asked for a second at this particular time simply to challenge the attention of the House to what has been contended all along by the opponents of this bill. Ever since the Weymouth report came out, one volume of which was suppressed, and access to which we were only recently able to get, it has been contended that nothing remained to be done so far as the engineering features of the Boulder Dam were concerned and with respect to an economic survey. The opponents of the bill have at all times claimed that there was practically no engineering foundation for it; that we were simply groping in the dark. I have claimed the floor to again call attention to the fact that at last the chairman of my committee and the proponents of this bill admit what we have contended all along, that there is nothing upon which to base the estimate as to the cost of this great dam. I am not opposed to doing anything that may be necessary to protect the people and the property below this proposed great dam. I again call attention to the fact that the Secretary of the Interior has denied that he needs this legislation. We have already incorporated it in the bill which was passed here last week. If, however, it is deemed necessary to protect the life and property of any people down there in the valley below the dam, I am the last man to put a straw in its way. I again call attention to the fact that now it is admitted that what has been claimed so strenuously all during the campaign for this bill was erroneous and was not based upon facts.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. CRAMTON. Instead of the action now proposed admitting any such thing, instead of its admitting any doubt as to the soundness of the plans on which they are now proceeding, on the contrary, it demonstrates their confidence in those plans and their willingness to have them submitted to the scrutiny of a new and independent board of engineers. [Applause.]

Mr. LEATHERWOOD. Oh, yes! Mr. Speaker, I recognize that the gentleman from Michigan [Mr. CRAMTON] is the great guardian of the West; and that he and he alone is able to speak the last word on anything that affects this great work. The only trouble with the gentleman is that he has not sat in on the hearings and heard the declarations about which I have been talking. Had the gentleman heard the claims made by the proponents of this bill, he would not have had the temerity to get up here and make such a statement. Under different circumstances I might agree with the gentleman from Michigan [Mr. CRAMTON], but I again say that this bill has never been based upon facts, and now I hope you will pass this resolution so that we may get some facts upon which to proceed. [Applause.]

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. LEATHERWOOD. Yes.

Mr. DOUGLAS of Arizona. Would it not be wise to ask unanimous consent that the resolution be amended to provide that the President shall make the appointment?

Mr. LEATHERWOOD. The resolution, I understand, provides that the President shall approve the appointments. The appointments are to be made subject to the approval of the President. I have very great confidence in the President. We had one experience with fact finders that were appointed for a certain purpose, that being to ignore the rights of certain of the upper-basin States of the Colorado River Basin. If the President approves these appointments, I have confidence that my State will be protected.

Mr. DOUGLAS of Arizona rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOUGLAS of Arizona. To ask unanimous consent that the resolution be amended to provide that the President shall make the appointment.

The SPEAKER. That would not be in order. The question is on suspending the rules and passing the resolution.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

INTERNATIONAL CONFERENCE FOR SAFETY OF LIFE AT SEA

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table Senate Joint Resolution 131.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to call up Senate Joint Resolution 131, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 131) providing for the participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea

Resolved, etc., That the sum of $100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, to be held in London, England, in 1929, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I think in these closing days of Congress when unanimous requests are submitted to the House, Members should rise in their places in the House, so that the rest of the Members will know what legislation is being called up. I shall object to other requests to-day in cases where the Members propounding the requests for unanimous consent walk up in the well to submit their requests.

The SPEAKER. The gentleman from Pennsylvania was on his feet, and I think the Chair made a proper request.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I objected to this resolution the other day and yesterday, not on the merits, but because I thought the amount sought to be authorized was excessive. At that time the distinguished gentleman stated that he would furnish information respecting the necessity of expending $100,000. The information that he submitted was not at all sufficient to show the necessity of that amount. Now the gentleman from Pennsylvania points out that this is only an authorization, and states that he would submit to the Committee on Appropriations the information he obtains, and the committee will decide what is really necessary. Personally, I do not think you will need more than $25,000, but inasmuch as this is only to send these delegates abroad, there will be no expenditure made until the money is appropriated.

Mr. GARNER of Texas. The gentleman does not expect this appropriation to be made at this Congress?

Mr. LAGUARDIA. No.

The SPEAKER. Is there objection to the gentleman's request?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, it is now within a couple of hours of the time when the House will adjourn under the resolution. I want to inquire whether or not by the passage of these bills it is possible to get them to the President for his signature before we adjourn?

The SPEAKER. The Chair thinks it is possible. Is there objection?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House resolution was laid on the table.

INTERNATIONAL AERONAUTICAL CONFERENCE

Mr. TEMPLE. Mr. Speaker, I have one more resolution to submit. I ask unanimous consent to call up from the Speaker's table Senate Joint Resolution 161.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to call up from the Speaker's table Senate Joint Resolution 161, which the Clerk will report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Joint Resolution 161

Joint resolution authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928

Resolved, etc., That the President be, and he is hereby, authorized and requested to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics to be held in Washington, D. C., December 12, 13, and 14, 1928.

SEC. 2. That the sum of $24,700, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such meeting, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), contract stenographic reporting services, official cards, and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of proper courtesies.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

STILL FURTHER MESSAGE FROM THE SENATE

A still further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1769) entitled "An act for the relief of the legal representatives of the estate of Haller Nutt, deceased."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3241. An act for the relief of Seymour Buckley;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 6432. An act for the relief of James E. Moyer;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10166. An act to amend the Foreign Service Buildings act, 1926;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8628. An act for the relief of Amos Dahuff;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of one year for each 306 days of eight hours served as substitute;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes";

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10244. An act to credit the accounts of Richard J. Shand, United States property and disbursing officer, Illinois National Guard;

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437);

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia, and of such code and of supplements thereto, and for distribution;

H. R. 5894. An act for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;

H. R. 7236. An act for the relief of James M. Long;

H. R. 11859. An act for the relief of B. C. Miller;

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor;

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through Chalmette National Cemetery;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illuminating the path of progress through the development and application of inventions that have revolutionized civilization in the last century;

H. J. Res. 307. Joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;*

H. R. 13048. An act for the relief of James Aloysius Manley;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.;

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.; and

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.

The message also announced that the Senate concurred in the resolution (H. Con. Res. 43) establishing a commission to be known as the United States Yorktown Sesquicentennial Commission.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which concurrence of the House was requested:

S. 4514. An act to authorize the Secretary of War to purchase certain property and real estate, to protect the interests of the United States, conveyed by the Charleston Industrial Corporation, of Charleston, W. Va., in trust to secure the payment of certain indebtedness due to the United States;

S. 2069. An act to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska;

S. 4179. An act to amend the corrupt practices act by extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and for other purposes;

S. 4588. An act for the relief of Gustave Hoffman;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 1314. An act to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah;

S. 4566. An act authorizing the New York Development Association (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Alexandria Bay, N. Y.;

S. J. Res. 132. Joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America; and

S. J. Res. 166. Joint resolution to pay certain employees of the Senate and committees a sum equal to one month's compensation of each thereof.

The message further announced that the Senate had passed the following resolution:

Senate Resolution 259

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOS. S. BUTLER, late a Representative from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the Senate stand in recess until 1.30 o'clock p. m.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 260

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The message also announced that the Vice President had appointed Mr. SWANSON, Mr. REED of Pennsylvania, Mr. EDGE, Mr. BINGHAM and Mr. WAGNER members on the part of the Senate, of the United States Yorktown Sesquicentennial Commission, pursuant to House Concurrent Resolution No. 43.

The message further announced that the Vice President appointed Mr. WATSON, Mr. FESS, and Mr. MCKELLAR members on the part of the Senate, of the George Rogers Clark Sesquicentennial Commission, pursuant to Senate Joint Resolution No. 23.

CODE OF LAWS OF THE UNITED STATES OF AMERICA

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13622) to amend and supplement the Code of Laws of the United States of America. It corrects the errors in the Code that have been discovered up to date. I ask that the House concur in the Senate amendment, which simply enlarges the phrase "prima facie evidence" in the law, and none of the present law is repealed.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 13622) to amend and supplement the Code of Laws of the United States of America.

The Senate amendment was read.

The Senate amendment was agreed to.

THE REVENUE BILL

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, at 8 o'clock this morning the President, by his signature, gave Executive approval to H. R. 1, the revenue act of 1928. The passage of this law marks the fourth great legislative participation in the reduction of Federal taxes since the World War. This tax reduction, together with the economic rehabilitation and stabilization of the United States since the Great War, is the greatest financial

achievement of any nation in all history. The act which goes into effect to-day, through its schedules and rates of taxation, reduces the taxes to be collected from the people for the Federal Government $222,450,000. It is the fourth great Federal tax reduction since the war. The first one, embodied in the revenue act of 1921, reduced such taxes by approximately $663,000,000 for the fiscal year 1923, as compared with the collections which would have been made under the prior law. The second similar act, the revenue act of 1924, granted like reductions amounting to $519,000,000. The revenue act of 1926 added similar relief to the people amounting to $422,000,000, and the present act, which was passed by Congress on May 26, 1928, has added over $222,000,000 to these reductions. Each of these laws in turn reduced taxes by the amount stated as compared with the amount which would have been collected under the act which it superseded. The total of these reductions is an amount in excess of $1,826,000,000. All of these tax reduction laws were passed by Republican Congresses during the Harding-Coolidge administrations, in the years 1921 to 1928. They were made possible by the efficiency and economy of the administration of the Government by the executive department and by the careful, consistent, and persistent reduction of appropriations by the several Congresses, under the leadership in the House of Representatives, which initiates appropriations, of the two chairmen of the House Committee on Appropriations, who served during that period, first, the Hon. James W. Good, of Iowa, and thereafter the late Hon. Martin B. Madden, of Illinois, whose service as chairman was unbroken from July 21, 1921, to his lamented death on April 27, 1928.

In the work of both the executive and legislative branches the most effective agency in the achievement of these great results was the Bureau of the Budget, which was established through a law passed by the Republican majority in the Sixty-seventh Congress, and went into effect on June 10, 1921. With the establishment of this bureau came also the centralization of the jurisdiction of appropriations, in the House of Representatives, in the single Committee on Appropriations instead of the distribution of that jurisdiction among a number of committees which previously had recommended expenditures independently of each other and without reference to any unified attempt at striking a balance between the income and outlay of the Federal Government. This wise establishment of legislative machinery by the Republican Congress has borne fruits in enormous savings to the taxpayers, represented, as stated, by tax reductions amounting to over one and three-quarters billion dollars in the brief space of seven years. Hand in hand with these reductions of expenditures and appropriations has gone the unprecedented efficient handling of the refunding and other fiscal operations of the Government under the masterful guidance of the distinguished Secretary of the Treasury, the Hon. Andrew W. Mellon. [Applause.]

REDUCTION OF TAXES

The revenue act of 1921 superseded the revenue act of 1918. While the latter act may be said to have been more or less distinctly a war measure, it was not passed by Congress and approved by the President until February 24, 1919, more than three months after the armistice. It was retroactive, however, as of January 1, 1918, in practically all of its provisions with reference to the computation and collection of taxes. This act continued in effect throughout the years 1919 and 1920, during which the Democratic administration under President Woodrow Wilson remained in power. It was not until the Republicans obtained control of the executive as well as the legislative branches of the Government in 1921 that they were able to give relief to the American people from the burdens of the war taxation. These burdens have been successively lightened by the four revenue acts passed by Republican Congresses in the years 1921 to 1928. Not only is the amount of these reductions, which is more than one and three-quarters billion dollars, most extraordinary, but the character and extent of the changes made in rates and schedules are equally notable.

The income tax was, in the act of 1918, and is yet in the act of 1928, the main source of Federal income. An analysis of the differences between these two acts as to income-tax rates and schedules shows the nature and extent of the reductions which during the decade in question have been effected in this tax.

COMPARISON OF INCOME-TAX RATES

REVENUE ACT OF 1918 AND REVENUE ACT OF 1928

Part I.—Individuals

The revenue act of 1918 imposed a normal tax of 6 per cent on the first $4,000 of the net income of individuals in excess of the personal exemptions and credits and 12 per cent on the remainder of such income. In addition to the normal tax there was imposed a surtax beginning with 1 per cent on net incomes in excess of $5,000, and continuing at constantly increasing rates until amounts of net income in excess of $1,000,000 were subjected to a surtax of 65 per cent. No earned income deduction was allowed.

The revenue act of 1928 imposes a normal tax of 1½ per cent on the first $4,000 of the net income of individuals in excess of the personal exemptions and credits, 3 per cent on the second $4,000 of such income, and 5 per cent on the remainder of such income. In addition to the normal tax there is imposed a surtax beginning with 1 per cent on net incomes in excess of $10,000 and continuing at constantly increasing rates until amounts of net income in excess of $100,000 are subjected to a surtax of 20 per cent. In addition to personal exemptions and credits there is also allowed a 25 per cent tax credit in the case of earned incomes amounting to $30,000 or less.

The above can be shown more concisely and accurately by the following tables:

A. *Personal exemptions*

	1918	1928
Single person	$1,000	$1,500
Married person	2,000	3,500
Additional exemption for each dependent	200	400

B. *Normal rates*

	1918	1928
	Per cent	*Per cent*
Rate on first $4,000 of net income (in excess of A)	6	1½
Rate on second $4,000 of net income (in excess of A)	12	3
Rate on amount of net income over $8,000 (in excess of A)	12	5

C. *Surtax rates*

Net income class	1918	1928
	Per cent	*Per cent*
$5,000 to $6,000	1	
$6,000 to $8,000	2	
$8,000 to $10,000	3	
$10,000 to $12,000	4	1
$12,000 to $14,000	5	1
$14,000 to $16,000	6	2
$16,000 to $18,000	7	3
$18,000 to $20,000	8	4
$20,000 to $22,000	9	5
$22,000 to $24,000	10	6
$24,000 to $26,000	11	7
$26,000 to $28,000	12	7
$28,000 to $30,000	13	8
$30,000 to $32,000	14	8
$32,000 to $34,000	15	9
$34,000 to $36,000	16	9
$36,000 to $38,000	17	10
$38,000 to $40,000	18	10
$40,000 to $42,000	19	11
$42,000 to $44,000	20	11
$44,000 to $46,000	21	12
$46,000 to $48,000	22	12
$48,000 to $50,000	23	13
$50,000 to $52,000	24	13
$52,000 to $54,000	25	14
$54,000 to $56,000	26	14
$56,000 to $58,000	27	15
$58,000 to $60,000	28	15
$60,000 to $62,000	29	16
$62,000 to $64,000	30	16
$64,000 to $66,000	31	17
$66,000 to $68,000	32	17
$68,000 to $70,000	33	17
$70,000 to $72,000	34	18
$72,000 to $74,000	35	18
$74,000 to $76,000	36	18
$76,000 to $78,000	37	18
$78,000 to $80,000	38	18
$80,000 to $82,000	39	19
$82,000 to $84,000	40	19
$84,000 to $86,000	41	19
$86,000 to $88,000	42	19
$88,000 to $90,000	43	19
$90,000 to $92,000	44	19
$92,000 to $94,000	45	19
$94,000 to $96,000	46	19
$96,000 to $98,000	47	19
$98,000 to $100,000	48	19
$100,000 to $150,000	52	20
$150,000 to $200,000	56	20
$200,000 to $300,000	60	20
$300,000 to $500,000	63	20
$500,000 to $1,000,000	64	20
$1,000,000 up	65	20

D. *Earned income credit*

Up to $30,000:

1918: None.

1928: Twenty-five per cent of tax.

E. *Capital gains*

Limit to tax:
1918: None.
1928: Twelve and one-half per cent of profit.

F. *Tax yield*

Year:	Total tax collections from individuals
1918	$1,127,721,835
1919	1,269,630,104
1920	1,075,053,686
1921	719,387,106
1922	861,057,308
1923	661,666,133
1924	704,265,390
1925	734,555,183
1926	727,479,429
1927 (estimated)	732,000,000
1928 (estimated)	728,000,000

In order to visualize the results of the very substantial reductions in tax between 1918 and 1928 to the individual there is set forth below the total tax paid by a married man with no dependents with the specified net income under the 1918 and 1928 acts, assuming that the maximum amount of income is earned:

Net income	Total tax	
	1918 act	1928 act
$3,500	$90.00	None.
$5,000	180.00	$16.88
$7,000	390.00	39.38
$10,000	830.00	101.25
$20,000	2,630.00	618.75
$30,000	4,930.00	1,488.75
$50,000	11,030.00	4,588.75
$80,000	23,930.00	10,968.75
$100,000	35,030.00	15,768.75
$1,000,000	703,030.00	240,768.75

Part II.—Corporations

The revenue act of 1918 imposed a tax of 12 per cent upon the net income of all corporations. In the case of domestic corporations an arbitrary exemption of $2,000 of the net income was allowed. In addition to the above tax there was imposed an excess-profits tax upon all corporations whose net income was more than the excess-profits credit of $3,000 plus an amount equal to 8 per cent of the invested capital of the company. This excess-profits tax was at the rate of 30 per cent on the amount of the net income in excess of the excess-profits credit and not in excess of 20 per cent of the invested capital, and at the rate of 65 per cent on the amount of the net income in excess of 20 per cent of the invested capital. In addition to the excess-profits tax there was also imposed a war-profits tax which in certain cases levied a tax as high as 80 per cent on certain portions of the net income of the corporation.

The revenue act of 1928 imposes a tax of 12 per cent upon the net income of all corporations. In the case of corporations with net incomes of $25,000 or less an arbitrary exemption of $3,000 is allowed. There is no excess-profits or war-profits tax under the 1928 act.

The above can be shown more concisely and accurately by the following tabulations:

A. *Exemptions*

	1918	1928
To corporations with incomes of not more than $25,000	$2,000	$3,000
To corporations with incomes of more than $25,000	2,000	None.

B. *Normal corporation rates*

Standard corporation rate:	Per cent
1918	12
1928	12

C. *Excess-profits tax rates*

	1918	1928
1. On corporations earning less than 8 per cent of their invested capital plus $3,000	*Per cent* None.	*Per cent* None.
2. On corporations earning more than 8 per cent and less than 20 per cent of their invested capital	30	0
3. On balance of earnings over 20 per cent of the invested capital	65	0

D. *War-profits tax*

	1918	1928
In certain cases	*Per cent* 80	*Per cent* None.

E. *Total tax yield—Corporations*

Year	Total tax	Tax yield per dollar of net income
		Cents
1918	$3,158,764,422	38
1919	2,175,341,578	23
1920	1,625,234,643	20½
1921	701,575,432	16
1922	783,776,268	11¼
1923	937,106,798	11¼
1924	881,549,546	11½
1925	1,170,331,206	12¼
1926 (estimated)	1,250,000,000	12¼
1927 (estimated)	1,250,000,000	12¼
1928 (estimated)	1,127,000,000	11

In this connection it should be noted that the tax yield is always less than the tax rate, due to the exemptions to which the rate does not apply.

It is obvious from the above that since the year 1918 when the excess-profits tax was abolished there has been no decrease in the corporation tax until the current year (1928). In fact, from 1922 to 1927, inclusive, there was a slight increase in the corporation tax yield, owing to the fact that the elimination of the capital stock tax brought a less decrease in revenue than was the increase in revenue from the higher income tax rates, imposed in lieu of the capital-stock tax. The revenue act of 1928 therefore gives quite belated relief to the corporations of the country.

All other taxes, aside from income taxes, have also been correspondingly reduced since 1921.

In the matter of the estate tax, the 1918 act fixed a maximum of 25 per cent of the amount by which the net estate exceeded $10,000,000, while under the revenue act of 1926, which was not repealed by the revenue act of 1928, the maximum rate is reduced from 25 per cent to 20 per cent on a net estate exceeding $10,000,000. In addition, of the estate tax now collected by the Federal Government a credit is allowed on account of similar taxes paid to the States to the extent of 80 per cent of the Federal tax. Also, the exemption has been increased from $50,000 to $100,000.

The transportation tax, imposed by the revenue act of 1918, has been entirely repealed, as has also the tax on domestic insurance policies of all kinds.

The tax on distilled spirits and still wines has been restored to the pre-war basis.

The tax on cereal beverages, which under the act of 1918 was 15 per cent of the sale price, has been entirely removed, as has also the vexatious tax, under the revenue act of 1918, of 1 cent for each 10 cents collected upon the sales of all kinds of soft drinks.

The tax on cigars received a substantial reduction in the revenue act of 1926.

There was no exemption from the 10 per cent admissions tax under the revenue act of 1918. Under the revenue act of 1928 this tax is collected only where the ticket price exceeds $3.

The sales tax on automobiles and parts and accessories thereof has been totally eliminated, as have also the sales taxes on musical instruments, sporting goods, chewing gum, cameras, photographic films and plates, candies, hunting knives, portable electric fans, thermos bottles, pipes and other smokers' articles, automatic slot vending machines, liveries and livery boots, hunting and shooting garments, fur manufactures, toilet soaps and powders, motion picture films, art works, carpets and rugs, all kinds of wearing apparel, all kinds of jewelry, perfumes and similar other toilet articles, and various brands of medicines.

The capital stock tax on corporations has been repealed, as has also the tax on brokers and proprietors of theaters, museums, and circuses and other forms of public exhibitions, the tax on proprietors of billiard rooms, shooting galleries, and riding academies, and on persons operating and renting passenger automobiles for hire.

Other taxes that have been abolished are those on manufacturers of tobacco, cigars, and cigarettes, based on the amount of sales, and the stamp taxes on drafts, checks, notes, conveyances, proxies, powers of attorney, and parcel-post packages.

In short, practically all of the obnoxious "nuisance" taxes imposed by the revenue act of 1918 have been removed and the consequent hinderances to business and enterprise obliterated. Such have been the beneficent results of Republican revenue legislation.

CURTAILMENT OF EXPENDITURES

Hand in hand with these tax reductions has gone the constant curtailment of expenditures under direction of the Bureau of the Budget and by the action of the Congress. When the first

Republican Congress subsequent to President Wilson's election took up the matter of appropriations in May, 1919, it reduced the appropriations in eight supply bills, which had passed the House, but fortunately had failed of passage in the Senate during the Sixty-fifth Congress, from $3,768,000,000 to $2,828,000,000, a decrease of $940,000,000. The estimates of the Democratic administration for the fiscal years 1921 and 1922 were reduced by Congress $2,950,000,000. With the advent of the Harding administration came the creation of the Bureau of the Budget, and since then, with the vigorous cooperation of the Congress which uniformly has reduced even the Budget estimates, appropriations have been kept at the lowest possible figures necessary for the administration of the Government, with the result that large surpluses have enriched the Federal Treasury, running from a minimum in 1921 of $86,723,000 to a maximum in 1927 of $635,810,000. The total of the surpluses in the Treasury for the years 1921 to 1928 has been in excess of $2,800,000,000. With the reduction in expenditures and appropriations has also come the reduction of the public debt which at its peak on August 31, 1919, totaled $26,600,000,000, and on July 1, 1928, stood at $17,755,711,828, a decrease of $8,844,288,172.

REFUNDING OF INDEBTEDNESS

Not the least important of the achievements of the Republican administration of national affairs during the last eight years has been the refunding of the national debt. Large short-time issues of securities have been replaced at constantly reduced rates of interest. On March 4, 1921, when President Harding was inaugurated, seven and one-half billion dollars of short-term obligations were maturing within two and one-half years and another three and one-half billion dollars, including the third Liberty loan, were due in September, 1928. During the period from March, 1921, until September, 1928, over $11,000,000,000 of national securities bearing high rates of interest will have been retired or refunded into obligations carrying lower rates of interest. In 1921 the average interest rate on the public debt was 4.29 per cent, while on January 1, 1928, that rate was 3.88 per cent. Upon a principal of $18,000,000,000, the approximate total of our national debt, the saving in interest by these refunding processes alone amount to more than $73,000,000. In addition, by wise negotiation, settlements have been secured with our principal foreign debtors, so that returns are now coming to the Federal Treasury out of payments from that source. The total of the debts so refunded is $11,522,354,000.

THE FUTURE

The American people have great energy, industry, and initiative. They deserve the success which attends their efforts individually and collectively. Beyond question our greatest national asset is the high character, clean living, and inherent honesty of our citizens. But other nations have like qualities. The collective life of a people gives the opportunity for and encouragement to individual effort. We are mighty in natural resources, capable in productive efficiency, enviable in geographic location and climatic conditions, but all of these prerequisites to success would not insure our welfare, if our Government were not properly administered. Discontent and rebellion are often most rife among those who are accustomed to the greatest advantages. Our people must be prosperous to be happy. They must be well clothed, well fed, and well sheltered to remain serene and satisfied. For these reasons an economic and efficient administration of our Government is of paramount importance. That result has been attained by the administration which has been given to the Nation by President Coolidge and his associates, supported by the Republican Congress. The people will not repudiate these achievements.

EXTENSION OF REMARKS

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentlemen will state it.

Mr. JOHNSON of South Dakota. If a Member of the House has secured permission to extend his remarks on a specific subject this would be an added permission on some other subject?

The SPEAKER. Yes.

Mr. TILSON. This gives leave to extend as many different speeches as a Member may wish to extend if those speeches cover only his own remarks.

ALLOWANCES IN LIEU OF TRANSPORTATION IN KIND

Mr. SPEAKS. Mr. Speaker, I ask unanimous consent, with the approval of the Acting Chairman of the Committee on Military Affairs, for the present consideration of Senate bill 1825, to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of Senate bill 1825, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GARNER of Texas. Mr. Speaker, I regret that I do not feel justified in permitting Senate amendments of this kind to be agreed to unless the Member has had an opportunity to submit them to the committee. The Speaker made such a ruling some time ago and I think it was a wise ruling, and we have adhered to it ever since. Where it is a very minor amendment, where the House has passed the bill, and when the only thing done by the Senate amendment is to correct a word, or something of that kind, naturally there would be no objection, but it seems to me that a bill of this importance which changes the whole basis of pay, should be considered by the committee.

Mr. SPEAKS. Will the gentleman permit a statement?

Mr. GARNER of Texas. Yes.

Mr. SPEAKS. All this bill seeks to accomplish is this: For instance, an officer is ordered to proceed from Washington to New York; he prefers to use his own automobile if the Government will allow him 3 cents a mile for gasoline, instead of going to the quartermaster, receiving railroad transportation and Pullman fare in addition. It means a saving of money to the Government.

Mr. FROTHINGHAM. In addition, might I say that this is not a Senate amendment, but it is a Senate bill.

Mr. GARNER of Texas. I know it is a Senate bill, and the best information I can get on this side of the House and on that side of the House is that the bill should be passed. I do not feel like taking the responsibility of making an objection to a matter I know absolutely nothing about, but I do say that in passing Senate bills an opportunity should be given to the committee to consider them before consent is asked to take them up in the House. It seems to me that a Senate bill which changes the basis of pay of military officers is of considerable importance.

Mr. SPEAKS. There is absolutely no change of pay rates embodied in the bill.

Mr. GARRETT of Texas. If the gentleman will permit, I will say to my colleague from Texas that the purpose of this bill is to allow an officer 3 cents a mile for gasoline when he uses his own automobile instead of giving him railroad fare. It has developed in recent years that many officers travel hundreds of miles in their own automobiles; they have to buy their own gas but they prefer to travel that way rather than to go on a train. So the purpose of this bill is to give them an opportunity to use their own cars if they want to and to collect 3 cents a mile instead of riding on the train.

Mr. McSWAIN. Will the gentleman from Ohio yield?

Mr. SPEAKS. Yes.

Mr. McSWAIN. The only point in the mind of the gentleman from Texas is whether or not the committee has ever considered this legislation and reported it. I will say to the gentleman that the committee has considered it and there is a bill on the calendar reported favorably by the committee.

Mr. GARNER of Texas. That is all I wanted to know, and this bill is identical with the House bill?

Mr. McSWAIN. Yes.

The SPEAKER. The Chair will state that he agrees entirely with the principles suggested by the gentleman from Texas, and he is not recognizing to-day, nor has he been for some time, any Member to take up a Senate bill or a House bill with Senate amendments unless the Chair is assured that the Member has submitted it to his committee and has at least the unofficial approval of the committee. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 12 of the joint service pay act of June 10, 1922, as amended, be further amended by inserting between the first and second paragraphs the following:

"Individuals belonging to any of the services mentioned in the title of this act, including the National Guard and the reserves of such services, traveling under competent orders which entitle them to transportation or transportation and subsistence as distinguished from mileage, who, under regulations prescribed by the head of the department concerned, travel by privately owned conveyance shall be entitled, in lieu of transportation by the shortest usually traveled route now

authorized by law to be furnished in kind, to a money allowance at the rate of 3 cents per mile for the same distance: *Provided,* That this provision shall not apply to any person entitled to traveling expenses under the 'subsistence expense act of 1926.'"

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JUDGES OF THE TERRITORIES AND INSULAR POSSESSIONS OF THE UNITED STATES

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States, with Senate amendments, and move to concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

Mr. DYER. Mr. Speaker, the bill as passed by the Senate is just the same as passed by the House, with one exception, and that is to increase the pay of the circuit judges for the Territory of Hawaii. The bill which the Committee on the Judiciary reported to the House included that, but it was eliminated upon the floor of the House under a unanimous consent agreement.

By authority of the committee, I move to concur in the Senate amendments.

The Senate amendments were agreed to.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

The Clerk read the title of the bill.

Mr. GILBERT. Mr. Speaker, reserving the right to object, I understood the gentleman was going to bring up the House bill. I am opposed to the Senate bill. The wording is different and the effect is very different.

Mr. ZIHLMAN. I will say to the gentleman that this bill was on the calendar. It comes from my committee and is a Senate bill.

Mr. GILBERT. I understand; but I am opposed to the Senate bill. Did we not have a House bill?

Mr. ZIHLMAN. We have a House bill on the calendar, and we also have a Senate bill.

Mr. GILBERT. The Senate bill is different and the people who are advocating the House bill are opposed to the Senate bill.

Mr. ZIHLMAN. I did not so understand it, I will say to the gentleman.

Mr. GILBERT. I will have to object, Mr. Speaker.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4126) authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights to reserved and limited rights in land and authorzing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. COLLINS. Mr. Speaker, I object.

THE RIGHT OF SELF-GOVERNMENT

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER. Mr. Speaker and Members of the House, that which men practice in life, rather than what they preach, constitutes the gauge by which their worth is generally measured. Hence the common saying, "Practice what you preach." However much men may talk about honesty if they act dishonestly then others will shun them. No matter how much men claim to love justice, if because they are powerful, they oppress others, then will they be hated.

As it is with individuals, so it is with nations, for nations are merely groups of individuals. If a nation advocates justice in the conduct of nations toward each other and then itself practices injustice toward weaker nations, such nation will become despised. If a nation proclaims the power of reason and the supremacy of mind in the adjustment of disputes between nations, but in practice strives to have the most powerful material instrument of force with which to compel submission to its demands, then such nation will be hated by the rest of the world. So, too, if a nation proclaims the righteousness of the principle that all nations are free and independent and have the right to govern themselves without interference from other nations and then, after declaring this, seeks by force to dictate the laws for the government of smaller nations, such nation will be distrusted by all other nations and will be despised by lovers of justice everywhere.

Mr. Speaker, the declaration made to the world on July 4, 1776, by the people of America, is the greatest statement in the history of this country. On that day was issued to the world the Declaration of Independence of the United States of America. That immortal document contains the following most important statement:

> Governments are instituted among men, deriving their just powers from the consent of the governed.

That principle is sound. Upon obedience to that principle depends the life and welfare of the American Nation. That principle was, by the signers of our Declaration of Independence, applied to all the peoples of the earth and we must respect it as a right of all other nations if we would have it respected as a right of the United States. He who would receive justice from others must be ever willing to do justice to others.

And yet, Mr. Speaker, during recent years I have noted a tendency to disregard this sound and fundamental principle of government. Those intrusted by the American people with the power of government have more and more interfered with the right of the people of other nations to govern themselves.

The people of the Philippine Islands have for almost three decades been pleading to be allowed to govern themselves, but instead of granting that request Congress has recently been urged to take away from them some of the power which is still possessed by the people of the Philippines.

Some years ago United States officials forcibly took charge of the government of the Dominican Republic, and by so doing aroused toward our Government the ill will of the Dominican people. A few years ago our Government assumed control of the Republic of Haiti, and United States officials are still in control.

I might refer to other instances where the United States Government has forcibly interfered in the affairs of other nations, but the cases to which I have referred illustrate sufficiently the fact that the Government in recent years has disregarded the great principle announced by the signers of the Declaration of Independence, expressed in the words:

> Governments are instituted among men, deriving their just powers from the consent of the governed.

The most common excuse given for the use of force by one government for the purpose of dictating policies and laws to another government is that some citizen of the government which uses force against the other has been wrongly denied privileges to which he thinks himself entitled.

Now, Mr. Speaker, one of the principal reasons advanced in support of popular government is that there are very many opinions as to what is right and what is wrong. Popular government allows every citizen to express his opinion, upon the understanding that the opinion supported by the largest number of citizens shall prevail. Certainly no one will claim that the majority of the people of the nations which were invaded approve such invasion. Moreover, when a powerful nation adopts a form of government disliked by other nations which consider themselves as more advanced and intelligent, that dislike is generally shown by words only. Why this difference in methods of showing dislike and opposition? Is it honorable for nations to use force against small nations only when victory is certain?

While we are showing such regard for the rights of those who go to foreign countries to seek their fortunes it might be well to consider also the rights of all the people who are content to live in their own country. Everybody is not only willing but eager to guarantee to every citizen, as fully as possible, every right he has under the laws governing the country. Is it just, however, that the people of a country should be required to pay millions and even billions to send abroad great navies and armies and to sacrifice the lives of their sons in order to enforce what some self-important person, dwelling beyond the limits of his own land, claims to be his rights in another country? It is sometimes assumed that international law upholds such a claim, but Oppenheim on International Law says:

> No citizen abroad has by international law a right to demand protection from his home State.

That statement of law is in accord with reason and justice. When nations recognize and acknowledge the right of other nations to adopt such form of government and laws as they

consider best, we shall have gone a long way toward establishing world peace. When a nation no longer tries to control the government of another country, on the pretext of upholding some fancied and questionable right of one of its citizens living in such country, then it can feel sure of the good will of the people of that country.

When his own Government is, because of its fairness, trusted by the people of other countries, a citizen of this or any other Nation may be sure of friendly treatment when he visits foreign lands.

When the nations of the world cease to strut, when they rid themselves of their foolish conceit and their false sense of superiority, world peace will be assured.

The United States on its part should reaffirm its adherence and sincere devotion to the principle of "government by consent of the governed," which, at its birth as a Nation, it solemnly declared to the world.

If we had always acted according to this principle, we would have avoided very many of the troubles we have had in the West Indies and in Central America. [Applause.]

ROADS

Mr. WARE. Mr. Speaker, I ask unanimous consent to proceed for one minute and to revise and extend my remarks by including some excerpts from statements of the Bureau of Roads and also an editorial from the Courier-Journal on the subject of roads.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for one minute and to revise and extend his remarks and to include therein some excerpts from reports of the Bureau of Roads and an editorial from a newspaper on the subject of roads. Is there objection.

There was no objection.

Mr. WARE. Mr. Speaker, a great deal has been said during this session of Congress upon the subject of roads and bridges. My State is particularly interested in this subject because of the fact it has on its northern, eastern, and western boundaries 759 miles of navigable streams.

The gentleman from Illinois [Mr. DENISON] has introduced a bill in this Congress which I had hoped would be passed, or at least given some consideration, relative to the regulation of tolls upon bridges.

Public attention is being continually directed to the development of vehicular traffic in this country, and it necessarily follows that the construction and maintenance of roads and bridges throughout the country is a question of vital importance and challenges the vision of those intrusted with making the laws and preserving the interests of the people both in the Federal and State Governments.

From the time of the invention of the automobile a little more than a quarter of a century ago, the automobile industry has grown to be the largest manufacturing industry in America, producing more than 4,000,000 motor vehicles annually of a wholesale value of more than $4,000,000,000. Registration of motor vehicles in this country will probably reach 30,000,000 cars within the next five years. We have now approximately 23,000,000 motor vehicles registered in the United States. A survey of this field of industry arouses keen interest because it controls a large place among the gigantic enterprises of the Nation. It is a fact that from 1921 to 1926 the registration of motor vehicles much more than doubled in number. For the year 1926 motor vehicle taxes approximated $720,000,000, paid by purchasers and users of cars to the Federal, State, and municipal governments of this country, and it is estimated that more than $600,000,000 of this sum was paid to the States and political subdivisions for registration, license fees, gasoline taxes, and personal-property taxes. We may assume that these revenues will continue to increase with the added ownership of cars. With the development of this industry a similar scale of development has been and is going on in the construction of roads and bridges and their maintenance at great cost to the Federal Government and the States of the country.

We have in the United States 3,000,000 miles of roads, not including city streets, and there are 600,000 miles of what are termed "surface" roads. During the year ending June 30, 1927, the Bureau of Public Roads reports that there were completed 8,306.9 miles of the system of Federal-aid highways, bringing the total mileage of roads improved by Federal aid up to 64,209.7 miles. At the end of that year construction was in progress on 10,103 miles, and projects involving the construction of 2,395.6 additional miles had been approved, and with the end of another year we will have approximately 76,708.3 miles of improved Federal-aid roads. The Federal-aid roads selected by the Federal and State authorities for improvement for highway traffic amount at this time to 185,722.2 miles. When compared with the 3,000,000 miles of roads it will be found that they cover the most important highways. Practically all the mileage completed on Federal-aid roads has been done since 1921; that is, with the exception of 7,000 miles. Of course, in addition to the Federal-aid roads the States are making and completing many thousand miles without aid from the Federal Government. The total of the State highways systems selected is about 300,000 miles, 115,000 miles more than the roads selected for Federal aid, which indicates the responsibility of the States in connection with construction and maintenance of roads. During the past few years—from July 1, 1921, to June 30, 1927—the Federal Government has contributed to Federal-aid roads the sum of $544,884,911.72, and when projects now approved are completed within another year it will exceed $675,000,000. During the last year it contributed $81,330,357.82 to Federal-aid roads. The disbursements made by the States on other than Federal-aid roads amounted to $453,000,000, and this does not include the expenditures of counties independent of State control, which it is estimated will equal, if not exceed, that expended by the States. In fact, the expenditures for the construction and maintenance of public highways in the United States on the whole exceed more than $1,000,000,000 annually, and it is estimated by some at as much as one and one-third billion dollars.

With the construction of roads, and as a necessary adjunct to them, bridges have been completed during the year ending June 30, 1927, aggregating 45.9 miles in length on the system of Federal-aid roads. Adding this number of miles to those already completed we have 167.6 miles of Federal-aid bridges in the United States. These are essential to the Federal and State system of highways, and publicly owned bridges, either free or ultimately to be free, should be encouraged.

The Congress has indicated its desire that the Federal-aid system of highways, so far as is possible, shall be free by providing in the Federal highway act of 1921 that—

> All highways constructed or reconstructed under this act shall be free from tolls of all kind.

However, by an act passed by the Sixty-ninth Congress the States are permitted to finance their portion of the cost of Federal aid bridges by the collection of tolls, thus avoiding the necessity of toll bridges owned by private interests on important highways. The States may now avail themselves of this concession on the part of the Federal Government and where necessary the States may erect toll bridges and apply the tolls in payment of the cost thereof, and thus eventually make them free to the public. This in some measure removes the necessity of having privately owned toll bridges. Certainly, whenever it is possible on important highways made at the expense of the people the burden of privately owned toll bridges should be removed.

On this subject the Chief of the Bureau of Roads in his last report says:

> It is to be hoped that the increase in Federal-aid bridge construction evident in the mileage recently completed and under construction will continue, and that to a greater degree the States will resort to this means of reducing the local expense of large bridge structures rather than the distinctly objectionable means of permitting such important structures to be privately financed.
>
> The bridges are an essential part of the Federal-aid system. Congress has given abundant evidence of its intention that this interstate system shall, so far as possible, be free for the use of the citizens of all States by forbidding the collection of tolls on all roads in the construction of which the Government participates and by prohibiting the use of Federal funds for the improvement of roads which constitute the immediate approach to toll bridges.
>
> The act passed at the last session, which permits the financing of the State's portion of the cost of Federal-aid bridges by means of tolls collected by the State or its subdivision, removes the last reasonable excuse for permitting expensive bridges to be built by private initiative.
>
> The large earnings of toll bridges on important highways are made possible by the public improvement of the highways. The very great attractiveness of such bridges to private investors is proof of the high return upon the capital invested. It is common knowledge that the entire cost of many expensive and important structures operated privately has been repaid by the tolls charged in a very few years, leaving the subsequent earnings, less a small amount for maintenance, as clear profit.

The large expenditures of public money to provide the pathway for motor vehicle transportation has created a great demand for the privilege of building bridges by private enterprise, and these utilities constructed by private interests at strategic points in the United States, will reap a harvest for themselves unless regulated and restrained by law in the interest of public welfare. The public roads of the Nation are being

commercialized by the continually increasing number of privately owned bridges, and this exploitation of the people, stimulated by our improvement of the roads, should not be permitted to go on unregulated and unrestrained. It is asserted that many of these bridges levy an exhorbitant tribute on the motoring public, which far exceed what may be considered a reasonable return upon the amount invested. Figures given out by the American Automobile Association state there were 233 toll bridges in operation at the beginning of this year of which 191 were privately owned, and that 29 new toll bridges are under construction and 163 are proposed. Of the 163 proposed 100 will be constructed and operated on a toll basis by privately owned interests. All of the 425 toll bridges in operation, under construction, or proposed, as of January, 1928, are located on the Federal-aid highway system; that is, on the 185,000 miles of the main State and interstate roads built at public and Government expense.

Referring to roads and bridges in my own State of Kentucky, we expended during the calendar year of 1927 the sum of $16,430,000 in the construction of State and Federal-aid roads, which does include the expenditures of the counties, and the total of roads under State maintenance at the beginning of this year was 3,260 miles. It is probable that more miles will be constructed in the State of Kentucky during this coming year than ever have been constructed in a similar period. The general assembly of Kentucky recently passed an act under the concession made by the Federal Government enabling the State highway commission to construct bridges and issue bonds to pay for their construction where necessary, with the provision that the bonds shall be retired from tolls received, and after the bonds are retired the bridges to become free to the traveling public. Like other States we are interested in the future of Federal highways and interstate bridges, because there is attracted to the State annually a large number of tourists, and she has to-day a great project to make the world wonder Mammoth Cave a national park. On four of the Federal highways in Kentucky between given points it is estimated that 4,000,000 cars pass annually. There passed over these four highways during the four summer months of 1927 more than one-half million foreign cars; that is, from without the State of Kentucky, carrying tourists to the number of 1,500,000 people.

Kentucky is also interested in the future of free bridges, because it is surrounded on three sides by 759 miles of navigable water, having the Big Sandy on the east with 57 miles, the Ohio on the north with 653 miles, and the Mississippi on the west with 60 miles. In addition it has several hundred miles of navigable streams within the State.

The bureau with reference to Kentucky road construction says:

> The Federal-aid highway system includes 3,702.5 miles, of which 898 miles have been improved with Federal aid. Of the improved mileage, 110.6 miles were added during the year. At the close of the year 393.4 miles were under construction and 42.8 miles were approved.
>
> The mileage improved with Federal aid consists of 411.2 miles of graded and drained earth roads, 160.6 miles of gravel, 41.4 miles of water-bound macadam, 153.4 miles of bituminous macadam, 126.9 miles of Portland cement concrete, and 3.9 miles of brick, in addition to which there are bridges with a total length of 0.6 mile.
>
> The total cost of all Federal-aid roads completed, including 111.3 miles of stage construction, was $24,510,594.46, of which the Federal share was $10,092,978.19. The disbursement of Federal funds to the State was $1,420,029.31. This added to the disbursements made during the previous years and subtracted from the State's total apportionment of $1,463,756, leaves a balance of $3,300,565.05 unexpended funds to the credit of the State.

With the development of the automobile industry and the enormous expenditure of public money in the construction and maintenance of public highways, it may also be borne in mind that the growth of our population during the ensuing three or four decades will, it is estimated in the United States, bring it to 200,000,000 people, and as this population increases the greater will be the demand for an unhampered and unrestricted communication between the several States. The effect produced by the motorization of America has had a great influence in the social and economic order of our people, and brings them into closer social and economic business relations. The people generally in America have attained a mobility that was a few years ago unknown and unexpected, like many advances of our age. It is said that the system of State and Federal highways now being constructed in accordance with the plans already approved will, when completed, connect practically every town or city in this country of 5,000 or more inhabitants, and 90 per cent of the Nation's population will live within 10 miles of a Federal-aid road, and practically all the remainder will be equally close to State roads of important character. Let us hope that this prediction will soon be realized. It is also estimated that 40,000,000 of our people at this time spend at least a part of their vacation in motor travel and in touring over the great country which is unexcelled in scenery and unparalleled in progress.

In view of what has been attained along the lines suggested, and what may be expected in the future development of our country, it is certain that the highways of the country ought to be free and tolls should be avoided wherever possible. Just as tolls have been abolished on the roads of the Nation, so should the tolls of ferries and bridges be superseded by free bridges at as early a date as possible, and with the development in this country of industry, transportation, and population our vision must necessarily carry us forward to that time when in a few decades we will be linked together by bridges as free as the highways within the borders of our States.

There is now pending before the Committee on Interstate and Foreign Commerce a bill introduced by the gentleman from Illinois [Mr. DENISON] providing for an amendment of the act of March 3, 1906, to regulate the construction of bridges over navigable streams by the Secretary of War and having the further purpose of providing for the valuation of all bridges and the regulation of tolls on all bridges over navigable streams by the Interstate Commerce Commission.

Of course, it is well settled that the Federal Government has full power to regulate the operation of bridges over navigable streams, and it has for a long time regulated the construction of bridges over navigable waters, both interstate and intrastate, Congress has unlimited power to determine whether or not a bridge may be built over a navigable stream, and having that power it is invested with the right to impose the terms and conditions upon which any grant may be made. A policy has been adopted in all bridge bills granting to private persons or corporations the privilege of constructing bridges, providing for their recapture by a State or political subdivision thereof, and that they may be acquired and taken by purchase or by condemnation in accordance with the laws of the States.

While this provision in these bridge bills may limit the power of the persons or corporations and restrict them in the overcapitalization of a company, yet it is not certain that it will have the effect intended for it or preserve the real value and original cost for the benefit of the Government or the people who may in after years seek to take them over. The only way in which the Government and the people of the States may be protected against future unlawful encroachment by the owners of bridges operated as private enterprises is to make it unlawful for any bridge company to issue any capital stock or any bonds or securities or other evidence of debt or to assume any obligation or liability unless and until it shall be authorized so to do by the Interstate Commerce Commission and that it pass upon the purpose and needs of the proposed issues and the use of proceeds thereof. Stocks, bonds, or securities should not be issued by any such company except for some lawful object within its corporate purpose and compatible with the public interest and which is necessary or appropriate for or consistent with the proper performance by the company of its service to the public and such as will not impair its ability to perform that service at a reasonable cost.

In my judgment, the measure introduced by the gentleman from Illinois [Mr. DENISON] providing an amendment to the act of March 23, 1906, in so far as it regulates the construction of bridges over navigable streams and provides for the valuation of bridges and the regulation of tolls, is proper and should receive the approval of the Congress, but it should be amended to provide for supervision of the issue of stocks, bonds, and securities by Interstate Commerce Commission. They should not be left to supervise their own acts in this respect.

It is important that the proposed legislation undertakes to regulate all bridges over navigable streams. The act of March 23, 1906, regulating the construction of bridges and investing the Secretary of War wi. . power to regulate the tolls applied only to bridges built under the act subsequent to its passage. So also the recapture clause inserted in private bills applies only to the bridges specifically provided for by them. What we need is a general law regulating all privately owned traffic bridges whenever built.

In my judgment the bill, in addition to providing for the valuation and the regulation of tolls by the Interstate Commerce Commission, should also provide for the regulation of the issue and sale of stocks and bonds and securities by any person, firm, or corporation operating and controlling a privately owned bridge across any navigable stream. The purpose of the bill to value the bridges and regulate the tolls is a step forward, but I feel that the question of the regualtion of the issue of securities is of equal importance.

I am satisfied that bridge companies not supervised may so manipulate the issue of stocks and bonds or the sale of their property as to greatly increase their capital without giving an equivalent in money or property. And while the provision in the recapture clause may apply as between the company and the Government, yet if stocks and securities are found in the hands of the unsuspecting public, those who may hereafter desire to take over the bridge may find themselves in the position of having to pay the capital value rather than the real value, or do a great injustice to uninformed or unsuspecting holders of securities who may in future years acquire stock from such corporations. There are many ways of manipulating the purchase and sale of property in the construction as well as after construction of bridges so as to inflate the value of the project from time to time. The restrictions in the bridge bills may not be adhered to unless there is some supervision or regulation by a duly authorized agency of the Government.

It seems to be a matter of common knowledge that there are many privately owned bridges paying dividends on their investments of from 40 to 150 per cent, and all of this is the result of increased travel over the public-road system of the country which is built at public expense. Of course, there may be many privately owned bridges operating on a sound business basis yielding a moderate and reasonable return and it is certain that these would not object to such regulations as will protect the public; and on the other hand, it is quite certain that where you find objection to proper regulation, it will be due to the fact that they seek returns in excess of a reasonable profit and that they are enjoying some privilege or exacting some toll not sanctioned in good conscience.

We have made much progress in the development of free highways and there must be no step backward in this respect, but rather we should continue to move forward with a progressive purpose to eliminate wherever possible the toll bridges that link together our great free system of highways. This may not be done all at once, but with a vision of the future needs and benefits to be derived therefrom we may prepare the way for the elimination of toll bridges and by proper regulation of privately owned bridges, connecting Federal-aid interstate highways or over navigable streams either interstate or intrastate, protect the public interest.

Upon this subject I desire to quote with approval the following recently published editorial of the Louisville Courier-Journal:

America's automobile traffic, the greatest revenue producer yet developed, has been seized upon by promoters of privately owned toll bridges as an opportunity for enrichment, and now an effort is being made to gain control of motor highways and to place them under private operation and control for the sake of the income to be derived therefrom. This distinct step backward in the direction of the old toll roads is proposed in Congress in a bill which would establish, the country over, so-called "express highways," connecting important cities in a direct line, these to be constructed by private concerns by permission of the Government, with tolls to be charged for their use.

"Fair and free is the king's highway," runs the old song, and certainly the American national highway system, which has been the Nation's boast since the old tollgate system was wiped out, should not deteriorate into a series of private holdups. Once such a group as this, which proposes building public toll roads, gets hold of the privilege, its next step would be to block the construction of free public roads and to make the public pay at every mile post.

The automobile clubs and the automobile manufacturers have been most vigorous in their attacks upon this congressional proposal for toll roads, and Alfred Reeves, general manager of the National Automobile Chamber of Commerce, has warned the public of this obvious effort to seize the Federal highway system. Toll roads should not be tolerated and toll bridges should be approved only under the most strict supervision. As to bridges, Mr. Reeves admits that there are times when a State or city can not afford immediately to finance such construction out of current funds, in which cases tolls may be charged until they are paid for.

"All toll bridges should be constructed, owned, and administered by the State," Reeves holds. "At present there is an organized move for the private construction of toll bridges. This is dangerous and should be avoided wherever possible. In any circumstances, it should be provided that the bridge should ultimately revert to the public. All financial operations, as well as the administration of the bridge, should be under the control of the State."

Illustrating the tendency to set up and operate private toll bridges are figures of the United States Bureau of Public Roads, which show that 233 toll bridges were in operation in this country at the beginning of 1928, only 42 of which were owned by States or other political subdivisions. Twenty-nine new toll bridges are now under construction, of which 20 are privately owned. Another 163 are proposed, of which 100 would be built by private capital. Clearly, the interests of the public need to be safeguarded.

In most States, and surely in Kentucky, the motorist is paying sufficient taxation to build and maintain all the roads that can possibly be constructed efficiently and honestly. Kentucky's experience of the past has proved that many bridges can be built out of current funds. The new toll bridge law permits State construction and reimbursement through tolls. This power should be exercised with restraint. Condemnation proceedings should be begun immediately to take over the few remaining private toll bridges on important State highways.

It seems to me that the establishment of a free system of highways in this country is so confirmed by a settled public opinion that there can be no turning back in any sense of the word; but, on the other hand, it would seem that the whole trend of the public mind is uniformly in the direction of further unhampered development of free highways. We are glad to see that Congress has passed and the President has signed the bill to continue appropriations for Federal-aid roads.

The free use of the roads should not be hampered by excessive tolls pending the solution of the bridge problem, and the Congress can at least adopt some regulation of privately owned bridges throughout the country and by the measures herein suggested prevent inflation of property or capital values of all bridges over navigable streams in the country. It is the only Government agency authorized to regulate interstate bridges. It will serve a present need in providing a reasonable toll, where it can not at present be dispensed with, and protect the future welfare by guarding against intrenched, enlarged, or excessive vested rights.

DISCONTINUANCE OF CERTAIN REPORTS

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12064) to discontinue certain reports now required by law to be made annually to Congress and concur in the Senate amendment. I have talked with the chairman of the committee and the ranking Democratic member on the committee, and it is agreeable to them.

The SPEAKER. The Clerk will report the bill and the amendments.

The Clerk read the title to the bill and the Senate amendments.

The Senate amendments were agreed to.

QUARTERS FOR THE CHIEF OF NAVAL OPERATIONS

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent for the present consideration of S. 4402, authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of S. 4402, a similar bill having been reported and on the calendar. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, when this matter first came before the House it was a proviso on the appropriation bill. At that time I made a point of order against it and it went out. Subsequent to that it came upon the Consent Calendar. I then opposed it, pointing out that the approval of this bill would dispossess the Superintendent of the Naval Observatory in his present home. We worked out a plan, where upon the grounds can be constructed a house for the superintendent, allowing him to vacate the large house. Now, I have such an amendment which I will offer. It provides for a sum not exceeding $30,000 for the construction of quarters for official residence for the Superintendent of the Naval Observatory and the second section provides for the transfer from the present quarters.

Mr. CRAMTON. Can the gentleman give me some information? I understand that they have out there a team of coach horses and a coachman on the pay roll, but they have no coach. Would the gentleman be willing to accept an amendment to provide the coach so that they may have this anomalous condition cured? [Laughter.]

Mr. WOODRUFF. I am sure the gentleman from Michigan is not serious in his remarks.

Mr. CRAMTON. The information I am giving is very accurate, but I do not desire to insist on the amendment.

Mr. BYRNS. Does the gentleman say the horses are on the pay roll?

Mr. CRAMTON. The coachman is on the pay roll but somewhere they have lost the coach.

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I understand that the Superintendent of the Naval Observatory at this time desires to give up the possession of the building. I would like to have the gentleman give some information along that line, because this information was not available yesterday

when I objected. I thought it was the beginning of a movement of one branch of the naval service to dispossess the officers in another branch, and I did not think the House would countenance anything of that kind.

Mr. WOODRUFF. I wish to say that in the last 20 minutes I have discussed the matter with Captain Freeman, the commandant of the Naval Observatory, over the telephone, and he assures me that he will be very much pleased to give up the present quarters and permit the Chief of Naval Operations to take them.

Mr. McCLINTIC. In case the bill is considered, would the gentleman have any objection to an amendment that no additional allowance for quarters will be asked for by the Chief of Naval Operations?

Mr. WOODRUFF. I can not see any good of it, but I would not object to an amendment of that kind.

Mr. McCLINTIC. It seems that inasmuch as we are going to turn over the building with 20 rooms to the Chief of Naval Operations, he ought not to try to draw an allowance for quarters——

Mr. WOODRUFF. He can not under the law.

Mr. LINTHICUM. Does the amendment of the gentleman from New York provide $30,000 for the construction of a home?

Mr. LAGUARDIA. I am going to make it $20,000.

Mr. WOODRUFF. I have no objection to the amendment, but I think that any gentleman in the House who knows the cost of construction in Washington will not object to that.

Mr. LINTHICUM. I know a good deal about construction, but $30,000 is a good start.

Mr. LAGUARDIA. When you consider union labor and wages, you can not expect to build much of a home unless we pay the price.

Mr. SCHAFER. Mr. Speaker, I am in favor of union labor, but in my city where we build houses with union labor we do not pay $30,000 for them, and I am going to object.

Mr. LAGUARDIA. I have reduced that amount to $20,000.

Mr. SCHAFER. Did the gentleman say that there was a 20-room house that they were going to vacate?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Then I suggest that they take about $5,000 and make two apartments of 10 rooms each out of it.

Mr. BACON. This is only an authorization. It has to be appropriated for later on.

Mr. SCHAFER. You have Army and Navy officers in Government buildings where they have their wives and their poodle dogs and have a 10 or 15 room house.

Mr. COLLINS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

AMENDING RETIREMENT ACT

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13565, to amend the act entitled "An act for the retirement of employees in the classified civil service and for other purposes," approved July 3, 1926, which I send to the desk.

The SPEAKER. The gentleman from Vermont asks unanimous consent for the present consideration of the bill H. R. 13565, which the Clerk will report.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, what committee reports this bill?

Mr. GIBSON. The Civil Service Committee.

Mr. LAGUARDIA. Is this the retirement bill, so called?

Mr. GIBSON. No.

Mr. HUDSON. Does the gentleman expect to bring up the retirement bill this afternoon?

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, is this a companion bill to the Dale retirement bill that we are waiting for?

Mr. GIBSON. No; it is not. This simply takes care of a few employees in the architect's office here in the Capitol who got beyond the retirement age before they were covered in under the retirement act, under the act of 1927.

Mr. O'CONNOR of New York. Mr. Speaker, until the Dale retirement bill is brought up I am forced to object.

The SPEAKER. Objection is heard.

APPOINTMENT OF BRIGADIER GENERALS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13244, to make chiefs and assistant chiefs of branches of the Army eligible for appointment as general officers of the line.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill H. R. 13244, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, here is a bill that it is contemplated to pass just an hour and a half before we adjourn. We have considered the Consent Calendar and we have considered the Private Calendar and have gone through each of them. I think gentlemen ought not to call up these bills by unanimous consent at this time under the conditions now existing in the House. The gentleman from Mississippi [Mr. COLLINS] said that he objected to this yesterday, but that he now withdraws his objection. It is not my purpose to object, because I do not know anything about it; but I think it is bad practice to continue to call up bills by unanimous consent at this time when the bills have been objected to under unanimous consent heretofore.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I reserve the right to object until we know something about the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That chiefs and assistant chiefs of branches of the Army and officers who have served as such shall be equally eligible under the law for appointment as brigadier generals of the line with colonels of the line of the Army.

Mr. CRAMTON. Is this the bill that was introduced by the gentleman from New York and when the committee reported it out was changed in one section and then as to which the gentleman filed a minority report?

Mr. WAINWRIGHT. Oh, no. The gentleman is quite in error. That was the promotion retirement bill.

Mr. HUDDLESTON. What is the necessity for action at this time?

Mr. WAINWRIGHT. This is a meritorious measure.

Mr. HUDDLESTON. Why not wait until the next session and give the bill more deliberate consideration?

Mr. WAINWRIGHT. The bill has had very deliberate consideration.

Mr. HUDDLESTON. I think the House ought to consider it under conditions so that we may know something about it.

Mr. WAINWRIGHT. If the gentleman has any doubt about it——

Mr. HUDDLESTON. Yes; I have doubts about it, and, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. GARNER of Texas. Mr. Speaker, I think I shall submit a unanimous-consent request that the House stand in recess until half past 4 or for an hour so that we will not be engaged in passing any of this legislation.

The SPEAKER. The Chair will state to the gentleman that there are several other matters here which the Chair thinks it important to consider.

ADDRESS OF HON. J. WILL TAYLOR

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the Nashville Banner account of a speech by the gentleman from Tennessee [Mr. TAYLOR] as temporary chairman of the Republican State Convention of Tennessee, at Nashville, on May 2, last.

The SPEAKER. Is there objection?

There was no objection.

The speech is as follows:

[From the Nashville Banner, May 2, 1928]

TAYLOR SEES G. O. P. VICTORY—REPUBLICAN "KEYNOTER" DEFENDS POLICIES OF PREVIOUS ADMINISTRATIONS

Defending the policies of previous Republican administrations and expressing pity for Democrats, with raps for the Wilson administration, Senator JIM REED, and the Chattanooga News, J. WILL TAYLOR, national committeeman and State G. O. P. leader, to-day in his keynote address before the State convention predicted a sweeping victory for the ticket, State and National.

His address in full follows:

Mr. Chairman and fellow Republicans of Tennessee: It is indeed a great privilege and a very distinguished honor to preside over such a magnificent convention of stalwart Republicans as have convened here on this eventful and auspicious occasion. The Republicans of Tennessee have been exceedingly kind to me, and at the very outset I want to take advantage of the moment to acknowledge my sincere and everlasting gratitude. By their grace and consideration I have had the honor

to serve them in practically every capacity in the party organization, from precinct committeeman to their representative on the greatest and most powerful political body on earth, the national Republican executive committee. In the exercise of the various positions that I have held in the party, naturally and undoubtedly, I have made mistakes, but, my fellow citizens, my actions at all times have been inspired by a conscientious desire to render the highest possible quality of service to the party. Necessarily and inevitably I have made enemies. I am not a miracle worker, and therefore I have not been able to master the impossible by giving two or more applicants the same position. Nevertheless, my allegiance and devotion to the party of the immortal Lincoln is such that I stand now, as I have always stood, perfectly willing to submerge my every personal feeling and ambition in the interest of party harmony and party success.

RAPS CHATTANOOGA NEWS

Notwithstanding the fact that certain hostile newspapers—one in particular—has devoted much news space and consumed much editorial ink and effort in an attempt to discredit the existing Republican organization in Tennessee, I assert to-day boldly and emphatically that the party has never had an organization that was more loyal or more consecrated to its welfare than the one that is now functioning. We boast of the fact that it is free from any entangling alliances with the opposition party, and if those who profess to be Republicans who stand off like the Pharisee and content themselves with criticism; if those who have seen fit, in other words, "to sit in the seat of the scornful," will come forward in true sportsmanlike fashion and give the party the support they owe it, we will work miracles in this poor, old, jaded, hide-bound, ring-ruled, tax-ridden Commonwealth next November. If the present party organization does not suit you, don't try to cripple it and discredit it by methods ordinarily employed by the bushwhacker; don't play the part of the dog in the manger; but go out in manly fashion using the orderly processes which are amply provided and change the organization to your own notion. For God's sake, don't stab the party in the back in order to revenge yourself on some individual or set of individuals—that's poor sportsmanship—but employ the regular instrumentalities to correct the evils, real or imaginary, that you think exist. Any time the Republicans of my district or the State, in their will and wisdom, see fit to retire me to the ranks, you shall hear no recrimination from me. I shall not sulk in my tent and nurse a grouch, but on the contrary, as a good Republican and a loyal party man, I shall submit gracefully to the verdict of the majority. This is the doctrine upon which our republic stands, and no party and no government can function successfully that does not recognize and support these principles.

NO OUTSIDE MONEY

There is one thing, fellow Republicans, for which I am preeminently proud—a thing which has not happened before since I have had any knowledge of Tennessee politics—and that is, that not one single, solitary penny has come into this State from the outside to influence the election of a single delegate to our national convention. I hail this as a most excellent and salutary omen, and I trust that this wholesome precedent may never be violated in the future. It is immaterial to me who your choice may be for President, and I do not profess to know what great Republican the Kansas City convention may nominate; however, I make this prediction: That whoever he may be, he will be inaugurated as the Chief Executive of this Nation on the 4th of March, 1929. Personally, I am not concerned as to who your choice may be for United States Senator or governor, and I have no idea who our party may put forward, but with absolute confidence I make you this prophecy that with two strong men nominated for these positions, if every Republican will do his full duty by our party and its nominees, we will not only carry the State for the electoral ticket, but we will elect both a governor and United States Senator.

There is a little, so-called newspaper over at Chattanooga daily expressing great solicitude for the Republican Party of Tennessee. Its every issue is brim full of fatherly advice to the Republicans of this State. My friends, beware of "Greeks bearing gifts." Why should the Chattanooga News be so terribly concerned about Republican harmony and Republican success in Tennessee? Be not deceived. This irresponsible, disreputable sheet is only endeavoring to foment strife and factionalism in our party in order that Democratic candidates may profit thereby. The Republican Party of Tennessee is amply able to take care of its own affairs without any gratuitous suggestions or dictation from George F. Milton, jr., or any of his ilk.

The Democratic Party has already inaugurated its usual campaign of scandal, slander, and calumny which will meet with the same rebuke at the hands of the voters as it has in the past. There is no argument in abuse, and no man or party was ever favored by the electorate because he or it was possessed of the greatest capacity for the promulgation of vilification. That great apostle of vitriol from Missouri, the Right Hon. JIM REED, has revived, revamped, and rejuvenated that old threadbare, weather-beaten slogan, "Turn the rascals out." In the light of the colossal graft, corruption, and incompetency of the Wilson administration, how any Democrat can have the sublimated brass, the attenuated gall and nickel-plated nerve to charge anybody with being crooked is simply beyond my power of comprehension. "Turn the rascals out," cries the inflammatory REED in sonorous and stentorian tones. My God, my friends, is it possible that JIM REED is so dumb that he does not know that this was done by the American voter in 1920, and that by such a staggering, overwhelming majority that they will not soon return again.

SORRY FOR DEMOCRATS

Personally, my friends, I entertain no feeling of animosity whatever for Democrats; I am just sorry for them. I have always contended, and I insist to-day that there are worse things than being a Democrat. Yes, my friends; undoubtedly, there are worse things than being a Democrat, but to save my life I can't think of just what it is at this time.

My fellow citizens, I regret to say that during recent years I have observed a tendency and disposition on the part of Republicans to wear their party garments a little too loosely. I am a stanch believer in party regularity and party responsibility. I can remember the days when if a Republican was guilty of party apostasy he became an outcast, and when his neighbors saw him approaching on the highways, as in Biblical days, they threw up their hands and cried, "Unclean, unclean!" I would like to return again to those good old days of party loyalty. There is a tradition over in Union County, the county where I was born and raised, that many years ago, while going through a large forest, a Republican was caught in a terrific storm. The thunders roared, the lightning flashed, and the wind blew with great violence, and the poor fellow every moment expected to meet a tragic death. Finally he sought refuge in a convenient hollow log. He crawled up into the cavity of the log until he felt perfectly secure from the ominous onslaught of the angry elements. The rain descended in torrents on the log until finally it became soaking wet and began to swell and contract. He began to feel the log close in upon him and it began to look like it was only a question of a few minutes until he would be smothered to exhaustion. Just at that moment, however, in his reflections and meditations he happened to think that, though a professed Republican, he had voted the Democratic ticket in the last election, and he instantly became so small that with very little difficulty he slid out of the log to safety. Many of the old settlers can point out the identical log to you to this good day.

PROUD OF G. O. P.

My fellow citizens, when we contemplate the magnificent record of the Republican Party since its birth beneath the historic oaks in Michigan, three-quarters of a century ago, is there any reason why we should not be proud of the fact that we hold membership in the grand old party? Some one has suggested that a history be written chronicling the achievements of the Republican Party, but this is entirely unnecessary and superfluous, because the history of the United States of America during the last 75 years is substantially a history of its exploits and achievements. Only on two occasions since the great Civil War have the American people entrusted this Government to the Democrats—one under Grover Cleveland and the other time under Woodrow Wilson.

There are doubtless many in this vast audience to-day who with feeling of genuine anguish can remember the distressful Grover Cleveland times. Those days of panics, bread lines, and free-soup dispensaries, when a sheep could not be sold for 50 cents a head and when a choice yearling could be bought for less than $2. I have entirely too much sympathy and compassion in my heart to agonize your souls further, my friends, by referring to the heartaches and hard times of the Grover Cleveland administrations.

Everybody admits that the election of Woodrow Wilson in 1912 was the result of a fluke, pure and simple. Three-quarters of a century ago the immortal Lincoln repeated that old Biblical verity that "a house divided against itself can not stand." The Republicans attempted to refute this time-honored aphorism, and as a result Woodrow Wilson was elected President. However, my friends, it is consoling to reflect that notwithstanding the fact that thousands of good Republicans, disgusted with the selfishness and shortsightedness of our leadership at that time, refrained from casting their ballots, and thousands of others still more disgusted actually voted the Democratic ticket, the combined popular vote of Taft and Roosevelt far exceeded that of the Democratic candidate. Woodrow Wilson was inaugurated President on March 4, 1913, and almost automatically the business activities of this country began to slow down, until, when the war broke out in Europe in 1914, business stagnation was practically general throughout the country. As a result of the Underwood tariff law our mills and factories ceased to operate and 5,000,000 workers were thrown out of employment. The grim old specter of want that had been banished since the days of Grover Cleveland returned from his exile and cast his ghastly shadow over every city and hamlet in the land. While it was, indeed, a great catastrophe to the world, the European war was certainly a godsend to the Democratic Party. In 1914 the great European nations discontinued the manufacture of articles of peace and proceeded to devote their energies and industries to the production of implements of war. The United States, being the only nation in a position to supply the sinews of war, Europe looked to us to not only furnish the necessaries for their armies but for their civilian population as well. Factories that had closed down after the inauguration of the

Democratic administration, with its unfriendly policies, suddenly resumed operations at maximum capacity, and for 24 hours per day. The 5,000,000 workers who had been walking the byways and highways of this country seeking employment immediately found work at a scale of wages hitherto unknown. Soup houses which had made their appearance in the large centers of population instantly vanished, and the United States became a veritable beehive of industry.

In 1916 another presidential election came on. Wilson was again put forward by the Democrats. The war in Europe had been going on for two years and notwithstanding the fact that repeated depredations had been committed against the sovereignty of our Nation and its flag, we had not become involved in that titanic struggle. In support of the reelection of Mr. Wilson, his lieutenants were busy spreading the propaganda that Wilson had kept us out of war, and that the sure and certain way to stay out was to reelect him President. The world had never before seen such a brazen campaign of deception and misrepresentation as that of 1916. The great President on more than one occasion declared that "We are too proud to fight." "Peace at any price" was the chief Democratic slogan. These specious claims and promises were made with the absolute and deliberate knowledge that a condition had been permitted to develop which rendered war inevitable. My friends, I want to say to-day as I have said heretofore that in my humble opinion the election of Woodrow Wilson in 1916, represented the rankest embezzlement of public confidence that has ever been practiced by any party, political or otherwise, in the history of the world.

Well do we remember those strange, those abnormal days. Hundreds of thousands of good Republicans voted their first Democratic ticket in that November election for no other reason that they had been led to believe that the election of Wilson meant peace, whereas the election of Hughes meant war, I can see a typical old Republican patriarch leaving his home to go to the polls to cast his ballot on that crisp November morning. I can see his good wife follow him to the gate. I can see her throw her arms around his neck and with tears in her eyes, and with a voice almost choked with emotion, I can hear her say: "John, I know you are a good Republican, I know you have never scratched a ticket, but for God's sake, for my sake, and for the sake of our boys, please vote the Democratic ticket to-day and keep our country out of war and our boys at home." I can see that old father's frame shake with anguish as he reluctantly gives his wife the promise which gladdens her heart. I can see him shamble down to the polling place, call for a ballot and stagger hesitatingly into a booth. I can see the pallor overspread his face as he unsteadily marks his first and last Democratic ticket. The mockery performed, his sacred suffrage perverted and despoiled by willful deception, I see him fold his arms in humble contrition and resignation, and with his head bowed in humility, I see him return to his home and hear him confess to his household that he never felt more miserable and despicable in all the days of his life.

Who could go up against a campaign of this character and hope to survive, my friends, and yet if California had run true to form we would have won in spite of these reprehensible tactics.

TAKE YOUR CHOICE

Occasionally we hear Democratic spellbinders prate about the "prosperity" of the Wilson administration. Lord forgive them for they know not what they do. Prosperity of the Wilson administration! "Ye gods and little fishes!" Prosperity based on human bloodshed and human misery. I wonder if the American people would like to have that species of prosperity again. Prosperity that cost the taxpayers of this country more than twenty-five billions and which will ultimately result in an aggregate cost of perhaps a hundred billions; prosperity that takes the young men of our country from happy homes and peaceful pursuits to foreign soil to sacrifice their lives and health fighting on foreign battle fields for people who do not appreciate the sacrifice. Or would they rather have the sort of prosperity that the Republican Party always vouchsafes—prosperity of the McKinley, Roosevelt, and Coolidge variety—prosperity based on sound economic business principles.

My friends, the Republican Party has always stood for a firm, unequivocal and constructive foreign policy. The Republican Party does not visualize Uncle Sam as a swaggering bully with a chip constantly on his shoulder, but it does believe in the sanctity of American citizenship, and that the American citizen is entitled to protection wherever he may be, on land or on sea. This policy of the Republican Party is undergoing the acid test at this very moment in Nicaragua. For 30 years Nicaragua enjoyed an era of absolute peace, and during this period she invited American capital to come into her midst and help her develop her natural resources. As a result of this invitation, in perfect good faith, millions of American dollars have gone into Nicaragua. Under its magic influence vast tropical orchards, coffee plantations, and mining projects have been established. Several thousand American citizens have gone to Nicaragua to develop and superintend these various enterprises. Almost over night a revolution was precipitated which placed American life and American property in jeopardy. In pursuit of well-established precedents the State Department dispatched the marines to Nicaragua to protect American property. Immediately a loud protest was sounded from Democratic quarters, supplemented by attacks from certain newspapers in the United States, which from all appearances are financed by Bolshevist gold from abroad.

There is an element in the United States and also a certain press organization that sympathizes with and supports every other nation against our own. In our recently strained relations with Mexico they espoused the cause of Mexico. They have all the while been on the side of Russia and now they are terrifically exercised lest Uncle Sam discipline too severely the bandit Sandino and his little army of desperadoes. They are the loudest champions of war-debt cancellation, disarmament, or anything else that is contrary to the spirit of the Republican party and this administration. If they don't like Uncle Sam's style, if Old Glory has no appeal to their ideals and imagination, why don't they go to Mexico, Russia, or Nicaragua, or some other clime that is more acceptable to their tastes? It was perfectly satisfactory to these holier-than-thou critics when Woodrow Wilson sent the marines to Haiti and San Domingo in 1913 and 1914, where in an attempt to force down the throats of the almost defenseless Haitians and San Domingans a government whose constitution was actually written in the State Department at Washington, killed more than 2,500 natives. Nothing that begins to approach this episode has occurred or will occur in Nicaragua.

THE MONROE DOCTRINE

In addition to protecting life and property in Nicaragua, the Government has a valuable canal right to maintain, to say nothing of our duty to defend and preserve the Monroe doctrine. When President Monroe promulgated that celebrated creed, he guaranteed, by implication if not expressly, protection to the nationals of other Governments who might go to these Latin-American countries and find themselves or their property in jeopardy. In this instance, not only was American life and American investments jeopardized, but the lives and properties of the nationals of other countries were endangered. If we had not promptly employed aggressive measures in Nicaragua, England, France, Japan, and perhaps other countries who had nationals there might have done so, which would have constituted an invasion of the Monroe doctrine which might have involved us in a war with a major nation.

Congressman TAYLOR then addressed himself to the condition of the country when Harding was inaugurated, declaring that the Republicans were confronted by a government disorganized in every department. He pointed out that the Harding administration was confronted with a bonded indebtedness of twenty-seven billions and a floating indebtedness of three-quarters of a billion. He said that Liberty bonds were being sold at 85 cents on the dollar and that approximately 5,000,000 workers were idle. He stated that the Harding administration immediately set about to reduce the Federal pay roll, adopted a budget system and installed the most rigid and drastic measures of economy. He pointed out that within two years Liberty bonds which had sold for 85 cents on the dollar were bringing par, and boasted that the same Liberty bonds now were current at a premium. He stated that during Harding-Coolidge administrations the public debt had been reduced from twenty-seven billions to less than seventeen billions, and asserted that if Coolidge could be continued in the executive office and Andrew Mellon in charge of the Treasury, the public debt would soon be extinguished altogether.

Mr. TAYLOR devoted some time to a discussion of the tariff, declaring that a high protective tariff was the salvation of the American laboring man. He said that with our high standards of living it was impossible for the American independent laborer to compete with the pauper labor of foreign countries. He defended the merchant marine, declaring that "we must establish foreign markets to take care of our surplus production," and that "this can only be done by the establishment of an adequate merchant marine. We must consume more, produce less, or find a market for our surplus," he declared.

IMMIGRATION LAW

Mr. TAYLOR devoted some time to a discussion of the immigration question, saying that to the Republican Party was due the credit for the passage of the first real restricted immigration legislation. He contended that as a result of immigration legislation passed since 1921, the influx of foreigners to our shores has been reduced from almost a million to about one hundred and fifty thousand. He said that the immigration laws are to labor what a protective tariff is to industry—that both reduce competition from abroad.

Mr. TAYLOR closed his speech by declaring that the Democratic Party was in a pathetic and pitiable plight. He said that if they nominated Al Smith with his well-known wet and Tammany Hall entanglements, he would lose the support of thousands of good Democrats who had well-defined views on these vital subjects, and that if they did not nominate Smith, the Smith adherents and Tammany would penalize whoever may be nominated. "It is a case of be damned if they do and be damned if they don't," declared Taylor. He said the Democratic situation reminded him of an incident that occurred in Union County many years ago. Two men were going through a field when a large bull appeared on the scene. One of them was wearing a red shirt, which

greatly agitated the bovine. With horns in the air and with his tail hoisted the excited bull made a rush for the two men, when one of them scampered up a tree and the other sought refuge in a cave near by. The bull rushed up to the mouth of the cave and began to bellow, paw up the ground with his hoofs, and skin the saplings with his horns. The fellow in the cave would ever and anon emerge to the mouth of the cave and peek out. The bull would make a vicious rush at him and he would retreat into the cavern again. Finally he appeared at the mouth of the cave, and his associate, who was safely ensconced amidst the branches of the tree, yelled out to him and said: "Why don't you stay in the cave, John, until the bull subsides and goes away!" "Stay in the cave, the devil," yelled back John, "there is a bear in the cave." Closing, he said that this story fairly illustrated the precarious predicament of the Democratic Party in this campaign.

STONE MOUNTAIN MEMORIAL

Mr. BELL. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Stone Mountain Monumental Association, and ask that it be now read by the Clerk.

The SPEAKER. Without objection, the Clerk will read the resolution.

The Clerk read as follows:

Whereas the Congress of the United States passed a special joint resolution providing for the appointment of a committee of 10 Members of the House of Representatives and five from the Senate to act as the accredited representatives of the Senate and House at the exercises held at Stone Mountain on April 9, 1928, incident to the unveiling of the mounted statue of Gen. Robert E. Lee, and the Speaker of the House, Hon. NICHOLAS LONGWORTH, subsequently appointed Hon. THOMAS M. BELL, of Georgia; Hon. JOHN Q. TILSON, of Connecticut; Hon. WILLIAM W. HASTINGS, of Oklahoma; Hon. C. WILLIAM RAMSEYER, of Iowa; Hon. W. H. SPROUL, of Kansas; Hon. CHARLES L. FAUST, of Missouri; Hon. C. R. CRISP, of Georgia; Hon. CLARENCE F. LEA, of California; Hon. JOHN J. O'CONNOR, of New York; and Hon. WILLIAM W. ARNOLD, of Illinois, and said Representatives visited Atlanta and were present at the exercises referred to;

Resolved, That the thanks of the Stone Mountain Monumental Association are hereby extended to the Congress of the United States for their gracious act in giving official recognition to this auspicious event in the manner recited, together with sincere assurances of the grateful appreciation of this association and all connected therewith, we being desirous of formally testifying to the high regard we entertain and feel for this renewed evidence of the sympathy and support of the Congress for the great monument being built upon Stone Mountain, on a prior occasion evidenced in such notable and historic manner.

I hereby certify that the above and foregoing is a true and correct copy of a resolution passed at a meeting of the executive committee of the Stone Mountain Confederate Monumental Association regularly and properly held on the 11th day of April, 1928.

Witness my hand and the corporate seal of said association this 11th day of April, 1928.

ROGERS WINTER,
Secretary Stone Mountain
Confederate Monumental Association.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska. Mr. Speaker, I ask permission to speak a little while before we have the recess.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold that for a moment in order that I may submit a unanimous-consent request?

Mr. HOWARD of Nebraska. Yes; I will do anything for the promotion of harmony.

SETTLEMENT OF SUITS AGAINST THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3581. The gentleman from Kentucky [Mr. GILBERT] has withdrawn his objection to the present consideration of this bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they hereby are, empowered to settle, in their discretion, claims and suits, either at law or in equity, against the District of Columbia whenever the cause of action—

(a) Arises out of the negligence or wrongful act, either of commission or omission, of any officer or employee of the District of Columbia for whose negligence or acts the District of Columbia is prima facie liable to respond in damages.

(b) Arises out of the existence of facts and circumstances which place the claim or suit within the doctrines and principles of law decided by the courts of the District of Columbia or by the Supreme Court of the United States to be controlling in the District of Columbia.

SEC. 2. No proceeding to cancel a tax assessment, or to recover taxes paid, shall be brought after one year from the date of the decision of a court of last resort holding void the law under which the tax was levied or paid.

SEC. 3. No settlement of any claim or cause of action herein authorized to be made by the Commissioners of the District of Columbia shall in any event exceed the sum of $3,000, and all settlements entered into by the Commissioners of the District of Columbia acting under the terms and provisions of this act shall be presented to the Congress, together with a brief statement of the nature of the claim or suit, the amount claimed, and the amount of the settlement, with a summary of the evidence and circumstances under which the settlement was made. Appropriations for the payment of such settlements are hereby authorized, payment thereof to be made in the same manner as are other expenditures for the District of Columbia.

SEC. 4. This act shall take effect from and after its passage, but nothing herein contained shall be construed as prohibiting the Commissioners of the District of Columbia from proceeding according to the terms and provisions hereof to settle any claim or suit pending at the time of the enactment hereof, irrespective of the date of presentation of the claim to the Commissioners of the District of Columbia or the date of the filing of the suit.

With committee amendments, as follows:

Page 2, line 6, strike out all of section 2 and insert:

"SEC. 2. The Commissioners of the District of Columbia are hereby authorized and empowered to grant relief in claims for refund of taxes paid, or for cancellation of assessments heretofore made in such cases where like assessments, or assessments against property of similar character, have been held to be void or erroneous by decision of the Supreme Court of the District of Columbia, the Court of Appeals of the District of Columbia, or the Supreme Court of the United States: *Provided*, That any claims for refunds of taxes heretofore paid or for cancellations of assessments heretofore made shall be filed within one year from the approval of this act.

"Nothing contained in this act shall be construed as reducing the period of the statute of limitations."

Page 3, line 2, strike out "$3,000" and insert "$5,000."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA BY THE UNITED STATES

Mr. ZIHLMAN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13461 as amended.

The SPEAKER. The gentleman from Maryland moves to suspend the rules and pass the bill H. R. 13461 as amended. The Clerk will report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That whenever the head of any executive department or independent bureau, or other officer of the United States, or any board or commission of the United States, hereinafter referred to as the acquiring authority, has been, or hereafter shall be, authorized by law to acquire real property in the District of Columbia for the construction of any public building or work, or for parks, parkways, public playgrounds, or any other public purpose, such acquiring authority shall be, and hereby is, authorized to acquire the same in the name of the United States by condemnation under judicial process whenever in the opinion of such acquiring authority it is necessary or advantageous so to do; and in every such case the Attorney General of the United States, upon the request of such acquiring authority, shall cause a proceeding in rem for such condemnation to be instituted in the Supreme Court of the District of Columbia, holding a special term as a district court of the United States, which court is hereby vested with jurisdiction of all such cases of condemnation with full power to hear and determine all issues of law and fact that may arise in the same.

INSTITUTION OF PROCEEDINGS

SEC. 2. Every such condemnation proceeding shall be instituted by filing in said court a verified petition which shall contain or have annexed thereto the following:

(1) A statement of the authority under which and the public use for which the lands are to be acquired.

(2) A description of the lands to be acquired sufficient for the identification thereof. Where such lands, taken together, constitute all privately owned land in any square in the city of Washington, it shall be

sufficient to designate the same by the number of the square as the same appears on the records of squares in the office of the surveyor of the District of Columbia.

(3) A plan showing the lands to be acquired.

(4) The names of the owners of the lands to be acquired, so far as ascertainable by reasonable inquiry, and of the persons in actual and open possession of the same. If it shall appear from the land records of the District of Columbia that a right, title, interest, or estate in said lands was formerly vested in any person who is known or may be presumed to be deceased, which right, title, interest, or estate, if valid and subsisting, would be adverse to the person in present possession claiming to be owner of said lands, and the names of the heirs or devisees of such deceased person are not known, it shall be sufficient to describe them in the petition and in any order of citation or publication or other process thereon as "the unknown heirs or devisees" of such deceased person. And such designation shall be valid and effective to all intents and purposes as if all persons claiming by, through, or under said deceased person had been specifically named.

(5) A statement of the estate or interest in said lands which petitioner intends to acquire for the public use stated.

(6) A prayer that said lands be condemned and taken for the use of the United States and that the title to the same in fee simple, or such estate or interest as may be specified, be vested in the United States.

CITATION AND NOTICE

SEC. 3. The court shall cause public notice of the institution of such proceeding to be given by an order of citation requiring all persons claiming to have any right, title, interest, or estate in the lands to be acquired, or to be entitled to compensation in respect of the taking of the same, and all persons occupying the same, to appear in said court on a day to be named in said order of citation to answer the petition and make claim for the compensation to which they deem themselves entitled.

SEC. 4. Such order of citation shall contain a description of the lands to be acquired sufficient for the identification thereof and the names of the persons given in the petition as claiming to have any right, title, interest, or estate in said lands or to be entitled to compensation in respect of the taking of the same and as occupying the same. If any such person is alleged in said petition to be a nonresident of the District of Columbia, the order of citation shall also state the last place of residence of such person, if known.

SEC. 5. Said order of citation shall be published at least once a week for three consecutive weeks in some newspaper of general circulation published in the District of Columbia.

SEC. 6. Upon the filing of said petition, the court shall pass an order directing a citation to issue for each of the persons named therein who is, so far as ascertainable by reasonable inquiry, residing, or sojourning at the time within the District of Columbia, to be served in the same manner as a citation in action at law and to be returned by some day to be named in said order, not less than 10 days or more than 20 days from the day of filing of said petition. If personal service be not had before the return day, the order may be renewed from time to time as the court may think proper. If any such person is reported nonresident or unknown, or is returned non est, the court may order the United States marshal for the District of Columbia to set up a copy of the order of citation for such persons upon the property. The court shall also require notice of said proceedings to be given by mailing, by registered mail, postpaid, a copy of said order of citation to such of the persons named therein as may be shown by said petition or by affidavit, or by information acquired by the United States marshal, to be nonresidents of the District of Columbia, such copy to be addressed to such person or persons at the last-known place of residence.

DEFAULT IN APPEARANCE

SEC. 7. If default of appearance on or before the return day specified in said order of citation (or on or before such further day as the court for cause shown may allow for the purpose) every person having any right, title, interest, or estate in the lands described in said order, or entitled to compensation in respect of the taking of the same or entitled to the possession of, or occupying the same, shall be deemed to have consented to the taking and condemnation of said lands for the public purpose stated at and for such compensation as may be finally awarded therefor in the proceeding and shall be bound by all orders, judgments, and decrees that may be entered in said proceeding.

SEC. 8. The court may, by order, upon application and for cause shown, at any time prior to final judgment permit any person claiming any right, title, interest, or estate in the lands to be acquired or to be entitled to compensation in respect of the taking of the same to appear in said proceeding upon such terms and conditions as the court may direct.

GUARDIANS AD LITEM

SEC. 9. If any person having, or claiming to have, any right, title, interest, or estate in the lands to be acquired, or entitled, or claiming to be entitled, to compensation in respect of the taking of the same, or entitled or claiming to be entitled, to the possession of the same, appears to be under legal disability by reason of infancy, insanity, idiocy, or other like cause, the court, after the return day specified in the order of citation, upon the application of any person interested, shall appoint some suitable person as guardian ad litem to appear for such person under disability. Failure to apply for the appointment of a guardian ad litem for any such person under disability shall not affect the validity of the proceedings.

VESTING OF TITLE AND RIGHT TO COMPENSATION

SEC. 10. The petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing of said declaration of taking and of the deposit in the registry of the court, to the use of the persons entitled thereto, an amount equal to the assessed value of the land to be taken, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per cent per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the registry. No sum so paid into the registry shall be charged with commissions or poundage.

Upon the application of the parties in interest the court may order that the money deposited in the registry of the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands or any parcel thereof shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

SETTING DATE FOR TRIAL AND SELECTION OF JURY

SEC. 11. When all the persons who have been summoned or published against in said case, as hereinbefore provided, have either answered or are in default as aforesaid, and all persons under legal disability have answered by their guardians ad litem, or, in the judgment of the court, ample opportunity has been given for the same, the case shall be regarded as ready for trial, and, upon the application of any party to said suit, the court shall forthwith set an early date to be especially fixed by it, not less than 10 nor more than 20 days from the date of such application, for the trial of the issues of law and fact raised in said case and the ascertainment of the compensation or damages to be awarded for the taking of the lands to be condemned. The court shall thereupon order the jury commission to draw from the special box provided for by law the names of as many persons, not less than 20, as the court may direct, and to certify said names to the clerk of the Supreme Court of the District of Columbia as a panel of prospective jurors. The persons so certified shall be thereupon summoned by the United States marshal for the District of Columbia to appear in said court on the day specially fixed for the trial of said cause. Before selecting or impaneling said jury the court may, in its discretion, cause a second, third, or other further list of prospective jurors to be drawn, certified, and summoned in like manner. From the persons so certified and summoned the court, after examination on oath and in open court as to their qualifications, shall select and impanel a jury of five capable and disinterested persons who shall have the qualifications of jurors as prescribed by law for the courts of the District of Columbia, and in addition thereto shall be freeholders of said district and shall not be in the service or employment of the United States or of the District of Columbia.

OATH OF JUROR

SEC. 12. To the jurors so selected and impaneled the court shall administer an oath or affirmation that they are not interested in any manner in the lands to be condemned and that they are not to their knowledge related to any person interested therein, and that they will impartially and to the best of their judgment ascertain, appraise, and award just compensation for the lands to be condemned and taken in said proceeding.

VIEW

SEC. 13. After being selected, impaneled, and sworn, and before hearing the evidence, the jury shall be taken by the marshal upon the lands to be acquired at a time to be fixed by the court in order to view the said lands; and all parties in interest, their attorneys, and representatives shall have the right to be present at such view.

TRIAL

SEC. 14. After such view and the jury shall have returned to the court, the trial of said cause shall be proceeded with before the court and jury. Any person who has appeared in the cause claiming any right, title, interest, or estate in the land to be taken, or compensation on account of the taking of the same, shall have the right to submit evidence concerning the value of such land, parcel by parcel, the nature and extent of his right, interest, or estate therein, and the compensation justly due for the taking of the same. No new structure or substantial alteration of a permanent nature, the purpose or natural effect of which is to enhance the value of the land to be taken, erected, or made thereon after the institution of the condemnation proceedings shall be taken into consideration in assessing and awarding compensation for said land. If the land to be valued shall have been taken by virtue of a declaration of taking, as provided in this act, said land shall be valued for the purposes of compensation as of the date of such taking; and if, by act of the owner or other party claiming to be entitled to compensation, the value of the land for the use for which it is to be taken has been diminished, as by cutting trees, excavating, grading, or otherwise altering its physical condition, allowance, if petitioner so elects, shall be made in assessing compensation for such diminution in value. Every party, whether petitioner or respondent, may except to any ruling of the court admitting or excluding evidence, granting, rejecting, or modifying prayers for instruction, or other ruling made in the cause in like manner as in other civil trials.

VERDICT

SEC. 15. At the close of the evidence the court shall charge the jury as in other trials at law and furnish them with a written form to be used in returning their verdict. The members of the jury may separate when not engaged in the consideration of their verdict. When the jury, or a majority thereof, shall have agreed upon their verdict they shall, through their foreman, so notify the court, which shall thereupon pass an order setting a day for the return of the verdict in open court. The verdict shall be in writing subscribed by the jurors concurring therein, and shall set forth, parcel by parcel, the compensation to be paid for the taking of the lands to be condemned.

SETTING ASIDE VERDICT

SEC. 16. The court shall have power to set aside or vacate the verdict of the jury, or any award contained therein, and to grant a new trial upon the same grounds as in other trials at law and upon the ground that said verdict, or any award contained therein is, in the judgment of the court, grossly excessive, or inadequate, or otherwise unreasonable or unjust. In case the verdict or any award contained therein is set aside or vacated, the court shall award a new trial with respect to the lands as to which said verdict or such award is set aside or vacated; and the court shall fix a date for a new trial and order a new panel of prospective jurors to be drawn, certified, and summoned as hereinbefore provided; and the cause shall be proceeded with as if no such verdict or award had been rendered.

PROCEEDINGS AFTER VERDICT

SEC. 17. No motion for a new trial or to set aside or vacate the verdict, in whole or in part, or any award contained therein, shall be made after the expiration of 20 days, Sundays and legal holidays excluded, from the rendition thereof; and if no such motion be filed within such time, the verdict and the award or awards contained therein shall become final and conclusive, and judgment shall be entered thereon.

JUDGMENT

SEC. 18. In the event that any verdict or any award contained therein shall become final by lapse of time or that any motion filed to set aside or vacate the same or to grant a new trial in respect thereof shall have been denied or overruled, the court shall enter judgment against the United States in favor of the parties entitled for the sum or sums awarded as just compensation, respectively, for the lands condemned for the use of the United States.

PAYMENT OF JUDGMENT

SEC. 19. Any final judgment rendered against the United States under any provision of this act shall have like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly consented to be sued; and the amount of any such final judgment shall be paid out of any specific appropriation applicable to the case, if any such there be; and when no such appropriation exists, said judgment shall be paid in the same manner (except with respect to interest) as judgments rendered by the Court of Claims in cases under its general jurisdiction.

APPEAL

SEC. 20. Any party aggrieved by any final judgment in a proceeding under this act may appeal therefrom to the Court of Appeals of the District of Columbia, and upon such appeal said court shall have power to review said judgment and affirm, reverse, or modify the same as on appeals in other actions at law. No such appeal, nor any bond or undertaking given therein, shall operate to prevent or delay the vesting of title to said lands in the United States, but upon the filing of a declaration of taking or (if no declaration of taking is filed) upon payment to the party entitled or deposit in the registry of the court, of the amount awarded by any judgment, title shall vest in the United States, saving to all parties their right to just compensation. In the event that the compensation finally awarded and adjudged for such lands shall exceed the amount awarded and adjudged by the judgment appealed from, said court shall enter judgment for the deficiency with interest as hereinbefore provided.

PAYMENT OF COMPENSATION INTO COURT

SEC. 21. Payment into the registry of the court for the use of all parties entitled of the sum of money adjudged to be just compensation for the lands to be condemned and taken, or for any parcel thereof, or any interest therein, shall constitute payment of such compensation. Upon such payment the petitioner shall be entitled to an order declaring that the title to the lands in respect of which such compensation is so paid is vested in the United States of America. The money so paid into the registry of the court shall be deemed to be vested in the persons owning or interested in said lands, according to their respective estates and interests, and said money shall take the place and stand in lieu of the lands condemned. The court, upon the application of the petitioner or of any party in interest, shall have power to determine and direct who is entitled to receive payment of the money so paid into the registry, and may, in its discretion, order a reference to the auditor of the court or a special master to ascertain the facts on which such determination and direction are to be made.

DELIVERY OF POSSESSION

SEC. 22. In cases in which possession shall not have been awarded pursuant to a declaration of taking, when the adjudged compensation shall have been paid into the registry as directed in the judgment of the court and a certified copy of such judgment, with a certificate of the clerk of the court showing such payment, has been served upon the person in possession of said lands, such person shall, upon demand, deliver possession thereof to the petitioner. In case possession is not delivered when so demanded, the petitioner may apply to the court without notice (unless the court shall require notice to be given) for a writ of assistance, and the court, upon proof of the service of the copy of the final order or judgment and certificate of the clerk showing payment as aforesaid, shall thereupon cause such writ to be issued, which shall be executed in the same manner as when issued in other cases for the delivery of possession of real property.

AMENDMENTS

SEC. 23. In all proceedings under this act the court shall have power at any stage of the proceeding to allow amendments in form or substance in any petition, citation, summons, process, answer, declaration of taking, order, verdict, or other proceeding, including amendment in the description of the lands sought to be condemned, whenever such amendment will not impair the substantial rights of any party in interest.

GENERAL PROVISIONS

SEC. 24. In all proceedings under this act, where the mode or manner of conducting the proceedings is not expressly provided for by law, the court shall have power to make all necessary orders and give all necessary directions to carry into effect the object and intent of this act and of the several acts of Congress heretofore or hereafter enacted conferring authority to acquire lands for the use of the United States.

PROVISIONS FOR SAVING PENDING PROCEEDINGS

SEC. 25. The repeal, express or implied, of any existing law or the alteration or amendment thereof by virtue of anything in this act contained shall not affect (1) any act done or any right, including the right to appeal, accruing or accrued under the law so repealed, altered, or amended, or (2) any suit or proceeding pending in the Supreme Court of the District of Columbia, or in the Court of Appeals of the District of Columbia, or the Supreme Court of the United States upon writ of error, appeal, certificate, writ of certiorari, or upon application for writ of error, appeal, certificate, or writ of certiorari, at the time of the taking effect of this act; but all suits and proceedings shall be proceeded with and disposed of in the same manner and with

the same effect as if this act had not been passed, save and except only that in any condemnation suit or proceeding for the condemnation of land for the use of the United States pending in the Supreme Court of the District of Columbia in which commissioners of appraisement shall not have been appointed by the court at the time of the taking effect of this act, the trial of said condemnation suit or proceeding shall proceed and be conducted from that point forward in accordance with the provisions of this act; and all evidence as to the value of the property to be condemned and taken shall be given before the court and jury as in this act prescribed and the matter shall be proceeded with and disposed of in the same manner and with like effect as if the proceeding had been originally begun and the petition filed and all prior proceedings had under and pursuant to the provisions of this act and after the taking effect of the same.

PROCEEDINGS ON BEHALF OF THE DISTRICT OF COLUMBIA NOT AFFECTED BY THIS ACT

SEC. 26. This act shall not affect any suit or proceeding begun, now pending, or hereafter to be instituted under chapter 15 of the Code of Law for the District of Columbia, by or on behalf of the Commissioners of the District of Columbia for the condemnation of land for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use; but as to all such suits and proceedings, and the right of said commissioners to institute the same, said chapter shall be and remain in full force and effect as if this act had not been made.

During the reading of the bill the following occurred:

Mr. SCHAFER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-five Members are present—not a quorum.

Mr. ALDRICH. Mr. Speaker, I move a call of the House.

Mr. LEHLBACH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 90]

Allen	Cullen	Igoe	Reece
Almon	Darrow	Johnson, Okla.	Reid, Ill.
Andrew	Davey	Jones	Rutherford
Anthony	Dempsey	Kearns	Sabath
Auf der Heide	De Rouen	Kelly	Sanders, N. Y.
Bacharach	Dickinson, Mo.	Kemp	Sanders, Tex.
Bachmann	Dickstein	Kendall	Shreve
Bankhead	Doutrich	Kerr	Somers, N. Y.
Beck, Pa.	Doyle	Ketcham	Spearing
Beck, Wis.	Drane	Kunz	Stalker
Beers	Drewry	Kurtz	Stevenson
Begg	Eaton	Langley	Stobbs
Berger	England	Leech	Strong, Pa.
Black, Tex.	Englebright	Lindsay	Strother
Blanton	Eslick	Lyon	Sullivan
Bloom	Estep	McSwain	Tatgenhorst
Bohn	Evans, Calif.	Magrady	Tillman
Boies	Fish	Martin, La.	Underwood
Bowles	Fisher	Menges	Updike
Bowling	Fitzgerald, W. T.	Michaelson	Vincent, Mich.
Bowman	Fitzpatrick	Moore, Ky.	Vinson, Ga.
Boylan	Free	Morgan	Warren
Brand, Ohio	Fulmer	Morin	Wason
Britten	Gambrill	Nelson, Me.	Watres
Bulwinkle	Garrett, Tenn.	Nelson, Wis.	Watson
Bushong	Golder	Norton, N. J.	Welch, Calif.
Campbell	Goldsborough	O'Brien	Weller
Carley	Goodwin	O'Connell	Welsh, Pa.
Chase	Graham	O'Connor, N. Y.	White, Colo.
Clancy	Gregory	Oldfield	White, Kans.
Cochran, Pa.	Greenwood	Oliver, N. Y.	Williams, Mo.
Cole, Iowa	Griest	Palmer	Wilson, Miss.
Combs	Hall, Ill.	Peavey	Wolverton
Connally, Tex.	Hammer	Perkins	Woodrum
Connery	Hancock	Porter	Wright
Connolly, Pa.	Hare	Pou	Wurzbach
Corning	Hersey	Pratt	Wyant
Cox	Hudspeth	Quayle	Yates
Crisp	Hughes	Ransley	Yon

The SPEAKER. Two hundred and seventy-two Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Clerk will continue the reading of the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. Is there objection?

Mr. SCHAFER. I object.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER of Texas. Is the motion to suspend the rules and pass the bill with amendments?

The SPEAKER. With amendments; yes. The Clerk will continue the reading of the bill as proposed to be amended.

The Clerk concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. SCHAFER. Mr. Speaker, I demand a second.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. ZIHLMAN and Mr. SCHAFER were appointed tellers.

The House divided; and the tellers reported that there were—ayes 98, noes 2.

So a second was ordered.

Mr. SCHAFER. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. From the fact that the teller vote has not revealed a quorum, it appears that automatically a call of the House on the point of no quorum is ordered.

The SPEAKER. The Chair overrules the point of order. The Chair will count. [After counting.] Two hundred and sixty-five Members are present, a quorum. The gentleman from Maryland is recognized for 20 minutes and the gentleman from Wisconsin is recognized for 20 minutes.

Mr. ZIHLMAN. Mr. Speaker and Members of the House, I am going to be very brief. I will state that the bill before the House is a new condemnation law for the use of the Federal Government. It does not apply to condemnation proceedings of the District of Columbia. It is to amend the condemnation laws for the taking of public land in the District of Columbia. It is a meritorious measure; it is drafted by the Department of Justice and the National Capital Park and Planning Commission, and I certainly hope this bill will pass.

Mr. Speaker, I reserve the balance of my time.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA BY THE UNITED STATES

Mr. SCHAFER. Mr. Speaker, we are considering House bill 13461, making drastic changes in the condemnation proceedings of the District of Columbia. The committee reported this bill on May 15, but has not seen fit to have it brought up for consideration in the House, where full and free debate could be had and opportunity given to offer and consider amendments. The committee reporting this bill have admitted——

Mr. FULBRIGHT. Will the gentleman yield for a question?

Mr. SCHAFER. Yes; I will yield for a question.

Mr. FULBRIGHT. Is the gentleman for or against this bill?

Mr. SCHAFER. I will state to the gentleman that if he will control his Democratic colleagues I will proceed and he will ascertain whether I am for or against the bill.

Mr. FULBRIGHT. I want to say that most of the disorder comes from the opposite side of the aisle.

Mr. SCHAFER. I refuse to yield further. I appreciate the feeling of the membership of this House at this late hour, and over in the other body this morning we witnessed the same spectacle, when a gentleman was exercising his rights under the rules of the other body in representing the views of his constituents——

Mr. KINCHELOE. Will the gentleman yield?

Mr. SCHAFER. Yes; I will yield to the gentleman from Kentucky.

Mr. KINCHELOE. The gentleman said the committee saw fit. He does not mean an epileptic fit, does he?

Mr. SCHAFER. Well, that facetious question does not merit a reply and I refuse to yield further. The Committee on the District of Columbia at this late hour admit that the bill as reported was not in proper shape to pass because the committee has incorporated far-reaching amendments with the motion to suspend. The Members have not even had an opportunity to look at the bill with the drastic amendments incorporated. I for one do not intend to see this legislation logrolled through in the last hour of this session of Congress under suspension of the rules, and have therefore been using every opportunity under the parliamentary situation to prevent its passage, and if that can not be done, to delay its passage so that action can not be completed by the other body before adjournment.

The committee amendments, which the House had no notice of but which you are incorporating in this long bill of 20 pages, provide that in the condemnation proceedings the owners will be paid the assessed valuation and then they will wait until the courts determine the full amount to be paid, but imme-

diately upon payment of the assessed valuation the title to the property will vest in the Government.

This may protect the Government but it does not protect the rights of the citizens.

Mr. BLACK of New York. Will the gentleman yield now?

Mr. SCHAFER. I can not yield right now.

Section 10, as embodied in the bill reported by the committee, is not the section 10 which you are adopting if you vote for the motion to suspend the rules, because the committee has submitted a very drastic amendment to section 10. The committee report states:

> Section 10 provides a method by which, when desired, not only possession but the vesting of absolute title to the land in the United States may be secured by making deposits of the estimated value in the registry of the Supreme Court of the District of Columbia, the right to just compensation for the property taken at the same time vesting in the persons entitled thereto.

The amendment which you are asked to incorporate in the bill, when you vote to pass the bill with the amendments which the committee include in the motion to suspend, provides for the assessed valuation instead of the estimated compensation.

Page 3 of the committee report contains an argument in favor of the passage of the bill reading as follows:

> Third. At present the owner retains the title, possession, and control of the property in this District until the completion of the condemnation proceedings, until the final award is determined, and final payment has been made for the property to be taken. As a result it has occurred that owners, being opposed to the taking, have seriously injured the value of the property as to the public purposes for which it is sought, namely, by cutting down forests, excavating and grading the land, filling valleys and streams, removing the growth and the top soil, and otherwise greatly damaging the property for park development or other public uses. Section 14 has been framed to prevent recurrence of such experiences.

Now, is this Congress in the last hour of the session going to pass a 20-page bill, drastically amended by the committee, without having an opportunity to study the amendment, many Members not having an opportunity even to hear the amendments which are going to so drastically change the condemnation procedure and affect the property rights of the American citizens owning property in the District of Columbia just because, perhaps, in the past there have been a few abuses?

Mr. BLACK of New York. Will the gentleman yield?

Mr. SCHAFER. I will yield for a pertinent question, but not for any political interjection.

Mr. BLACK of New York. I want to point out to the gentleman that the gentleman himself voted for the same sort of amendment to the Mississippi flood control bill when he voted with the gentleman from New York [Mr. LAGUARDIA] and myself on the LaGuardia amendments.

Mr. SCHAFER. I will say to the gentleman I did no such thing. [Laughter and applause.] When I voted for the LaGuardia amendments I knew what amendments the gentleman from New York [Mr. LAGUARDIA] was going to offer to the bill.

Mr. BLACK of New York. They were the same as this amendment.

Mr. SCHAFER. Those amendments were also debated and are not the same in fact or principle as the provisions of this bill.

Mr. BLACK of New York. Does the gentleman think the people of the Mississippi Valley are entitled to as much protection as the people of the District?

Mr. SCHAFER. I fear if Tammany is going to protect the people of the Mississippi Valley they will not get very much protection.

Mr. BLACK of New York. They all voted for the bill.

Mr. SCHAFER. They especially will not get much protection if the practically impossible should happen and we should have a Tammany President, with Mr. Guffey, of alien-property fame, in the Cabinet, if we may take his record in handling the alien-property situation in New York and elsewhere under the Wilson administration as a criterion. We could not then look for much protection for the people of the Mississippi Valley or any of the other taxpayers. [Applause.]

Mr. ABERNETHY. Will the gentleman yield?

Mr. SCHAFER. Yes; I yield.

Mr. ABERNETHY. Does this have anything to do with flood control? The gentleman said something awhile ago about flood control.

Mr. SCHAFER. I will state to the gentleman that the gentleman from New York, one of the assistant chieftains of Tammany, interjected the flood-control question. The bill under consideration does not have anything to do with flood control, but with condemnation proceedings in the District.

Mr. ABERNETHY. What does it concern? What is it all about?

Mr. SCHAFER. Does not the gentleman know?

Mr. ABERNETHY. I would like to know. The gentleman is trying to explain it.

Mr. SCHAFER. Yes; I am trying to explain it, and I believe there are a great many Members of Congress who do not know what it is all about, especially since amendments have been incorporated in the motion to suspend, of which they had no previous notice.

I do not see why the District Committee desires to jam this bill of 20 pages through at this hour. Thirty minutes from now the Congress adjourns. Does that committee hope that the bill will be passed by the Senate at this session? If the bill which changes the condemnation proceedings and the property rights of the American citizens is so urgent, then I say the Committee on the District of Columbia should have made arrangements for its consideration on one of the District days.

We had several District days when Congress adjourned at half past 3 or 4 o'clock in the afternoon. If this legislation were so urgent, why did not the committee bring it before Congress at that time?

Mr. UNDERHILL. I think the gentleman is serious in his position and I want to answer his question. The District has had but two days this session. The last two days that the District was entitled to were taken for other legislation. This bill is necessary and will save the Government, if enacted, a million and a half to two million dollars.

Mr. SCHAFER. On one of those two days when we had the Van Winkle bill up the District Committee of the House was willing to adjourn about 4 o'clock and did adjourn.

Mr. Speaker, I can see the writing on the wall. I know from my experience in prior Congresses that in the closing hours some bills are passed very hurriedly without much consideration. I ask the Members before they cast their vote for this bill, before they adopt this 20-page bill with drastic amendments, under suspension of the rules, to hesitate a moment. The bill can not be engrossed and passed by the Senate at this session, so why be stampeded?

I appreciate the fact that when the Government is in the market to purchase property for a school site or a site for a Government building the owners ask for the property many times its assessed valuation. I can tell the District Committee how they can stop that practice. The present Supreme Court site has been under consideration by the Government for some time. The owners of the property have submitted a valuation and there is a great deal of other vacant property in the District of Columbia. Let us change the site of the Supreme Court and tell the assessors to assess the owners of the present proposed site on the full valuation that they have themselves now placed upon it. You will thereby notify all those who demand exorbitant prices for property which the Government desires to purchase that the Government will not be exploited. [Applause.]

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were 272 ayes and 34 noes.

Mr. SCHAFER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. All those in favor of taking the question by the yeas and nays will rise. [After counting.] Two Members standing, not a sufficient number, and the yeas and nays are refused.

So two-thirds having voted in favor thereof the rules were suspended and the bill was passed.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3241. An act for the relief of Seymour Buckley;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 8628. An act for the relief of Amos Dahuff;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes";

H. R. 10073. An act to change the name of Railroad Avenue, between Nichols Avenue and Massachusetts Avenue;

H. R. 10166. An act to amend the Foreign Service buildings act, 1926;

H. R. 10244. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12311. An act to provide for the payment of compensation of William J. Tilson.

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 13039. An act to amend the World War veterans' act, 1924;

H. R. 13048. An act for the relief of James Aloysius Manley;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;*

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.;

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.;

H. R. 13512. An act to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia, and of such code and of supplements thereto, and for distribution;

H. R. 13622. An act to amend and supplement the Code of the Laws of the United States of America;

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union;

H. R. 13996. An act granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.;

H. J. Res. 238. Joint resolution providing for the granting of veterans' proference in civil-service examinations;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; and

H. J. Res. 307. Joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 126. An act for the relief of May Gordon Rodes and Sara Louise Rodes, heirs at law of Tyree Rodes, deceased;

S. 343. An act for the relief of Sallie Stapleford, Mrs. J. C. Stuckert, Mary E. Hildebrand, Kate Wright, Mary M. Janvier, Harry L. Gray, Frank D. Carrow, Harry V. Buckson, George H. Swain, Claude N. Jester, and Charles H. Jamison;

S. 363. An act for the relief of Louise M. Cambouri;

S. 433. An act for the relief of Harry C. Bradley;

S. 443. An act for the relief of Larry M. Temple;

S. 444. An act for the relief of H. C. Magoon;

S. 471. An act for the relief of Agnes McManus and George J. McManus;

S. 513. An act for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;

S. 652. An act for the relief of Edgar Travis, sr.;

S. 1297. An act for the relief of Alice E. Moore;

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard;*

S. 1541. An act for the relief of George A. Robertson;

S. 1609. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic, American Trader, President Roosevelt, President Harding,* and the British steamship *Cameronia,* and for other purposes;

S. 1645. An act for reimbursement of W. H. Talbert;

S. 1769. An act for the relief of the legal representatives of the estate of Haller Nutt, deceased;

S. 1825. To amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders;

S. 1981. An act for the relief of the owner of Dry Dock No. 6;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2076. An act authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla.;

S. 2336. An act for the relief of Nina MacDonald, Zenus V. Johnston, Margaret E. Thompson, Arthur L. Beaman, and May Fee;

S. 2438. An act for the relief of the firm of M. Levin & Sons;

S. 2673. An act for the relief of James E. Trussell;

S. 2738. An act for the relief of C. R. Olberg;

S. 2788. An act for the relief of Charlie McDonald;

S. 2894. An act for the relief of Robert O. Edwards;

S. 3030. An act for the relief of Southern Shipyard Corporation;

S. 3088. An act for the relief of Donald M. Davidson;

S. 3314. An act for the relief of John J. Fitzgerald;
S. 3632. An act for the relief of Commodore J. M. Moore, United States Coast Guard, retired;
S. 3794. An act for the relief of R. E. Hansen;
S. 3919. An act awarding a gold medal to Lincoln Ellsworth;
S. 3931. An act for the relief of Augusta Cornog;
S. 3942. An act for the relief of Maj. Charles F. Eddy;
S. 3954. An act to quiet title in the heirs of Norbert Boudousquie to certain lands in Louisiana;
S. 3991. An act declaring certain designated purposes with respect to certain parts of Santa Rosa Island in Florida to be "public purposes" within the meaning of the proviso in section 7 of the act approved March 12, 1926, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes;
S. 4022. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., to Henry A. O'Neil for a buffalo pasture;
S. 4183. An act authorizing the filling of a vacancy occurring in the office of district judge for the northern district of Illinois created by the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes," approved September 14, 1922;
S. 4315. An act authorizing and directing the Secretary of War to sell 3,304.8 square feet of the Fort Brown Military Reservation, Brownsville, Tex., to the Gateway Bridge Co.;
S. 4321. An act authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes;
S. 4327. An act to relinquish the title of the United States to land in the claim of Seth Dean, situate in the county of Washington, State of Alabama;
S. 4344. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across White River at or near Clarendon, Ark.;
S. J. Res. 5. Joint resolution relating to the immigration of certain relatives of United States citizens and of aliens lawfully admitted to the United States;
S. J. Res. 130. Joint resolution suspending certain provisions of law in connection with the acquisition of lands within the Alabama National Forest;
S. J. Res. 155. Joint Resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Jose J. Jimenez, a citizen of Venezuela.
S. J. Res. 161. Joint Resolution authorizing the President to invite representatives of foreign governments to attend an international aeronautical conference on civil aeronautics in Washington on December 12, 13, and 14, 1928; and
S. J. Res. 164. Joint resolution to appoint a board of engineers to examine and report upon the dam to be constructed under H. R. 5773, the Boulder Dam bill.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 24, 1928:
H. R. 12632. An act to provide for the eradication or control of the European corn borer.

On May 25, 1928:
H. R. 10786. An act authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona;
H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;
H. R. 5475. An act authorizing the New Cumberland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Cumberland, W. Va.
H. R. 8031. An act for the relief of the Higgins Lumber Co. (Inc.).
H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.
H. R. 12676. An act to amend section 2 of an act approved February 14, 1926, granting consent of Congress for the construction of a bridge across Red River at or near Fulton, Ark.; and
H. R. 12677. An act to amend section 2 of an act approved March 12, 1928, granting consent of Congress for the construction of a bridge across the Ouachita River at or near Calion, Ark.

On May 26, 1928:
H. R. 5898. An act to authorize certain officers of the United States Army, Navy, and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;
H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);
H. R. 9380. An act for the relief of Frank E. Shults;
H. R. 10014. An act for the relief of A. F. Gallagher;
H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes;
H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;
H. R. 13342. An act to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota;
H. R. 12571. An act granting the consent of Congress to the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a toll bridge across the Cumberland River at or near Iuka, Ky.;
H. R. 13141. An act authorizing T. S. Hassell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Clifton, Wayne County, Tenn.;
H. R. 13481. An act granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate a bridge across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama;
H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge national cemetery for use as a public street;
H. R. 12953. An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept the title to the State camp for veterans at Bath, N. Y.;
H. R. 10649. An act providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice;
H. R. 1931. An act for the relief of Daniel Mangan;
H. R. 12894. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at or near Niles, Ohio;
H. R. 13380. An act authorizing D. T. Hargraves and John W. Dulaney, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Helena, Ark.;
H. R. 12235. An act authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa;
H. R. 13069. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Aitkin, Minn.;
H. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps;
H. R. 1406. An act granting six months' pay to Lucy B. Knox;
H. R. 1951. An act granting six months' pay to Frank A. Grab;
H. R. 2272. An act for the relief of William Morin;
H. R. 2472. An act for the relief of Emile Genireux;
H. R. 2477. An act for the relief of Joseph S. Carroll;
H. R. 2494. An act granting six months' pay to Vincentia V. Irwin;
H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*
H. R. 4652. An act for the relief of Charlie R. Pate;
H. R. 4954. An act for the relief of Thomas Purdell;
H. R. 5897. An act for the relief of Mary McCormick;
H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;
H. R. 7268. An act for the relief of John Hervey;
H. R. 7708. An act for the relief of John M. Brown;
H. R. 10702. An act for the relief of Elbert L. Cox;
H. R. 11917. An act granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River, in Cook County, State of Illinois;

H. R. 11950. An act to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck at the town of Stonington, Me.;

H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service;

H. R. 12100. An act to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926;

H. R. 11980. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. R. 12031. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near a point 2 miles south of the town of Tornillo, Tex.;

H. R. 12479. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund;

H. R. 12694. An act authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers, enlisted men, and nurses;

H. R. 12806. An act authorizing J. H. Harvell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near McCreery, Raleigh County, W. Va.;

H. R. 12623. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La.;

H. R. 12913. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near the borough of Eldred, McKean County, Pa.;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 6049. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 12624. An act to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended;

H. J. Res. 292. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to begin October 20, 1928;

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 12877. An act authorizing the Los Olmos International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex.;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891;

H. J. Res. 318. Joint resolution amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924 (43 Stat. 461), as amended by the joint resolution approved March 3, 1927 (44 Stat. 1405);

H. J. Res. 268. Joint resolution requesting the President to negotiate with the nations with which there is no such agreement treaties for the protection of American citizens of foreign birth or parentage from liability to military service in such nations;

H. R. 12706. An act for the relief of the town of Springdale, Utah; and

H. R. 6908. An act for the relief of Michael Ilitz.

On May 28, 1928:

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 12110. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 12038. An act to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes;

H. R. 12381. An act granting pensions and increase of pensions to certain soldiers and sailors of the regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 11471. An act extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas;

H. R. 13446. An act to amend the national defense act;

H. R. 14057. An act for the relief of Edmund F. Hubbard; and

H. R. 6518. An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; and

H. J. Res. 77. Joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio;

On May 29, 1928:

H. R. 1. An act to reduce and equalize taxation, provide revenue, and for other purposes;

H. R. 7378. An act for the relief of Wade Allen and Ed Johnson;

H. R. 9194. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873;

H. R. 11468. An act authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage, and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes;

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes;

H. R. 13563. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13873. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1928, and June 30, 1929, and for other purposes;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; and

H. R. 10487. An act to amend the World War adjusted compensation act, as amended.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill S. 3936. Is there objection?

Mr. SCHAFER. Mr. Speaker, I reluctantly object.

FRED R. MILLER

Mr. MacGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 142

Resolved, That there be paid, out of the contingent fund of the House, $200 to Fred R. Miller, for extra and expert services as expert examiner to the Committee on Pensions from January 1, 1928, to March 3, 1928, first session of the Seventieth Congress.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WALTER C. NEILSON

Mr. MacGREGOR. Mr. Speaker, I present another privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 151

Resolved, That there be paid out of the contingent fund of the House $1,000 to Walter C. Neilson for extra and expert services to the Committee on Pensions, from March 4, 1927, to January 4, 1928, as examiner to said committee by detail from the Bureau of Pensions pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MARGARET ELMA NAYLOR

Mr. MACGREGOR. Mr. Speaker, I present a further privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 129

Resolved, That there be paid out of the contingent fund of the House $200 to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions, from December 15, 1926, to February 15, 1927, as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SITTING OF COMMITTEE ON IMMIGRATION AND NATURALIZATION DURING THE RECESS

Mr. MACGREGOR. Mr. Speaker, earlier in the day I objected to a resolution presented by the gentleman from Washington [Mr. JOHNSON]. Since that time the resolution has been revised, and I now withdraw my objection and ask that it be considered.

The SPEAKER. The Clerk will report the resolution.

The Clerk read, as follows:

House Resolution 238

Resolved, That the Committee on Immigration and Naturalization be authorized to sit during the recess and to employ necessary clerical assistance at a cost not exceeding $500, payable from the contingent fund of the House.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

YORKTOWN SESQUICENTENNIAL COMMISSION

The SPEAKER. The Chair appoints as members of the Yorktown Sesquicentennial Commission, Mr. FROTHINGHAM, of Massachusetts; Mr. BACON, of New York; Mr. ROY G. FITZGERALD, of Ohio; Mr. BYRNS, of Tennessee; Mr. CRISP, of Georgia.

NICHOLAS J. SINNOTT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH. Mr. Speaker, it seems appropriate in this closing hour of the session that we should pay tribute to one of our colleagues, Hon. NICHOLAS J. SINNOTT, of Oregon, whose resignation to the governor of his State was read this afternoon. It was my pleasure to enter this House 15 years ago with Mr. SINNOTT, who, as you know, is retiring in order to accept an appointment on the bench of the Court of Claims by appointment by the President. I have served with Mr. SINNOTT on the Committee on Public Lands and on the Committee on Irrigation and Reclamation during our entire service here together. I am sure that everyone in the House has great respect, admiration, and affection for our colleague who is retiring. [Applause.]

We not only respect and admire Judge SINNOTT because of his ability but also because of his genial personality. Some men succeed in this House because of their intellectual ability, some because they are good speakers, some because they are very learned men, and others largely because of the esteem and affection that the Members have for them. Our friend Judge SINNOTT possesses all of these attributes. [Applause.]

There are two kinds of statesmen in every legislative body. Some are constructive statesmen, who originate and advocate certain changes in the laws of our country. Others fill a very useful place by being obstructionists. Probably those who obstruct legislation are just as important in our form of government as are those who propose legislation. Judge SINNOTT has originated and secured the enactment of a great many laws affecting the western country, particularly, which has been very helpful in developing the resources of the West and has helped to defeat legislation which he regarded as unwise. As chairman of the Committee on the Public Lands, and as a member of the Committee on Irrigation he has made an impress on the Congress and the country, and has to his credit the enactment of splendid laws.

Now that he is about to leave us, it seems most appropriate that we should express our very great regret at his leaving and our esteem for him and our good wishes for him in the important position he is about to assume. [Applause, the Members rising.]

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] is recognized. [Applause.]

Mr. HAWLEY. Mr. Speaker, in the retirement of my colleague, Hon. NICHOLAS J. SINNOTT, from this House Oregon loses one of the most valuable men who have ever entered into her service. He commands the respect and confidence of the entire State, as he has earned such standing in Congress. His statements are believed as those of an honorable man of great intelligence and ability, who thoroughly prepares himself on any measure and who intends his opinions to stand any test of investigation, no matter how exacting. He is a great lawyer and understands the land laws better than any other person in this country. His discussions are characterized by lucid presentation and forceful analysis.

His kindly character and friendly attitude have won and held the affection and admiration of his associates. He extends a helping hand to those who seek his aid in just causes. I never knew him to do an unkind act or speak an unjust word. He has been a powerful and beneficial influence in the behalf of the western half of the United States, over which the jurisdiction of the Committee on the Public Lands, of which he is chairman, extends. Lasting monuments to him in the form of material and social developments and benefits are found in every Western State. In his work he has developed a real statesmanship. We profoundly regret to have him leave Congress, but extend to him our heartfelt best wishes in his new work. His steady advancement has been due to indefatigable industry, inherent and developed ability, and great nobility of character.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] is recognized. [Applause.]

Mr. SINNOTT. Mr. Speaker and my colleagues in the House, this is indeed a very solemn occasion for me, if not a sad occasion. It is my last day of service in the House; in the House where for 15 years I have had most pleasant relations upon both sides of the aisle. I do not think that I have had a harsh word with any Member of the House in all that time. My relations have been so pleasant that I sever them with mingled emotions and with a great deal of regret.

The gentleman from Idaho [Mr. SMITH] has kindly referred to the legislation coming from the Committee on Public Lands. If we have passed legislation of national import, it has been due to the confidence that the House has had in the Committee on Public Lands. The work upon that committee is very exacting. Every bill has to be carefully scrutinized. In the legislation coming from that committee there lurk more or less the possibilities of scandal unless the bills are carefully scrutinized.

I am glad to say that no bills coming from that committee since I have been chairman have been vetoed by the President except one bill, which the Members themselves, the delegations from the States interested, requested the President to veto, so that they might give the matter more careful consideration.

I regret to sever my relations with the House. I regret to sever my official relations with our distinguished fair-minded Speaker. [Applause.] He is a whole year, a whole month, and a whole day older than I am. That is the reason why the top of his head is whiter than mine, and that is the reason why I can affectionately refer to him as the "Old Nick." [Laughter and applause.] And I will say that the hardest and most embarrassing vote I ever cast in this House was when he was a candidate for Speaker and Martin B. Madden was also a candidate. There was a difficult choice to make. We loved them both. As Homer says:

> Not hate, but glory, made these two chiefs contend,
> And each brave foe was in his soul a friend.

[Applause.]

After this demonstration of your regard and affection I shall always consider this House as amicus curiæ of the Court of Claims. [Applause.]

DEMOCRATIC HOPES IN COMING CAMPAIGN

Mr. HOWARD of Nebraska. Mr. Speaker, I ask for permission to speak for five minutes.

Mr. SNELL. Make it one minute.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to speak for three minutes. [Laughter].

Mr. HOWARD of Nebraska. Mr. Speaker, this curtailment of my rights will be distressing, but I will do the best I can. I do not want any of you Republicans to listen. I am going to talk to Democrats alone for three minutes.

A year ago, my friends, there was no hope in any Democratic heart in all the world, but to-night the fires are burning brightly on the Democratic hearth, and why? Until this

blessed year of 1928 we have never entered a Democratic presidential campaign when any of us have had any hope that we would have enough money even to pay the postage bill. [Laughter.] But it is different now. I naturally go out and seek bucolic surroundings when I get a chance, and out in the country recently I overheard the Democratic donkey and the Republican elephant talking together. I could not understand all that I heard.

The Democratic donkey had told about the misfortunes and hardships he had met heretofore without money, but now he looked the elephant square in the eye and said (paraphrasing dear old Milton Nobles in The Phoenix): "In the coming contest I will have an eye as bright and a kick as strong, a voice as loud, and a purse as long as that of the beast I have to grapple with." [Laughter and applause.]

I hand this to you, my Democratic friends, in the hope that it may be as encouraging to you as the dream of it is sweet to me. [Applause.]

EXTENSION OF REMARKS

REVIEW OF MY RECORD IN CONGRESS

Mr. RATHBONE. Mr. Speaker, to my constituents, the people of Illinois: Under the leave granted to Members of the House of Representatives of printing in the RECORD their own statements on any subject, I am taking this opportunity to give a brief review of my record in Congress. I am serving my third term in the House of Representatives, having been elected in 1922 a Member of the Sixty-eighth Congress. I am again a candidate for reelection as Congressman at large. I shall stand or fall by the record I have made, and I welcome this opportunity of rendering an account of my stewardship to my friends and constituents, who have so generously given me their confidence and support.

BUSINESS

I have consistently supported throughout my congressional career economy and business management in all the affairs of government. I have voted for tax reduction, lowering of the income-tax rates, raising of the exemption limits, and the cutting down of the nuisance taxes, as well as the abolition of the war tax on automobiles and auto parts. I have also voted for a revision of the postal rates and for legitimate and necessary expenditures on public buildings.

MERCHANT MARINE

I have voted for the merchant marine bill in order to promote American commerce and keep our flag upon the seas.

PRIMARIES

Nothing is more important to all legitimate business and to the welfare of the Nation in general than that the confidence of the people in their Representatives and Government should be maintained. For this reason, I have introduced a resolution for an amendment to the Constitution of the United States giving power to Congress, which it would seem it does not now possess, to legislate upon the subject of contributions and expenditures in primary elections. I have also introduced a resolution providing for a change in the rules of the House of Representatives which would make the present corrupt practices act applicable to primaries, so that any candidate violating the provisions of the act would be prevented from taking his seat. It is my firm belief that primary elections, being well-nigh, if not quite, as important as general elections, should be safeguarded in the interests of candidates and of Congress, as well as of the Nation.

AGRICULTURE

Every measure that has come before the House of Representatives since I have been a Member of that body in the interests of agriculture has had my earnest and enthusiastic support. Among these have been the various bills for the stabilization of prices for farm products, the corn sugar bill, the corn borer bill, and the Hoch resolution providing for a reduction of freight rates on farm products. The farmers of our State and Nation can count upon my continued cooperation with them in all their efforts to bring about a better condition of American agriculture.

FEDERAL EMPLOYEES

I have bent every effort to improve the condition of the Federal employees in the various branches of the service. Among other things, I have voted for the increase of salaries for postal workers, for a night differential pay bill, and for reasonable allowances to fourth-class postmasters. The rural letter carriers are aware of what I did in securing them a Christmas holiday. I have also supported the Lehlbach and Welch bills and the bill for the customs employees.

CHILD LABOR

The welfare of the children employed in gainful occupation has also had my most sympathetic consideration. Among other measures in their interests that I have supported have been the child labor amendment and the child labor law for the District of Columbia.

RAILROAD MEN

The railroad workers know the part that I played in the battle to secure the abolition of the Railroad Labor Board and of the success which finally crowned our efforts in securing the enactment of the present railroad disputes act. I also helped to pass the longshoremen's and harbor workers' bill, the bills providing for increased salaries for the policemen, firemen, and school-teachers of the District of Columbia, and the workmen's compensation bill.

MINERS

The condition of the coal industry has also claimed my attention. I have made every effort to secure what I believed to be a more fair adjustment of freight rates on coal shipped from the middle-western fields. I served as chairman of a committee of Congress which investigated the subject of prices of coal. I have also introduced a bill for the rehabilitation of the coal industry and better conditions for the miners.

UNEMPLOYMENT

Among the bills which I have introduced in the interests of the working men and women of the United States are two bills on the subject of unemployment, namely, the setting aside of reserve funds for the construction of public works during slack times and the establishment of a system of labor exchanges. Realizing that industrial accidents are a great menace to the well-being of our people, I have introduced a bill providing for a division of safety in the Bureau of Labor Statistics, in order to guard against industrial accidents and occupational diseases. Two other bills for the benefit of workers in special branches of industry that I have been fighting for are one for the laborers in the Postal Service and another for the employees in the Bureau of Animal Industry engaged in meat inspection and providing for the payment of time and a half for overtime work.

IMMIGRATION

Believing that it is essential that America should be kept American and that our standard of living and citizenship should not be lowered, I have wholeheartedly supported restriction of immigration. However, I have also supported the Jenkins' bill, which sought to mitigate some of the harshness of the present law and to permit of parents and children of immigrants already in this country to be reunited with their families, without the number already established by law being exceeded.

WATERWAYS

The improvement of our waterways has been a question of much interest to me for many years. About 10 years ago I served as the chairman of a committee of business men of Chicago, which investigated this subject. I supported the rivers and harbors bill, which became law and which was of great importance to the people of Illinois and the Middle West. This bill removed the remaining obstructions to navigation in the Illinois River, authorized a sufficient diversion of water from the Great Lakes and made possible a deep waterway to the Gulf of Mexico. At the same time I took up with General Jadwin the subject of the pollution of Chicago's water supply through the dumping of industrial waste by industries in Indiana into Lake Michigan, which I am happy to say has been stopped. I have also supported the Mississippi barge bill, as well as the flood control bill for the Mississippi Valley, which has just become law.

POWER

It has been my firm belief that one of the greatest developments of the immediate future, as well as blessings to the human race, lies in the furnishing of cheap power and electricity to the people. In order that the people may not be exploited and may have the full benefit of scientific development of electric power in the home and on the farm at the least cost, I have supported such measures as the Muscle Shoals and Boulder Dam bills, which kept such great public enterprises in the hands of the Government for the benefit of all the people.

ROADS

A national system of good roads is, in my judgment, one of the greatest needs of the Nation. For this reason I have introduced a bill providing for the construction of a transcontinental highway. I have also voted for Federal aid to good roads. I was also the chairman of the committee which drafted and secured the enactment of a traffic act for the District of Columbia.

VETERANS

Hardly a day has passed since I have become a Member of Congress that I have not had an opportunity of rendering some aid to service men or their dependents. There has not been

a measure in their interests that I have not gladly supported, among these being the adjusted compensation act, various hospitalization bills, the disabled emergency officers' bill, and the Civil and Spanish War pension bills. At the instance of the Veterans of Foreign Wars, I have introduced a bill providing for a system of pensions for World War veterans.

RADIO

Firmly believing that the radio is one of the greatest civilizing agencies of the present age, I have supported legislation to bring order out of chaos, prevent interference, and place broadcasting on a sound and permanent basis.

PRESERVING HISTORIC MEMORIES

The memory of the past is the inspiration of the future. Believing firmly in the importance of preserving historic sites, I have introduced a number of bills, which have aroused great interest throughout the Nation. Among these is the bill for the purchase of the famous Oldroyd collection of Lincoln relics, which has become a law. Other bills of a similar character are three bills providing for the survey and construction of Lincoln memorial highways running through and past practically all of the places where Abraham Lincoln and his parents lived and where the most important events of his life took place before he went to Washington. I have also introduced a bill for the reconstruction of Old Ford's Theater and the making of that historic building into a Lincoln museum and central headquarters of the Grand Army of the Republic, a bill for the rehabilitation of the house where Lincoln died and a bill for the erection of a suitable monument to George Rogers Clark at Fort Gage, Ill.

FOREIGN RELATIONS

While I have supported every measure for reasonable national defense, I have also done everything in my power to promote international good will and the peace of the world. I offered an amendment to the naval appropriation bill in the Sixty-eighth Congress, which was later adopted, in favor of the cooperation of this country with other nations in an attempt to bring about a further limitation and reduction of naval armaments. I have also sought to define what I conceived to be the true policy which this country should follow in the matter of our foreign investments by a resolution, which I have introduced. This resolution contains a declaration that the United States will not go to war, intervene, nor exert armed or economic pressure upon other nations in order to compel the payment of private debts.

I trust that the foregoing brief summary will give to my constituents and to those interested some idea of the things that I have stood for. I shall stand for the same principles in the future. My record is my platform.

I am deeply grateful to the 7,000,000 people of the State of Illinois for their confidence and support. I have but one ambition—to serve them and the Nation to the very best of my ability.

BUSINESS CONDITIONS IN 1928

Mr. HOFFMAN. Mr. Speaker, the American people have grown to expect, in presidential election years, unusual and depressing business conditions, and it is therefore not surprising that the early months of 1928 should find a portion of them gullibly accepting wild estimates of unemployment and making ready to gaze at the pessimistic pictures that are bound to be painted during the coming weeks of the campaign by artists who delight in daubing the economic canvas with gloomy colors.

The habit of looking forward to untoward conditions in presidential-election years was formed years ago, long before the Federal reserve system came into being and long before we had shown our ability to withstand fluctuations in industry. In days gone by the approach of a presidential year was believed to threaten the integrity of the monetary system of the country, but that this was a fallacy is shown quite conclusively by a survey made recently by the Cleveland Trust Co., which sets out the interesting fact that "business has improved in election years more often than it has declined, for in 7 of 12 cases the year has closed with business at a higher level than it held when the year opened."

We are nearing the end of the first session of the Seventieth Congress, and it may be well to review the business situation of our country at this time fairly and impartially, so that we may take back to our people a picture of existing conditions. We may tell them that while Bureau of Labor statistics show that there is less employment than in recent years, that the total wages of labor hold up exceedingly well, and that there has been but a slight decline in purchasing power. Building activities are on the increase, the steel business is increasing in volume, the electrical industry continues to expand, as does the automobile business and the lumber business. Statements made by the banks of the country in response to the last call of the Comptroller of the Currency, February 28, indicate heavy deposits and a healthy improvement in banking conditions. Bond prices, on the average, are higher; the volume of trading in stocks is breaking records, and prices have advanced in many listed stocks over the 1927 levels.

Francis I. Jones, director general of the United States Employment Service, says:

The horizon is clearing, and the employment outlook is encouraging. The iron and steel industry, long recognized as a reliable barometer, has shown a definite improvement in both production and employment. Orders for structural materials, railroad cars, rails, and other equipment, not to mention the increase in the demand for automobile materials, practically assure a steady increase to the forces employed in this basic industry. In view of this, there must follow a corresponding increase in allied plants and factories.

WILD ESTIMATES ON UNEMPLOYMENT

On March 5 the Senate passed the Wagner resolution, directing the Secretary of Labor to conduct an investigation and report on unemployment in the United States. In support of his resolution Senator WAGNER, alarmed at "abominable unemployment conditions," stated that he had much evidence of unemployment at hand, and summarized it as follows:

(1) Reports of the Bureau of Labor Statistics show a decline of more than 15 per cent in the number employed in manufacturing establishments. This, of course, does not completely show the extent of unemployment, for many still on the pay roll are employed only part time and are therefore partially unemployed.

(2) A decline of 13 per cent in the forces employed by Class I railroads of the country and a drop in freight-car loadings, with the lessened business activity which that portends.

(3) A sharp increase in the ratio of applicants for work to the number of positions listed by employment agencies.

(4) Account must further be taken of two additional factors, namely, that there has been at least a 5 per cent increase of population between 1923 and 1928, thereby increasing considerably the number seeking employment, and a net flow of population from farm to city of 3,100,000. Of this number, approximately 1,000,000 are in the wage-earning class.

Secretary of Labor Davis did investigate and report. Using the same experts who in 1921 found a shrinkage in pay rolls of 5,735,000, he reported that this year the shrinkage was 1,874,050. The Bureau of Labor Statistics made the survey. One of the leading economists of the United States, Ethelbert Stewart, is the executive head of this bureau. He has had over 40 years' experience in the statistical work of the Department of Labor, and was advanced by President Wilson from chief statistician to his present position, in which he was retained by President Harding and President Coolidge. His bureau maintains contact with 10,772 manufacturing plants in all parts of the country, and it is thus with some degree of authority that Mr. Stewart, whose honesty and accuracy has never been questioned, can say that the number of people out of work is "a very small percentage of the number at work."

In endeavoring to estimate the number of persons unemployed with the greatest degree of accuracy possible under available machinery, the bureau experts took the year 1925 as a standard of comparison, because it was a census year for manufacturing industries and thus provided definite figures on the average or normal number at work. Nineteen hundred and twenty-five was a good year, with business prosperous, wages good, labor well employed, and savings deposits high, yet in comparison with that year it was found that the shrinkage was but 1,874,050. How different from the cry of the alarmists that there are 5,000,000 people out of work.

The "shrinkage" in unemployment among wage earners, including manufacturing, transportation, mining, agriculture, trade, clerical and domestic groups, was said to be 7.43 per cent on the basis of those employed in 1925. Employment in manufacturing was 8,383,781 in January, 1925, as against 7,739,907 for January, 1928. Railroad employment figures were 1,752,589, against 1,643,356 in the initial month of the current year.

Estimates of unemployment ranging from 2,000,000 to 5,000,000 are "wild and harmful guesses," said Secretary Davis.

In the best of times—

He declares—

there are always about 1,000,000 people out of work in the United States. Some are ill or injured. Many have left a job in one city to take a job in another. Some are restless and nomadic. The seasons affect many in the building and garment trades and in farm and outdoor

work. These may be only temporarily out of employment, but on the books from which the records in the Department of Labor are taken these are rated as "unemployed."

It had been widely heralded that there were 75,000 wage earners out of employment in Baltimore. A police census was taken of the city of Baltimore, under the direction of the commissioner of labor of Maryland and the Commissioner of Labor Statistics of the United States Department of Labor. It was found that there were 15,473 wage earners unemployed. Similar statements concerning the volume of unemployment in other cities throughout the country were, upon investigation, found to be greatly overstressed.

FACTORS IN UNEMPLOYMENT SITUATION

There is admittedly a falling off in the number of people employed in agriculture and mining compared with a few years ago. The textile industry, too, is below normal, and has been for some time, both in the North Atlantic section and in some of the southern textile districts. There is a good deal of unemployment in the soft coal districts.

However, among contributing causes of unemployment, Secretary Davis mentions the floods in the Mississippi Valley and in New England, the Florida tornado, the 253,023 immigrants entering the United States last year, and the 2,000,000 boys and girls who become of wage-earning age each year.

The wonder is—

he says—

is that, considering what the country has been through, we have not had an economic catastrophe. * * * We have witnessed a serious disturbance of more than a year's duration in the soft coal industry, and the temporary closing of the largest single motor industry for readjustment. As a consequence we have had a business recession, though comparatively slight and passing.

On top of this, new automatic machinery is steadily displacing hand labor. New scientific management methods and labor-saving devices enable many industries to turn out a greater production than ever, with fewer workers than ever. To cite a single instance, the railroads to-day are handling a record tonnage of freight with vastly fewer men. The same process is going on in industry. And the jobs thus wiped out are gone forever.

GREAT INCREASE IN EMPLOYMENT

In the last five or six years there has been great expansion of employment in many major industries. Between 1921 and 1926 the radio industry is estimated to have absorbed 125,000 workers. The "United States Banker" reports that the automotive industry, including workers in garages, gas stations, on bus lines, as chauffeurs, etc., has given employment to approximately 758,000 more people. The telephone and cable people believe that there are about 73,000 more workers in their line. Additional workers in the electric light and power field are estimated at 53,000; electric refrigeration 20,000; oil heating 10,000; insurance agents 96,000; mail order houses 8,000; construction 100,000. In the professional group, according to this magazine, there are 232,000 more teachers and professors; 25,000 more dentists, 22,000 lawyers and judges, and 150,000 more employed in the motion-picture industry.

While the total employment is less than in recent years, the total wages of labor holds up well, and thereby the usual depressing cycle of events to date has been broken. It is usually the case that unemployment results in lower purchasing power and reduced consumption, but, using the best methods available, it is found that wages have only declined, in comparison with 1919, to 97.7 per cent, while employment has fallen off to 87.9 per cent.

The outlook is most encouraging. We have been able to meet rapid and vital industrial changes, with but little unemployment. Seasonal work is picking up to increase the number of workers and the total pay-roll disbursements. There will be vast municipal, State, and National construction projects to absorb a large percentage of the unemployed.

"Calamity howlers" might profitably employ the time they spend in painting depressing pictures in endeavoring to place in jobs those they know to be unemployed; to exaggerate the present condition can only tend to cause further uneasiness and to defer the return to better times, with every man and woman who want to work in some form of employment.

When it is considered that the Republican Party came into office following an administration that left behind it nearly 6,000,000 of unemployed; that it put these millions back to work and has further absorbed all but a fraction of the millions who have come into labor's ranks through immigration and by reason of attaining working age, and has kept these millions at work despite sweeping advances in labor-saving devices and business methods, it would seem to me that those who would use the "unemployment" cry as a political issue are in reality focusing the attention of the American people upon the great constructive accomplishments of the administration they seek to discredit.

Under President Coolidge we have to-day attained a proud position among the countries of the earth. We have a wealth in dollars undreamed of and our people have investments in every country of the globe. We have a staggering array of physical plants, vast deposits of natural resources, and the highest standard of living in the world. In this glorious environment let every worth-while American pledge his best efforts to keep his country prosperous, so that everyone who desires to do so may be steadily employed, and at good wages.

HERBERT HOOVER'S BOYHOOD IN IOWA

Mr. COLE of Iowa. Mr. Speaker, there was recently organized in the Iowa district which I represent in Congress what is called the Cedar County Hoover Farm Club. Those who read about this in the current news may not have understood its significance. Under leave to extend my remarks in the RECORD I will relate briefly the story back of this organization.

It was in Cedar County, Iowa, in what was then the village of West Branch that Herbert Hoover was born in 1874. The house in which he was born was only once removed from a log cabin. Fortune did not smile on that birth; but neither did poverty frown so long as there was a willing father to toil for the little family.

But if the house in which Herbert Hoover was born was humble the environment of that birth was fine. The country around West Branch is so fair to look upon and it is so abundant in those resources out of which strong men and noble women are produced that if one were permitted to choose the place of his birth, what need to look further?

Herbert Hoover was born not only in a typical American environment but of one of the basic American stocks, a stock from which our Republic has derived many of its most purposeful men, including Theodore Roosevelt and George W. Goethals in recent history.

The American ancestry of the family begins with one Andrew Hoover who in 1740 came from Holland and settled in Maryland. He was accompanied by two brothers. They were members of the Society of Friends, called Quakers. The family, no doubt, derived its religious views direct from William Penn himself. Penn's mother was a woman of Holland who taught her great son the language of her own country, so that he could preach in Dutch as well as in English. In the days of his ministry he sojourned often in Holland and made there many converts among his mother's people. Many of these followed him to America.

The Hoovers, like other Americans of that period, became a migratory people. The lure of those times was ever westward into the great open spaces beyond the mountains. Their first migration was to North Carolina and from there to Ohio in 1802. In Ohio they tarried for nearly two generations. But a newer land of promise began to draw hardy and venturesome men when Iowa was admitted as a State in 1846.

It was in 1853 that many of the Hoovers, accompanied by other Quaker families, crossed the Mississippi and proceeded westward to Cedar County, Iowa. There they founded West Branch and other Quaker settlements in Springdale Township. A well-known publicist of Iowa, William R. Boyd, himself a native of Cedar County, recently paid a notable tribute to the people of the Springdale settlements. He recalled that in a generation no bona fide resident of that township had been convicted of a crime, or had suffered arrest. They obeyed all the laws of man, even as they observed all the laws of God. Mr. Boyd said:

It is an actual fact that the people there did not lock their doors. They were part of the salt of the earth and the best quality of salt, too.

That they were lovers of freedom is attested by the fact that John Brown on his many journeys to and from Kansas always tarried among them. It was in Springdale Township, on the farm of one William Maxson, a Quaker, that Brown drilled a part of the little army with which he made his historic attack on Harpers Ferry, in Virginia. One-fifth of that army were Iowans, many of them Quaker boys who loved freedom even more than they loved peace.

The Iowa Hoovers were a farming folk. But one among them, named Jesse, was of a mechanical turn of mind. He learned a trade and became the village blacksmith of West Branch. He was a strong man physically and an upright man morally. This Jesse Hoover married Huldah Minthorn, a woman of fine character and of many talents. To them were born three children, two sons and a daughter, of whom the second son was called Herbert Clark Hoover.

They were happy in their little home and modestly prosperous. But only for a few years. At the age of 33 the father died of typhoid fever. In that death many fond hopes and fair dreams were shattered. The boy Herbert was then only 6 years old. With all his hard labor at the forge and anvil, the father was able to leave his family a property valued at only $1,800. But part of that little fortune was in the form of a home that sheltered them.

Left with three children to provide for, Huldah Hoover did not despair. She was a woman of brave heart and willing hands. To support her little brood she did whatever her hands found to do, mostly sewing. Stitch by stitch she fed the bodies and nurtured the minds of her growing children.

One might well pause here to pay a tribute to a mother who saw the light, though it must often have been dimly, through the darkness that encompassed her. But it is out of such environments and out of such hardships that God in heaven and mothers on earth have wrought many of the most marvelous miracles in character building. Have not many of the greatest careers of history been shaped in such surroundings? Did not Abraham Lincoln arise out of such conditions to endear himself to the people?

But in a short time Huldah Hoover, the mother, found she had a gift greater than the deftness of her hands. It was the gift of speech and of service. As this became known, she was called more and more to speak in the Quaker settlements throughout eastern and central Iowa. She went everywhere, preaching and comforting her people. It was literally said of her that she went about doing good.

While the mother was thus called away from home the care of the children was intrusted to a granduncle named Benejah Hoover, who was a farmer near West Branch. In this farm home they were well cared for. In speaking before the Iowa Society of Washington last year Mr. Hoover recalled those years on the farm as among the happiest of his life. But it was the happiness of labor and not of idleness. The children were all taught to work. Mr. Hoover called them "days of chores and labor." He spoke of "planting corn, hoeing gardens, learning to milk, sawing wood, and the other proper and normal occupations for boys." He praised "the strong and healthy bodies which come from it all." It was while living on that farm that he acquired the rudiments of an education by walking mornings and evenings 3 miles to and from a country schoolhouse.

In 1884 the greatest of all sorrows for children befell the already bereaved family. It was in that year that Huldah Hoover, the mother, died. She had returned from one of her many visitations suffering from a cold which developed into pneumonia. Herbert was then 10 years of age. He was old enough to know what the death of a mother meant to a son. That bereavement became part of the permanent memories of his life.

What to do with the three fatherless and motherless and homeless children was discussed in a council of the Hoover and Minthorn families. The little property was placed in trust for the children and the children themselves were apportioned among such relatives as could best provide for them. Herbert in this distribution was allotted to an uncle, Allan Hoover, a farmer who provided well for his household. Over this home presided a noble woman whose memory Herbert Hoover still cherishes in the name of "Aunt Millie."

The discipline of the new home was strict and almost severe. The Bible was the great book of the family. Nothing that was not founded on it was deemed good reading matter. There were also long hours spent in a primitive meeting house. "All this may not have been recreation," said Mr. Hoover in the address already alluded to, "but it was strong training in patience." It was out of such experiences that the boy laid the foundations for the man of strength and achievements.

When Herbert Hoover was 11 years old he left Iowa and went to Oregon. He had spent in his native State the formative years of his life. Another uncle, Dr. H. J. Minthorn, his mother's brother, had gone to Oregon with other Quakers. In a settlement near Newburg they had founded an academy of which Doctor Minthorn was the head and his wife the principal. In asking the boy to share their home they were mindful of the education which his mother had craved for him. The long journey to Oregon was Herbert Hoover's first great adventure.

He thrived greatly in his new surroundings. He lived in an atmosphere of books. But nothing was given him. He had to earn it all. The Minthorns, like the Hoovers, believed in work and discipline. The boy paid fully for his care and education by doing the "chores" of the academy. He was a willing worker and an eager student.

While he was growing up in learning and labor, young Herbert heard of a new university to be opened in California—Leland Stanford. He already had a purpose in life and an ideal. To fulfill the one and to attain the other he knew he needed a university education. So he went to Leland Stanford. He had nothing except his willingness to work to offer in return for his schooling. But that willingness was abundant. He literally worked his way through the university. He did whatever his hands found to do. He humbled himself enought to collect even the soiled linen of his more fortunate classmates for a commission from a laundry. But he got more out of the education he paid for in such ways than did those who had their educations given to them.

It was while he was a student in Leland Stanford that he met the young woman who is now Mrs. Hoover, the mother of their two sons. Like himself, Miss Lou Henry had come from Iowa. Her father had been a village banker in Waterloo as his own father had been a village blacksmith in West Branch. It was their mutual interest in geology that first brought them together. She saw the future man in the youth. She believed in his future, although after his graduation as an engineer he could find nothing to do except as a day laborer in a mine.

When Herbert Hoover rose to world fame, first through his work in Belgium, later in his own America, and after the close of the World War throughout afflicted Europe, feeding the people and relieving the distress of widows and orphans, those who had known him as a boy in Iowa and who had known his mother before him, said that the son was following in his mother's footsteps. What she had done in a modest way in the Quaker settlements, he was doing on a world-wide scale.

And many wondered how much of all he did for the orphans of Europe was done in remembrance of his own orphanhood in Iowa.

"Herbert Hoover is doing in the world what his mother, Huldah Hoover, did in the Iowa settlements," is the way one man expressed this idea to me.

It is out of such memories and traditions as I have related that the Cedar County Hoover Farm Club was conceived and formed. It is in every way fitting that the community in which he was born and where his people were known and loved should so express itself at a time when he is a candidate for the highest office in the gift of the American people. They believe and they know he is in every way fitted for such an office.

So immediate was the response that the club had an initial membership of 500, all of them farmers or directly connected with farming. They selected for their president John Thompson, who operates a 500-acre farm near West Branch. The club is going to be represented at the national convention of the Republican Party in Kansas City. They are in earnest.

On the membership cards, which they have signed, there is printed the following declaration of faith:

The whole world knows Herbert Hoover as an engineer, administrator, humanitarian. We greet him as a native son of Cedar County, Iowa. His work in developing and distributing the food resources of the Nation during the war saved millions on the battle fronts. His humanitarian work during and after the war makes his name a household word in millions of homes whose lives and health were preserved. His name is synonymous with honesty, efficiency, and accomplishment.

His genius in organization since he has been Secretary of Commerce has brought great advances to labor and industry.

Agriculture needs the same genius in solving many perplexing problems. When he becomes President he will be the President of all the people.

We need him. We believe he can and will solve the farm problem. We pledge him our support.

As the Representative of the district in which Herbert Hoover was born I think it fitting for me to present for publication in the RECORD of Congress, where his career has many times been the subject of debate, the story that lies back of the organization of the Cedar County Hoover Farm Club.

VETO OF THE M'NARY-HAUGEN BILL

Mr. LOZIER. Mr. Speaker, running true to form, following blindly the false and selfish philosophy of the New England school of political thought, heeding the unwise counsel of Hoover, Jardine, and Mellon, the President has vetoed the McNary-Haugen bill. In so doing he deliberately slammed the door in the faces of the American farmers. He has listened to the selfish advice of the special-privilege classes who have fattened on governmental bounty. He has denied to the agricultural classes the consideration and aid he and his party have so generously granted to other vocational groups.

His veto message is a declaration of war against agriculture; war to the knife, knife to the hilt, hilt to the hand. His veto

message, full of sophistry and special pleading, is a savage assault on the man who turns the furrow and produces the food that satisfies the hunger of mankind. Agriculture is in dire distress, staggering under a crushing legislative and economic handicap that threatens destruction to the greatest of all basic industries.

The principle embodied in the McNary-Haugen bill is not a new one but has been employed times without number by the industrial and commercial groups to stabilize their industries and to increase their profits. The McNary-Haugen bill is not socialistic, bolshevistic, anarchistic, or unreasonable in its provisions. It is a conservative and well-thought-out measure, economically sound, and while no one claims it will entirely solve the farm problem it will nevertheless contribute materially to the rehabilitation of agriculture without injuriously affecting those engaged in other lines of business. But no, the President stubbornly refuses to grant to agriculture equality of opportunity with other vocational groups. The Federal Government has enacted laws to stabilize the business and increase the profits in many other lines of business but from agriculture all relief is withheld.

The President contends that the provision in this bill for an equalization fee is unconstitutional. In answer to this claim I assert that even if the courts should hold this provision unconstitutional we would still have a workable system under this bill, because the act would still contain the marketing, loan, and insurance provisions which even the hard-boiled opponents of this measure admit are valid, and which they concede will afford the farmers substantial relief. But as to whether or not the equalization fee is constitutional can only be authoritatively determined by the Supreme Court of the United States. Your saying that the act is unconstitutional, the President saying the act is unconstitutional, and my saying that it is constitutional will never determine the question. The opinion of the President, of Members of Congress, and members of the Cabinet; the opinion of the Attorney General, the opinion of learned attorneys will not settle the question, because lawyers disagree as to whether or not the provision in question is constitutional.

Many Federal and State laws are now in force, the constitutionality of which was challenged when Congress was considering their passage. Many forward-looking acts of constructive legislation were denounced as unconstitutional by able lawyers, yet when submitted to the Supreme Court that tribunal sustained the validity of these laws. The sensible thing to do was to approve the act, put it into effect, and then those who challenge the constitutionality of the equalization provision will have an opportunity to test its validity in the Supreme Court.

I decline to accept and the American farmers decline to accept the flippant and prejudiced opinion of the enemies of this bill as to its constitutionality. It is an easy matter for these self-styled constitutional dawyers to dismiss this great question with a wave of the hand and by pertly denouncing it as unconstitutional. I remind them that in the past many great lawyers have been wrong, dead wrong, in declaring acts of Congress unconstitutional.

The President should have approved this measure. The great mass of American farmers believes in this legislation. They should have the privilege of putting it into operation, trying it out, testing its merits and demerits, and this would afford an opportunity to have its constitutionality determined by the Supreme Court. And if perchance that tribunal should hold the equalization fee unconstitutional, Congress could then seek another solution of the farm problem. But the American farmer will never abandon the McNary-Haugen plan until it has been enacted, given a fair trial, and its validity determined by the Supreme Court. The longer the President delays the application of the McNary-Haugen formula the stronger will be the demand for this form of farm relief. The plan is stronger now than ever before; its enemies may delay but they can not ultimately defeat this legislation.

PROHIBITION

Mr. GARBER. Mr. Speaker and Members of the House, nine years ago the prohibition amendment was made a part of the Constitution of the United States, thereby initiating the greatest constructive reform of the age, one which by its very idealism was condemned to practical difficulties of administration and discouragement, of which the wet forces of the Nation have been quick to make capital. They have directed against it every possible form of attack, direct and indirect, open and insidious. They have plowed the field with propaganda and built upon the credulity and lethargy of the drifters-with-the-tide to create an attitude of scepticism as to the practical benefits of prohibition and a sense of grievance entirely unjustified in the light of a sane and unprejudiced consideration of the problem. The campaign has been persistent, patient, ruthless, and unscrupulous in its resistance to the law, a continuous battering of defenses, which after nine years has projected the problem clearly into the foreground of public affairs as one of the outstanding issues of the day. All sorts of extravagant allegations have been made by the wet forces and the alarmists; the actual strength of the adversary will be measured by the vote of the people in the election of 1928.

THE AMENDMENT WAS NOT ADOPTED WITHOUT DUE CONSIDERATION

The wet forces contend that the majority of the people are opposed to prohibition, were, in fact, opposed to it at the time of its enactment, and that they are in some way victims of a political "fluke." This illusion is freely indulged by those who attempt to reconcile their insistence on a recommitment of the issue to the people for vote with the principles of majority rule, the basis of our democratic form of Government. In their assertions they are singularly unmindful of the actual facts in the case.

The resolution to amend the Constitution passed the Senate August 1, 1917, by a vote of 65 to 20, and the House on December 17, 1917, by a vote of 282 to 128. It was ratified by 46 of the 48 States, the total vote in the lower houses of the legislatures of the 46 States being 3,782 for and 1,035 against, or 78.5 per cent in favor of the amendment. The total vote in the senates of the respective legislatures was 1,310 affirmative, 237 negative, or 84.6 per cent affirmative. Moreover, 98.2 per cent of the population of the United States resided in the 46 States ratifying the amendment. Having been ratified by the required three-fourths majority of the States, the Secretary of State proclaimed the amendment a part of the Constitution on January 16, 1919, and it became effective one year later.

Prior to the adoption of the amendment 33 States had adopted state-wide prohibition. These States and the date of adoption are as follows:

Alabama	1915	New Hampshire	1917
Arizona	1914	New Mexico	1917
Arkansas	1915	North Carolina	1908
Colorado	1914	North Dakota	1889
Florida	1918	Ohio	1918
Georgia	1907	Oklahoma	1907
Idaho	1915	Oregon	1914
Indiana	1917	South Carolina	1915
Iowa	1915	South Dakota	1916
Kansas	1880	Tennessee	1909
Kentucky	1919	Texas	1918
Maine	1851	Utah	1917
Michigan	1916	Virginia	1914
Mississippi	1908	Washington	1914
Montana	1916	West Virginia	1912
Nebraska	1916	Wyoming	1918
Nevada	1918		

By adding the area of these, you will find that 95.4 per cent of the total area of the United States in which lived 68.3 per cent of the total population was nonlicensed territory at the time the eighteenth amendment became effective.

Such facts and figures are in direct refutation of the assertions that prohibition was "put over" under stress of abnormal war-time conditions; that it was, so to speak, a "dark horse" on which a surprised American public found itself securely saddled under compulsion, in mid-stream. They show the unmistakable, consistent, normal development of public opinion in favor of the reform of which the eighteenth amendment to the Constitution was merely the ultimate inevitable expression.

COST OF ENFORCEMENT

The cost of prohibition enforcement is often cried in argument of a liberalization of the law and the sonorous roll of "millions" under the tongues of wet spellbinders in many instances does have a hypnotic effect. But, actually, what are the facts?

There were expended through the Prohibition Bureau during the past five years the following amounts, or an average annual expenditure of $9,228,539.69:

1923	$8,135,842.44
1924	7,509,146.27
1925	9,203,384.45
1926	9,573,791.64
1927	11,720,533.63

To spend $9,000,000 to enforce prohibition for 110,000,000 people means about 8 cents per head, or 40 cents per family. The fines assessed and collected amount to in excess of $8,000,000, so the enforcement pays a large share of its way.

Moreover, Prof. Irving Fisher, of Yale, who has made an exhaustive study of the subject, estimates that prohibition saves 5 per cent that used to be wasted out of our incomes and adds another 5 per cent into the bargain. This double gain, through the transfer of energy from alcoholic consumption to something possessing true value, and the increase of energy as a result of effective prohibition, amounts to more than $6,000,000,000—and that does not include savings in the cost of jails, alms-

houses, asylums, and so forth, or any economic savings from reducing the death rate. If prohibition enforcement cost many times $9,000,000, it would still be eminently justified as an economic investment alone!

STATE'S RIGHTS

"State's rights" is a catch phrase that is bandied freely by those who seek by any means to secure a modification of the law. They say, "Let us modify the Volstead Act so as to permit each State to make its own definition of intoxicating liquor in conformity with the desires of its people; then let this definition be binding both on the State and the Federal Government." But what would this mean in practical administration? It would be delegating to each of the States the power to interpret and enforce a provision of the Constitution. It would permit all 48 States different interpretations, so that we might have 48 different standards. New York might define intoxicating liquors to be only those containing in excess of 6 per cent per volume of alcohol. Oklahoma might retain the present definition of one-half of 1 per cent, but New York could ship her 6 per cent liquor into the State of Oklahoma and nullify Oklahoma's prohibitory law. The State authorizing the highest volume of alcohol would have a monopoly of supplying liquor to the several States and would reestablish and open saloons throughout the country. Such a law would make Uncle Sam powerless to enforce the Constitution prohibiting the sale of intoxicating liquor for beverage purposes containing one-half of 1 per cent per volume. The Federal authority, now supreme, would be helpless in the face of the open and flagrant violation of the Constitution. Such a law would promote anarchy and restore and reestablish the controversy that the Civil War decided at so great a risk.

ENFORCEMENT DIFFICULTIES NOT INSURMOUNTABLE

The wet forces have exhausted every effort in painting the problem in as dark a hue as possible, loudly proclaiming the impossibility of prohibition from a practical standpoint, citing instances of violation to which their own destructive methods have largely contributed. But our experience, far from demonstrating the truth of their assertions, shows that our enforcement difficulties are rather the results of a process of moral chemicalization, the elimination of unhealthy matter incident to the purifying process, than indicative of an absolute, unmitigated failure.

True, habitual drunkards and moderate users will continue to violate the law and oppose it, but if we can prevent the younger generation from forming such habits, in the course of time there will be no disposition to violate the law. The vital thing is to break the chain by which the habit of drinking is passed on from one generation to another. The open saloon has been an agency for passing on such habit. Its abolishment has broken the chain.

Moreover, when contrasted with previous conditions, it can not be denied that we have made wonderful progress in temperance.

PREPROHIBITION DAYS

Before prohibition there were 177,790 licensed liquor saloons, most of them selling after legal hours and to minors and drunken persons, in addition to which there were 100,000 speakeasies.

The saloon used to be the bank where the laboring man received credit during the week and cashed his check, paying a third of his wages to the saloon keeper for drink, denying his wife and children the money with which to purchase the necessities of life. The saloon keeper exacted the profits of his toil, the happiness of his home, and the opportunities of his children.

The saloon became a rendezvous for criminals, drunkards, gamblers, loafers, drifters, and the irresponsible elements of society which the saloon keeper could control politically together with the laboring element to which he extended credit. This made the saloon a power in politics. Being the dispenser of drinks, it was resorted to for a renewal of friendly relationships, and the drinks were offered as a preliminary request for political support. Not content with its exorbitant profits, its heavy exactions upon the social and economic life, it must rule and dominate the affairs of government. It must elect the members to the legislatures, Members in Congress, and judges on the bench so that all the various branches of the Government were permeated and controlled by the influences emanating from the saloon and brewery interests.

In the old saloon days there were more than 100 Neal institutes for the cure of alcoholism, and at the same time 77 Keeley institutes. In addition, every city of considerable size had several independent institutes devoted to the cure of drunkenness. To-day all the Neal institutes are defunct for lack of business and of the 77 Keeley cures only the parent institution at Dwight, near Chicago, remains. It has shrunk to hardly one-tenth of its former size and patronage.

The Washingtonian Home, the oldest drink cure in the United States, if not in the world, and which is said to be the only remaining cure in the city of Chicago, has less than a third as many men as it had during the three years prior to prohibition, when there were several other drink cures still running in the city. In the women's division there were many times as many patients prior to prohibition as there are now.

CANADA HELD UP AS A MODEL

Confronted with the indisputable evidence of the corruption and unbridled evil which flowed with the liquor in the saloons before prohibition, the wet forces have seized on the idea of "Government control," and have acclaimed it as the solution of the whole problem. Inspired by their own enthusiasm they hold Canada up to us as a model, with her so-called "Government control," urging us to follow in her footsteps. It is the most dangerous attack yet made on the law, a veritable wolf in sheep's clothing, and the "wets" are forcing this issue with all the strength they are able to muster. They realize that it is their "best bet" and that once the barrier is lowered even a little the inpouring of the liquor tide in increasing volume will do the rest.

But those who offer Canada as an illustration of the merit of their plan have failed to make a comparative analysis of the actual demonstration of their theory and the roseate claims they make for it. An examination of the facts shows them in the rather ludicrous position of clinging to a beloved fallacy the while they adduce as illustration of the merit of their plan a case which actually disproves the very theory they would make it support.

CANADA'S FAILURE IN LIQUOR WAR

Canadian experience with the so-called Government control of liquor should be a warning to the United States. In practice this system seems to be Government control by liquor. The evils that are inseparable from the legalized liquor traffic are widespread wherever Canada has surrendered to the liquor element. Drunkenness, prostitution, political corruption, business depression—the whole long list of consequences of licensed liquor—accompany the Government-control system while bootlegging and rum running successfully compete with the Government stores, as the official reports confess. None will deny that the enforcement of prohibition has not been 100 per cent effective, but neither can any serious student of conditions deny that our situation is, socially, far less serious than the tragic failure of the various permissive policies pursued by the Provinces of our sister nation.

Ben Spence, of Toronto, a recognized leader in the prohibition forces and well known throughout Canada and the United States as a student of Canadian conditions, upon which he has written a number of authoritative books, has kindly provided me with a digest of the essential facts in the situation and thus enabled me to present the following analysis of the results of the Canadian system of so-called liquor control.

CANADA AND LIQUOR

There is no method of dealing with the liquor traffic that can properly be called Canadian. Each of the nine Provinces of Canada is practically autonomous in its handling of the question and there are therefore nine different systems.

The reason for this is that, under the division of constitutional authority which obtains in Canada, the Federal Government has jurisdiction over manufacture, importation, exportation, and interprovincial shipment and sale, while the Provinces have jurisdiction over keeping, having, selling, and distributing within the Province. Or, putting it another way, the production and main sources of supply of liquor are under Federal jurisdiction; the possession and distribution, coming under what is termed in the British North American act, "matters of a local and private nature within the Province," are under provincial jurisdiction.

The actual history of the prohibition movement in Canada will make this clearer.

PROVINCIAL PROHIBITION PERIOD

Prior to and during the earlier years of the Great War there was a gradual development in Canada of legislation to limit the evil arising from the liquor traffic. This was expressed in increasingly restrictive license regulations, in local option by-laws and so forth, until eight of the nine Provinces of Canada had prohibited altogether the retail sale of liquor. The dates on which these provincial prohibition laws became effective in the various Provinces are as follows:

Prince Edward Island, June 5, 1901.
Manitoba, May 31, 1916.
Alberta, July 1, 1916.
Nova Scotia, September 15, 1916.

Ontario, September 17, 1916.
Saskatchewan, December 31, 1916.
New Brunswick, May 1, 1917.
British Columbia, October 1, 1917.

TEMPORARY NATIONAL PROHIBITION

In the closing months of 1917 under the stress of war conditions, a coalition Dominion Government was formed by leaders in the two great political parties in order that Canada might show a united front and that all the powers and resources of the Nation could be more completely mobilized.

One of the first acts of this "Union Government" was to pass an order of national war-time prohibition. The announcement was in the following terms:

It is essential, and indeed vital, for the efficient conduct of the war that wasteful or unnecessary expenditure should be prohibited, and that all articles capable of being utilized as food should be conserved. It is beyond question that the use of liquor affects adversely the realization of this purpose.

The subject has been under consideration by the war committee of the cabinet and the following conclusions have been reached:

1. Any liquor or beverage containing more than 2½ per cent alcohol shall be regarded as intoxicating liquor.

2. The importation of intoxicating liquor into Canada is prohibited on and after December 24, 1917. This regulation shall not apply to importations for medicinal, sacramental, manufacturing, or chemical purposes.

3. The transportation of liquor into any part of Canada wherein the sale of intoxicating liquor is illegal will be prohibited on and after April 1, 1918.

4. The manufacture of intoxicating liquor within Canada will be prohibited on and after a date to be determined.

The date finally fixed was April 1, 1918.

This was not a legislative act but simply an order in council by the national cabinet under authority conferred by the war measures act. When the war was over this order was repealed, the repeal becoming effective on December 31, 1920.

POSTPROHIBITION CONDITIONS

As has been stated, before the time of this prohibitory order all but one of the Provinces had prohibited the sale of liquor. When, therefore, by the repeal of the national order in council, the brewers and distillers were again allowed to manufacture, they found themselves in the difficult position of having no selling organization in eight of the nine Provinces through which they could market their liquor. The other Province, Quebec, had a system by which the sale of spirituous liquors was under Government control and only light beer could be sold by the brewers.

In the Province of Ontario, 7 distilleries and 27 breweries resumed operations, although not a drop of the liquor manufactured could be legally sold for beverage purposes within the Province, and the medicinal, industrial, and sacramental sale was controlled by the Government. Rum running and bootlegging was the inevitable result. This nefarious trade reached enormous proportions and the two branches became inextricably interwoven. Much of the liquor presumably exported was short-circuited back into the hands of local bootleggers.

The smuggling and rum-running scandal grew so great as to become a major national political issue resulting in a parliamentary investigation and finally in the appointment of a royal commission.

The following is a partial summing up of the indictment against the brewers and distillers taken from the Toronto Globe of June 4, 1927:

Systematic and organized payments to and corruption of customs officials and agents, railway officials and employees, and police; switching and camouflaging of cars of beer in order to pass them into the United States; theft of United States and Canadian customs seals, and the forgery or unlawful procuring of customs and shipping documents; sales of strong beer in Ontario, in violation of Provincial law; falsification of records so as to conceal these sales; failure to show sales of strong beer on sales-tax returns to the Government—these are among the findings which Hon. N. W. Rowell, K. C., counsel for the Royal Customs Commission, will suggest that the commissioners make in regard to certain Ontario breweries.

A glimpse of the extent to which these illegal practices were carried on is given in another press dispatch on September 13, 1927, as follows:

Arrears of Canadian breweries for sales tax were estimated at more than $2,300,000 before the Royal Customs Commission this afternoon. Estimated arrears of Canadian distilleries are from $1,750,000 to $2,000,000.

BREWERS SEEK LARGER MARKET

But this underworld market was not adequate. The old retail liquor trade had been so discredited throughout Canada that it was hopeless to seek its reestablishment. The liquor manufacturers shrewdly capitalized the bad conditions regarding bootlegging, for which they themselves were primarily responsible, and by skilfully playing upon the term "Government control" succeeded in securing the establishment of selling agencies for their liquors by the governments of six of the eight Provinces that had adopted Provincial prohibition.

Evidence adduced before the royal commission establishes the fact that this was accomplished by the payment of enormous sums by the brewers and distillers, both in direct contributions to organizations, such as the Moderation League, and by newspaper publicity and active campaigning, and also by contributions to the political parties.

GOVERNMENT SALE ESTABLISHED

The six Provinces in which liquor is now sold by the Government and the date when the new laws became operative are as follows:

British Columbia, June 15, 1921.
Manitoba, August 7, 1923.
Alberta, May 10, 1924.
Saskatchewan, April 15, 1925.
Ontario, June 1, 1927.
New Brunswick, September 6, 1927.

HOW GOVERNMENT SALE WORKS

In some of these Provinces the new system has been operating for too short a time to permit the collating of informative statistics. In all of them, the fact that the liquor-selling is done by the Government and is yielding a substantial profit adds to the difficulty of getting reliable information, and the fact that in four of these six Provinces liquor is only sold for consumption in private, still further complicates the situation.

It may be said that, in general, these Government liquor-selling systems are conducted as we might expect any marketing agency would be, and are showing the same results as if conducted under private auspices. "Sale" rather than "control" is the impetus. That they are operated for the profit of the liquor manufacturers is obvious when they are critically examined.

In none of these Provinces does the Government attempt to control production. This is entirely in private hands, and with private profit. The Government therefore does not in any way control the liquor until it has purchased it from private interests and warehoused it in its own establishments. The brewers and distillers make their full profit on all liquor sold to the Government.

Moreover, the Government retains control of the liquor only so long as it remains in the Government shops. Once it is sold to the consumer, it passes from the control of the Government and under the control of the purchaser. Government control, therefore, is only exercised and can only be exercised, for the brief period in which the liquor is harmlessly upon the shop shelves. It only acts as intermediary between the purchaser and the consumer. The Government is selling agent for the brewers and distillers and purveyor to the drinkers.

THE SITUATION IN ONTARIO

Ontario is perhaps the most typically Canadian, as it is the most populous of the Provinces of Canada. At the session of the legislature in 1927, the present liquor control act was passed and an administrating commission set up with Mr. D. B. Hanna as chairman and Steward McClenaghan and R. J. Manion as associates.

The new system came into operation on June 1 with the opening of stores in Toronto and other places. Additional stores have been opened from time to time until now there are about 80 throughout the Province. The commission established and is continuing to establish its stores at strategic points, the locations apparently being chosen as a chain-store enterprise would select them, with a view to selling possibilities. Indeed, in Ontario the whole plan has been most efficiently worked out as a "sale" rather than a "control" proposition.

According to the announced government policy, the commission is selling beer at cost. This, however, the members carefully explained, did not mean at cost to the brewers but just at cost to the government. As Mr. McClenaghan is reported to have naïvely said, "You would not expect the brewers to sell it without a profit."

Control was supposed to be exercised by the provision of the law which compelled every would-be purchaser to take out a permit, upon the back of which all purchases must be recorded. This permit plan was looked upon as a prime essential to the control policy. Indeed, the chairman, Mr. Hanna, has stated that but for the permit plan the law might be called "the liquor act."

In actual working out, however, these permits facilitate rather than hinder the getting of liquor. Anyone 21 years of age, male

or female, rich or poor, black or white, native or foreign, resident or visitor, may obtain a permit.

True, if a permit holder is convicted of drunkenness or an offense against the liquor control act, the permit may be suspended for a stated period or canceled. If the offender is a drunk and his permit is canceled it simply means that another customer is immediately made for the bootlegger; if he is a bootlegger it means that he gets the use of another person's permit. It is a common thing for bootleggers to have permits in the names of a dozen different persons, real or imaginary. A bootlegger arrested on the Niagara border recently had 12 permits in his possession, upon all of which he had been purchasing liquor.

SUPPLY AND DEMAND

The fact is that there is an inexhaustible supply of liquor, easily available, for any and every citizen of the Province of Ontario. The price is exceedingly low, and everyone that wants liquor and has the price makes an effective demand.

Control was also sought by providing that consumption could only take place in a private house. Then the proponents of the measure proceeded to widen the meaning of a private house, making it to include temporary residence, in a motor camp, a tent, a pleasure boat, or a hotel room. Here is a press dispatch that shows how the tent provision works:

LONDON, ONTARIO.—Local police officers report that last night an American tourist calmly spread a robe over the branch of a tree at the side of the road near Lambeth and then drained a bottle of beer which he had purchased legally under permit in a local Government store. The man evidently knew the law, established a domicile, and drank the beer without fear of the police.

The chief abuse, however, is in regard to hotel rooms. A hotel room is, according to the law, a private house. All that is required is that persons shall register and have baggage. Then in the room or suite assigned to them they can keep, have, or give liquor without restriction as to the person or persons to whom it is given or the hour when it is supplied.

Under the system, therefore, every hotel room is a potential saloon and to make this provision still more liberal hotel proprietors, lessees, managers, or employees are allowed to keep, have, and give liquor in the part of the hotel premises which they occupy as a residence.

All standard hotels are allowed to sell 4.4 beer by the bottle or by the glass in beverage rooms, which they buy direct from the brewer and the cases are almost innumerable where the brewers supply stronger liquor.

PROOF OF RESULTS

As to practical results, these so-called "Government control" systems are just what might be expected from any liquor-selling plan.

Economically they are wasteful. The money that goes for liquor can not go for the goods merchants have to sell. Every dollar paid over the counter of the Government stores is 100 cents less to go into the tills of the business men or to the farmers and the laborers to supply their families with the necessities of life.

Furthermore, liquor buyers must pay cash for their liquor. There is therefore manifest a greater disposition to run credit for other goods, while those who do business on credit or on deferred-payment plans, and they are many and increasing, are finding collections increasingly difficult.

Employers are again being bothered by the lack of punctuality and regularity of workers. They are also suffering from lowered efficiency, which is proportionate to the amount of liquor consumed. With this there is an increase in industrial accidents.

LIQUOR AND GASOLINE

In motor accidents particularly there has been a most notable increase. The record is by no means complete for it is only cases of those who are called "drunk" that appear in the courts. For every one of such there are many more who have been rendered less efficient or careful through what they would call moderate or harmless drinking.

Addressing the annual meeting of the Ontario Motor League on February 20, 1928, Hon. G. S. Henry, minister of highways, said:

Reckless-driving convictions increased from 2,300 to 3,200 and driving while drunk from 277 to 480.

Speaking over the radio on October 11 last, as a member of the highway safety committee, J. P. Bickell, registrar of motor vehicles for Ontario, stated that 54 motor-car drivers had their licenses suspended during September for being intoxicated while in charge of a car.

A drunken driver—

Said Mr. Bickell—

is a potential murderer. Just in this connection let me point out that a man need not be hopelessly intoxicated to be convicted of this offense. A strong smell of liquor, combined with an accident, has on more than one occasion resulted in a jail holiday. My advice to all motorists is, don't drive after drinking.

There is a growing recognition of the close connection between motor accidents and drink, that booze and gasoline make a dangerous mixture.

Magistrate Hopewell, of Ottawa, is on record as saying:

The time will come when no man will be given a license to drive an automobile unless he is an abstainer from liquor.

PROHIBITION AND GOVERNMENT CONTROL

Recently the press played up a dispatch from New York as showing the failure of prohibition there. The headlines in the Toronto Globe were: "Twenty-four dead from alcoholism—New York City has fearful holiday drinking toll."

The following day there was a dispatch from Winnipeg, under government control, telling of 11 deaths in that city from Christmas orgies. New York has a population of 6,000,000, Winnipeg of 200,000!

EFFICIENCY IN LIQUOR SELLING

The fact is that there has been set up in these Provinces of Canada smooth-running, highly efficient liquor-selling machines, respectabilized by government auspices.

While many are shouting—and the brewers, distillers, and politicians loudest of all—that the temperance people should carry on an educational temperance campaign and confine themselves to that, the very association of the government with the liquor trade and the status and prestige thus given to it cuts the ground from under the feet of all warnings that temperance reformers may issue and neutralizes to an extent the teaching that they may seek to impart.

Liquor "control" in the Provinces of Canada is a huge success from the standpoint of those who make, and wish to derive a profit from the sale of liquor, and those who buy and wish to derive sensations of intoxication from the consumption of liquor; but, from the standpoint of those who seek to remedy the evils of alcoholism, it is a tragic, ghastly failure.

Writ large in the experience of these Canadian Provinces is the truth, which ought to be self-evident, that the ravages of a plague can not be remedied by arranging for the dissemination of disease germs nor can the evils of alcoholism be prevented by providing facilities by which people may obtain alcoholic beverages.

CANADIAN CONTROL ENCOURAGES CONSUMPTION

We have thus reviewed the law and the results in the Canadian Provinces because Canada is now held up as the example for the people of this country to follow, as a demonstration of the superiority of government control for temperance over the existing law in this country.

We submit the facts as proof of the failure of such control; that instead of being a deterrent to the consumption of liquor, it encourages, increases, and lends respectability to such consumption by legalizing it. No breaking of the chain, no hope of destroying the liquor habit there! It will continue to be handed down from generation to generation as long as the Government says it is lawful.

It is different here. Millions of good, substantial citizens who used to take a drink now and then in the days of the convenient, open saloon as an expression of their sociability and good will no longer do it. They have not the time, neither have they the inclination to enter into a conspiracy with some irresponsible bootlegger to violate the law. They go on about their business. They have found out they can get along as well without it as with it, and thus the chain is broken, the habit disappears. The next generations will not have the appetite; they will be free and unacquainted with the thirst. And as we minimize the temptation in keeping the saloons and drinking places outlawed we minimize the chances of their ever becoming partakers or addicts. In this way, from generation to generation the taste for liquor will be bred out of what otherwise would be the generations of future consumers.

TOO MUCH EXPECTED IN SHORT TIME

The great trouble has been too much has been expected in such a short time. It will take not less than 25 years to give the law a fair trial. Thus far the inefficient administration of the law in the hands of irresponsible, incompetent, crackbrained theorists has created doubt of the advisability of its retention in the minds of thousands of people disposed to support it.

This condition was attempted to be remedied by the enactment of a law during the Sixty-ninth Congress, placing the enforcement personnel under civil service, requiring each ap-

plicant to pass an examination showing his qualifications, but again we are met with the hair-brained theorists in the civil service, putting out frivolous questionnaires to the 30,000 applicants, showing the red tape and impracticability of administration in that department. To create an enforcement organization covering the entire United States is a task of no small magnitude. It alone will require years of experimentation and education to develop a quality of personnel measuring up to the responsibility and requirements of such public service.

LAW HAS DEMONSTRATED ECONOMIC WORTH

But even with all these handicaps, in closing the 177,790 saloons—in outlawing them, in curtailing the amount spent for liquor and increasing the deposits in savings banks $6,000,000,000 annually in diverting the moneys from the saloon till into the homes of the families for the benefit of the women and children in increased necessities of life and opportunities for education, the law has fully demonstrated its economic worth to the people of the country and the sound, sober judgment of the head of the family will hesitate long indeed before voting for repeal or those who stand for repeal, and a return of the open saloon with its gambling dens, to again destroy the youth of the country.

SUGAR-COAT IT AS YOU WILL

For, sugar-coat it as you will with mild phrases, a return to light wines and beers means a return to the open saloon. The light wines and beers would become stronger and stronger and flow down to the consumers in the several States with increasing volume until normal saloon-day consumption would be restored with the disastrous effect of economic waste to the efficiency, earning power, and the savings of the people. In addition to that it would depreciate the quality of self-government by restoring the vicious political influences that insisted upon control in the days of the saloon.

Those engaged in the selling of light wines and beers would have to have a place in which to transact their business. Naturally they would want all the business they could get. They would make their places of business attractive to lure the public. At first they would comply with the law, but as their profits and consumption increased the insatiable greed for more would restore the loafing places and gambling dens with all their evil, habit-forming influences of former days. Instead of breaking chains it would be reforging them. It would reshackle the race!

We live in a new epoch. Where we have 22,000,000 automobiles in the country operated by the young and the old, by the experienced and the inexperienced, and the ever-increasing congestion of traffic upon the paved highways of the country and in the cities, where the turn of a wheel may mean sudden death to many, it raises the question of safety to life and property—whether or not your life should be subjected to the increasing hazard and danger.

The seriousness of this phase of the question was recognized 25 years ago by the executives of the railroads of the country and by the employees as well when they adopted the rule which is rigidly enforced to-day, of refusing employment to those who indulge in intoxicating liquors. That rule has been approved by the public, and even those who are strongest in the demand for a return of wine and beer, when riding in the coaches, demand its enforcement.

THE AMERICAN PEOPLE WILL SEE IT THROUGH

In conclusion, after more than 50 years of agitation and investigation, the people of this country by enormous majorities have undertaken this great moral reformation. They are going to see it through. They are making this great sacrifice for the benefit of the boys and girls of the country, not so much for themselves—and this is the patriotism of civil life—sacrificing for country and generations to follow. Patience, persistence, a consciousness of doing right, with a steadfast loyalty to the Constitution and the laws of our country, will finally demonstrate the economy and wisdom of our position to-day.

Thomas Nelson Page, who has the power at times to clothe truth in the garments of imagination, once said:

> God, with His mighty wind, has shaken his hand over the river, and men are beginning to go dry-shod on the places where once there was no passage.

In this age of the automobile, the airplane, the radio, the television, are concentrated new requirements, new obligations of the new day, of the new epoch. We must conform. We must comply. God has indeed "shaken his hand over the river." He has exhibited new worlds of power to this generation. If we but have the vision to see and the faith to walk, we shall "go dry-shod on the places where once there was no passage."

FOREGN TRADE UNDER PROTECTION

Mr. COLE of Iowa. Mr. Speaker, speaking some days ago on the merchant marine bill, the gentleman from New York [Mr. GRIFFIN] assumed that American ships would be somewhat useless so long as we maintain our present protective tariff. His mind was befogged with the hocus-pocus that we can not expect to sell except to those from whom we buy, nor more than we buy, and that a protective tariff is a barrier in foreign commerce.

Fortunately the records of both imports and exports for more than a hundred years are available. But unfortunately the gentleman from New York did not avail himself of these records. If he had done so, he would have found that our foreign trade, including both exports and imports has prospered most under protection, and prospered least under so-called free trade, or, more properly, tariff for revenue.

The Underwood-Simmons tariff law, avowedly a revenue measure, and of which the authors boasted that there was not an element of protection in it, was enacted in 1913. It was in full effect during all of 1914, and in spite of the fact of the increased demand for our products during the last six months of that year, due to the World War, our foreign trade declined over $400,000,000 as compared with 1913 under the protective tariff.

Our foreign commerce in 1914 under a revenue tariff was less than $4,000,000,000 as compared with over $9,000,000,000 for the year 1927 under protection.

In 1927 under protection our exports alone exceeded by a billion dollars the combined exports and imports of 1914 under a tariff for revenue.

That low tariffs promote foreign trade is only a theory. It is when we are most prosperous in America that we both buy and sell most in foreign trade. And it is under protective tariff that we are invariably most prosperous in America. When we are prosperous we buy liberally not only at home but abroad. Our imports under protection are, however, of a different kind. They consist largely of raw materials to be finished by American labor and of luxuries. Such imports do not produce unemployment.

Secretary Mellon in his answer to the International Bankers a year ago formulated the basic principle of foreign trade when he said:

> It is the consumptive capacity of our people and not tariff rates that control imports.

A STATESMAN JUSTIFIED BY FACT

Vision and statesmanship are close kin. That Alexander Hamilton was a man of almost uncanny vision no one now attempts to deny. Talleyrand declared him to be the greatest living statesman and tells how he justified his theory of tariff protection for America by the confident prediction that ultimately either Philadelphia or New York would be the financial center of the world. Back in the interior he pictured another metropolis, and held the firm belief that we would in time expand to the Pacific: "And, if we built to that size," said Hamilton, "we must foster our industries."

From the teachings of Hamilton, Republicans have learned much, and following his precepts they have fostered every industry and fathered none.

There is scarcely an American industry, except elementary ones—from pearl buttons to locomotives—that does not owe both its origin and its present existence to a protective tariff. I hurl the challenge broadcast and defy anyone between the seas to name a single industry now in successful operation that owes its origin to democratic legislation. No; there is not one, and Republicans have hundreds, and I suppose a thousand to their credit.

The outstanding effect of fostering industries is the American pay roll, vastly larger, and by many believed to be twice as large as that of all the rest of the world. This constant flow of actual cash, dependent only upon the constant flow of production, is no less vital to the farmer and others who supply the needs of labor than to the recipients themselves. The preservation of this pay roll, on which we all directly or indirectly depend, is the one and all absorbing issue of this campaign.

A LUCID ILLUSTRATION

Would you start the erection of a building if you knew a revision of the law of gravitation was contemplated, a former Secretary of the Treasury asked me the other day, especially if a few previous revisions had been attempted and always with disaster?

Will you enlarge your shop, will you increase activities in any direction, will you do anything but sit tight and await the inevitable, and by sitting tight hasten the inevitable, if through the

indifference of voters the Democrats win the forthcoming election with their promise of tariff revision? Especially in the face of the ruin their previous revisions have entailed?

The Democratic Party of 1928 is the Democratic Party of history. While certain members are protectionists the party in practice as in theory favors foreign producers and importers, and it will again, as it always has, give them some slight advantage over Americans in the American markets for purposes of revenue only. Business men know this and will not await even inauguration before setting breaks. They never have. It was not President Wilson's oft quoted threat to "hang higher than Haman" if the captains of industry continued to slacken production in the face of the Underwood tariff, but the war that restored activity. A cyclone cloud need not burst to drive prudent men to their caves. If the Democrats win in November the pay roll will be cut in December.

The gentleman from Arkansas [Mr. OLDFIELD], speaking on the tariff with special reference to proclamations under the so-called flexible clause sometime ago, said that with "the same pen" the President had used to veto the McNary-Haugen bill he had signed a proclamation increasing the duty on pig iron "50 per cent." His evident purpose was to create the impression that the President, and by inference the Republican Party, is more interested in manufacturers than in agriculture. It was more an appeal to prejudice than a statement of fact.

What are the facts? The duty on pig iron had been 75 cents a ton. The increase of 50 per cent therefore was exactly 37½ cents per ton, making the new duty $1.12½ per ton. The gentleman who serves as the Democratic whip in the House used the phrase, "50 per cent," because it sounded bigger than 37½ cents. He sought to convey the idea that a gross favoritism had been shown to a manufacturing industry.

The gentleman forgot to say that the President proclaimed this increase because it had been recommended by the Tariff Commission, a bipartisan body. The Tariff Commission recommended it after years of study. They deemed it necessary to prevent a large number of laborers being thrown out of employment in America. They found that large imports of pig iron were displacing the products of American mines and American wage earners.

The gentleman from Arkansas apparently did not know that 38 per cent of the cost of manufactured products is represented in food actually consumed during the processes of manufacture. If he had reasoned more correctly he would have found that nonemployment affects farmers almost as seriously as it does those who are thrown out of work. The farmer is dependent on the American pay roll, for it is out of the pay rolls that he is paid for his products.

For aught I know, or that the gentleman from Arkansas knows, the President also used "the same pen" to proclaim an increase of "50 per cent" in the duty on butter. The duty on butter was 8 cents a pound, and this 50 per cent increase was therefore 4 cents per pound, making the present duty 12 cents a pound. Four cents a pound on butter means $80 a ton, which is more than an offset for 37½ cents a ton that the president, still with "the same pen," proclaimed on pig iron.

So long as the farmer can receive $80 more a ton for his butter I am sure he is willing to pay 37½ cents more a ton for whatever pig iron he may use, be it in the form of barbed wire or farm machinery, or what else. The farmer's wife can take 9 and a fraction pounds of butter to market, and out of the increase pay for the increase on a whole ton of pig iron.

INLAND WATERWAYS

Mr. O'CONNOR of Louisiana. Mr. Speaker, Members of the House, H. R. 13512, a bill to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," as it finally went to the President after the adoption of the conference report by the Senate and House is one of the most constructive measures ever passed by any Congress in the history of our country.

There are some expressions that require no elaboration. There are some bills which so cogently, clearly, and legislatively express national hope and purpose that any elaboration would be a supererogation. If I may be permitted the observation, which has become solemnly historic, "and God said let there be light and there was light," needs no ornament in the way of explanatory phraseology. Res ipsa locquitur—the thing speaks for itself. The bill is monumental in its economic and transportation wisdom and patriotic scope. But it would be incomplete, masterpiece though it might be, if it stood alone, without the triumphal cap which has been given to it by the amendment agreed upon in conference, which reads, "The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the services of the Inland Waterways Corporation to the waterways included in such route or any section thereof, and to report thereon to the Congress as soon as practicable."

The proposed measure which I am sure will become a law by virtue of the President's signature is such a harbinger of hope and performance to the advocates of inland and coastal waterway development that I am going to place it in my address at this point, so that the future might be glimpsed through its words. It is an archway through which gleams that untraveled world, the margin of which though still in the distance gives us knowledge of the wonders that are to come to ourselves and succeeding generations through the renaissance of the revival of water traffic in the United States. The bill and the conference report adopted by the House and Senate make for such a great chapter in the history of transportation in the United States of America that I feel privileged to insert them here in my extension of remarks.

Be it enacted, etc., That section 2 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (par. 152, ch. 5, title 49, U. S. C.; ch. 243, vol. 43, 360 U. S. Stat. L.), be, and the same is hereby, amended to read as follows:

"SEC. 2. The capital stock of the corporation shall be $15,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States, and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of the United States. There is hereby authorized to be appropriated the sum of $10,000,000, in addition to the $5,000,000 heretofore authorized, for the purpose of paying such subscription."

SEC. 2. That section 3 of said act be, and the same is hereby, amended to read as follows:

"SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War under section 201 of the transportation act, 1920, as amended, and shall continue to operate the facilities now being operated or that may hereafter be operated by it under the provisions of this act; and shall, as soon as there is an improved channel sufficient to permit the same, initiate and continue the water carriage heretofore authorized by law upon the Mississippi River above St. Louis.

"(b) When the improvement of any tributary or connecting waterway of the Mississippi River, not including the Ohio River, shall have been completed or advanced to the point where within two years thereafter there will have been substantially completed a sufficient and dependable channel for the safe operation of suitable barges and towboats thereon; and when the Chief of Engineers of the United States Army shall certify that fact to the Secretary of War, the Secretry of War shall thereupon cause a survey of such tributary or connecting waterway to be made for the purpose of ascertaining the amount of traffic, the terminal facilities, and the through routes and joint tariff arrangements with connecting carriers, that are or will, within such years, probably be available on such tributary or connecting waterway. As soon thereafter as such survey shall have been completed and a sufficient and dependable channel for the safe operation of suitable barges and towboats shall have been substantially completed, the Secretary of War may, if he finds from such survey that water transportation can, in the public interest, be successfully operated on such tributary or connecting waterway, extend the service of the Inland Waterways Corporation thereon as soon as the corporation shall have suitable facilities available therefor.

"(c) It is hereby declared to be the policy of Congress to continue the transportation services of the corporation until (1) there shall have been completed in the rivers where the corporation operates, navigable channels, as authorized by Congress, adequate for reasonably dependable and regular transportation service thereon; (2) terminal facilities shall have been provided on such rivers reasonably adequate for joint rail and water service; (3) there shall have been published and filed under the provisions of the interstate commerce act, as amended, such joint tariffs with rail carriers as shall make generally available the privileges of joint rail and water transportation upon terms reasonably fair to both rail and water carriers; and (4) private persons, companies, or corporations engage, or are ready and willing to engage, in common-carrier service on such rivers.

"(d) When the Secretary of War shall find that navigable channels and adequate terminals are substantially available as provided in paragraph (c) of this section, and when the Interstate Commerce Commission

shall report to the Secretary of War that joint tariffs with rail carriers have been published and filed as provided in said paragraph, the Secretary of War is hereby authorized to lease for operation under private management, or to sell to private persons, companies, or corporations, the transportation facilities, or any unit thereof, belonging to the corporation: *Provided*, That the facilities of the corporation shall not be sold or leased (1) to any carrier by rail or to any person or company directly or indirectly connected with any carrier by rail; or (2) to any person, company, or corporation who shall not give satisfactory assurance and agree, as part of the consideration for such sale or lease, that the facilities so sold or leased will be continued in the common-carrier service in a manner substantially similar to the service rendered by the corporation, together with ample security by bond or otherwise to insure the faithful performance of such agreement; or (3) until the same has been appraised and the fair value thereof ascertained and reported to the President by the Interstate Commerce Commission, and the sale or lease thereof has been approved by the President.

"(e) Any person, firm, or corporation, including the Inland Waterways Corporation, engaged or about to engage in conducting a common-carrier service upon the Warrior River or the Mississippi River, or any tributaries thereof, may apply to the Interstate Commerce Commission and obtain a certificate of public convenience and necessity in accordance with the provisions of section 1 of the interstate commerce act, as amended, and the Interstate Commerce Commission shall thereupon, by order, direct all connecting common carriers and their connections to join with such water carrier in through routes and joint rates with reasonable rules, regulations, and practices, as provided in paragraph (3) of section 15 of the interstate commerce act, as amended, and the commission shall, in such order, fix reasonable minimum differentials between all-rail rates and joint rates in connection with said water service to apply until changed by order of the commission. Such joint routes, rates, rules, regulations, and practices may be changed by order of the commission or by agreement of the water carriers and the other participating carriers. The commission shall further require the interested common carriers to enter into negotiations for the purpose of establishing equitable divisions of the aforesaid joint differential rates within 30 days after such joint rates are established, and if the carriers are unable to agree upon equitable divisions within 120 days from date of publication the commission shall, by order, determine and establish reasonable divisions to become effective coincident with the effective date of the joint rates. The commission is hereby given authority upon complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning (1) the reasonableness or lawfulness of any through route or joint rate filed pursuant to such order of the commission, or (2) the reasonableness of any minimum differentials between all-rail rates and joint rates in connection with any water service, or (3) the reasonableness of any division of joint rates ordered by the commission under the provisions of this act; and after full hearings the commission may make such order with reference to any such matters as it may find to be proper and in the public interest. At any such hearing the burden of proof concerning the unreasonableness or unlawfulness of any through route, joint rate, minimum differentials between all-rail rate and joint rate in connection with water service, or division of joint rates shall be upon the carrier or carriers making the complaint; and the commission shall give the hearing and decision of such questions preference over all other questions pending before it, except such questions as are given like preference by law, and decide the same as speedily as possible: *Provided*, That if the Inland Waterways Corporation sells or leases its transportation facilities to any person, firm, or corporation to be operated as a common carrier, such person, firm, or corporation shall be entitled to a certificate of public convenience and necessity upon making application therefor; and all through traffic arrangements and joint tariffs, with rules, regulations, and practices in connection therewith, published by the Inland Waterways Corporation and filed with the Interstate Commerce Commission and participated in by other carriers shall remain in full force and effect between such carriers and the person, firm, or corporation purchasing or leasing such transportation facilities from the Inland Waterways Corporation and operating the same as common carriers until changed by order of the commission, except that such through-traffic arrangements and joint tariffs, with rules, regulations, and practices therewith, may be changed by mutual consent of the water carrier and the other participating carriers. Joint rail and water rates as herein used shall be deemed to include every movement of traffic in which a water line can participate.

"(f) The operation of the transportation and terminal facilities under this act shall be subject to the provisions of the interstate commerce act, as amended, and to the provisions of the shipping act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels."

SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterway Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable. He is authorized to pay the expenses of such a survey from the funds which may hereafter be appropriated for the purchase of stock in the Inland Waterways Corporation.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13512) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and after the word "*Provided,*" in line 25, insert the following related matter: "That for the purpose of this paragraph the facilities of the corporation on the Mississippi River and its tributaries shall be considered one unit, and those on the Warrior River and its tributaries as one unit: *Provided further*"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"SEC. 3. The Secretary of War is authorized and directed to cause an investigation and survey to be made of the inland water route from Boston, Mass., to Beaufort, N. C., with a view to determining the amount of actual or potential commerce thereon and the feasibility and advisability of extending the service of the Inland Waterways Corporation to the waterways included in such route, or any section thereof, and to report thereon to the Congress as soon as practicable."

And the Senate agree to the same.

JAMES S. PARKER,
E. E. DENISON,
SAM RAYBURN,
Managers on the part of the House.

CHAS. L. MCNARY,
FREDERIC M. SACKETT,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13512, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

On No. 1: The House bill, as it passed the House, provided that under certain conditions stated in the bill the Secretary of War would be authorized to sell or lease the facilities of the Inland Waterways Corporation, or any unit thereof, to private persons, companies, or corporations. The word "unit" was not defined, but it was used in the House bill as meaning the facilities of the corporation operated on the Mississippi River and its tributaries separate from the facilities of the corporation operated on the Warrior River, or vice versa. Senate amendment No. 1 struck out the words "or any unit thereof." The effect of the Senate amendment was to limit the power of the Secretary of War to sell or lease the facilities of the corporation so that he could only sell or lease them as a whole. The agreement reached by the conferees on the part of both Houses is to restore the language of the House bill and insert explanatory words defining the meaning of the word "unit." It was agreed to insert language stating that within the meaning of the act the facilities of the corporation operated on the Mississippi River and its tributaries should be one unit, and the facilities operated on the Warrior River and its tributaries should be another unit. So that the bill as agreed upon provides that under the conditions named therein the Secretary of War is authorized to lease or sell the facilities of the corporation operated on the Mississippi River and its tributaries as one unit, and those operated on the Warrior River as another unit.

On No. 2: Senate amendment No. 2 consisted of a new paragraph which authorized and ordered the Secretary of War to make a survey of the Coastwise Canal from Boston to Beaufort, N. C., to ascertain what traffic and terminals would be available with a view to future authorization for operations of the corporation on the Coastwise Canal. The Senate amendment also provided that the expenses for making such survey should be paid out of the capital stock of the corporation. The conferees on the part of the House receded from its disagreement to

that amendment and agreed to the same with an amendment which strikes out the provision for paying the expenses of the survey out of the capital stock of the corporation. The effect of the action of the conferees on that amendment is to leave it as a mere authorization to the Secretary of War to cause a survey of the Coastwise Canal to be made to ascertain the traffic and terminals that would be available thereof.

Mr. Speaker, there will always be torchbearers in this world. There will always be men and women far in advance of the crowd, lighting the way for those who are inevitably to follow them. Many times the torch is flung from failing hands to other visionaries and seers of things and the great march to success is maintained and secured. T'was ever thus and it will always be so. Dreamers of dreams who in the night of despair foresee the glories of the day that is to come. Wandering by lone sea breakers and sitting by desolate streams these leaders of a dawning civilization pass out and are eventually forgotten, but their work survives until it gives way to a grander and finer thought. For each age is a dream that is dying or one that is coming to birth. As proof of this read this paragraph from the rivers and harbors bill of 1909, which points the way to an inland and intracoastal waterway from Boston, Mass., to the Rio Grande River, through as fine a section as will ever bless this earth.

INTRACOASTAL WATERWAYS

Survey for the construction of a continuous waterway, inland where practicable, from Boston, Mass., to Long Island Sound, including a waterway from the protected waters of Narragansett Bay through the ponds and lagoons lying along the southern coast of Rhode Island to Watch Hill and Fishers Island; thence to New York Bay; thence across the State of New Jersey to a suitable point on Delaware River or Bay; thence to Chesapeake Bay; thence from Norfolk, Va., to the sounds of North Carolina and Beaufort Inlet, N. C., for the purpose of ascertaining the cost of a channel with a maximum depth of 25 feet, or such lesser depths along any section or sections of the said waterway as may be found to be sufficient for commercial, naval, or military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same.

Survey for the construction of a continuous waterway, inland where practicable, from Beaufort, N. C., to the Cape Fear River, N. C.; thence to Winyah Bay, S. C.; thence to St. Johns River, Fla.; thence to Key West, Fla., for the purpose of ascertaining the cost of a channel with a maximum depth of 12 feet, or such lesser depths along any section or sections of the said waterway as may be found to be sufficient for commercial, naval, or military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same.

Survey for the construction of a continuous inland waterway across the State of Florida, between suitable points on the eastern and Gulf coasts of said State, for the purpose of ascertaining the cost of a channel with a maximum depth of 12 feet, or such lesser depths along any section or sections of said waterway as may be found sufficient for commercial, naval, and military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same.

Survey for the construction of a continuous waterway, inland where practicable, along the Gulf of Mexico from St. Georges Sound, Fla., to the Mississippi River at New Orleans, La., by way of St. Andrews Bay, Choctawhatchee Bay, Pensacola Bay, and Perdido Bay, Fla.; Mobile Bay, Ala.; Mississippi Sound, Ala. and Miss.; Lake Borgne and Lake Pontchartrain, La., for the purpose of ascertaining the cost of a channel with a maximum depth of 9 feet, or such lesser depths along any section or sections of the said waterway as may be found to be sufficient for commercial, naval, or military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same.

Survey for the construction of a continuous inland waterway in the State of California, between suitable points on Humboldt Bay and Eel River, with a view to obtaining a channel of suitable width and a maximum depth of 9 feet, or such lesser depths along any section or sections of said waterway as may be found desirable. Such survey shall include an examination of all practicable routes.

INLAND WATERWAY OF LOUISIANA AND TEXAS

Survey for the construction of a continuous inland waterway from the Mississippi River to Bayou Teche; thence to Mermentau River; thence to Calcasieu River; thence to the Sabine River, La. and Tex.; thence to Galveston, Tex.; thence to Brazos River, Tex.; thence to Pass Cavallo; thence to Aransas Pass; thence to Point Isabel; and thence to the Rio Grande, for the purpose of ascertaining the cost of a channel with a maximum depth of 9 feet, or such lesser depths along any section or sections of the said waterway as may be found to be sufficient for commercial, naval, or military purposes. Such survey shall include an examination of all practicable routes, the preparation of plans and estimates of cost along the most available route, and a report upon the desirability of utilizing as a part of such waterway any existing public or private canal, or any part thereof, and the probable cost of acquiring the same: *Provided*, That whenever, in the making of a survey of any of the preceding waterways, field work shall indicate that the proposed improvement is clearly inadvisable, no detailed survey or plans shall be made.

Within the next 20 years this dream will be a reality. New Orleans, on the banks of the Mississippi River, will be at the crossroads, as it were, of a commerce moving east and west upon this great system of waterways that will carry a merchandise so vast as to be unimaginable. That great and flourishing city now is destined by sheer force of its geographical position to become one of the greatest cities and trade marts of the world. Flood control is assured, and that means a rainbow to the storms of life, the evening beams that will smile the clouds away to the people of that fertile section known as the alluvial valley of the Mississippi. The flood control bill or act will always be regarded as one of the great achievements of the administration of Mr. Coolidge. It is a great, constructive legislative program.

In the magnitude of the operations that will be conducted under and in conformity with this program even the construction of the Panama Canal must take second place. But the people of the Mississippi Valley must not be misled or deluded into the thought that their work in the way of solving the Mississippi problem is at an end. As long as rain and snow fall from above us on the places beneath between the Alleghenies and the Rocky Mountains and from far over the Canadian boundary line shall we have, in the springtime particularly, great volumes of water seeking in accordance with the law that governs them the lowest spots and terrain in the journey to the Gulf of Mexico and out into the Atlantic Ocean. The lowest spot is a great stretch, winding its way tortuously, so that at times it looks like a coil within a coil and sometimes like a great spiral, horizontally moving on to its ultimate destination. That is the Mississippi River and all of the rivers that flow into it from east to west and are called its tributaries. In the House caucus room there was exposed by the Committee on Flood Control during its many notable hearings in a great effort to solve the problem a skeleton of the Father of Waters and its many attendants. It attracted great attention because it focused the mind at once upon the vastness of the territory drained by this wonderful system, and at once the thought sprang into the mind of the beholder, Why is it that these rivers, traversing the heart of the continent, are not so cared for that they would make for the support of the greatest water transportation fleet that the world has ever known? That query will not down. Like Banquo's ghost, it will not down. It will be asked by generation after generation of Americans until the affirmative, satisfying answer is given—a complete, navigable waterway covering this tremendous reach of territory, upon which will float myriads of vessels, barges, rafts, and towboats that will carry to and fro the commerce of the multitude of people that will increase the already large population found upon the farms and in the cities of the valley.

Mr. Speaker, vast as our imports and exports are they are relatively but a small part of our total commerce, foreign and domestic. And while that foreign commerce is greatly to be wished and much to be cared for, still if the necessities of some tremendous requirements demanded it we could live within ourselves and bid defiance to the rest of the world. Should we ever be pushed to it from any threat from beyond the Atlantic or the Pacific we could, with a waterway system properly developed to meet the great demands that would be made upon it, so arrange our lines, without any great economic disturbance, to live among ourselves. Our domestic commerce would maintain the Republic, financially, commercially, and socially until troubled nights of danger were over. For that domestic commerce, great as it is to-day, may be doubled, trebled, and quadrupled within the next 10 years. For, Mr. Speaker, our civilization will not have justified itself until every home in

America, and throughout the world for that matter, is a home in the finest and noblest sense of the word, a home with sufficient rooms to make for that home life which is essential to the life of America. Every home should have a bathroom, be lighted by electricity for heating and cooking purposes. Our waterfalls throughout the country will some day be utilized to make for that power which will transmit electric energy to every household in the Republic. Upon the walls should be pictures that will ennoble the thought of the boy and girls in that home. Every parlor should be ornamented with statuary to stimulate the imagination of children to do noble things. There should be rugs and carpets upon the floor. There should be musical instruments; and upon every table there should be an abundance of foodstuffs so as to make for a great, healthy, vigorous America. It should be a land flowing with milk and honey so that its citizenry, men and women, will be willing to fight for it as a land that they will have an even better cause than now to love for the great blessings that will spring from its life.

The point I wish to make is that our domestic commerce is yet *in its infancy* and that its proper promotion, particularly in the way of encouraging finer homes, will make for a demand upon our factories that will keep their wheels revolving and humming, making sweetest music to the ears of a vast number of employees who will be happy in the good wages they will receive and the fact that they are adding to the pleasures of their countrymen by the generous output from their mills. This will make for enormous commerce, and I make the prediction, Mr. Speaker, that as a result of the operations of the Inland Waterways Corporation that the day is not far distant when railroads as the major factor in our transportation system will as a result of sheer economic necessity go into the operation of great barges, flats, and towboats as a part of their transportation machinery. It would not be surprising if in the course of years our whole transportation system were not so changed as to be almost unthinkable from what it is to-day. Many bold thinkers already envision a future in which railroads will run at right angles to all of our great rivers and in this altered plan the highways will be made to render a service so as to make for the greatest low-cost transportation system obtainable. The Republic will be driven to this by economic law and as a result of a laudable ambition to remain in the vanguard of the civilization of the present time—

> Do well thy work—it shall succeed,
> In thine or in another's day,
> And thou that lack the victor's need,
> Thou shall not want the toiler's pay—

is the stirring thought that has been in the minds of Americans from colonial times, a thought which acted upon has brought us to the wonderful place we have reached. But I say we are still at sunrise. Noon is far away, and we will go on toiling unremittingly so that our children's children will enjoy the fruits of our labors and work for the tremendously brilliant future that lies ahead of them. Yes, Mr. Speaker, the signing of the flood control bill is a great day, but we must not forget that it is an authorization bill, and that under the provisions of another law, that creating the Bureu of the Budget, the Chief of Engineers will submit estimates from year to year for the work that will have to be done and that the Committee on Appropriations will write appropriation bills in accordance with the recommendations of the bureau. We must not forget that this is a world of change, congressionally as well as otherwise, and that there may be attempts made to so amend this great bill as to render its provisions nugatory. We must as watchmen upon the towers be ever upon the alert to not only prevent its emasculation but to improve it so as to make for that waterway system that has been in the minds not of dreamers but of statesmen like Herbert Hoover.

The inland waterway bill does not make for the Government going into business. It is a great experiment, which its proponents know will last as an experiment only for a few years, when it will undergo a change of hands as a result of its successful operation and private enterprise will pay handsomely for its then equipment. Great credit is due to the men who have advocated the operation of this line from the Twin Cities down to New Orleans and thence over to Mobile and Birmingham. They have planted a tree which will bear golden fruit.

The territory pictured by me of the Mississippi Valley comprises two-thirds of the total national area. It domiciles over half of the entire population. Its contributions to the national wealth are 68 per cent of exportable products, 52 per cent of manufactures, and 70 per cent of agricultural products of the Nation.

In this territory is contained the industrial center of the Nation, at the foot of Lake Michigan; the agricultural center, near the confluence of the Mississippi and Illinois Rivers, and the center of population in southwestern Indiana, close to the Illinois line.

For this chief wealth-producing section of the United States and of the world, the natural arteries of transportation are the Great Lakes and the Mississippi-Illinois-Ohio River systems, flowing into the Gulf of Mexico.

The Federal Government has spent nearly $430,000,000 on waterways in the Mississippi Basin. Of this, over $100,000,000 were appropriated to the development of the Mississippi from its mouth to the Ohio, and about one hundred million more to the improvement of the Ohio and its immediate confluence. As a result of this national effort the Mississippi is navigable by barge of 9-foot draught from Cairo to the Gulf, and the Ohio from the industrial centers of western Pennsylvania to its confluence with the Mississippi.

At an expenditure of $60,000,000 the people of the Sanitary District of Chicago have dredged and improved the northern link of the Illinois-Mississippi waterway from Chicago to Joliet. The State of Illinois, at the cost of $20,000,000 more, has partly completed and has under construction the continuing link from Joliet to Utica.

In the heart of this system of waterways—a clot, blocking off the circulation of lake traffic from the rivers to the south and east—is the undredged section of the Illinois-Mississippi Rivers from Utica to Cairo. The opening of this artery involves the expenditure by the National Government of less than $5,000,000, plus an undetermined sum of perhaps $25,000,000 for compensating works to maintain and restore lake levels. The improvement itself consists of deepening to 9 feet the two rivers between Utica and Cairo, removing four locks and dams in the Illinois, and assuring a constant and adequate flow of water from Lake Michigan into the Mississippi.

Adequate navigation of the Mississippi from St. Louis and of the Ohio-Mississippi from Pittsburgh to the Gulf and the Great Lakes is dependent upon the construction of this link.

The Government has appropriated approximately $40,000,000 for deepening the Missouri from Kansas City to St. Louis and the Mississippi from Minneapolis to the latter metropolis. The project will change the present 3½-foot depth to one of 6 feet.

Total Federal appropriations for the improvement of coastwise harbors aggregate more than $500,000,000. The cost of the Panama Canal was nearly $400,000,000. These expenditures were borne by all of the people, yet because of the undeveloped link in the Lakes to Gulf waterway, agriculture and industry in this great central empire are withheld from their full share in the benefits of these improvements, and the shippers of this section are forced to compete disadvantageously with those of the eastern centers.

An illustration of this inequality is in the fact that machinery can be shipped from points in the Middle West by rail to the eastern seaboard, thence by water through the Panama Canal to Pacific ports, more cheaply than it can be sent by rail, direct from the point of manufacture, to its western destination.

About 7,000,000 tons of cargo passed through the Panama Canal in 1919; in 1924 this tonnage had increased to between 27,000,000 and 30,000,000. The Ohio-Monongahela-Allegheny Rivers system carried about 38,000,000 tons in 1923. The Mississippi-Warrior Rivers service, under adverse conditions, in the first years of operation transported 4,000,000 tons of freight. In about this same period one railroad operating between Chicago and the Gulf increased its freight tonnage from 38,000,000 to over 55,000,000.

In the immediate territory traversed by the projected Illinois-Mississippi improvement, 25,000,000 tons of freight a year are immediately available for the waterway, which will have an annual capacity of 60,000,000 tons.

The city of Chicago alone uses annually about 38,000,000 tons of coal, with consumption increasing at the rate of 1,000,000 tons a year. Over half of this coal is mined in southern Illinois, within one day's motor-truck haul of the Illinois River. The construction of the Illinois-Mississippi deep waterway will lower the cost of this coal in the Chicago district by about $1 a ton, with a commensurate reduction in the cost of coal shipped by this 9-foot channel to such lake cities as Milwaukee, Duluth, Superior, and Detroit. As another indicant of the tonnage available for shipment by this waterway, 200,000,000 bushels of grain are raised yearly in Illinois within hauling distance of the river.

Every congressional district in the States of South Dakota, Minnesota, Illinois, Wisconsin, Indiana, Michigan, Iowa, Ne-

braska, Ohio, and Missouri utilized the Mississippi barge line during its first five years of operation. The water rates being 20 per cent lower than corresponding rail rates, this barge line saved for shippers, directly $3,392,000—and indirectly an indeterminate sum through reduction in the rates of competing railroads.

The industrial and agricultural centers of the Allegheny watershed and of the South can be linked by water routes with the Great Lakes only by the construction of the deep waterway between Utica and Cairo.

Over half of the Nation's population can secure the full benefits of the Panama Canal investment only through this construction.

The Federal Government, by the small expenditure involved, can enhance immeasurably the value of the $550,000,000 investment in Mississippi Basin waterways, and can give to all of the people of the United States the most comprehensive system of water transportation in the world.

The matter is in the hands of the National Congress, and Congress will answer patriotically with the vision of statesmen. Millions will silently think, "Well done, thou good and faithful servant."

There remains but one task to be accomplished, and that will soon be finished when the rivers and harbors bill now pending in the House will be enacted into law. For that bill carries in its provisions a proposed survey of the industrial canal which in the lower part of the city of New Orleans connects the Mississippi River and Lake Pontchartrain with a view of determining the advisability of remunerating the local interests for the expenditures made in the construction of that great canal which is a sine qua non to the great waterways system and transportation agency that will build up a commerce so huge as to defy the efforts of the statisticians to approximate it in their prognostications. Only the one that has the faith in him can see the numberless towns and cities yet unborn that are to adorn the banks of this immense waterway—cities and towns that will promote the welfare of our country and bring happiness to millions who will find unending employment in the incalculable commerce that will move over an inland route from Boston to the Rio Grande. Not only will this make for the development of a commerce that will pale into insignificance all of the argosies dreamed of in the past, but will make for a military defense that has been urged by Secretaries of War and Commerce for many years past in every succeeding administration since the Civil War.

Mr. Speaker, when the United States sprang into existence in 1789 as a result of the great Constitutional Convention that gave birth to that wonderful federation, no one believed that in the incredibly short period of 140 years that the United States would be composed of 48 great Commonwealths and would reach from the Canadian line down to the Gulf of Mexico. It was then only 13 States or Colonies straggling along the Atlantic coast.

No dreamer was fantastic enough to look into the future and tell the world that he beheld a dream so dazzling as the imperial civilization that is our boast and our glory of to-day. Stand before a map of our country and look. See it as it rolls under your gaze from the Atlantic to the Pacific. Ponder over the trials and tribulations of the American pioneers as they marched westward, settling around the Great Lakes, and then over the Mississippi and across the Louisiana Purchase, which became their own in 1803, and across the Rockies to the shores of the Pacific Ocean, either through the Oregon Territory, the American title to which was established in 1846, or by way of the empire ceded to us by Mexico in 1848, and you will realize that performance has outgrown any promise that might have been made when the Constitution of our country was adopted. Gaze at that map and see the Lone-Star State, with a territory as great as that of the Republic of Germany. Look down and see Alaska at the bottom of the map, whose mountains and lakes defy the brush of the painter or the tongue of the poet to describe. Glance at the Philippines, queen of the eastern seas, fairest of all Edens, with Samoa, Hawaii, Porto Rico, the Virgin Islands, the Canal Zone, and drink in the thought that Old Glory, the flag of our country, waves under the icy gale and beneath the northern lights as proudly as it floats under the balmy breezes and the soft and glorious radiance of the southern cross.

Mr. Speaker, we who have fought the good fight for inland and coastal waterways are not mere dreamers. We have grown old witnessing many marvelous accomplishments by our country. One great conquest after another has been her proud achievement. We who are looking westward see a greater destiny ahead than the wonderful civilization that blesses us to-day. The sunset of life gives us mystical lore and coming events cast their shadows before. Boston to the Rio Grande, with New Orleans at the crossroads, means for the greater glory of our country in peace times and a means of national defense in times of war, which I hope will never come again to curse the world with its horrors, atrocities, and crucifixions.

FARM RELIEF LEGISLATION

Mr. ABERNETHY. Mr. Speaker, under general leave to extend remarks in the RECORD I insert the following speech I made to the farmers over radio station WTFF from Washington, D. C., January 25, 1928:

The question of substantial farm relief at this session of Congress is largely dependent upon the forces of the South and the West harmonizing and getting together, thereby insuring sufficient votes to override the veto of the President, if necessary, and to place upon the statute books laws which will grant to the farmers equality with industry and with those specially favored by law, insuring to the farmer a reasonable return for his labors and efforts.

For one who has consistently supported the McNary-Haugen bill I desire to appeal to those who each Congress put this legislation to the forefront to call into conference not only the western Members of Congress but also those Members who come from that great agricultural section, the South. Let us come together this session of Congress and so frame this legislation as to enable the southern Members of Congress and the western Members of Congress to join forces and organize and to pass substantial farm relief legislation through Congress, and to have enough votes to override the veto of the President, in the event of his disapproval. The situation of the farmer is too critical for us to play politics with measures designed for his relief. What is needed is legislation, and this we can not secure at this session of Congress unless we iron out the differences and come together on the substantial principles of the McNary-Haugen proposal regardless of how it may affect the fortunes of certain statesmen ambitious to become President.

Those who represent the great farm organizations of the country must realize that the plight of the farmer at this time makes it imperative that those of us who are consistently trying to give relief to him need more votes in Congress than we had at the last session of Congress; and to secure these votes there must be unity among farm leaders and the real friends of the farmer in and out of Congress, and that there must be free, open, and full cooperation and organization to secure genuine farm relief this year. So let us counsel together for the common good.

There are loud proclamations from certain quarters that the country is enjoying an era of prosperity, but no one can seriously contend that the farmer is sharing in this prosperity, if it really exists. Agriculture is beset on every hand. The prices to be paid by the farmer for what he is required to purchase are fixed by others than by himself and the prices which he receives for his labors and the things he produces is also beyond his control. And in this dilemma he finds himself year after year sinking deeper into the mire and the financial slough of despond. He has been told, and rightfully so, that laws now in force in the land are protecting and benefiting industry and others, with no resulting benefit to himself, and naturally he appeals to the Congress and to the powers that be in the Government to grant to him the same rights and privileges or to abolish the special privileges granted to others. It can not be denied that he is right in his demands. How is this to be brought about? The forces who are the recipients of privileges are strong and powerful, united and well organized, and the vantage ground gained by them they will seek to maintain and defend, and the battle is one which can only be won for the farmer by unity in the camp of his friends; hence the great necessity of harmonizing our forces for the conflict.

There are many strong men in the country who have set forth this plan and that plan and there are many bills pending in Congress which have for their purpose the relief of the farmer, but unless we can get away from pride of authorship and can center our forces on one concrete plan it is well known, with the present conditions as they exist, that the outlook for farm relief is not bright. Favorable signs are appearing during the hearings before the House Agricultural Committee that lead us to expect from that great committee this session one legislative plan which will have the backing of the committee instead of having three bills reported from the committee, as was the case at the last session of Congress.

One of the crying needs at this time is for the various States and also the National Government to bring about the reduction in the farmer's taxes. The total amount of taxes paid on farm property increased from about $344,000,000 in 1914 to about $870,000,000 in 1925, and in the years 1926 and 1927 there has been practically no relief given the farmer in his taxes. Land taxation is all out of proportion as compared with other forms of taxation. Prices received for farm products rose from an index of 100 in 1914 to 209 in 1919 and dropped to 136 in 1926 and to about 130 in 1927. The burden of taxation practically wiped out farm earnings during the years of low returns from farm products.

Need for readjustment of freight rates on agricultural products is imperative. The agricultural situation has been and is now being studied by various groups and from various angles.

Members of Congress have been supplied with interesting and voluminous data. The National Industrial Conference Board and the Chamber of Commerce of the United States have just furnished us with a 273-page book prepared by the Business Men's Commission on Agriculture, and more recently there has been sent to our desks a "Report on the agricultural situation by the special committee of the Association of Land-Grant College and Universities," and various other organizations, groups, and individuals have sought to give us light on this perplexing problem.

These various dissertations are helpful in the study of agricultural conditions, but our divided ranks is the most serious problem that confronts us in Congress to-day; and it is my candid opinion, as I said in the outset, what we need most at this critical time is more unity and not so many plans—more votes to effectuate legislative farm relief. Can we secure this harmony? I believe we can. When we do harmonize, there are enough real friends of the farmer in Congress to frame and pass appropriate legislation which will benefit the agricultural masses and give them equal rights and opportunities with others under the laws.

VETO OF FARM RELIEF

Mr. EVANS of Montana. Mr. Speaker, the most serious problem before the country to-day is that of farm relief. Primarily it is the problem of the farmer, but, as a matter of fact, it is nation-wide in its scope and portent and must be considered as a national issue.

Agriculture is the basic industry of America and will ever so remain. Nature has so decreed. The fertility of the soil is the richest resource of this continent. This inheritance must be preserved and the tiller of the soil remain an independent economic factor in our industrial system.

There are 32,000,000 people on the farms and the 20,000,000 more directly dependent upon the farms for their livelihood—52,000,000 people—one-half the continental population of the United States. The American farmer is the greatest market for the products of American industry. His purchasing power can not be seriously impaired without corresponding disastrous results to capital and labor. Industry can not permanently prosper, labor can not be permanently employed, with agriculture prostrate. Agriculture to-day is prostrate. Everybody knows that and everybody recognizes the fact. A year ago, in his veto message of the McNary-Haugen bill, the President said:

> That there is a real and vital agricultural problem is keenly appreciated by all informed men. The evidence is all too convincing that agriculture has not been receiving its fair share of the national income since the war. Farmers and business men directly dependent upon agriculture have suffered and in many cases still suffer from conditions beyond their control. They are entitled to and will have every consideration at the hands of the Government.

Conditions have not changed and neither has the President. For the second time he has vetoed a measure intended to put agriculture on a parity with industry in this country. The President assigns many reasons for his veto, but in my judgment the real reason is the fact the administration is so wedded to the rich and powerful that the judgment of the President is warped and he is wholly out of sympathy with any prostrate industry.

On the same day that he vetoed the McNary-Haugen bill at the last session, President Coolidge signed an order raising the tariff on pig iron.

President Coolidge is ready to do anything for big business, for the railroads, for manufacturers; but the farmers can shift for themselves.

It is all right for the Government to interfere with the law of supply and demand by putting a tariff on aluminum. That benefits only a handful of people, of whom Andrew Mellon is chief. It is all right to put a tariff on farm products so long as that tariff does not work. But the minute farmers come forward with a plan to make an agricultural tariff work and benefit 30,000,000 people President Coolidge swings the veto ax.

It is a cardinal tenet in the political faith of the President that the Government first of all should look after the man at the top. Make the way easy for him, and he will take care of the rest of us. Make him prosperous, and some of his prosperity will seep down to those in the lower economic strata. The President could not approve the McNary-Haugen bill because it would tax a whole community for the benefit of special classes, but he has had no scruples about signing orders raising the tariff duties on nearly a score of important commodities and thus taxing the whole country for the benefit of even smaller classes.

The results of this nurturing of the big industrialists are seen in the census returns of manufactures. In 1925, the last year for which full data are available, the largest manufacturing concerns, those with net incomes of $5,000,000 or more, showed an average gain of 25 per cent in their net income over 1923, while the concerns with incomes below $5,000,000 showed an average loss of 11 per cent as compared with 1923. Now, the concerns showing this loss constituted 99.9 per cent of the total. The improvement, then, was confined to the topmost one-tenth of 1 per cent of the reporting establishments.

It is a time for plain speaking. The farmers of this country have it in their power to get justice at the hands of any administration if they will use their power. Let them cease to vote for an administration that denies them justice and they will get the relief they are entitled to before next March.

Let the farmers of Iowa, Kansas, Nebraska, Dakota, and the great farming States go to the polls in November next and register their disapproval of the administration that denies them justice and they will no longer have to beg and plead and cringe for relief.

The States I mention uniformily cast their votes for the benefit of New England and the manufacturing interests of the country.

A brief review of the votes cast for the Fordney-McCumber tariff bill by men representing these distressed agricultural States might now be illuminating.

The imperial State of Iowa, which probably produces more agricultural products than any other State in the Union, has 11 votes in this House, and she cast 11 votes for the Fordney-McCumber tariff bill.

Kansas, which produces almost twice as much wheat as any other State, has 8 votes to give, and gives all for this tariff bill.

Nebraska gives her total of 6 votes to the cause of special privilege.

Washington, the home of Mr. SUMMERS, who now says he will never again vote for a tariff bill that does not give equal benefits to all classes, casts her 5 votes for the bill.

Every vote cast by Colorado, South Dakota, New Mexico, and Wyoming was cast for the benefit of New England.

When the roll was called Oregon, Montana, Utah, and Idaho found every Representative in his seat, and every man cast his vote for the Fordney-McCumber tariff bill.

North Dakota alone, out of all that empire stretching from the Mississippi River to the Pacific Ocean, cast 1 vote against this tariff bill.

Now, when these 15 stricken States ask the great industrial interests of the country to reciprocate the favor bestowed, that great beehive of industry, New England, gives us 1 vote, and the President finds a hundred reasons for a veto.

Let the farmers exercise the right of veto and see how quickly their problem is solved.

MY ANNUAL REPORT TO THE CITIZENS OF THE FORTY-SECOND CONGRESSIONAL DISTRICT OF NEW YORK

Mr. MEAD. Mr. Speaker, the first session of the Seventieth Congress has just closed, and under the unanimous permission granted to me by my colleagues in the House I have the honor of making this report to the voters of my district of my activities with respect to the important legislation which has been under consideration by the Congress.

As I said in my report two years ago, we must establish contacts. This, my fourth annual report, is distributed in the hope that it will stimulate thought and a deeper sense of the responsibility relative to the work of the National Legislature, as well as to enable you to determine to what degree and what manner I have striven to represent my district and its variegated interests.

The Seventieth Congress convened December 5, 1927, the Members of which were elected in November of 1926. As you doubtless know each Congress has two sessions—a long session and a short session. The one just closed was what is known as the long session and continued from December 5 to May 29.

Because of the multiplicity of important legislative matters that came up for consideration and deliberation, I can deal but briefly in this report with only the outstanding questions that came before us.

TAXATION

The new revenue act which the two Houses finally passed and the President signed will cut taxes $222,000,000. In all the legislation affecting this branch of our economic legislation I have consistently maintained an attitude of opposition to any plan which sought to give a larger reduction to the wealthy than it would to those of low or moderate incomes, thus relieving that part of our public least able to bear the tax.

In the new tax bill the Ways and Means Committee followed three principles. First, that the reductions should not be such as would produce a deficit in the Treasury; second, that the reductions should be distributed where relief appeared more necessary and advisable; and third, that the taxes that had

not been reduced since the World War should be given special attention. The following table will show precisely how each individual class is affected by the new rates:

Decrease in revenue effected under bill reducing tax cuts

The rate changes provided by the new tax reduction bill follow:

REDUCTION IN REVENUE

Corporation rate, reduced 13½ to 12 per cent	$123,000,000
Corporation exemption, increased $2,000 to $3,000	12,000,000
Automobile tax, repealed	66,000,000
Admissions tax, exemption increased from 75 cents to $3	17,000,000
Club dues, exemption raised $10 to $25	1,000,000
Earned income allowance, increased $20,000 to $30,000	4,500,000
Cereal beverages, repealed	185,000
Wine taxes, reduced	1,000,000
Foreign-built yachts, repealed	10,000
Narcotics, druggists' fee reduced from $6 to $3	150,000
Total reductions	225,295,000

INCREASE IN REVENUE

Withholding tax at source	2,000,000
Prize fights admissions, 25 per cent over $5	750,000
Foreign-built yachts, customs	50,000
Total increases	2,800,000
Net reduction	222,495,000

APPROPRIATIONS

One of the most important functions of the Government is the raising of revenue and appropriations. At the opening of each session the President, through the Bureau of the Budget, submits an estimate of the money that will be necessary to carry on the work of the various governmental departments. Upon the basis of these estimates, which embraces approximately 1,000 pages in the bill, the various appropriation committees submit the various supply bills. During the last session of Congress the total amount appropriated was $4,595,448,625.59. The following are the major appropriation bills and the amount carried in each bill:

Agriculture	$139,138,793.88
District of Columbia	37,625,208.00
Executive and independent offices	527,593,111.00
Interior	272,656,039.00
Legislative	17,746,893.26
Navy	362,145,812.00
State, Justice, Commerce, and Labor	89,820,597.64
Treasury and Post Office	1,061,342,060.00
War	398,517,221.50
First deficiency	200,936,668.02
Second deficiency	99,172,485.76
Permanent annual and indefinites	1,388,753,735.53
Grand total	4,595,448,625.59

The term "permanent appropriations" is used to indicate expenditures authorized by previous Congresses.

REVENUES

The following table shows the manner of raising revenues to meet the above-mentioned expenditures:

Customs	$602,000,000.00
Income tax	2,065,000,000.00
Miscellaneous internal revenue	640,545,000.00
Miscellaneous receipts	501,952,314.00
Total	3,809,497,314.00
Gross total receipts	753,000,000.00
Gross total receipts (estimated)	4,562,497,314.00

While the foregoing would indicate a deficit, it is assumed, based on past experience, that actual cash withdrawals will fall sufficiently short of the sum total of the appropriations as actually to leave a surplus.

THE POSTAL EMPLOYEES NIGHT DIFFERENTIAL BILL

After working for several years on a bill that would grant a differential in pay for night workers in the Postal Service, the bill was finally passed by the House and the Senate, but was vetoed by the President. I was very happy to give my hearty support to this meritorious legislation which is favored by all post-office employees and which finally became a law. To my mind, it was a needed recognition of deserved public service in a substantial manner. And may I add that the men and women of the service gladdened my heart by their appreciation, as expressed by countless letters and telegrams.

PASSPORT AND VISA FEES

During the past session of Congress I introduced two bills for the reduction of passport and visa fees. This legislation is heartily indorsed by Americans who travel abroad and it also has the approval of the Secretary of State. It is hoped that these bills will be enacted into law during the short session of Congress which convenes next December.

UNEMPLOYMENT

Next to universal peace the greatest problem of the day in our country as well as in every other country is the great problem of unemployment. Its proper solution will relieve many other perplexing problems. It should also reduce the tax burdens now overwhelming our cities, towns, and villages. It will greatly lessen the work now forced upon social service and charity organizations. It will decrease the number now housed in almshouses and other abiding places throughout the land. It will sharply decrease the temptation that prompts men to crime, with a consequent diminishing number of those that are held in solitary confinement throughout the country. In a word, it will eliminate the misery and grief that accompanies great periods of industrial depression with the contentment and happiness that goes with steady uninterrupted employment.

I introduced a resolution calling for the creation of a joint committee to be appointed by the House and Senate to investigate this question of unemployment. This joint committee, in conjunction with the Labor Department, could initiate an exhaustive study of the question and recommend remedial legislation to Congress. The committee would also authorize the Labor Department to furnish us constantly and regularly with information as to the number of men and women unemployed as well as the nature and the character of their work, so that with this information we could intelligently consider this all-important problem of unemployment.

Senators WAGNER and LA FOLLETTE, as well as Representative JACOBSTEIN, also introduced legislation bearing on this subject.

European countries have studied this question for years, and in England and Germany the workers are insured against unemployment.

MUSCLE SHOALS

A question that has engaged the attention of Congress for several sessions is Muscle Shoals, and considerable discussion took place during the present session in the Senate and in the House upon this subject.

The proponents of the measure advert to the already large governmental investment, the advantage of the plant as a means of producing cheap nitrate and fertilizer as a benefit to our farmers. The discussion developed the proposition that the United States, having so heavy an investment, could not afford at this time to abandon entirely the project, but should utilize the works for the benefit of the public in the production of electric energy that would furnish, in addition to nitrate and fertilizer, light and power as well to a tremendous section of the country. It is hoped that the public will get cheaper light and power because the Government will control the power project.

An amendment was written into the bill which permits of the manufacture of nitrates and the development of electrical energy, but prevents the manufacture of fertilizer except for experimental purposes. I voted for the above amendment and for the bill. Muscle Shoals in operation is a great national asset; while idle it is a white elephant on our hands.

FLOOD CONTROL

The sympathy of the Nation went out to the poor people of the Mississippi Valley when that vast territory was inundated by an avalanche of water 300 miles in length and 100 miles in width, covering, as it did, every city, village, and farm.

I believe it to be a national problem financed and controlled by the Federal Government, and for that reason I supported legislation recommended by the Flood Control Committee, which personally investigated this great question. This measure received the sanction of a large majority of the Members of the House and Senate. I voted in the affirmative.

THE BOULDER CANYON PROJECT

The paramount purpose of this legislation is the protection of human life and property in Imperial Valley, Calif., now under a constant menace of destruction from floods. A further explanation of the bill is found in the report of the present Secretary of the Interior, Dr. Hubert Work, in which he states:

> The general plan and purpose of this measure have my support and I favor its being made a national undertaking to be carried out and administered by the Federal Government.

While Boulder Dam is primarily a flood control and irrigation project it is capable of developing considerable electrical power and will be a source of domestic water supply for southern California. Boulder Dam and Muscle Shoals will add to the wealth of the Nation and provide employment to many thousands of our people. I voted for the Boulder Dam project.

IMMIGRATION

The House of Representatives enacted a bill liberalizing the present immigration laws by permitting, to a limited extent,

the reuniting of families who have been separated by reason of the immigration policy which has been in effect since the enactment of the original quota restrictive immigration act of 1921. It was my pleasure to support this humane legislation, because in my judgment it was a mistaken policy to permit the entry of a husband or father and to exclude for a great number of years the remainder of the family.

This legislation, without interference with the quota assigned to the various nations, merely grants a preference to the families of aliens who are already residents of the United States. It in no way changes our present immigration policy, but it selects, as it were, for future immigration those who are most likely to make America their permanent home. I very gladly supported this legislation permitting the reuniting of separated families.

COAL

Any number of bills and resolutions were presented bearing on this important subject. It is a matter of regret to report that no definite action was taken by those in control of either branch of the Congress to meet the issue and bring about a suitable solution of this very vital problem. Despite the recognized dilemma of the operators who are verging on bankruptcy, that the miners are suffering with their families in untold hardship and misery, and that chaos and confusion obtains in both bituminous and anthracite fields, nothing has been done.

Public opinion must in the end be concentrated upon a situation that calls for constructive remedial legislation.

The coal industry is one of the most disorganized in the United States. The public suffers from constant strikes, and the workers suffer from unemployment and low standards of living.

RADIO

I supported the bill extending the life of the Radio Commission another year, believing it necessary to enable that body to work out the many important and difficult problems which surround the art of the radio. I opposed the amendment which directs the commission to make equal allocation to each of the five zones for the reason that the licensing authority already had sufficient power conferred upon them to deal with this question and because broadcasting should be allocated on the basis not of population but of radio receiving sets. The act of 1927 provided briefly that there shall be an equitable distribution of radio service in the various five zones; this amendment ties the hands of the commission and retards the progress of the radio.

AMENDMENT TO THE CONSTITUTION

The joint resolution proposing an amendment to the Constitution, fixing the commencement of the terms of President, Vice President, Members of Congress, and fixing the time of the assembling of Congress, was defeated in the House.

While this resolution was being considered many amendments were proposed, one of which would extend the terms of Representatives from two to four years, their elections to be held at the same time the President is elected.

While I favor summoning the Congress to meet at an earlier date than is now provided, I voted against the adoption of this resolution, because of the uncertainty of some of its provisions.

Under this proposal the new Congress will have to canvass the electoral vote for President and Vice President, within 20 days after it convenes, and should a deadlock occur serious consequences might result. I hope a perfected resolution will be offered in the next session; and if it is free from faulty provisions, I shall support it. While Democrats and Republicans voted on both sides of this question, all the western New York Members voted against it.

In attempting to amend the Constitution it should not be done hurriedly; deliberate rather than hasty consideration should be the rule. One recent amendment hastily considered has proven disastrous. It has been productive of graft, perjury, and other unlawful acts, including that of murders in its attempted enforcement. The failure of the eighteenth amendment is still fresh in the minds of the people. Therefore let us consider carefully this amendment before submitting it to the States for ratification.

FARM RELIEF

The Haugen bill was introduced again and after passing the House and Senate, it was vetoed by the President, who denounced it as unsound economically, suggesting it would injure rather than benefit the farmer. Many agricultural organizations in our State and particularly in western New York opposed this bill fearing it would do great harm to the industry—I voted against this bill. The relief the farmers are asking for now is a reduction in freight rates on farm products, a reduction in taxes, better roads, and improved marketing facilities. I have supported legislation designed to bring about this needed relief.

PROHIBITION

Many bills were introduced to modify the Volstead Act, one of which I sponsored. They were all referred to the Judiciary Committee, but no action, I regret to say, was taken on them during this session. I also presented a resolution condemning the promiscuous use of firearms by Government agents in the enforcement of prohibition in which I called the attention of my colleagues to the shooting of Jacob Hanson, of Niagara Falls. Since I made my attack in the House of Representatives on the indiscriminate use and abuse of firearms by Coast Guardsmen and prohibition agents, an order has been issued by Commissioner Doran compelling all prohibition agents to wear distinctive uniforms so that private citizens can distinguish them from bandits and hold-up men.

PENSION BILLS

With the exception of a bill increasing the rates of pensions for widows of Civil War veterans no pension bills except omnibus bills were passed in the past session of Congress. Several widows residing in my district in whose cases I was interested were granted pensions and increases in pensions in the omnibus bill which passed the House and Senate and was signed by the President.

The general pension bill increased the rates for Civil War veterans' widows from $30 to $40 per month; also provided for the payment of this larger rate to all widows who had attained the age of 75 but must have been married prior to June 27, 1905.

I was very glad to vote in favor of this bill for the dependent widows of our veterans of the Civil War.

CONVICT LABOR BILL

I voted for the bill which enables the State to prohibit the shipment of prison-made goods as articles of interstate commerce. It was supported by organized labor and many business and civic organizations.

WORLD WAR VETERANS' ADJUSTED COMPENSATION ACT

To care for several thousand ex-service men who have not as yet applied for their adjusted compensation, the Congress enacted legislation amending the World War adjusted compensation law. This amendment comprised three major provisions as follows:

First. It extended for a period of two years the time within which application may be filed for adjusted compensation.

Second. It removed all doubt as to the finality of the determination of the Secretary of War and the Secretary of the Navy concerning the validity of a lost application.

Third. It extended the benefits of the act to dependents of veterans who have been absent from their homes, continuously and without explanation, for a period of seven years.

This bill received the unanimous vote of the membership of the House of Representatives, among which I was glad to be numbered. It was a just and meritorious measure.

AMENDMENT TO WORLD WAR VETERANS' ACT

Other measures of concern to our ex-service men which received my support were the amendment to the World War veterans' act, liberalizing the present war risk insurance requirements, and the Rogers bill providing $15,000,000 to extend the hospitalization facilities of the Veterans' Bureau.

OTHER IMPORTANT BILLS

In addition to the bills which I have thus far touched upon Congress acted upon many other measures of more or less importance. Among them may be included:

The bill to investigate submarine disasters, postal rates revision, alien property bill, coordination of public-health activities, merchant marine bill, good roads, migratory bird refuge bill, public buildings bill, Federal employees' pay bill, customs inspectors' pay bill, immigration inspectors' pay bill, fourth-class postmaster allowances, and aviation. With the exception of several amendments I supported these measures.

THE UNFINISHED BUSINESS

Many important measures, some good, some bad, are not acted upon as the first session of the Seventieth Congress goes into history. These necessarily will be pressed by the proponents when the second session is called to order early in December. Among these I might mention:

The all-American canal (Great Lakes to Hudson), the universal conscription act, reapportionment of Congress, railroad consolidation, resale price bill, regulation of motor busses, the Sunday observance (or blue law), postal employees' Saturday half holiday, Pullman surcharge, coal bill, national education bill, amendment to retirement act, and prohibition modification.

SUMMARY

It is difficult to realize the vast amount of work that comes to the attention of the average Congressman every day in the week.

I mean by this statement not only the legislation which has to be considered in the committees and in the House of Representatives but also the many personal-service requests which arrive in every mail—requests for assitance in pension cases, compensation claims, civil-service examinations, immigration and passport matters, Federal appointments, and innumerable minor matters, all of which enable the Congressman to be of better service to his constituents and arouse a greater and more personal interest on the part of the people in their Government.

During the session I have not been absent from any of the important roll calls, except in case of illness, or when in conference with people of our district who were interested in important legislation. An inspection of the official voting records will show my record of attendance to have been high.

Never in a single instance was there any pursuasion from political boss, leader, or organization to influence me for or against any legislation. I cast my vote on every question according to conviction and having in mind the best interests of the people.

This intelligent and active cooperation between the people and their Representative is in every way essential if we expect to improve the machinery of our Government. To stimulate that interest in my district is the motive which prompts my publishing this annual report of my congressional activities. Although Congress has adjourned until December, my office at Washington will remain open to serve the people of our district. I shall also continue my Buffalo office at 79 Ideal Street, Buffalo, where I can be reached when Congress is not in session. By maintaining these two offices and by keeping them open throughout the year I am enabled to render effective service to the residents of the forty-second congressional district.

Of course, at times Congress is subjected to unnecessary criticism, but regardless of any such criticism I regard it a very great honor to be the Representative of our district in the greatest and most powerful legislative body in the world.

I am, therefore, profoundly grateful to all for the confidence reposed in me during my years of service in the House, and I shall continue to represent my district and its people to the very best of my ability.

THE WORLD WAR VETERANS' CERTIFICATES

Mr. PALMISANO. Mr. Speaker and Members of the House, I wish to call your attention to House bill 13035, which has for its purpose the amendment of section 641 of the act approved May 19, 1924, by which the Government gave to the World War veterans certificates payable 20 years after date, and which certificates after the first two years were negotiable for a loan not to exceed 4 per cent of the face value thereof. The object of this law, as I understand it, was to reimburse somewhat the World War veterans for what they lost while they were in the service of their country. Of course, the certificate itself would not compensate the veterans even though the Government paid it in full in cash. The amendment that I proposed to this law is to make the certificate payable upon the duly sworn application of the veteran that he desires to apply the proceeds to the purchase of a home or to the paying off of an indebtedness on said home.

Living among and associating daily with the people of my district, and through my connection with five building associations, I know that a good many of the veterans do not own their homes, and that the few that do own them own them subject to heavy mortgages. That during the hard times through which we are passing the home of the veteran has been placed in jeopardy by foreclosure. This is true, Mr. Speaker, not only in my district but throughout the United States, for I have received letters from veterans in Tennessee, Wisconsin, and other sections of the country. I can not understand why the Government should have passed this bill in its present form. It makes the certificates payable to the wife, mother, and so forth, of the veteran upon his death, but refuses to pay it to the man who really served the Government until the lapse of 20 years. The certificate is an excellent memorandum for the rich man's son, who can frame it and refer to it in years to come, but the poor veteran, who is compelled to toil day after day to support his parents or family, can not derive any present benefit from the certificate. The Government ought to cash the certificates and relieve the veteran of some of his burdens by way of enabling him to avoid paying rent, or, if he owns his home, by enabling him to pay interest on his mortgage.

The certificate that the Government issued to the veterans reminds me of the man who says to his friend: "When you need me, call on me and you can have anything you want," and when he does call he is met with some alibi. During the war there was nothing too good for the soldier; they were then defending us and ours at home. Now that the war is over, the Government grants a bonus to the veteran with a string tied to it in such a way that it is of little or no value to him. I trust that the Committee on Ways and Means will report this bill in the coming session of Congress in December, so that the veteran may during his lifetime derive some benefit from the certificate that has been given him.

FIRST SESSION REPORT

Mr. SOMERS of New York. Mr. Speaker, the first session of the Seventieth Congress opened on December 5 and has agreed to close on May 29.

During this first session, Congress has appropriated $4,642,293,897.57, a sum in excess by $627,304,761.17 of the current appropriation. About one-third of this latter sum, however, represents the appropriation for the second deficiency bill which failed to pass in the Sixty-ninth Congress, and was carried into this session.

Outstanding among the many measures passed in this session were the measure for flood control, the merchant marine act, the alien property settlement bill, the tax measures, and farm relief. I voted for all of these except the farm relief bill, which the President vetoed. His veto was sustained by the United States Senate. The particular objection the President had to this measure was the equalization fee. If the House had been successful in eliminating the equalization fee, I would have voted in favor of the bill.

The President also vetoed the emergency officers' retirement act and two postal bills. One giving additional pay to the night workers in the Postal Service and the other giving rental and other allowances to fourth-class postmasters. I voted for these three acts and to override the President's vetoes.

During the last Congress $165,000,000 were authorized for public buildings. During this session the sum was increased by $125,000,000. I favored this increase. I voted in favor of extending the life of the Federal Radio Commission, the appropriation of $75,000,000 to assist States in road building, and the Rogers Act authorizing $15,000,000 for new hospital facilities.

I likewise voted for the railroad consolidation legislation and the compromise naval construction act, both of which bills, having failed of passage during this session, will retain their status until the termination of the Seventieth Congress.

I voted to postpone the application of the national origins clause to the emigration law of 1924, believing that this national origins clause would write into legislation a principle founded on prejudice and would unjustly discriminate against certain people and certain nations. I voted for the amendment of the present law which made it easier for families and relatives to be united. Under this amendment, preference is given within the quota limitations to the fathers, mothers, and husbands of American citizens 21 years or more of age, and to families of agricultural laborers. Fifty per cent of the quota is reserved for the above, and the remainder of the quota is to be allotted whenever possible to the unmarried children under 21 years of age and to the wives of unnaturalized emigrants.

Further, it was my privilege to strenuously oppose every dry movement and to consistently vote against every dry measure presented to this Congress.

All told, this Congress has been responsible for approximately 1,000 new laws, most of which were minor measures of interest only to individuals or individual localities. By the importance of its enactments, it is my opinion that this Congress has marked itself as one of the most efficient in the history of the Nation.

SENATOR CHARLES CURTIS

Mr. STRONG of Kansas. Mr. Speaker, a candidate for high office in this the greatest of all nations should be honest, able, learned, broad-minded, safe in judgment, experienced in Government affairs, of unusual executive ability, and without blemish of character.

Such a man is Senator CHARLES CURTIS. Born and reared in the heart of the Nation, he has so lived as to be beloved and trusted by all who have known him in his private and public life.

Educated in the State capital of Kansas, he was a newspaper reporter at 17 and was admitted to the bar when 21 years of age. He was elected county attorney at 24 and reelected because of the efficiency with which he fulfilled the duties of the office. He was elected to the Fifty-third Congress and reelected to the Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses.

In 1907 he was elected to the United States Senate; he was President pro tempore of the Senate in 1911. He was selected as Republican whip and served until his selection as assistant floor leader of his party in 1915, and succeeded Senator Lodge as party leader in 1924, which position he now holds. His present term as Senator expires in 1933.

His private, professional, and public life have been clean and without reproach. A loving husband and father; a prosecutor who enforced the law with favoritism to none; a legislator of ability and untiring energy; a successful leader of the majority party in the world's greatest law-making body.

Always a stanch Republican and a loyal supporter of his party's policies, his fairness, his kindness, and his ability won and held the confidence and good will of those who were not of his political faith.

His repeated organization of the Senate in the face of a doubtful majority, keeping his party in control, is evidence of his ability as a leader and the high esteem in which he is held by his colleagues.

He never sacrifices or betrays his principles nor his friends. He is just, yet tolerant; of modest dignity, he is friendly of disposition. He makes friends and keeps them.

His promises are carefully given but never violated. He never loses an opportunity to serve those who are entitled to his aid.

He has no enemies. No section of the Nation or the representatives of any group or industry can find cause to oppose or condemn him. Labor and capital alike trust him. Industry and agriculture have faith in him. The East has confidence in him; the West believes in him. He fulfills the appeal in the poem by J. G. Holland:

God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor—men who will not lie;
Men who can stand before a demagogue,
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking.

SHOULD H. R. 7729 PASS?—CAN CONGRESS TRANSFER TO THE STATES ITS CONSTITUTIONAL POWERS AND DUTIES TO REGULATE INTERSTATE COMMERCE?

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, the bill under consideration, H. R. 7729, is designated to prevent the products of prison labor coming into competition with the products of free labor in such way as to avoid serious detriment to free labor and the industries in which it may be employed.

While thoroughly in sympathy with the purpose of such legislation, I am seriously doubtful that such results are possible. Having been reared upon the farm, where I became practically acquainted with all character of farm labor, and having afterwards been employed in coal mining, lead and zinc mining, in mills, and other industries, my prejudices and my sympathies are all with labor and the industries in which it is employed. It is, therefore, easy for me to give legislation of this character the most favorable consideration; but, Mr. Speaker and Members of the House, I very much doubt the wisdom of passing this bill. To my way of looking at it, the bill is objectionable from three different points of view.

First, I seriously doubt that it is constitutional. Among other powers bestowed by the Constitution upon Congress, section 8 places with Congress the power to regulate commerce among the several States and with the Indian tribes. This power was given to Congress by the thirteen original States because the States had learned from experience under the Articles of Confederation that they could not themselves satisfactorily regulate commerce among themselves; so the States gave over all of their powers concerning interstate commerce to the Federal Government as stated in the Constitution.

It would be my opinion that the Congress can not part with this power and this duty incident to the power. If Congress should seek to give it back to the States, from whence it came, then Congress would act in violation of the original intentions and purposes of the States and in violation of the provisions of the Constitution. In giving away their power to regulate commerce among themselves the States abrogated unto the Federal Government all power they ever did have to regulate interstate commerce. If Congress could part with the power to regulate the interstate commerce of one product, it certainly would have the power to pass away all of its power to regulate the interstate commerce of all subjects of interstate commerce, in which event the constitutional power and incident duty of Congress to regulate interstate commerce would be destroyed and that which the Congress was empowered and authorized to do would have been rescinded and given back to the States. Does the Congress have the power to do that? It surely would seem that it does not have such power.

But it is said that Congress does not by this bill surrender its power to regulate interstate commerce; that even under this bill the free commerce of a particular commodity, even though prison made, may pass from one State into another and is in nowise interfered with by this bill. Possibly that is true in a sense, but indirectly it is not true. Indirectly prison-made goods of one State when passing freely and uninterfered with into another State may upon arrival be denied the free, unrestricted channels of trade when this bill goes into effect. This denial and limitation may result in stopping the commerce of the product in question. Because of intrastate restrictions, the commerce of the product is ended. Suppose, under the law of Kansas, prison-made products may not be used other than by and in State institutions, and suppose that the State manager is the only purchasing agent for those products required by the State institution; then suppose that prison labor-made overalls of Missouri, which have heretofore been transported into Kansas and sold freely in all the markets of the State, should be in the ordinary channels of interstate commerce brought into Kansas, there to be sold; and suppose all markets for such products within the State of Kansas have been destroyed by the laws of the State as authorized by this bill, except to the State for use in State institutions; and suppose the prison-made overalls from Missouri are offered for sale to the Kansas State manager, and he thereupon fails to purchase the prison-made overalls from Missouri, would not interstate commerce be interfered with and prohibited by the legislation of the State? If such legislation should be enacted by the various other States with reference to prison-labor-made goods, would not interstate commerce be unconstitutionally interfered with? And if such can be done with one commodity, then all other commodities may be treated the same way, and thus the power of Congress is passed from the Federal to the State government and the Constitution is nullified. And if such is done, surely the results would be bad instead of good.

It is our contention that the acts of any State in regulating or interfering with the natural activities of interstate commerce are void, even though authorized by the Congress. The Congress, we believe, does not have power even to authorize a State to interfere with interstate commerce.

In support of our theory of the law on this subject we desire to cite the opinion written by Justice Field, of the Supreme Court, in the case of Pittsburgh Coal Co. *v.* Louisiana (156 U. S. Rep. p. 598), which states:

It has been uniformly held that States can not by legislation place burdens upon commerce with foreign nations or among the several States * * * it will be found that the legislation adjudged invalid imposed a tax upon some instrument or subject of commerce, or exacted a license from parties engaged in commercial pursuits, or created an impediment to the free navigation of some public waters, or prescribed conditions in accordance with which commerce in particular articles or between particular places was required to be conducted. In all the cases the legislation condemned operated directly upon commerce, either by way of tax upon its business, license upon its pursuit in particular channels, or conditions for carrying it on. * * * In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country.

Again, in Minnesota Rate Cases (230 U. S. Rep. p. 398), the court, in an opinion written by Justice Hughes, held as follows:

The general principles governing the exercise of State authority when interstate commerce is affected are well established. The power of Congress to regulate commerce among the several States is supreme and plenary. It is "complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution." (Gibbons *v.* Ogden, 9 Wheat. 1, 196.) The conviction of its necessity sprang from the disastrous experiences under the Confederation when the States vied in discriminatory measures against each other. In order to end these evils the grant in the Constitution conferred upon Congress an authority at all times adequate to secure the freedom of interstate commercial intercourse from State control and to provide effective regulation of that intercourse as the national interest may demand.

The words "among the several States" distinguish between the commerce which concerns more States than one and that commerce which is confined within one State and does not affect other States. "The genius and character of the whole Government," said Chief Justice Marshall, "seems to be that its action is to be applied to all the external concerns of the Nation and to those internal concerns which affect the State generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of execut-

ing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself." (Id. p. 195.) This reservation to the States manifestly is only of that authority which is consistent with and not opposed to the grant of Congress. There is no room in our scheme of government for the assertion of State power in hostility to the authorized exercise of Federal power. The authority of Congress extends to every part of interstate commerce and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State as such, but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere. (McCulloch *v.* Maryland, 4 Wheat. 316, 405, 426; the Daniel Ball, 10 Wall. 557, 565; Smith *v.* Alabama, 124 U. S. 465, 473; Baltimore & Ohio R. R. Co. *v.* Interstate Commerce Commission, 221 U. S. 612, 618, 619; Southern Railway Co. *v.* United States, 222, U. S. 20, 26, 27; Mondou *v.* N. Y., N. H. & H. R. R. Co., 223 U. S. 1, 47, 54, 55.)

The grant in the Constitution of its own force—that is, without action by Congress—established the essential immunity of interstate commercial intercourse from the direct control of the States with respect to those subjects embraced within the grant which are of such a nature as to demand that, if regulated at all, their regulation should be prescribed by a single authority. It has repeatedly been declared by this court that as to those subjects which require a general system or uniformity of regulation the power of Congress is exclusive." * * * The principle which determines this classification underlies the doctrine that the States can not under any guise impose direct burdens upon interstate commerce. For this is but to hold that the States are not permitted directly to regulate or restrain that which from its nature should be under the control of the one authority and be free from restriction save as it is governed in the manner that the National Legislature constitutionally ordains.

It would seem, in view of the above authorities, that H. R. 7729 would be clearly unconstitutional. Inasmuch as the conditions and restrictions for the use and sale of prison-made goods of one State would materially differ from the restrictions and conditions prescribed by the legislatures of every other one of the 48 States, there would be substantially the same trouble with interstate commerce which led to the abandonment of the Articles of Confederation and the adoption of the Federal Constitution, which placed in the Congress all power over interstate commerce for the purpose of bringing about uniform interstate commerce regulations.

But if this act should be held to be constitutional, I fail to see how or wherein free labor could gain any material benefits from the operation of the law. Whenever prison labor is used to manufacture any of the requirements of domestic or business life, then in every such instance there is a displacement of whatever amount of labor would be required to produce the same character of products.

If prison labor manufactures a pair of shoes which is used by any person who buys or uses shoes, then free labor is displaced to the extent of the services required to make such pair of shoes, and so it is with every other article produced by prison labor. It displaces so much free labor. It is therefore impossible for me to see how prison labor can be used in producing the necessities of life and yet not come into competition with free labor. In a large per cent of the Federal State prisons labor is used to produce the plainer and more commonly used products, such as plain furniture or plain work clothing such as jumpers, overalls, work shoes, and grain bags.

All these products are generally purchased by the laboring people of the farm, factory, mine, or other industry. And if per chance the goods were purchased a little cheaper than other merchandise, it is difficult to see how any great harm would result.

Besides, the prisons are maintained at the expense of all taxpayers, and when the labor of prisons may be converted into money for the upkeep of the prisons, then and in such case all free labor is benefited by having its tax burdens lightened. So, Mr. Speaker, how the bill H. R. 7729 can possibly bring about any net good I can not see; but, instead, it appears that much harm might result.

RELATIONSHIP OF MUSCLE SHOALS PROJECT TO RESERVOIR SOURCE FLOOD CONTROL

Mr. SEARS of Nebraska. Mr. Speaker, ladies, and gentlemen of the House, the meditated legislation now before the House, that relates to the Muscle Shoals question, is of more vital interest to the welfare of this country than perhaps many of us have realized. It relates to the greatest question that has been before this Congress, the conserving of water. Should this legislation be signed by the President, it will demonstrate the practicability of flood control by the reservoir system. It will not only be of almost limitless value to the sections immediately related to Cove Creek and the Tennessee River, but when the Tennessee Valley is at flood stage it will reduce the height of the Mississippi River at Cairo several feet. It will give real flood control to a great section that has suffered much from flood.

The flood-control question is a very simple one. All great floods are made up of many minor floods from the smaller flood areas. There is not a county in the United States that has more rainfall upon it than it needs that year. There is not a single one of the minor flood areas that has more rainfall in any year than is needed that year. If the minor flood areas are reservoired the country will be without floods. I invite each and all of the engineering fraternity—of Army life, of civil life—to investigate specifically and contradict these propositions if they can. I will go one step further and state that each one of the minor flood areas of the United States has all of the reservoir sites necessary for whatever reservoir control that is desired. I invite the same ones referred to to report on this proposition also. Having made these statements, I go a step further and state that there is no practical control of floods, except it shall be by the reservoir system, where they originate. That all other so-called flood-control plans mean the permanent establishment of floods on the country as a fixed policy. I go a step further and state that the cheapest plan of flood control in money expenditure that has been advocated is by way of reservoirs at flood sources. I go a step further and state that reservoir control may be had of the entire valley, from the Alleghenies to the Rockies, with an initial outlay of not over $600,000,000, of which $400,000,000 will, in all probability, be reimbursive to the Government. I go a step further and state that it is the only plan that will, in any degree, be reimbursive. A step further, any one of the other plans that have been advocated will mean, in all probability, more than $2,000,000,000, on completion, with an upkeep charge of at least $25,000,000 a year, which is interest money on $600,000,000 of added dead capital. I go a step further and say that of the many months of hearings before the Flood Control Committee the only plan that emerged with any degree of esteem, in the minds of those listening to the hearings, that related to flood control was by way of reservoirs. I go a step further and charge that the Army officers of the engineering department in several instances deliberately tried to mislead the committee on material points. I go a step further and say that reservoir control was treated in a most unfair manner by the organization of the committee, but still, from every source, from every standpoint, it emerged as the only ideal plan of control, and one as to which its worst enemies were compelled to admit we must resort as the only real solution. I invite all of those who either secretly or openly oppose reservoir source control of flood waters to ask for a more definite and specific statement as to any of the points hereof. But there are other benefits growing out of reservoir source control, such as is meditated at Muscle Shoals, which will mean so much to the whole Mississippi Valley.

The control of the Tennessee River at the east of the valley will demonstrate what is already known to result to the Platte River and its valley by reason of the Pathfinder Dam.

The Pathfinder Dam impounds a million acre-feet of water, which is applied to the soil surrounding Scotts Bluff, in western Nebraska. The flood flow has been reduced 45 per cent. The low-water period has been increased 47 per cent in flowage. More than 700,000 acre-feet of water have been kept thereby from the Mississippi River. Beneficially Scotts Bluff County has increased in value from $800,000 to $40,000,000. The Platte River now has a stabilized flow, although only partially reservoired. The influence of the Platte is more than a foot at Cairo on the Mississippi.

Should we be so foolish as to close our eyes and our judgment until we have a demonstration, although we know that we do not need a demonstration and we know that it has already been made, we will surely have that demonstration with the completion of the Muscle Shoals, Cove Creek, and Platte River reservoirs.

What are the benefits to be derived from reservoir-source control? One is the doing away with great floods. Another the doing away with great droughts. Another the doing away with soil erosion to a great degree. Another the stabilization of our rivers and the increased yearly capacity of our waterways to carry off excessive flood waters. Another is the furnishing of cheap power in many instances to the people. Cheap

power each day is getting to be more of a daily necessity in our national life.

For 50 years inland navigation has been fought by the railroads. For years power development has been fought by the Insul and other power interests. Think of it, the normal development of this country being not supplied in amplitude, but fought by our great aggregations of wealth and corporate life.

But the cry goes up from more propaganda sources than the world has ever known before that the Government must not engage in reservoir control with all its far-reaching benefits because it will result in the Government, to some extent, engaging in private business and competing in some degree with these great aggregations.

I take it for granted that no one prefers, in the first instance, that the Government shall engage in private enterprises. But I take it for granted that the people of the United States are entitled to all of the benefits stated herein. They are not only entitled to the benefits stated herein but they are entitled to them at reasonable rates for the service. Is anyone denying these propositions? If so, let him raise his hand, for I have offended him. For years, by reason of their peculiar activities, the power people have prevented Muscle Shoals from serving the southeast quarter of the United States. Those peculiar activities would be most startling if placed on public record. For a number of years the power development of Muscle Shoals has been sold by the Government to these power distributors at 2 mills per kilowatt-hour, and disposed of to men and women at 10 cents per kilowatt-hour, and at even higher rates. Such a condition can not be allowed to continue. A normal public arousement should give the death cry to the continuation of such a policy.

The most shocking disclosures have been in the last year of the debauching of candidates, of schools, of colleges, of the press, in order to darken the public minds and to impede the coming of a just and normal policy to our people.

There must be a criterion some place whereby to gauge and judge the question and help in the solution to a correct finality.

Must it not be something akin to this: That the great national resources must be improved and conserved. That where the Government finds the people without a great and necessary service, if it is not to be furnished by a private enterprise very soon, then our country shall reserve the right to furnish that service and minister to the public welfare. Wherever a great and necessary service is being furnished, but at exorbitant rates, then our country reserves the right to furnish the service at reasonable rates. Where any section of our country is being impeded from development according to its best prospective, our country reserves the right to aid in that development according to its best prospective. Wherever there is organized propaganda against the welfare of the people, against the press in its free activity, against our schools, our colleges, the undermining of the fealty of candidates for public office, our country reserves the right to fully stamp out these evils.

To stamp out these evils which have so devitalized our system and worked such wrongs to our country the individual voter must arouse himself and realize that the problem is his. If he wishes the evil to continue and increase, let him continue his sleep. If he refuses to recognize the condition that is now ours, or is in favor of it, let him refuse to assume his great responsibility.

Personally, my own demand is that our great railroad systems and our great power organizations shall discontinue the policy of the past, but they shall right about face and join hands with the producing and consuming classes and work for the common welfare, knowing full well that their ample reward will come to them when they minister to the common welfare at reasonable compensation and that the strength of the foundation is necessary to the strength of the upper structure.

OUTSTANDING FEATURES OF THE FIRST SESSION OF THE SEVENTIETH CONGRESS

Mr. TREADWAY. Mr. Speaker, there are certain outstanding features of the first session of the Seventieth Congress which are thoroughly well known to the Members of the House and in a general way to the citizens of the country, but the session now having ended, it is not out of place to lay special emphasis on these accomplishments.

There are three major measures which have become law and which will add to the interest of the general public and distinguish the session as one of constructive accomplishment. I refer to the revenue act of 1928, the alien property act, and the merchant marine act.

I am glad to record the fact that the first two of these measures are the result of the deliberations of the Ways and Means Committee of the House, the final drafts having been agreed upon by a conference committee composed of five members of that committee and an equal number of members of the Senate Finance Committee.

REVENUE ACT OF 1928

The revenue act was the subject of sharp debate in the House, in which the gentleman from Texas [Mr GARNER] was an efficient if not a wise leader on his side of the Chamber. In my opinion it is fortunate that he was unable to carry through in conference his preliminary victories in the House. During the course of Mr. GARNER'S speech on the conference report he emphasized the fact that the final draft of the bill was nonpartisan. While this statement was true, I think it was misleading and should have been amplified or qualified. Mr. GARNER carefully refrained from saying that the original attitude of the Democrats was in support of a taxation reduction of at least $325,000,000, more than a hundred million of dollars more than the amount of reduction finally enacted.

Mr. GARNER also failed to state that at every opportunity, and in every place, suitable or otherwise, he and his colleagues unhesitatingly attacked the policies of the administration and of Secretary Mellon, probably in large measure because Mr. Mellon is such a thorough student of finances and of governmental policies. At times it almost seemed as though the gentleman from Texas was obsessed with a jealous dislike of our able, dignified, and efficient Secretary of the Treasury.

However, the taxpayers are not as much interested in the personalities connected with legislation as in the actual accomplishment. The revenue law of 1928 will reduce the burden of those who pay taxes to the Federal Government by $222,495,000. The analysis of this reduction shows that the largest single item is the one beneficial to corporations and their stockholders. Previous tax-reduction measures have left the corporation taxes high in comparison with individuals and partnerships. The tax rate on corporations was reduced from 13½ to 12 per cent, resulting in a tax reduction of $123,000,000. In the case of small corporations with net income of $25,000 or less the exemption was increased from $2,000 to $3,000, resulting in an additional saving of $12,000,000, or a total corporation-tax reduction of $135,000,000. It is estimated that there are not less than 3,000,000 individual owners of corporate stock in the United States, indicating that the benefit of this reduction will be widespread.

The next largest reduction in taxes will benefit the purchasers of automobiles. The present tax on the sale of cars, amounting to between $66,000,000 and $67,000,000, has been entirely eliminated.

One amendment which was inserted in the Senate was strenuously opposed by the House conferees and was finally eliminated. This was the so-called publicity amendment, which would have restored the provision repealed in the revenue act of 1926, permitting general examination of income-tax returns. The experience of the Treasury proved this law to be very detrimental to the best interests of the Government and of the taxpayers. It is not likely that another effort will be made to revive this section when another revision is undertaken.

The House conferees also prevented the adoption of a change in the tax on individual incomes ranging from $20,000 to $80,000. It was felt that when a person's income reached these higher figures he was not unreasonably burdened by the retention of the present brackets. We did, however, accept the amendment aiming to increase the exemption on earned income up to $30,000.

After the automobile item, the next largest item of reduction is in admissions and dues. The exemption from tax of such charges was raised from 75 cents to $3, making a total reduction in the admission tax of $17,000,000.

The tax assessed against druggists and other dealers in narcotics was changed from $6 to $3 a year. The purpose of this tax is not to make money, but to secure an accurate registration of every person in the United States who dispenses or who is dealing in narcotics.

The exemption on club dues was raised from $10 to $25, making a total reduction in that tax of $1,000,000. Members of clubs whose annual dues are $25 a year or less will pay no tax. This takes care of the smaller clubs, the country clubs, teachers' clubs, and various similar organizations.

Particular attention is invited to the rearrangement of many parts of the law in the act of 1928. This is the result of the authority contained in the revenue act of 1926, creating the Joint Congressional Committee on Internal Revenue Taxation. The rearrangement materially simplifies the law by grouping the various related sections, and after it is put into general use the change will be found of great benefit to the student of taxation, the attorney, and the individual taxpayer.

Under the supervision of the joint congressional committee further work is in progress along this line, and it is hoped that before Congress again convenes a codification of the tax law will have been completed.

In my judgment one serious omission in the new revenue act was the failure to repeal the Federal inheritance tax. An attempt to repeal this provision was defeated in the Ways and Means Committee and later on the floor of the Senate. While we gracefully bow to the will of the majority, it remains a fact that, as a matter of principle, this system of taxation has no place in a Federal law.

ALIEN PROPERTY ACT

The alien property act provides for the settlement of claims of American nationals against Germany, and of German nationals against the United States, and for the ultimate return of all property of German nationals held by the United States.

During the World War an immense amount of property belonging to the citizens of Germany was seized by the Alien Property Custodian representing the United States Government. A large portion of this property was sold and the proceeds held by the custodian. Some of it was retained and is still held by him. In addition, we took over German ships which were in our harbors at the time war was declared, likewise a radio station and a large number of patents belonging to Germans. It was understood that the damage caused by our taking over this property would eventually be made good.

After the war was over many American citizens presented claims against Germany for losses sustained during the war period. It would have been unfair to return the seized property to Germany without giving consideration to the claims of Americans. The alien property act provides a method of settlement of the claims of both sides, and its enactment is proof of this country's good faith that it did not intend to confiscate the property of our late enemies in the World War. While the amount of property belonging to German nationals and the German Government is enormous, under this law a system has been established which will eventually mean its entire return and an accounting of the stewardship of this country, while the property was in its hands.

MERCHANT MARINE ACT

The merchant marine act, known as the Jones-White law, having been prepared jointly by Senator JONES, of Washington, and Representative WHITE of Maine, represents an effort on the part of this Government to further the development of a private merchant marine rather than a continuation of the shipping business under Government management. It provides a fund of $125,000,000 for this purpose, which may be loaned for the construction of private vessels, and in addition establishes favorable mail contracts. It certainly is a long step forward in constructive legislation for the purpose indicated. Those charged with drafting the measure state that it gives to the American merchant marine greater aids than have been provided by any legislation within three-quarters of a century. It is further stated that the law means the building of new ships of greater speed than any now flying the American flag; that it will revive the shipbuilding industry; that it will stimulate an increased use of American ships for American cargoes; that it will give us a larger measure of industrial and commercial independence; that it will provide us with naval auxiliaries for the day of stress; and that it will carry to all the world notice of our settled purpose to retain upon the seas that which we now have and of our determination in due process of time to build and maintain a merchant marine of a size and efficiency commensurate with our national interests and national dignity.

APPROPRIATIONS

An outstanding feature of the first session of the Seventieth Congress is the large amount of funds appropriated, totaling $4,642,293,897.57, exceeding the appropriations for the current year by $627,304,961.17. While the figure is very large, it can not be criticized as extravagant or excessive when analysis is made of the purposes for which the funds were provided. In the first place, $200,000,000 represents a hangover from the last session of the Sixty-ninth Congress, due to the failure of passage of the second deficiency bill by reason of a filibuster in the Senate during the closing days of that Congress. The benefits of these increased appropriations will be widespread. The amount of $15,000,000 was provided for the construction of two additional Veterans' Bureau hospitals. Increased pensions were authorized in certain cases. Another large item is the adoption of a building program which will tend to beautify our Capital City and provide suitable buildings for various departments of the Government. Under this program many Federal buildings will be constructed throughout the country, thus relieving to some extent the present serious congestion in certain field establishments of the Government and at the same time providing employment for many workmen.

A very large increase has also been provided in the aggregate amount paid in salaries to Government employees. This is in accord with the tendency of the times toward better salaries to meet increased living expenses.

Further details concerning the appropriations authorized will be found in the analyses submitted by the Committee on Appropriations.

ACTIVITIES OF MEMBER

I realize that a Representative is expected to give something of an accounting of his activities and his position on leading questions to the voters in his own district. As a member of so active and busy an organization as the Ways and Means Committee of the House, time does not permit as general participation in debates in the House as one sometimes desires. I frequently feel that altogether too much time is taken up in desultory discussion when, as a matter of fact, every Member has decided in his own mind how he expects to vote on a pending measure.

MUSCLE SHOALS

There are two outstanding bills which have been the source of a great deal of debate in Congress for a considerable length of time. Chief among this group is the so-called Muscle Shoals bill. The term "Muscle Shoals" commonly refers to a stretch in the Tennessee River extending about 35 miles upstream from the town of Sheffield, Ala. The shoals section of the river has been before Congress intermittently for a hundred years. In 1915 the subject was revived in an effort to obtain a large governmental appropriation for the development of the shoals for navigation purposes. Later on the element of a power project was included, as well as the manufacture of nitrates for use in explosives and fertilizer. In the period since 1915 so much has been written and said about the matter and so many schemes have been devised for the acquisition and operation of Muscle Shoals by the Government that it is needless for me to go into detail about it here. The first attempts to have the Government take over the project were unsuccessful, but during the war the proponents of the plan, aided by President Wilson, finally achieved their purpose. So far the Government has spent $125,000,000 on Muscle Shoals and now its advocates are seeking the organization of a Federal corporation for the production of power and nitrates, ostensibly for the benefit of the farmer. This effort is, of course, largely political in its character. The assistance proposed to be rendered is not such as appeals to the farmers of western Massachusetts. It is the expressed opinion of leading representatives of the farming industry in that section that the Muscle Shoals bill is not sound from a business standpoint and that they do not want that kind of help. The bill has passed the two Houses of Congress, but the session ended without the President having affixed his signature to the measure.

FARM RELIEF

My attitude on the McNary-Haugen so-called farm relief bill is too well known to my constituents to need other than a brief reference here. The veto messages of President Coolidge, both in the Sixty-ninth and Seventieth Congresses, are so clear and convincing that I commend their perusal to the general public.

As part of the unfinished business which will be taken up at the next session of Congress there will be two measures in which I am particularly interested, being the author of each of them.

AUTOMOBILE INSURANCE

The first of these provides a system of compulsory automobile liability insurance for the District of Columbia, the object being to assure security for personal injuries and death caused by the operation of motor vehicles within the District. For several years I had been strongly impressed with the great number of careless and irresponsible drivers of motor cars in Washington and the need for some such legislation as now obtains in Massachusetts. After careful consideration and much encouragement from persons and organizations in Washington I introduced the pending bill on January 19, 1928. It is practically the same as the present Massachusetts statute, modified only to meet local conditions. The bill has been very well received by leading citizens and civic organizations, and has been strongly supported from the beginning by the leading afternoon paper. In fact, the press generally has favored the proposition. Hearings have been held before the Subcommittee on Insurance of the House Committee on the District of Columbia. The only opposition has come from those who are interested in the sale of second-hand cars. Owing to the limited time available for consideration of the measure during the last session, it has been agreed that the matter should go over until Congress recon-

venes in the fall, at which time I shall press the matter actively and do my utmost to have this much-needed legislation enacted into law.

PREFERENCE FOR AMERICAN PRODUCTS IN GOVERNMENT PURCHASES

The other bill which I have introduced will be of much interest to business concerns and manufacturers throughout the country, including those in the first congressional district of Massachusetts. It is designed to give a 10 per cent preferential to American products over foreign products in purchases by the Government. While the present laws are intended to give preference to American goods, they often fail in this purpose. It is not proposed that foreign products shall be excluded from competition in Government purchases, but I feel that in spending the American taxpayers' money preference should be shown toward home products.

There are two matters of special interest to the first congressional district.

ADDITION TO PITTSFIELD POST OFFICE

One of these is an appropriation of $195,000 for an extension to the post office in Pittsfield. While a matter of this kind rests upon the amount of business transacted by the office concerned, and to a certain extent upon the recommendations of the Postmaster General and the Secretary of the Treasury, I am nevertheless glad to report that I have been able to keep informed as to the progress of this appropriation and to see that the interests of the county seat of Berkshire were properly looked after.

CONNECTICUT RIVER NAVIGATION

The other matter of local interest is a revival of the effort to secure a channel 12 feet in depth and 100 feet wide in the Connecticut River between Hartford and Holyoke. Soon after it became known that a license to develop additional power at Windsor Locks had been granted the Northern Connecticut Power Co., and after consultation with the Congressman from the second district, Mr. BOWLES introduced a bill to authorize a cooperative method of constructing the improvements for which the above-mentioned license was granted. It seems to us that the present is an opportune time to carry out the recommendations of the Chief of Engineers as contained in a report made to Congress in 1915. A very satisfactory hearing was held before the House Committee on Rivers and Harbors. A resolution was adopted calling on the Chief of Engineers for an up-to-date report on the Connecticut River project. It is hoped that when this report is received a further item can be inserted in the river and harbor bill covering the purposes of the measure which I introduced.

POSTAL RATES

The new postal rates law, recently signed by the President, is of interest and benefit to the people of the first district as well as to the country in general. It contains a number of reductions in present rates. On second-class matter there are some reductions in the zone rates. The transit rate, or the rate charged individuals as distinguished from publishers and other concerns mailing large quantitites of second-class matter, is cut in half. The third-class rates remain the same as in existing law with the exception of some slight modifications in the bulk rates. On fourth-class matter there is some reduction in the service charge. On post cards and private mailing cards the rate is reduced from 2 cents to 1 cent.

GOVERNMENT IN BUSINESS

I wish at this point to again call attention to one feature of the present-day type of legislation. We are drifting directly contrary to the slogan of the late President Harding regarding less government in business, although we are living up to the other part of the slogan about more business in government. The Muscle Shoals, farm relief, Boulder Dam, and Mississippi barge bills are all typical examples of attempts to put the Government into business when it is perfectly apparent that private corporations would be unsuccessful. In some instances such legislation would place the Government in direct competition with private companies engaged in similar business. This tendency must be checked, as the next step in this direction necessarily means the adoption of socialistic doctrines.

POST-OFFICE EMPLOYEES

It was a source of regret that I felt obliged, out of respect to my own opinion and my conscientious duty, to vote against two veto messages submitted by President Coolidge. My own experience both with post-office employees and with fourth-class post offices led me to believe that an increase in compensation, whether in the form of additional salary or in the way of increased allowances, was thoroughly justified. Other than on these two matters I believe my record is clear in acting in harmony with the President.

REQUESTS FROM CONSTITUENTS

Throughout my congressional service I have regarded as an important part of my official duties attention to individual requests from constituents. It is a source of gratification to me that the volume of these requests has increased from year to year, indicating that those I have the honor to represent feel more and more free to entrust me with their affairs, whether of minor or major importance. The variety of these requests is infinite, indicating the increasing interest of the citizen in matters pertaining to the Government. It is a pleasure to be able satisfactorily to execute these missions, and I highly prize the hundreds of letters of appreciation which I have on file. It has always seemed to me that this type of service means more to the average citizen than the attitude of the Congressman toward legislation with which the citizen is not familiar and in which he has no special interest.

LENGTH OF SERVICE

The gradual increase of responsibility and prestige that comes with advanced years of service is perhaps more apparent to the Member himself or to visitors to Washington than to those who do not come into actual contact with public affairs. A short time ago one of the Members from Colorado [Mr. HARDY] published in the CONGRESSIONAL RECORD an article along this line entitled "Unseen forces that help to control legislation in the United States Congress." It will be a pleasure to send a copy of Congressman HARDY'S statement to anyone in my district who may be interested in the subject.

Although this session has been adjourned sine die, the work in a Congressman's office continues unabated during the recess. My services are just as available during this period as they are when the House is in action.

RECORD OF PARTY

The country is on the threshold of a presidential election. During the next month both of the great parties will hold their conventions for the purpose of nominating candidates and adopting party platforms. Much reference will be made during the campaign to the records of the parties. As the first session of the Seventieth Congress constitutes the latest public record of Senators and Representatives, as well as of the administration, I, as one of the majority, feel especially gratified that so much has been accomplished in the interests of the people and of the country. It is not my purpose at this time to indulge in partisan debate but to call attention in these brief remarks to a few of the leading items which go to make up the record upon which the people in a few months will pass judgment. At the last election the Republican Party was charged with the responsibility. It has kept faith with the people and can rightly ask for their indorsement and continuance in power on the record of the President, the officials under him, and the action of Congress under his leadership.

A REPORT TO MY CONSTITUENTS

Mr. PRALL. Mr. Speaker, the first session of the Seventieth Congress is about closing, and under the unanimous permission granted by my colleagues in the House I have the honor of making this report to the voters of my district concerning my activities with respect to the more important matters which have come before Congress during this session for its consideration.

On several occasions in public addresses I have referred to what I term the nonvoting evil. President Coolidge has also called the attention of the country to the significant fact that "since 1880 there has been a marked increase in the tendency to remain away from the polls on the part of those entitled to vote."

I have been informed that in the presidential election of 1920 but 49 per cent of the qualified voters availed themselves of their right to vote for the election of a President. In the following presidential election scarcely more than one-half of the duly qualified voters presented themselves on election day. In this respect we are trailing all the republics of the world, notwithstanding it was our forefathers who bled and died to free this Nation from the yoke of British tyranny, to make of this a Government of, for, and by the people.

I believe one way to counteract this widespread apathy and indifference is to stimulate in each individual citizen a keener interest in our Government.

I can think of no better use to which the CONGRESSIONAL RECORD may be put than to employ it as a means of acquainting the stockholders of this great corporation, the United States Government, with the attitude of their Representatives in Congress on important questions and what the condition of the corporation is.

The expense incident to this reprint and the addressing of the envelopes is not a charge upon the taxpayers; it is a personal charge.

I am pleased to present to the citizens of the eleventh congressional district a condensed report of my activities and my personal voting record with respect to every important measure, believing it will stimulate the citizen's interest in his Government and especially in my work in Congress, and better enable the people to determine to what degree and in what manner I have represented them in Washington. My time during this and all previous sessions to which I have been elected has been spent here in Washington, establishing contacts with the business of the Congress that would prove valuable to the district I represent particularly and to the Nation generally.

Few people realize the tremendous amount of work that passes through a Congressman's office. I refer not only to the legislative work but also to the personal service work rendered to constituents in taking up matters with the departments of the Government in Washington. Every mail brings many requests relating to such matters as veterans' compensation claims, pension claims, immigration difficulties, passport requests, civil-service examinations, employment requests, appointments to the Military Academy at West Point and the Naval Academy at Annapolis, innumerable requests for information, and for public documents of every description.

I have been pleased by the number and variety of requests that have come to me for assistance in these matters, and I wish to thank the citizens of my district for advising me on many important and complicated legislative problems which have come up for action. Even though we may not always agree, it is a wholesome situation when the Congressman and his constituents can cooperate in a helpful way, and it gives the citizen a deeper interest in his Government.

During the first session of the Seventieth Congress there were 19,770 proposed laws introduced, of which but 923 were enacted into law. Of the total number introduced only 1,323 were reported and recommended for passage by the House committees to which they had been referred.

The total membership of the House is 435, so the average number of bills enacted into law was two and a slight fraction for each Member of the House; a small number really, when one considers the large number of bills introduced and the long period given over to their consideration.

One of the most important functions of our Government is the raising of revenue and appropriations to meet the expenses of conducting the affairs of the Nation.

At the beginning of each Congress the President, through the Bureau of the Budget, submits an estimate of the amount necessary to meet the requirements of the various departments.

On the basis of these estimates which cover approximately 1,000 pages, the various committees prepare the supply bills. These are finally approved by the Committee on Appropriations and presented to the House for its approval. By amendment, any item in the bill may be increased, decreased, or eliminated entirely.

During the session just closed the following appropriations were approved:

Agriculture	$139,138,793.88
District of Columbia	37,625,208.00
Executive and independent offices	527,593,111.00
Interior	272,656,039.00
Legislative	17,746,893.26
Navy	362,145,812.00
State, Justice, Commerce, and Labor	89,820,597.64
Treasury and Post Office	1,061,342,060.00
War	398,517,221.50
First deficiency	200,936,668.02
Second deficiency	99,172,485.76
Permanent annual and indefinite	1,388,753,735.53
Grand total	4,595,448,625.59

The term "permanent annual" is used to indicate expenditures authorized by a previous Congress.

REVENUES

The following table shows the manner of raising revenues to meet the above-mentioned expenditures:

Customs	$602,000,000
Income tax	2,065,000,000
Miscellaneous internal revenue	640,545,000
Miscellaneous receipts	501,952,314
Total	3,809,497,314

Revenue figures are exclusive of postal receipts estimated at $753,000,000. These appropriations are for the year beginning on July 1, 1928, and if not absolutely accurate, are approximately so.

FEDERAL BUILDING FOR STATEN ISLAND

In the last Congress an appropriation was authorized by the House for the purchase of sites and the erection of public buildings. A filibuster in the Senate prevented the passage of this bill by that body, but in the early days of this session both House and Senate made this authorization legal. It provides for the expenditure of many millions of dollars within a period of five years.

Staten Island is included in this building program, and while the year for its erection has not been definitely agreed upon, Staten Island citizens are assured of a new Federal building.

UNEMPLOYMENT

Next to universal peace the biggest problem of our day in this country, as well as in every other country, is the great problem of unemployment. Its proper solution will relieve many other perplexing problems. It will also reduce the tax burdens now overwhelming our cities, towns, and villages. It will greatly lessen the work now forced upon social service and charity organizations. It will decrease the number now housed in almshouses and other abiding places throughout the land. It should eliminate the temptation that prompts men to crime. In a word, it will supplant the misery and grief that accompanies great periods of industrial depression with the contentment and happiness that goes with steady uninterrupted employment.

I favored the introduction of a resolution calling for the creation of a joint committee to be appointed by the House and Senate to investigate this question of unemployment. This joint committee, in conjunction with the Labor Department, could initiate a study of the question and recommend remedial legislation to Congress. It could authorize the Labor Department to furnish us constantly and regularly with information as to the number of men unemployed as well as the nature and character of their work. With this information we could the more intelligently consider this all-important problem.

PENSION BILLS

With the exception of a bill increasing the rates of pensions for widows of Civil War veterans, no pension bills except omnibus bills were enacted during the past session of Congress. Several widows residing in my district were granted pensions and increases in pensions in the omnibus bill which passed the House and Senate and was signed by the President.

The general pension bill, which increased the rates for Civil War veterans' widows from $30 to $40 per month, also provided for the payment of this larger rate to all widows who had attained the age of 75 years, irrespective of the date of marriage.

I was glad to vote in favor of this bill for the dependent widows of our veterans of the Civil War.

THE POSTAL EMPLOYEES NIGHT DIFFERENTIAL BILL

After working for several years on a bill that would grant a differential in pay for night workers in the Postal Service, the bill was finally passed by the House and the Senate and sent to the President. I was very happy to give my hearty support to this meritorious legislation, which is favored by all post-office employees. To my mind, it was a needed recognition of deserved public service in a substantial manner. And may I add that the men and women of the service gladdened my heart by their appreciatiton, as expressed by countless letters and telegrams.

MUSCLE SHOALS

A question that has engaged the attention of Congress for several sessions is Muscle Shoals, and considerable discussion took place during the present session in the Senate and in the House upon this subject.

The proponents of the measure advert to the already large governmental investment, the advantage of the plant as a means of producing cheap nitrate and fertilizer as a benefit to our farmers. It has developed that the United States, having so heavy an investment, could not afford at this time to entirely abandon the project but should utilize the works for the benefit of the public in the production of nitrate and fertilizer.

The opponents of the bill contend that the adoption of this legislation would put the Government into the business of manufacturing chemical fertilizer for sale to farmers without cost and without profit in opposition to the manufacturers, despite the fact that the United States has spent $140,000,000 up to the present date on the plant.

Much has been said upon both sides of this subject. By amendment the House removed from the bill the production of fertilizer and inserted nitrogen, and in that form it passed the House and Senate.

FLOOD CONTROL

The sympathy of the Nation went out to the poor people of the Mississippi Valley when that vast territory was inundated by an avalanche of water 300 miles in length and 100 miles in width, covering as it did every city, village, and farm. Devastation, destruction, disaster, and death followed in its wake. The total loss ran into many hundreds of millions of dollars.

I believe it to be a national problem, and for that reason I supported legislation recommended by the Flood Control Com-

mittee. This measure received the sanction of a large majority of the Members of the House and Senate and received the signature of the President.

THE BOULDER CANYON PROJECT

The paramount purpose of this legislation is the protection of human life and property in Imperial Valley, Calif., now under a constant menace of destruction from floods. A further explanation of the bill is found in the report of the present Secretary of the Interior, Dr. Hubert Work, in which he states:

> The general plan and purpose of this measure have my support, and I favor its being made a national undertaking to be carried out and administered by the Federal Government.

While Boulder Dam is primarily a flood control and irrigation project it is capable of developing consideration electrical power, and will be a source of domestic water supply for southern California. I voted for this project.

TAXATION

The new revenue act which the two Houses finally passed and the President signed will cut taxes $222,495,000. In all the legislation affecting this branch of our economic legislation I have consistently maintained an attitude of opposition to any plan which sought to give a larger reduction to the wealthy than it would to those of low or moderate incomes, thus relieving that part of our public least able to bear the tax.

In the new tax bill the Ways and Means Committee followed three principles: First, that the reductions should not be such as would produce a deficit in the Treasury; second, that the reductions should be distributed where relief appeared more necessary and advisable; and third, that the taxes that had not been reduced since the World War should be given special attention.

TAX REDUCTION

Among the major cuts contained in the measure is the 12 per cent flat corporation tax as against 13½; repeal of the 3 per cent automobile tax; increase from $20,000 to $30,000 on income recognized as earned on which a 25 per cent credit is allowed; increase of exemptions on amusement admissions from 75 cents to $3; exemption of tax on club dues up to $25. I voted for this bill.

FARM RELIEF

The Haugen bill was introduced again, and after passing the House and Senate it was vetoed by the President, who denounced it as unsound economically, suggesting it would injure rather than benefit the farmer. The relief the farmers are asking for now is a reduction in freight rates on farm products, a reduction in taxes, better roads, and improved marketing facilities.

I voted against this bill, considering it unsound and unwise. It provided for price fixing on commodities such as wheat, corn, hogs, and so forth, and in my opinion would have materially increased the price of bread and other necessities to the great consuming public. In my judgment it was an attempt to help the farming interests at the expense of the consumers.

COAL

Any number of bills and resolutions were presented bearing on this important subject. It is a matter of regret to report that no definite action was taken by those in control of either branch of the Congress to meet the issue and bring about a suitable solution of this very vital problem. Despite the recognized dilemma of the operators, who are verging on bankruptcy, that the miners are suffering, with their families, in untold hardship and misery, and that chaos and confusion obtains in the bituminous and anthracite fields, nothing has been done.

Public opinion must in the end be concentrated upon a situation that calls for constructive remedial legislation.

PROHIBITION

Many bills were introduced to modify the Volstead Act and were all referred to the Judiciary Committee, but no action, I regret to say, was taken on them during this session.

RADIO

I supported the bill extending the life of the Radio Commission another year, believing it necessary to enable that body to work out the many important and difficult problems which surround the art of the radio. I opposed the amendment which directs the commission to make equal allocation to each of the five zones for the reason that the licensing authority already had sufficient power conferred upon them to deal with this question. The act of 1927 provided, briefly, that there shall be an equitable distribution of radio service in the various five zones; this amendment ties the hands of the commission and, in my opinion, retards the progress of the radio.

AMENDMENT TO THE CONSTITUTION

The joint resolution proposing an amendment to the Constitution fixing the commencement of the terms of President, Vice President, Members of Congress, and fixing the time of the assembling of Congress was defeated in the House.

While this resolution was being considered many amendments were proposed, one of which would extend the terms of Representatives from two to four years, their elections to be held at the same time the President is elected. I voted against this amendment.

While I favor summoning the Congress to meet at an earlier date than is now provided, I voted against the adoption of this resolution because of the uncertainty of some of its provisions.

Under this proposal the new Congress will have to canvass the electoral vote for President and Vice President, within 20 days after it convenes, and should a deadlock occur, serious consequences might result. I hope a perfected resolution will be offered in the next session; and if it is free from faulty provisions I shall support it.

In attempting to amend the Constitution it should not be done hurriedly; deliberate rather than hasty consideration should be the rule. One recent amendment hastily considered has proven disastrous. It has been productive of graft, perjury, and other unlawful acts, including that of murder in its attempted enforcement. The failure of the eighteenth amendment is still fresh in the minds of the people. Therefore, let us consider carefully not only this but any proposed amendment before submitting it to the States for ratification.

IMMIGRATION

The House of Representatives passed a bill liberalizing our present immigration laws by permitting to a very limited extent the reuniting of families who have been separated by reason of the immigration policy in effect since the enactment of the original quota restrictive immigration act of 1921. It was my pleasure to support this humane legislation, because in my judgment it was a mistaken policy to permit the entry of a husband or father and to exclude for a great number of years the remainder of the family.

This legislation, without interference with the quota assigned to the various nations, merely grants a preference to the families of aliens who are already residents of the United States. It in no way breaks down our present immigration policy but it selects, as it were, for future immigration those who are most likely to make America their permanent home. I voted for this legislation.

WORLD WAR VETERANS' ADJUSTED COMPENSATION ACT

To care for several thousand ex-service men who have not as yet applied for their adjusted compensation, the Congress enacted legislation amending the World War adjusted compensation law. This amendment comprised three major provisions, as follows:

First. It extended for a period of two years the time within which application may be filed for adjusted compensation.

Second. It removed all doubt as to the finality of the determination of the Secretary of War and the Secretary of the Navy concerning the validity of a lost application.

Third. It extended the benefits of the act to dependents of veterans who have been absent from their homes, continuously and without explanation, for a period of seven years.

This bill received the unanimous vote of the membership of the House of Representatives, among which I was glad to be numbered. It was a just and meritorious measure.

AMENDMENT TO WORLD WAR VETERANS' ACT

Another measure of concern to our ex-service men which received my support was the amendment to the World War veterans' act liberalizing the present war-risk insurance requirements.

OTHER IMPORTANT BILLS

In addition to the bills which I have thus far touched upon Congress acted upon many other measures of more or less importance. Among them may be included: The bill to investigate submarine disasters; postal rates; alien property bill; coordination of public-health activities; merchant marine bill; good roads; migratory bird refuge bill.

THE UNFINISHED BUSINESS

Many important measures—some good, some bad—were not acted upon as the first session of the Seventieth Congress goes into history. These necessarily will be pressed by the proponents when the second session is called to order early in December. Among these I might mention: The all-American canal (Great Lakes to Hudson); the universal conscription act; reapportionment; railroad consolidation; resale price bill; regulation of motor busses; the Sunday observance (or blue law); postal employees' Saturday half holiday; Pullman surcharge; coal; Reed education; modification of prohibition.

I introduced several bills. Included among them was a bill for the relief of the depositors of the Mariners Harbor National

Bank. As I have already stated in this report, 19,770 bills were introduced and but 1,323 reported out by the committees to which they were referred. I am hopeful of having these bills reported out in the second session of this Congress, which convenes early in December.

VETO OF WESTERN ROAD BILL

Mr. EVANS of Montana. Mr. Speaker, the President has vetoed the western road bill, commonly called the Colton bill, designed to aid in the construction of roads through Indian reservations and other Government-owned land, including the national forests. I am sure the President has been poorly advised or does not understand the situation in the western country. I feel this veto is based upon a misunderstanding of the facts and circumstances surrounding this legislation and I am going to ask your indulgence for just a few minutes while I explain its provisions. The veto is based mainly upon two provisions: First, that there is already an appropriation to take care of the forest roads. Out of the $7,500,000 that is being carried in the general road authorization bill there is used annually nearly $3,000,000 for fire protection and for the development of the forests, so we do not have merely all of the amount appropriated for the forest roads. At the present rate of road building with forest funds for main roads in the forests it will take the Federal Government 45 years to complete these roads through Arizona, 95 years in California, 90 years in Colorado, 24 years in Idaho, 33 years in Montana, 28 years in Utah, 8 years in Washington, 55 years in Nevada, 30 years in New Mexico, 30 years in Oregon, and 31 years in Wyoming. So that even the appropriations for main roads through the forests are woefully deficient. We are therefore from 8 to 90 years behind the Federal-aid building program in our forests and on our Indian lands.

This bill is only for the purpose of speeding up the building program on these public lands during the next three years. The lands are owned exclusively by the United States, and in the main these roads will be used as connecting links in the Federal road system. There is no fund available for construction of roads across Indian reservations and public lands, and in many cases vast areas are in such reservations exclusively owned by the United States, exempt from taxation, and the only way that roads can be built to connect up important highways through Federal-owned reservations is through passage of such a bill as is now before us.

Among other reasons assigned by the President in his veto he says:

> Having in mind the increasing ability of the States to finance road construction due to the general adoption of the gasoline tax and the increase in revenue from this source which would accrue to States from roads constructed through public and Indian lands therein, I see no reason why the States should be relieved from their contribution toward the construction of these roads as required by existing law. I am constrained, therefore, to return this bill without my approval.

The Western States are not asking to be relieved of their just burden of road building, they are only asking that the Government of the United States does not throw on us the burden of building roads through lands owned wholly by the Government. In this instance, it is the Government that is shirking its duty and obligations, not the States. The fact of the matter is that only 23 to 57 per cent of the money which the States are putting on the roads now is derived from this tax. We are putting on our roads more money from other sources than we raise by the gasoline tax. Our public lands furnish the greatest example of absentee landlordism in the world. In Nevada, for instance, the Government owns 87½ per cent of the land. In Utah it owns about 74 per cent of the land, and in some of the States 50 per cent, in Montana 25 per cent, and we have not the means by which we can carry on this program.

We are asking for this money to connect existing Federal-aid systems. We need this extra help and need it badly. I am sure the President has been somewhere badly advised. There are men, particularly in the Bureau of the Budget, whose western horizon is bounded by the Mississippi River. It would do them a world of good to see some of the West. It can not be seen from a Pullman car. Roads are needed to protect our forests. Often connecting links which at the present rate will not be built for years will, when built, be the means of protecting great forests. We have no means now to build across many of the Indian reservations. Moreover, there are needed connecting links on the public domain where the population is so sparse and the taxable property so small it will be years before main roads can be built. I do not want to be critical in my comment on this matter, but the conviction is growing in the minds of the people of the Western States that we live too far from New England.

ALASKAN LEGISLATION, FIRST SESSION SEVENTIETH CONGRESS

Mr. SUTHERLAND. Mr. Speaker, under the privilege of extending remarks, I herewith enumerate the measures pertaining to Alaska that have passed Congress or have been advanced to the calendars during the first session of the Seventieth Congress. All bills where authorship is not given, were introduced by the Delegate from Alaska:

BILLS APPROVED AND NOW LAW

H. R. 11279 (Public Law 328): An act to establish a uniform system of registry of mail and to increase indemnity limit to $1,000.

This act increases the amount of valuables that may be carried in one package of registered mail from the present amount of $100 to $1,000. Shippers of furs or gold dust in Alaska may now mail in one package what they were formerly, under the law, required to place in 10 packages. This is a general act applicable to the United States, but it will be particularly convenient to Alaska.

H. R. 328 (Public Law 263): An act to relieve the Territory of Alaska from the necessity of filing bonds in court proceedings.

H. R. 343 (Public Law 264): An act to permit review of interlocutory orders of district courts.

H. R. 7367 (Public Law 201): To permit issuance of school bonds by the town of Seward.

H. R. 340 (Public Law 202): To permit issuance of school bonds by the town of Anchorage.

H. R. 8126 (Public Law 452) by Mr. CURRY: An act to remove limitations on appropriations for Mount McKinley Park.

This bill was amended on the floor of the House by Mr. CRAMTON, of Michigan, to forbid the killing of game in the park. The right to prospect for minerals within the park boundaries remains in effect as before.

H. R. 9031 (Public Law 190) by Mr. SINNOTT: An act to provide for disposal of abandoned military reservations in Alaska.

PRIVATE BILLS

H. R. 2145 (Private Law 7): For the relief of Albert J. Zyvolski. Compensated for loss by fire of household goods and personal property on the Alaska Railroad.

H. R. 2138 (Private Law 6): For the relief of the schooner *Sentinel*. A Coast Guard cutter collided with this vessel and Congress authorized payment for damages.

H. R. 332 (Private Law 147): For the relief of Englehard Sperstad, who settled on land within the school grant and could not obtain title to his homestead except by this act of Congress.

H. R. 333 (Private Law 67): An act to authorize the sale of lands to Jesse Lee Home at Seward.

A FISH LABORATORY FOR ALASKA

H. R. 13383 (by Mr. WHITE): This act authorizes an appropriation of $50,000 for the establishment of a fisheries laboratory in Alaska. This institution is for experimentation in preparation of all varieties of fish in Alaskan waters. The principal purpose is the processing of fish to suit market requirements.

ROAD APPROPRIATION

The amount of money appropriated for the Alaska Road Commission this year was $825,000. This is $175,000 less than last year.

H. J. Res. 100 (Public Resolution 52): This resolution authorizes the Secretary of War to expend not to exceed $125,000 for the regulation of Lowell Creek, provided that $25,000 of the above amount shall be contributed and paid in by the town of Seward or other local interests to be benefited by the proposed improvement before the said work is commenced.

AUTHORIZATIONS FOR HARBOR IMPROVEMENT

The rivers and harbors bill for this session, now reported on the House calendar, carries the following items for Alaska:

For dredging and improving Ketchikan Harbor (Thomas Basin)	$272,000
For a breakwater at Seward on Resurrection Bay	85,000
To improve the entrance to Port Alexander	17,000

HARBOR SURVEYS AUTHORIZED

The rivers and harbors bill carries the following items for new surveys in Alaska:

Egegik River.

Stikine River.

Tanana River, at or near its confluence with the Yukon River.

Kake Harbor.

Kodiak Harbor.

Petersburg Harbor.

Wrangell Harbor.

Kekhu Straits.

Isthmus south of Wedge Cape, Nagai Island, with a view to dredging a channel from East Nagai Strait to West Nagai Strait.

BILLS THAT HAVE PASSED THE HOUSE AND ARE NOW IN THE SENATE

H. R. 10157: An act making an additional grant of land for the support of the Alaska Agricultural College and School of Mines.

This bill authorizes a grant of 100,000 acres of land, to be sold for not less than $5 per acre at public auction. This land may also be leased, and all returns to be for the benefit of the college.

H. R. 13882 (by Mr. VESTAL): An act to extend the benefits of the Hatch Act and the Smith-Lever Acts to the Alaska Agricultural College and School of Mines.

H. R. 7200 (by Mr. HOUSTON): An act to amend the Penal Code so that boxing matches may be permitted in the Territories of Alaska and Hawaii.

H. R. 2137: For the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. A. Heydick.

This bill would authorize the return of bonds forfeited by the court at Juneau. The individual under bond to appear before the grand jury committed suicide before the grand jury convened.

H. J. Res. 135 (by Mr. CURRY): For the relief of special disbursing agents of the Alaska Railroad.

H. R. 10624: An act for the relief of William J. Casey.

This bill would authorize the payment to William J. Casey of $1,440 in full for all claims against the United States for disability caused by injuries received while employed in the Quartermaster's Department of the United States Army at Fort Gibbon, Alaska.

FARM RELIEF

Mr. DICKINSON of Iowa. Mr. Speaker, in compliance with the authority given each Member of the House, I hereby extend my remarks by inserting the following statement on farm relief.

When the farmer goes to vote in November he will be able to identify his friends. The platform of the Republican Party of 1924 is unfulfilled. To commend the record of the past four years, so far as agriculture is concerned, is to indorse and applaud the nullification of the promises in the 1924 platform. Such promises made and unfulfilled should eliminate those who held places of responsibility for the past four years.

Criticism of those asking for farm relief on the theory that they refused the administration recommendations is easily answered, for in none of the recommendations was there any relief. The farmer was without help when his program was defeated, and also without help if the administration program was accepted. The contention that the administration is not responsible is answered by the fact that the administration has presented no program. Suggested recommendations by those in authority have never taken upon themselves proper legislative form. Loans to cooperative associations can not stabilize agriculture. This has been previously demonstrated in the case of tobacco and other large cooperatives handling a large per cent of the commodity produced. What is needed is a device by which nonmembers may be compelled to pay their share of the cost of stabilization, and that is the underlying principle of farm relief legislation.

Stabilization corporations as suggested are not effective for the reason that it relies upon the fluctuating of prices for the profits under which it can continue in operation. Under stable prices the plan would break down because the income of such corporations would depend upon profit, and they would be compelled to buy the farmer's product at a low price if a safe margin on the purchase was maintained.

The suggestion that the equalization fee is the only provision of the bill objected to in the presidential veto is not carried out for the reason that the marketing agreement provided in the bill is the phase of the bill to which real objection is made. Under the marketing agreement we have the bargaining power that is now enjoyed by the combination of processors and by the various combinations in practically every line of trade. In an amendment to the Aswell bill defeated on the floor of the House wherein an effort was made to strike out the marketing agreement section was commented upon as follows:

This provision is regarded by FORT as the fundamentally objectionable feature of the bill inasmuch as he believes this would be the machinery whereby prices would be fixed. The equalization fee, in his opinion, is merely incidental to this and devised to provide funds to put the plan into execution.

Abolition of the equalization fee without the repeal of the section to which he objects would make the bill even worse, the New Jersey Congressman said, because the expenses contingent to the execution of the McNary-Haugen principle would have to be directly financed by the Federal Treasury without any opportunity for at least partial returns from equalization-fee collections.

In the comment made upon the veto message by the members of the agricultural council, which is hereto attached at their request, indicates that the real objection to the bill is the fact that it is an effort to make the protective tariff effective, and even though the equalization fee was not included, the marketing agreement, which is the real crux of the bill, is likewise objected to by reason of its bargaining power. Under existing conditions farmers are at least in a position to say that they have lost nothing by not accepting any proposals that have been made as substitutes for the farm-relief legislation.

The veto message presents no new arguments. In fact, the whole tenor of the message is intemperate, cynical, and vindictive. To recede now from our western demands would brand us as cowards. The only conclusion that can be drawn therefrom is that eastern business thinks it has strength enough to run the country without the help of agriculture. For 60 years the Republican Party was represented by them. The failure to meet the present disagreement is a failure in leadership. Many believe it is the failure of the leaders to comprehend the differences and adjust the same. Self-centered leadership with industrial leanings seem determined to concede nothing to the agricultural demands.

Take the legislative line-up for the past session of Congress on flood control, Muscle Shoals, river and harbors, tax revision, farm relief, and other major projects, and it indicates a growing alliance forced on account of economic conditions between the southern agricultural interests and the western agricultural interests. If this is permitted to continue, with revision of the tariff approaching, it is only fair to assume that the tariff schedule of the next tariff bill will be written by this same group of interests in the Congresses that are to come.

Foremost in the minds of Republicans should be the desire to win. Developments in the State of New York for the past eight years indicate the loss of Republican strength. Whether this can be attributed to the strength of Governor Smith or not is immaterial, because the sentiment is there. This sentiment threatens Republican success in several neighboring States and may put them in the doubtful column. With the uncertainty of Republican strength it would be no less than deliberate political suicide to nominate a candidate unsatisfactory to the Corn Belt States. Success of the Republican Party in the Middle West is essential to a Republican victory. The election of a Republican is in doubt with two uncertain areas in the equation. The only chance to make Republican victory certain is to nominate a man certain of the electoral vote of the Corn Belt States and the border States. Why put two question marks in the campaign when victory can be assured with such an outstanding citizen as Frank O. Lowden, available as a candidate, whose election Democrats are practically willing to concede. In every State where the friends of Governor Lowden have used his name delegates favorable to his candidacy have been secured. In not a single, solitary State can he be listed as a losing candidate.

Attached hereto with letter of submittal is an analysis of the veto as prepared by chairman of the executive committee of 22 for insertion as part of my remarks:

NORTH CENTRAL STATES AGRICULTURAL CONFERENCE,
EXECUTIVE COMMITTEE OF TWENTY-TWO,
Washington, D. C., May 28, 1928.

Hon. L. J. DICKINSON, M. C.,
Washington, D. C.

DEAR MR. DICKINSON: Complying with your request for an analysis of the President's message accompanying the McNary-Haugen bill, which he returned to the Senate without his approval, I am submitting herein a general analysis of the major objections to the McNary-Haugen bill raised by President Coolidge, together with comment which expresses the viewpoint of farm groups which cooperated in sponsoring and supporting the McNary-Haugen bill in the session of Congress just closed. This analysis has been prepared by Agricultural Service for farm and cooperative organizations. You are at liberty to use it in any way you see fit.

Very truly yours,

GEORGE N. PEEK,
Chairman Executive Committee of Twenty-two,
North Central States Agricultural Conference.

THE MCNARY-HAUGEN BILL SECOND VETO MESSAGE

(An analysis and reply, written by Agricultural Service, for farm and cooperative marketing associations, May 28, 1928)

THE VETO OF THE M'NARY-HAUGEN BILL

Part I.—The veto message in general

Informed Members of Congress, who discussed the McNary-Haugen bill with President Coolidge after it passed Congress and before it was returned without his approval, reported that the President knew but little about the bill and what it contained. His veto message proves that this is still the case. It is a lengthy document, and an examination of the veto messages of former Presidents from the day of the first use of the veto power by George Washington down to the present moment discloses no message that is equal to this one in intemperance and ill humor of its phrasing.

Many of the assertions in the veto message can only be answered by a blunt statement that they are not true, either as economic fact or as interpretation of the bill. On the other hand, many assertions in the message seem to merit detailed replies.

The message is in parts as intemperate as a fishwife's tirade; but we are not concerned with its style. The use of epithets and the calling of names are not argument; they can only be answered in kind, and it is best that such passages be ignored, even though that means ignoring much of the last message, which, compared with the veto message of February, 1927, adds many new adjectives but no new ideas to the discussion.

The present analysis of the veto message takes up first a few of its fundamental revelations and logical defects, and, second, presents in detail a discussion of some of the important objections which the President expresses. In general, the veto message shows (1) that the real Coolidge objection is not against the equalization fee, as has been frequently stated, but is against making the protective tariff operate to enhance the price of farm crops, of which we produce a domestic surplus; (2) that his interest in cooperative-marketing development is pretended, not real; (3) that in order to support his criticism of the measure the President is forced to assume that the board, which he alone would appoint, would be foolish or criminal in its administration of the act; (4) that he has no constructive proposal for an agricultural policy, except the dangerous one that American farm production must be reduced to meet domestic demands, which is economically unsound and nationally unwise; and (5) that he is unwilling to permit the Supreme Court to pass upon the constitutional questions involved.

1. OPPOSES MAKING FARM TARIFFS EFFECTIVE

The veto message exposes clearly the real grounds for the Coolidge objections to the McNary-Haugen bill. For months it has been stated on his behalf that his real objection was to the equalization-fee provisions of the measure. His second message reveals that such is not the case. Talk about the equalization fee is only camouflage. The veto serves notice upon the farmers that they will be permitted to secure no benefit from protective tariffs on the surplus crops except over the politically dead bodies of Coolidge, Hoover, and Mellon. The fundamental objection which underlies his entire message stands against any device intended to make protective tariffs effective on our major farm crops. It would apply equally against the debenture plan, or, indeed, against agricultural tariffs themselves if in any way they were to be made really effective to raise the farm prices of foodstuffs and raw materials.

The very crux of the Coolidge objection is stated in the opening sentence of the second paragraph of the veto message:

"In its essentials the objectionable plan proposed here is the stimulation of the price of agricultural commodities and products thereof by artificially controlling the surpluses so that there will be an apparent scarcity on the market."

Here is the heart of the whole matter. President Coolidge objects to surplus control if the object of such control is the "stimulation of prices of agricultural crops and products thereof." Therefore he objects to the debenture plan. He would object to the result even if cooperative associations acting for themselves without Government assistance could accomplish it. It is true the President implies that he would not object to price stimulation if it were secured in the way he proposes—that is, the reduction of production to the needs of the domestic market—but let no one be deluded by such an inference from the President's statements on agriculture; he would object to such artificial "limitation of production," even though he has so naïvely (to use the pet word of the veto message) proposed it as his remedy for the ills of agriculture, if by that means a scarcity on the domestic market resulted and prices rose accordingly. The President probably feels safe in taking the position that price enhancement for the farmers is all right if they secure it by cutting down their production; but if by some means production could be adjusted, as he suggests, so that tariffs would operate to raise food and raw-material prices in the United States, then according to the Coolidge logic such tariffs would have to go; they would tend to raise the price of raw commodities used by American manufacturers in competition with foreign producers, a result which when applied to farmers' products is repugnant to the whole Coolidge philosophy, although he sees no harm in exactly that same handicap which is now being imposed on agricultural producers through the protective laws and devices by which the Government has supported centralized industries.

It should be noted that his statement on the "essentials" of the "objectionable plan" does not refer at all to the equalization fee. The objection is to price enhancement through surplus control. This is the essence of the Coolidge veto. The message would have been fairly complete if it had contained nothing more than this one sentence.

In the same paragraph the message, unintentionally perhaps, misrepresents the provisions of the bill when it refers to surpluses "accumulated by the board" and "to be sold by export and otherwise directly" by the board. There is no provision in the bill whereby the board buys or sells for its own account, or otherwise accumulates or owns any portion of the agricultural surplus. On the contrary, the whole theory of the bill is that the board by means of the commodity funds at its disposal would enable the cooperative associations or other agencies dealing in the commodity to handle the surplus effectively.

2. HAS NO REAL INTEREST IN COOPERATIVE DEVELOPMENT

The veto message exposes President Coolidge's pretended interest in cooperative-marketing development as a sham. In defense against the first surplus-control bills, supporters of the administration raised the cry that whatever was done in the direction of surplus control must be done through cooperative organizations of farmers themselves. Leaders of the farm organizations accepted the President at his word. They completely changed the form and nature of the surplus-control legislation which they advocated. The only bills aimed to assist in the control of agricultural surpluses which have been sent to the President by Congress have been based on the principle that agricultural surpluses could and should be handled by cooperative organizations. They embodied the principles which practical experience of the cooperative associations handling the major cash crops has demonstrated are necessary to enable them to handle surpluses in an effective and intelligent manner. Here was President Coolidge's opportunity to demonstrate his good faith. The bill as presented to him would build cooperative associations. Testimony of men experienced in the cooperative marketing of cotton, tobacco, wheat, rice, and livestock establishes that beyond a shadow of a doubt. The same testimony would convince any open-minded man that the cooperative associations, aided by the provisions of the McNary-Haugen bill, would be able to meet the surplus problem in the interest of agricultural stability and adequate protection. But Mr. Coolidge has turned his back upon that bill, with its carefully worked-out provisions to do the job he admits need to be done, and through the very agencies which he himself has suggested for the task.

3. ASSUMES HIS OWN BOARD WOULD BE STUPID OR CRIMINAL

The veto message is based from beginning to end on the President's assumption that the bill would not be intelligently administered. In fact, at every point in his message where the practical operations of the measure are considered the President assumes that the official acts of the board, which he alone and without restriction was authorized to appoint, would be foolish or criminal, or both. It would be possible by employing that line of reasoning to condemn any major legislation which has ever been enacted into law in the United States in advance of its enactment. It would not be surprising to see such tactical logic employed in the argument of a high-school debating society. A veto message built upon such a basis is unworthy of the office of the President of the United States.

4. SHOWS BARRENNESS OF CONSTRUCTIVE THOUGHT

The veto message contains no constructive proposal for agriculture, although it recognizes that "the severity of the agricultural depression in the United States must not be underestimated." The message does refer to the last annual message of the President, which in its reference to agriculture was so vague and general as to be almost meaningless. The only specific suggestion in the message of last December aimed to show how agricultural prices might be enhanced was the proposal that our agricultural acreage and agricultural production should be reduced to the needs of the domestic market.

This suggestion brings out into the open the plan of some industrialists, for whom the President is spokesman, to seize if possible all of our export markets for the manufactured products of industry, ignoring the fact that the normal farm market is incalculably more important to business generally than the export market.

The proposal to eliminate entirely the agricultural surplus is as unsound from the standpoint of America's economic interests as any proposal could well be. Only a little thought is required to make that perfectly clear. For example, the world wheat market draws annually about 200,000,000 bushels of its supply from the United States. If the farmers of the United States cease to produce that additional 200,000,000 bushels, they would be produced elsewhere, employing the land, the capital, and the labor of non-American farmers to this additional degree. From the standpoint of world wheat prices it makes little difference whether this 200,000,000 bushels is produced in the United States or elsewhere, but from the standpoint of the economic welfare

of the United States it makes a great deal of difference. The main economic question involved here is whether the United States will not be better off to continue producing this 200,000,000 bushels of wheat in addition to our domestic requirements, while supplying the domestic market at a price which the American Congress and the President have declared to be fair from the standpoint of the difference between production costs in this country and in foreign competitive lands, that price being the amount of tariff above the price prevailing outside the United States, rather than to starve out the farmers now engaged in producing that 200,000,000 bushels and forcing them into the cities to add to the vast number of unemployed.

5. UNWILLING TO PERMIT SUPREME COURT TO DECIDE

Appended to the message is the report of the Attorney General on the constitutional questions raised by the bill.

"The bill still is unconstitutional," the President states with all the finality of a Supreme Court. "This position is supported by the opinion of the Attorney General which is hereto attached."

The Attorney General sums up his conclusions as follows:

"The act in question, if approved, would violate the Constitution of the United States, in that legislation having for its main purpose the control of the price of food in the interest of the producer is not authorized by the Constitution; in that if Congress possessed the power to do the things attempted by this act it could not delegate it, as it is legislative in character; in that it vests in those not officers or agents of the United States the power and duty of participating in appointment to fill places in the service of the United States; in that it contravenes the provisions of the Constitution against the taking of property without due process of law."

Every one of these points was fully discussed in the legal opinion carried in the House and Senate committee report on the bill. Every objection is there answered fully. The Attorney General does not contend that the provisions of the bill in important particulars are prohibited by the Constitution but that they are not specifically authorized by it. The sponsors of this legislation admit that there are constitutional questions involved which can only be finally settled by the Supreme Court of the United States, and the committee reports referred to set forth the reasons for the faith that the Supreme Court would uphold the validity of the act. But if the Supreme Court should decide that those portions of the bill which the Attorney General attacks are invalid, so that the provisions for marketing agreements, advisory councils, and equalization fee should thereby become inoperative, the rest of the bill would still stand as a workable whole, embodying as nearly as can be deduced from his vague and general phrases, the provisions for farm relief toward which President Coolidge has expressed himself as favorable.

PART II.—*The veto message in detail*

Following a preliminary statement on the bill, the veto message summarizes the six "major weaknesses and perils" which the President professes to see in the measure. Most of them are founded either on misconception of the provisions of the bill or on the assumption that the administrative body charged with the responsibility of carrying out its provisions would deliberately seek to find some foolish or criminal way to execute each duty or agreement which arose in the course of business. These six points are discussed in the veto message under the following headings:

First. Its "attempted price-fixing fallacy."

Second. The "tax characteristics of the equalization fee."

Third. The "widespread bureaucracy which it would set up."

Fourth. Its "encouragement to profiteering and wasteful distribution by middlemen."

Fifth. Its "stimulation of overproduction."

Sixth. Its "aid to our foreign agricultural competitors."

1. ITS "ATTEMPTED PRICE-FIXING FALLACY"

The message says "this measure is * * * cruelly deceptive in its disguise as Government price-fixing legislation." As a matter of fact the measure is not "disguised as governmental price-fixing legislation." Neither is it price-fixing legislation at all in the sense which the President charges. The forces that govern and otherwise "fix prices" are now in existence. This measure proposes to utilize such forces so that their effect may be more favorable to the producers than at present. For example, competition from abroad, as modified by existing tariffs, would "fix" the upper price limit that could be maintained under the McNary-Haugen bill or under any other plan for the farmers of this country. There was no need to write this provision into the bill. Tariff schedules are already on our statute books. The President either fails to recognize or else deliberately ignores the fact that, in tariff-protected commodities, it is the tariff which fixes the upper limit to which prices might be raised in this country above prices outside the United States, and that this is the same upper limit that would obtain if Mr. Hoover's theory as to how tariffs might be made of benefit to American producers, through reduction of our production to the bare domestic needs, were carried out.

Mr. Coolidge criticizes the bill as "naïvely implying that the law of supply and demand can thus be legislatively distorted in his (the farmer's) favor." Since the message was made public it has been repeatedly pointed out that it is the Coolidge statement that is "naïve." As President he has signed a great number of bills and orders which "legislatively distort the law of supply and demand" in somebody's favor. Every tariff schedule attempts to do so; that is the main purpose of changes in the tariff. The ship subsidy bill, which went to the President in the same envelope as the McNary-Haugen bill and which the President approved, was a "legislative distortion of supply and demand" and competition in the field of ocean transportation.

The message complains:

"The board would be compelled to arrive in some way at the premium on the domestic price which would be demanded from the consumer, and this figure would have to be fixed in the contracts which it would make."

In the opinion of students who are more familiar than Mr. Coolidge with the provisions of this bill, his interpretation is incorrect. Prices would not have to be "fixed" by the board arbitrarily or otherwise. This statement is one of the many economic misunderstandings of the provisions and working of the bill. The board's concern would be to enable the cooperative associations to get control of the surplus supplies which they would withhold from the market until the market required them. Prices would respond until imports threatened to check the rise in price, which would be just as truly a controlling upper price limit as it would be in the case of Mr. Coolidge's proposal to cut down domestic production.

The message states:

"In previous bills definite yardsticks have been determined by which prices were to be established by the Government. They are omitted from this bill, which thereby leaves almost no restraint whatever upon the discretion of the board in this respect. The present measure, therefore, has even less merit than its predecessors in this regard, since it carries no limitation as to the extent of price inflation which it can undertake."

This is an inaccurate statement. In the surplus control bill which the President vetoed last year there was no definite price yardstick, but, on the contrary, the provisions of last year's bill and of this year's bill on this point were absolutely identical.

In addition to the definite price limitation fixed by the duties on imports there is another factor for which Mr. Coolidge makes no allowance whatever. That is the business judgment of the Federal farm board, the commodity advisory councils, and the cooperative associations. Mr. Coolidge himself has pointed out as one of his six "major weaknesses and perils" in the bill one factor which would safeguard the consuming public from unreasonable price enhancement on these major agricultural products; that is, the fact that if an unreasonable advance in the price of any one of the important farm commodities took place, the advance would be checked and balance restored by an increase in the volume of the production of that commodity. It is only by keeping a fair balance in the price relationships of the important acreage crops through proper surplus control that the serious overproduction which has been one of the main causes of agricultural distress in the past could be avoided.

The criticism that the bill carried "no limitation as to the extent of price inflation which it can undertake" might have been applied to the Federal reserve act; it might be used to-day as an indictment of the powers of the Federal Reserve Board and the Federal reserve banks and system. The President seems to feel reasonably secure against the abuse of banking powers by these official agencies, and the farmers of the Nation have the right to demand from him the same mental attitude in regard to the powers of the Federal farm board.

2. THE "TAX CHARACTERISTICS OF THE EQUALIZATION FEE"

The veto message asserts that the equalization fee "is a sales tax upon the entire community." The first two paragraphs of the Coolidge discussion of the equalization fee proceeds on the assumption that the fee is a tax. The President has, quite conveniently, appended the Attorney General's opinion, which is as clear a refutation of this assertion of the President's as anyone could wish, because the Attorney General makes it perfectly clear in his opinion that the equalization fee is not a tax, but is a charge to be collected as a regulation of commerce.

The President complains that the equalization fee "can be assessed on the commodity in transit to the consumer and its burdens can often unmistakably be passed on to him." Who pays the freight on wheat or corn or cotton or hogs or cattle which the farmers send to market? The farmer has no illusions on that score. He knows it is deducted from the price he receives. The equalization fee would fall exactly as the freight charge does. There is no need for an extended discussion on that point.

This section of the Coolidge veto message produces one of its most paradoxical paragraphs—a passage which is intended as a climax to the Coolidge denunciation of the equalization fee, yet nearly every word of which can be applied with equal truthfulness and accuracy to the protective tariff.

The President said:

"Incidentally this taxation or fee would not be for purposes of revenue in the accepted sense, but would simply yield a subsidy for the

special benefit of particular groups of processors and exporters. It would be a consumption or sales tax on the vital necessities of life, regulated not by the ability of the people to pay but only by the requirements and export losses of various trading intermediaries. It would be difficult indeed to conceive of a more flagrant case of the employment of all of the coercive powers of the Government for the profit of a small number of specially privileged groups."

The Senator from Mississippi, Mr. HARRISON, nailed this inconsistency when on May 25 he read the paragraph quoted and said:

"That is the high language of the President. Yet his party has proclaimed, and he has proclaimed from the housetops, that he favors a high tariff, that he favors subsidies, that a certain class or special group in this country must be protected. Yes; lay the taxes for a special group who do not need it, a privileged class. Yes; keeping the cost of living high to the amount of $4,000,000,000 on the American consumer through the retention of the present tariff rates. The President knows his party has done that, and with his advice, consent, and connivance, and yet he inveighs in this message against the very principle that he otherwise invokes."

From beginning to the end the message is filled with such inconsistencies as this in which a high-tariff, special-privilege man condemns what he conceives to be special privilege for agriculture. In addition the message contains many statements which directly contradict each other. It will be noted that the President charges that the subsidy is "for a special benefit of particular groups of processors and exporters." It is strange then to find him in the next paragraph asserting that "no board would be able to resist the pressure of political forces which could be mustered in behalf of each staple commodity." In other words, in one breath the President charges that the producers would not benefit from a law which would "yield a subsidy to processors and exporters," while in the next breath he warns that the board would not be permitted to hold the equalization fee for use as a last resort, because of the demand of the producers that it be invoked immediately in their behalf.

3. THE "WIDESPREAD BUREAUCRACY WHICH IT WOULD SET UP"

In his discussion under this head the writer of the message becomes almost hysterical. His reference by number to the processors, millers, and packers serves no purpose other than to confuse and mislead. This is evidently the intention when the message points out that had the bill been in operation in 1925 it would have involved collections upon an aggregate of 16,000,000,000 units of wheat, corn, and cotton.

This is exactly as if the President were to criticize the automobile tax by painting a picture of hordes of inspectors, sleuths, and auditors chasing the 20,000,000 automobile owners of the United States about the country in an effort to collect from them, one at a time, the automobile sales tax. One illustration is about as reasonable as the other. It would be fully as reasonable to depict a Government inspector, himself checked by an auditor, at every little motion-picture house in the country, stationed there to collect the Government tax on the hundreds of millions of admission fees paid on which the Government levies a tax. The type of argument which is embodied in this portion of the veto message could be applied with equal justification in an indictment of any Government board or bureau or department. For example, an opponent of the income tax when Congress had it under consideration might have employed the following paragraph in his harangue with only slight changes:

"Such autocratic domination over our major industry, its dependent trades, and the everyday activities of hundreds of thousands of our citizens would indeed be profoundly repugnant to every instinct of our institutions. It would undermine individual initiative, place a premium upon evasion and dishonesty, and poison the very wellsprings of our national spirit of providing abundant rewards for thrift and for open competitive effort."

Or the paragraph next following might, with few changes in wording but no change in the sense, be employed to-day in attack upon the Federal Reserve Board and the officers of the Federal reserve banks in their exercise of powers and duties of tremendous importance to each citizen of the land:

"The arbitrary powers in the hands of the 12 members of the board are almost incredible. * * * These men could throw the entire machinery of the Government into an attempt to raise or lower domestic prices at will. Even though such efforts would ultimately be doomed to certain failure, these men would meanwhile, during the course of costly experiment, hold in their hands the fate of vast industries using farm products, employing millions of persons, and of great cooperatives with thousands of farmer members. They could disrupt the settled channels of trade and commerce; they could alter at will the cost of living, influence wage levels in all lines of industry, and affect conditions of business in every part of the country. The mere enumeration of such powers is the complete answer to the proposal that they be granted."

4. ITS "ENCOURAGEMENT TO PROFITEERING AND WASTEFUL DISTRIBUTION OF MIDDLEMEN"

The President's message here simply repeats one of the standard misrepresentations of the McNary-Haugen bill which has been used until it is threadbare by the professional opponents of this legislation, and which has been exploded every time it has been used.

The message says:

"As was pointed out in the veto last year, it seems almost incredible that the farmers of this country are being offered this scheme of legislative relief in which the only persons who are guaranteed to benefit are the exporters, packers, millers, canners, spinners, and other processors. Their profits are definitely assured. They have, in other words, no particular incentive toward careful operation, since each of them holding a contract, no matter how unscrupulous, wasteful, or inefficient his operations may have been, would be fully reimbursed for all of his losses."

The argument that packers and millers would have their profits guaranteed under the operations of this bill is sheer demagoguery. There has been more misrepresentation on this than any other provision in the bill. There are certain commodities with which, if any surplus operations are undertaken at all, the export business should be in processed, not in raw form. This is true of wheat; it is true of pork. No one wants to put the board or the farm cooperatives into the milling business. No one wants to put them in the packing business. Operations, therefore, would necessitate contracts to allow for the processing and the exportation of these commodities in finished form. But these contracts only cover the physical handling and exporting of definite portions of the crop—definite surpluses for export. Such contracts would have nothing whatever to do with the entire operations of a mill or a packing plant. They would have nothing to do with guaranteeing a final profit or with preventing a final loss by a mill or packing plant on its year's operations. Such contracts would be let on a competitive basis. Since there is an excess capacity both of flour mills and packing plants in the United States, it is certain that there would be keen competition for these contracts. It is certain, furthermore, that commodities like wheat and pork could be handled at greater economic advantage and at less cost in this than in any other way.

Sydney Anderson, president of the Millers' National Federation, and one of the most uncompromising opponents of the McNary-Haugen bill in his testimony before the House committee, completely destroys the argument of the President.

The hearings by the House committee contain the following passage (Serial E, pt. 7, p. 554):

"Mr. ANDERSON. The probabilities are that there would be competition among mills for these contracts, and that that competition would probably prevent the realization, or might prevent the realization, of either the entire recoupment of losses and probably would result in no recoupment of profits in those transactions, so far as that goes.

"Mr. JONES. At least it would keep you from dictating terms to the board, would it not?

"Mr. ANDERSON. I think so, very definitely."

What is true of milling interests is true of packers. In no sense would there be any guaranty of the profits of any of them; neither would the contracts need to be made with any large number of agencies. Another point which the President overlooks is that the board would be responsible for these contracts. The board would be the custodian of the producers' funds, and it is nonsense to argue that the board would deliberately enter into contracts that would be unfair to the producers, particularly in view of the fact that the competition for these contracts among processors would be so great that the board would be enabled within reasonable bounds to dictate the contract terms. Yet here as elsewhere throughout the message the President assumes that the board in making the contracts would deliberately choose to follow a foolish or criminal course.

5. ITS "STIMULATION OF OVERPRODUCTION"

"An economic law as well settled as the law of gravitation," says the President, "is that increased prices decrease consumption; they also increase production." But the "law" to which the President refers is no "law" at all as applied to the sale and consumption of basic farm commodities. The demand for the staple foodstuffs and raw materials is not elastic; people buy and consume about the same quantities of them regardless of the price to the farmer, except in the cases where they can turn to cheaper substitutes. The consumption of wheat and meat does not follow the same "law" that applies to automobiles, radios, and articles of comfort and luxury. According to the President's theory, the consumption of wheat since the war should have increased compared with pre-war, since its relative price has been low, yet the Department of Agriculture advises that the per capita consumption of wheat has fallen off about 25 per cent since before the war.

Neither is it a dependable rule that increased prices increase production unless the price increase applies only to one of several competitive commodities, in which case there is a shift of acreage from one to another. This was well illustrated in the case of cotton acreage from 1922 to 1926. During the early part of that period the price of cotton was very high relative to prices for wheat, corn, and livestock. The records show that approximately 17,000,000 acres were withdrawn from the production of livestock and grain and devoted to cotton. Had the

prices for these important farm crops been steady with relation to each other this shift would not have occurred.

One factor which the President's message entirely overlooks is fundamental in the attitude of a farmer to his year's operations. The farmer has an expensive plant with fixed charges for interest, taxes, and certain operating items which must be met. He can not stop these expenses by curtailing his operations when supply exceeds demand and prices are low. The only way in which he can meet these charges is to keep on producing, and if possible to produce more when prices are low than when they are high. A smaller amount of production is required to meet these fixed charges during a period of satisfactory prices than when prices are below production costs, and there is abundant reason for belief that if surpluses were held in control in the interest of fair and stable prices the farmers would adjust their production accordingly and enter into an era of more satisfactory country life. Hours of labor on the farm would be shortened, there would be less child and women labor in the fields. The standard of living in the country would be raised and maintained on a higher plane, which ought to be the object of any national policy toward agriculture in this country.

6. ITS "AID TO OUR FOREIGN AGRICULTURAL COMPETITORS"

In this section the President's message presents one of its most amazing paradoxes. The discussion starts out with the assertion that the operation of this measure would "encourage the foreign peasant"; while in the next paragraph it asserts that operation of the measure would threaten the foreign peasant with dire disaster; that the United States would come into "direct conflict with the dumping and similar trade laws of many foreign lands which are interested in the maintenance of his own agricultural industries."

Obviously, both of these assertions can not be true. The President should have selected one, but he can not use both of them as the basis of his argument.

The operations of the cooperative associations assisted by the board under the McNary-Haugen bill would be the exact reverse of dumping, notwithstanding the contention of the veto message. The sensible aim of all operations would certainly be to sell in the world market at the best obtainable prices. The important thing is that these agencies would have the greatest power possible back of their bargaining efforts. Operating under contract with the board they would have the power and financial backing to hold the surplus of a commodity until an advantageous sale could be realized. There would be no necessity for dumping, as the message argues.

It is a grotesque misconception of the provisions of the bill to assume that a commodity surplus would have to be disposed of as soon as purchased by the agency which undertook with the cooperation of the board to withdraw and handle it in an orderly manner.

Moreover, the foreign countries in which we market our foodstuffs are themselves deficient in food production, and they are vitally interested in the maintenance of an abundant supply of the necessities of life. The suggestion of the President's messages that our course should be to starve out acreage in order to force the farmers of the United States to curtail their production so that they would withdraw from the export market entirely is infinitely more threatening to the countries of Europe which purchase and use our excess farm products than is any provision of the McNary-Haugen bill.

As for the argument that the McNary-Haugen bill proposes to "dump" corn and other feedstuffs abroad so that foreign livestock consumers would be enabled to compete with the American livestock industry on a more advantageous basis, that also is based upon a misconception of the operations of the measure. Corn is the only important feed crop to which the President refers. The authors of the McNary-Haugen bill clearly recognized that with corn the problem is rather to overcome the effect of excessive production one year and scant supplies the next than to dispose of a large exportable surplus abroad. There is no reason to believe it impossible or unwise to secure the price benefit of the small corn tariff, both through an intelligent carry-over program and export sales. Mill feed presumably is classed in the President's mind with corn, notwithstanding that a policy of exporting wheat as flour would retail mill feed in this country and thus cheapen its home price.

The same misconception is apparent in the references in the veto message to cotton. "Under this bill," the message states, "it would be quite conceivable that foreign mills could obtain American cotton for prices substantially less than those paid by domestic mills."

There is no tariff on cotton. American exports constitute about two-thirds of the world's international trade in cotton. The President accuses the board, which he himself would appoint, and the cooperative associations in which he has expressed such confidence, of almost unbelievable folly when he assumes that they would overlook the fact that by withholding surpluses from the world's markets and by permitting the American cotton to move in an orderly stream, they could secure all of the price benefits that are economically obtainable.

There would be no thought, and in fact no real possibility, of maintaining a domestic price for cotton above the price obtaining throughout the world. Yet, assuming for the moment that this would be possible and wise, what would be unjust and unfair to the American cotton manufacturers in such a system? The protective tariff gives cotton-textile interests an enormous advantage in our domestic market over their foreign competitors, but this advantage is not reflected to the cotton grower by as much as a fraction of a cent. The American cotton grower's prices is the same whether he sells his cotton to a New England or a North Carolina spinner, or disposes of it in England. The American cotton manufacturer, instead of complaining against the cotton growers for their advocacy of the McNary-Haugen bill, ought to be grateful to them for their forbearance. Organized cotton growers have been asking for no part of the tariff benefit which the textile interests derive. They merely want power to control their surplus, so that the purchaser, whether he lives in America or in Europe, can secure his cotton at a fair price and on exactly the same basis as others are supplied—and this is just what the McNary-Haugen bill provides in the case of cotton.

THE MESSAGE'S CONCLUSION

The veto message complains that the provision for insurance of cooperative associations against a decline in the average open-market price for their commodity during a marketing season is an objectionable feature not found in last year's bill. Again the President is mistaken; the insurance provision was present in last year's bill, even though the President has forgotten it.

The objections to the insurance plan which are raised in the message are not based on a correct understanding of the method of operation of the cooperative associations which might be expected to make use of the insurance proposal, nor are its conclusions justified by the terms of the insurance provision itself.

The final paragraph of the President's message brings out another contradiction, this time with his veto message to the former McNary-Haugen bill. It will be recalled that one of the grounds for the President's disapproval was that the former bill provided a way in which an equalization fee might be collected on the importation of an agricultural commodity in its original form, but failed to provide for the collection of equivalent equalization fees on the manufactured products of such commodity. This, the President complained last year, would result in a serious handicap upon our domestic manufacturers. This year's McNary-Haugen bill contained a provision supplying exactly what the President complained was missing from last year's bill, yet the veto message now under consideration attacks the new provision and criticizes it severely.

One of the grounds of his objection to this provision which, as stated, was inserted upon the suggestion of the President himself, is his claim that it would "nullify the provision of the tariff act that tariff rates shall be based on differences in cost of production here and abroad, so far as that provision relates to agricultural products."

Nothing could be further from the truth. The bill assumes that our tariff rates represent the judgment of Congress upon the difference between the cost of production of a commodity in this country and the cost in the principal competing country. Standing on that assumption the bill proposes to make it possible for agricultural producers to secure that advantage which Congress clearly intended they should have when it enacted the last tariff law.

The message asserts that the loan provisions which the McNary-Haugen bill proposes as an alternative method of assisting cooperative associations to deal with surplus production is, in fact, no alternative at all, for the reason that the three conditions precedent to action which the board is required to find, will always prevail. The section referred to (section 8) requires the board to make a formal investigation of the supply and demand condition in a commodity before it can commence a marketing period for the commodity. The board does not have to undertake such an investigation unless the producers through their cooperative associations, or through their advisory council, demand it. The whole context of the bill makes it clear that such an investigation which is necessarily precedent to the establishment of any marketing period would not be undertaken except at a time when a surplus condition threatened to develop of such a serious nature that it would substantially interfere with the objectives set forth in section 1, where the policy of Congress in this bill is declared.

The veto message violently denies that the President has ever advocated any plan for farm relief which would enable farmers to employ their surpluses in such a way as to maintain domestic prices back of the tariff wall. It is well that at last he has made it perfectly clear that as long as he, and the interests which he so well represents, remain in control of the Government, no measure aiming to make the protective tariff operative for the American producers of surplus farm crops will be permitted to become law. Here again the President exposes the real grounds for his objection to this measure. He objects because, he says, "the real objective of the plan in this bill is to raise domestic prices to artificially high levels by Government price fixing and dump the surplus abroad." This is obviously an unfair and prejudiced statement of the provisions of the bill, yet as a matter of fact what he objects to for agriculture is precisely the present practice of a well-organized industry. For example, the United States Steel Corporation openly states that it markets its surplus in exactly the

manner which the McNary-Haugen bill proposes for agriculture. Up to date there is no record that the President has ever voiced any objection to that.

The President's concluding proposal for what he calls "the only sound basis for further Federal Government action in behalf of agriculture" is vague and general. For further details he refers Congress to his last annual message, but a perusal of that message yields the farmers only cold comfort. The only plan for increased farm prices which the President suggests is that farmers should curtail their acreage and production to a domestic basis. That means further reduction in the number of farmers, it means a continuing deflation of agriculture, it means crowding more workers into the cities, it means spreading the distress of this basic industry which already has progressed too far. It means to do all these things in the face of the fact that our agricultural production per capita of population is steadily falling behind our domestic production.

The object of this is not to save agriculture, since it could only be realized by further impairment of the farming industry. The object is to carry out the well-known Hoover theory of forcing agriculture to withdraw from the export market in order that American industrial manufacturers may enjoy a monopoly in that field.

This is a proposal so "cruelly deceptive" (to employ the President's language) and so hopeless as far as agriculture is concerned, that it draws the line sharply between those who favor a real and permanent agricultural foundation in this country and those who favor proceeding with the industrialization of America at the expense of agriculture at the most rapid rate possible.

PERSONAL LEGISLATIVE RECORD

Mr. WILLIAMSON. Mr. Speaker, it is now seven years since I commenced my services in this House. During that time I have never attempted to summarize my services here for the information of my constituents, though many have requested that I do so. No man has actively served in this body and escaped criticism. Our motives are frequently misunderstood, our sincerity sometimes challenged, and our political opponents do not hesitate to misrepresent our records. If we show independence we are denounced for not supporting the administration, and if we are regular we are hooted at for following the dictates of the "bosses." For my part, I have assumed that I have as much right to form my own opinions as anybody else, and I have never hesitated to exercise my own best judgment in advocating or opposing legislation. While seeking every proper advantage for my district, I have sought to do my part as a Member of Congress in shaping general policies and working out the larger problems that affect the general welfare of all. In doing this I have not infrequently come into conflict with both the House leadership and the administration, but have stood my ground for what I considered right. That my constituents—the people back home—may be better able to judge the merits of my services, I avail myself of this opportunity to briefly summarize my record as it appears in the archives of this body.

EX-SERVICE MEN

The World War left innumerable problems to be disposed of, one of the most important of which was the care of the disabled veterans. I have supported every piece of legislation for their relief and care and have given personal attention to hundreds of cases of needy ex-service men who have appealed to me for aid. With the balance of the South Dakota delegation I did my part to secure the new veterans' hospital at Hot Springs and have consistently supported the movement to draft wealth as well as men in time of war.

FOREIGN DEBTS

Some $10,000,000,000 were loaned by the United States to foreign countries during and immediately following the World War. From the start I insisted on full payment, and this has been the basis of all adjustments so far made. The Italian settlement has been criticized and the claim made that we settled for 20 cents on the dollar. Of course, nothing of the sort was done. The settlement appears in full in the CONGRESSIONAL RECORD of January 15, 1926. An inspection of this shows that we loaned Italy, all told, $1,648,034,050.90. This, together with interest at 4¼ per cent to December 15, 1922, amounted to $1,899,880,705.69. With this as a new principal, interest was computed at 3 per cent to June 15, 1925. The final principal, after allowing for certain cash payments by Italy, amounted, on that date, to $2,042,000,000, for which amount Italy issued her bonds to the United States. The only concession given to Italy was a low rate of interest upon the installments during the 62-year repayment period. The period for repayment is the same as for all other countries.

SQUARE DEAL FOR AGRICULTURE

Throughout my entire career in Congress I have fought with those seeking a square deal for agriculture. In the Sixty-seventh Congress we organized the farm bloc, which was largely responsible for the farmers' agricultural tariff, without which agriculture could not have survived, and for the free schedules covering the most important items that the farmer is required to buy for his operations. At that Congress I supported and helped put through the following important bills: Bill reviving the War Finance Corporation, bill placing dirt farmer on Federal Reserve Board as a protection against another deflation, packers and stockyards act, futures trading act, filled milk bill, good roads bill, farmers' cooperative marketing bill, seed grain, and other relief bills. We then went to work on what became known as the McNary-Haugen bill. Twice we failed to pass it, but in 1927 and again in 1928 finally mustered sufficient support to put it through Congress, only to meet with presidential vetoes. The fight for a square deal for agriculture will finally be won if those who are making it here continue to have the support of their several constituencies. The South Dakota delegation to-day has three chairmanships—mine being that on expenditures—and wields more influence than it ever did on important bills.

FEDERAL TAXATION

I have consistently fought the sales tax, which would put the burden of taxes upon those least able to pay, and resisted the attempted repeal of the surtax and excess-profits tax until the burden was lifted from the small incomes, and have helped retain the Federal inheritance tax on the descent of large estates. At this session I supported the conference report repealing the automobile tax, reducing the tax on small corporations, and abolishing the last of the so-called nuisance taxes. The Federal income taxes have been reduced to a point where they are a negligible factor in South Dakota. This has been brought about by writing our own tax bills in defiance of the recommendations of Secretary Mellon.

MUSCLE SHOALS

Since coming here I have resisted with every resource at my command the consistent and tremendous effort made in and out of Congress to turn over Muscle Shoals to Henry Ford and the Power Trust. This hydroelectric plant has been paid for by the people and should be retained and operated for their benefit. A bill providing for its operation by a Government corporation has passed both Houses of Congress at this session and awaits the action of the President. This accomplishment was a great achievement for the people and was put across in spite of a very active Power Trust lobby.

CONGRESSIONAL SALARY

I opposed the increase of congressional salaries, taking the position at the time that the proposed increase was not justified in view of the conditions then prevailing in the agricultural industry. It seemed to me that if there were to be an increase it might well await the return of prosperity to our most important producers.

FEDERAL RESERVE PENSION BILL

In the last Congress I fought the proposed scheme to pension the highly paid employees of the Federal reserve system and wrote a minority report on the bill which effectively put it to sleep. At this session it was again reported out by the committee in charge but was killed in the House.

BELLE FOURCHE PROJECT

As the Members of this body are well aware, I made a last-ditch fight to save the Belle Fourche irrigation project when the powerful Committee on Appropriations sought to put it out of business. In the end we got an appropriation and secured a charge off of $1,200,000 on construction and back operation and maintenance charges. By the splendid aid of W. D. Buchholz, secretary of the irrigation district, we obtained a most favorable contract, under which the settlers are bringing the project to a high state of prosperity.

FORT MEADE

Since coming to Congress I have been active in the efforts made to regarrison Fort Meade, near the city of Sturgis. The fort is now filled to capacity, to the great advantage of the whole Hills section.

WIND CAVE AND THE PRESIDENT

This year, through the active cooperation of Senator NORBECK and myself, we have secured an appropriation of $40,000 for road improvement in the Wind Cave National Park, and last year I took an active hand in the efforts which finally brought President Coolidge to South Dakota for his summer sojourn.

LEGISLATIVE RECORD

In sponsoring and helping put through legislation affecting my district, the following bills which have become a part of the laws of the land are worth noting: Three Norbeck-Williamson bills relating to the Custer State Park, introduced in successive Congresses, extending boundaries, providing for patenting certain lands to the State, and donating outright

1,600 acres of Government lands within the park for park purposes; bill adjusting boundary of the Black Hills National Forest; three separate extension acts, giving additional time for settlers to make payments upon their homesteads; three reorganization of Government departments bills, one of which has been signed by the President. The other two are pending in the Senate. When enacted these will make a considerable annual saving and will add to the efficiency of the service. The McMaster-Williamson Rushmore memorial bill, creating a national memorial commission and authorizing an appropriation of $250,000 as Federal aid toward the cost of construction of the $500,000 project, has passed both Houses and is ready for the conferees. Time will not permit mention of a score of other bills introduced by me that have become laws.

INDIAN BILLS

Shortly after my arrival here I sponsored the distribution to the Rosebud Sioux of the "million-dollar" fund, a $30 per capita payment to the Cheyenne River Indians, and have introduced and secured the passage of the following bills: $5,000 monument bill for the Rosebud Sioux; bill creating a loan fund for the Rosebud Sioux; bill appropriating $50,000 for reconstruction at Rapid City Indian School; bills adjusting and making payment to Cheyenne River Indians for some 500 head of horses killed in 1895, 1896, and 1897 by the unauthorized act of Government agents; general bill authorizing per capita payments to Cheyenne River Indians; individual claims bill; Sioux benefits bill; Norbeck-Williamson Rosebud Sioux per capita payment bill; and McMaster-Williamson Pine Ridge per capita payment bill.

LAME-DUCK SESSIONS

I believe that the so-called "lame-duck sessions" should be abolished and have consistently supported and voted for the Norris resolution providing for the inauguration of the President and the convening of Congress shortly after election.

WORLD PEACE

The maintenance of world peace should be a primary object of governments. My influence has always been exerted toward working out a program for the settlement of international disputes without a resort to force. I believe that binding treaties should be entered into with the leading powers of the earth with a view to outlawing war and bringing about permanent peace among the nations.

TRANSPORTATION AND RATES

We in the Middle West are isolated by reason of the long haul and high freight rate. We have constantly been discriminated against in favor of both the East and the West so as to prevent the development of industries in our section. Our fight for lower freight rates has had meager results. I have been a consistent booster for the Government barge line on the Mississippi River and believe that it should be extended up the Missouri. This competition will force the railways to cut their rates in order to save their heavy traffic. The completion of the Great Lakes and St. Lawrence deep waterway would mean an additional income for the mid-western farmers of $75,000,000 to $100,000,000 a year by lowering freight rates to foreign ports, which would be reflected back in enhanced prices for all products of which we produce an exportable surplus.

No one thing can bring prosperity to our section. There must be adjustments along a multitude of lines, and it should be our constant effort to bring these about. A lot of noise, bluster, and promises will not do it, but hard and untiring effort in the right direction will bring results.

THE BOULDER DAM PROJECT

Mr. SWING. Mr. Speaker, the objections that have been urged on the floor of this House against the Boulder Dam project are not new. They have been urged over and over again and as often have been thoroughly and completely met and answered, both in the engineering investigations and reports and in the hearings before the House and Senate committees.

The trouble with the opponents of this bill is that they dare not disclose their true position. Arizona and Utah have fought this project from the beginning, not because of constitutional objections, not because they are being deprived of anything they now possess, not because their citizens are to be denied water or power from the project on equal terms with citizens of other States—they are making this fight because they seek to compel the Government to grant them special concessions and special privileges in the way of royalties and taxes to which they are not entitled.

These two States are being aided and abetted in their opposition by the power corporations who are determined to balk the plan of the Government to protect the lives and property of its citizens and develop its own property, unless they are first assured of handsome profits out of the undertaking.

All the doubts and fears that have been expressed here about the engineering feasibility and economic practicability of the proposal will fade away as the project begins to take form and come into being. These same fears and doubts have always been urged by some one against every big and worthwhile proposition. Jefferson was thought a fool by some of the people of his time for the Louisiana Purchase, buying land so vast in extent that they said there would never be any need or use for it. The admission of Texas into the Union was bitterly denounced as throwing a heavy burden on the Public Treasury, many declaring that the new State should be spelt T-a-x-e-s instead of T-e-x-a-s. The admission of far-away California was opposed as a move that would bankrupt the Government to pay the mileage of the Congressman of the Pacific coast. The purchase of Alaska was at the time commonly referred to as "Seward's Folly." Even the digging of the Panama Canal in our own day was decried, first, as engineeringly unfeasible; and, secondly, as economically impracticable. The country was told that there would never be enough ships passing through the canal to pay its operating expenses. Looking back on those former days, how foolish the opposition to those great projects now seems.

So likewise in this case, the future will justify every assertion that has been made in behalf of the Boulder Dam project, and on a roll of honor will be spread the names of those men who had the vision and the courage to make its construction possible. Time will dispel all the doubts and fears which the opposition have sought to throw around it and leave it standing, in magnificent grandeur, clear cut against the sky, the greatest accomplishment of our generation in this or any other country in the world.

COOPERATIVE EXTENSION WORK A GREAT EDUCATIONAL MOVEMENT

Mr. HOPE. Mr. Speaker, no list of the important legislation passed at the first session of the Seventieth Congress would be complete without giving a prominent place to H. R. 9495. This measure, known as the Capper-Ketcham bill, authorizes the appropriation of additional funds for carrying on agricultural extension work by the Department of Agriculture in cooperation with the agricultural colleges in the various States. This work, which has been carried on since 1914 under the provisions of the so-called Smith-Lever Act, has become a great educational movement. Under the terms of the Smith-Lever Act, increased appropriations were made for this work by the Federal Government annually until 1923, when the act matured. Consequently each year witnessed an increase in the scope of the work. Since 1923, however, there has been no increase in Federal funds, and no extensions of the work have been made, except where there was an increase in State and county funds available for the purpose. The present act does not in any way affect the appropriations authorized under the Smith-Lever bill, but authorizes an additional appropriation of $960,000 for the next and each succeeding year, to be divided on the basis of $20,000 for each State, and $500,000 additional the following year and each year thereafter, to be allotted to the States on the basis of rural population, and on condition that the State or subdivisions thereof furnish an equal amount. It is hoped that in succeeding years further increased authorizations may be had, so that the work may continue to progress and develop.

This extension work is a matter of tremendous importance to the great industry of agriculture. I can perhaps best illustrate its scope by telling what is being done in my own State, and in the district which I have the honor to represent. I may be pardoned perhaps for calling attention to the fact that the Seventh Kansas district is one of the greatest agricultural districts of the United States and has the distinction of producing more wheat than any similar political unit in the country. In 1926 this district produced over 82,000,000 bushels of wheat, which was considerably more than half of that produced by the State of Kansas, was approximately one-tenth of the production of the entire country, and more than was produced by any other entire State, North Dakota, with 77,000,000 bushels, being next to Kansas for that year. While the production every year is not as large as that, yet predictions are now being made, based upon the present condition of the crop, that the total yield for this year will be almost if not as great as in 1926. Furthermore, there is no recent year in which this district has not produced more wheat than any other congressional district. It should be remembered also that all of this is the best grade of hard winter wheat, running high in protein content. But wheat is the only one of the many crops produced in this district. It is one of the three or four greatest districts in the country in the production of grain sorghums. It is a great broomcorn country. It produces a great deal of corn, alfalfa, and sugar beets. Poultry raising and dairying are rapidly grow-

ing industries, and the abundance of feed and the mild climate make it an ideal country for all varieties of livestock.

The State of Kansas has always taken great interest in agricultural extension work, as is shown by the fact that its State, county, and local contributions for this purpose for the present year are $424,555.15, or more than three times the amount required to match the Federal appropriation. My district has been a leader in the development of this work, and no part of the State can show more splendid results from the work done. It is a matter of particular pleasure to note the wonderful success which has been made in boys' and girls' club work.

Last December, at the Sixth Annual Boys and Girls' Club Conference in Chicago, Marie Antrim, a fine, wholesome Kansas girl from Kingman County, one of the best agricultural counties in the seventh district, was acclaimed the 4-H girls' health champion of the United States. At the same time Miss Lola Adams, from Ford County, which is also one of the great agricultural counties of the district, won third place in the 4-H national baking contest, after having won first place in the Kansas contest, and showed her good sense after returning by saying that while she had a fine time on her trip she would much rather be a Kansas farmer's wife than to live in Chicago.

Agricultural extension work as contemplated under the Smith-Lever and Capper-Ketcham Acts is divided into three parts: The practical agricultural work dealing with improved methods of tillage, crop production, and farm management as carried on under the direction of the county agent; the home demonstration work as carried out by the women on the farms under the direction of the home demonstration agent; and the 4-H Club work among the boys and girls under the direction of the club leaders.

The work in Kansas has been organized long enough that it is possible to show its value by comparing farm production and farm conditions in adjoining counties, where one is and the other is not carrying on this work. The director of extension work in Kansas, Dean Umberger, of the State agricultural college at Manhattan, has furnished me with comparative figures from a number of counties which give a graphic illustration of the value of the extension work in farm management and production. The results are the same in every case, showing a large increase in productive efficiency in the counties having county agents; but I shall take time now to cite only one or two specific cases. Jewell and Mitchell are adjoining counties in the north central part of Kansas, in the district represented by my colleague Hon. HAYS B. WHITE. Jewell County has had a farm bureau for 12 years; Mitchell County has never had one.

The counties are similar in every way and a comparison between them ought to offer some idea of the value of county extension work. With this thought in mind a comparison was made by Mr. Umberger, between the two counties on the basis of crop yields, poultry produced, total value of crops, alfalfa acreage, sweet clover acreage, and hog losses. The figures used were for the seven years prior to the organization of the farm bureau in Jewell County and the seven years following its organization. Between the two periods, Jewell County increased the area farmed one-half of 1 per cent, while the Mitchell increase was 2½ per cent. The total increase in the production of farm crops in Jewell County was 43 per cent, while in Mitchell County it was only 12 per cent, or a difference in favor of Jewell County of 31 per cent. Jewell County increased corn yields 10 per cent, while Mitchell County had a 3½ per cent increase, or a margin in favor of Jewell County of 6½ per cent. On the average planting of 144,000 acres this would give Jewell County an advantage of 176,000 bushels per year, or 1,232,000 bushels for the seven years. Jewell County gained 25 per cent in alfalfa, while Mitchell lost 5 per cent, or a difference of 30 per cent in favor of Jewell. Jewell increased poultry production 56 per cent while Mitchell increased 35 per cent, or a difference in favor of Jewell of 21 per cent. On its average poultry production of $440,663 this would mean an advantage of $92,539 per year, or $647,773 for the seven-year period. It is universally admitted that sweet clover is the most valuable soil improvement crop grown, the increased average in this crop in the counties therefore indicates the interest which the farmers in the two counties are taking in soil improvement. During the first seven years in which it had a farm bureau, Jewell County has had a total of 11,293 acres in sweet clover, while during the same period Mitchell has had a total acreage of 92 acres.

Two adjoining counties in my own district, one of which has and the other which has not a farm bureau, show that in the first six years after the organization of the farm bureau the county maintaining it showed a 72 per cent gain in the value of field crops over the average of the eight years preceding the organization of the farm bureau, while, on the other hand, the county which did not have a farm bureau showed only a 22 per cent gain for a similar period. On the basis of the average value of field crops per acre, the farm bureau county showed an increase of 80 per cent, while the other county showed an increase of 42 per cent. On the value of products other than field crops, the farm bureau county showed a gain of 77 per cent and the other county a gain of 42 per cent.

One might go on by showing a large number of such instances, but suffice to say the results of the comparisons made have been the same in every instance, and no doubt every State in which agricultural extension work has been carried on can furnish just as striking illustrations.

The home demonstration work as carried out under the Smith-Lever Act has been no less successful than the work in practical farming. Owing, however, to the lack of funds, it has not been as widely extended. The Capper-Ketcham bill recognizes this, and those interested in home demonstration work will be glad to learn, I am sure, of the provision in the measure which specifically states that the funds authorized to be appropriated—

shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions.

This provision was inserted in the bill by the Committee on Agriculture at the urgent suggestion of Mrs. John Dickinson Sherman, president of the National Federation of Women's Clubs. This specific language will necessarily mean that in the future more attention will be paid to home-demonstration work and to club work among the girls.

Home-demonstration work has touched every point in rural life. It has meant health, wholesome recreation, and higher standards of home and community life. It has been of great practical benefit and has resulted in the farm family being better fed, better clothed, and better housed. In recent years, when farm incomes have in many cases been low and expenses high, the farm woman, as a result of home-demonstration work, has been able to add materially to the family income. That home-demonstration work is welcomed by farm women is best illustrated by the fact that last year 126,709 farm women volunteered to assist the demonstration agents without pay, giving an average of 12 days' time each.

But great as has been the value of extension work along practical farming and home-demonstration lines, in my opinion the most important and inspiring results have been obtained from the boys' and girls' club work. Last year there were 619,000 boys and girls enrolled in 4-H clubs throughout the Nation and the number is increasing each year.

For years and years we have been making a great mistake in our rural education. We have been taxing ourselves to build up a fine educational system in our rural communities, so that to-day in most of our States the boy or girl on the farm has, as he should have, the same opportunity to obtain a high-school education as the boy or girl in our larger cities.

The farmers of my State and district have stinted themselves and made splendid sacrifices to inaugurate and maintain a wonderful rural-school system, but the result of it has been to a large extent to educate boys and girls away from the farm because the subjects taught were such as to interest them in other lines of endeavor. As a consequence, the farms of America have been furnishing the leaders for every other occupation. Some way must be found to stop this constant drain on rural life.

The 4-H club work is education along the right line because it teaches boys and girls the possibilities of farm life; it gives them practical instruction along the line of becoming efficient farmers and home makers and shows how to make of themselves useful citizens and leaders in rural affairs.

It has always been recognized that an independent, stable, and prosperous rural population is the soundest basis for a nation's economic and political well-being. We know that the fall of great nations in the past has been preceded by the decadence of agriculture. America has become the great Nation that it is because of the splendid character of its rural population. The boys and girls in the 4-H club of to-day are the best assurance we have that the future of our Nation is secure.

COST AND GAINS FROM PROHIBITION ENFORCEMENT

Mr. HUDSON. Mr. Speaker, during the debate on the recent appropriation bill the question of the cost of prohibition was discussed on the floor. I desire under the privilege granted to-day to extend further the discussion of the cost incident to the enforcement of the eighteenth amendment.

The enforcement of the eighteenth amendment has laid no additional financial burdens upon the people of this Nation,

but, rather, has relieved them of burdens which were onerous and unnecessary. The enemies of this policy of government vainly endeavor to arouse a feeling of alarm among the people by pointing to the fact that this House recently passed an appropriation bill setting aside the sum of $12,729,140 for the enforcement of prohibition for the year 1929. To this sum they add the amount of $15,064,930, which we appropriated for the maintenance of the Coast Guard, and $787,000 for the border patrol. This makes a total of $28,581,070 for these three branches of the public service. This total sum they charge up to the cost of the enforcement of prohibition and then suggest that instead of this large outlay of money the Government might receive in revenue the sums whose magnitude is only limited by the fertility of their imaginations, if we violated our oaths of office, permitted the sale of intoxicating beverages, and imposed upon them a revenue tax.

The Coast Guard has many duties which have nothing whatever to do with the enforcement of the national prohibition laws. It would still require an appropriation substantially the same as that which it now receives even if the task of fighting rum running were not a part of its duties. It is manifestly unfair for anyone to suggest that this item be counted as wholly chargeable to the enforcement bill of the Nation. This is equally true of the appropriations for the border patrol. An intoxicant is not the only thing smuggled into America. Drugs, jewels, and aliens are also brought in via violation of law. The men who smuggle intoxicants are often part of the same crowd that smuggle drugs and that bring over aliens who could not be admitted through the ordinary immigration channels.

The actual fact is that the enforcement of prohibition has not added to but rather subtracted from the costs of government. While it was never intended as a revenue-producing measure, it has, nevertheless, brought back into the General Treasury, through the fines and penalties collected, nearly as much as was expended from that same Treasury, while if we included the sums that flowed into the treasuries of the various States from the fast-emptying purses of the liquor criminals, we would find the net gain surprisingly large. The total amount of fines and penalties collected—not merely imposed—during the eight years of prohibition and the amount of expenditures in those same years is as follows:

Year	Total fines and penalties collected	Expenditures
1920	$1,148,512.04	$2,059,774.32
1921	4,570,505.00	6,300,581.25
1922	4,355,892.14	6,543,994.30
1923	5,095,300.23	8,135,842.44
1924	6,538,115.24	7,509,146.27
1925	5,769,091.16	9,203,384.45
1926	5,647,328.53	9,573,791.64
1927	5,162,009.73	12,801,013.41

This covers the work done by the Federal Prohibition Unit during this period. Even in 1927, when expenditures were higher than in preceding years, the receipts were not far from one-half of the total expenditures.

These receipts from fines and penalties collected under the Federal prohibition law do not cover all such items. Because Federal officers frequently find it easier to work under the State law, and because there is less congestion of cases on the docket of the State courts, many of the liquor criminals captured by the Federal agents are not tried before the Federal courts. The fact that in many States the laws are more strict, penalties more severe, and the legal technicalities less difficult encourages this practice. In Ohio, for instance, the comparison between the expenditures for the enforcement of prohibition and the receipts from fines imposed upon liquor criminals shows that the State receives about $10 for every $1 it expends. In the three last fiscal years the total fines collected were:

For 1925	$2,202,764.64
For 1926	1,838,246.10
For 1927	1,560,606.48

One-half of these fines were paid into the State treasury. Until the middle of 1927 the other half went to the township, municipality, or county whose magistrate or judge tried the case, giving the State a revenue of $1,101,382.32 for 1925, $919,123.05 for 1926, and $780,303.24 for 1927.

The total cost to the State for the enforcement of prohibition in these same years was $105,702.02 for 1925, $137,320.64 for 1926, and $146,778 for 1927.

Besides this, not a few municipalities in Ohio, including some of the larger cities, have prohibition ordinances, and cases arising in those municipalities were brought under the ordinances, and then all the fines collected went to the municipality. None of such fines, therefore, appear in the total fines above given.

Wyoming also has a department of law enforcement where they keep track of the amount of their expenditures and the receipts from fines imposed upon violators of the law.

This department made 329 arrests in 1927, of which 211 were for violations of liquor laws. The total expenditures of the department were $20,482.76. The fines collected amounted to $28,206.10. In two years' activities the department assessed in abatement cases and in fines $83,070.

During the fiscal years 1920 to January 1, 1926, the State of Wisconsin collected, under the Mulberger law and the Severson Act, a total of $2,347,361.33 and expended $302,856.74, leaving a balance of $2,044,504.59, which represents the amounts collected in excess of the actual expenditures:

Appropriations

For fiscal year of—	
1920	$15,000.00
1921	15,000.00
1922	60,000.00
1923	60,000.00
1924	60,000.00
1925	60,000.00
From July 1, 1925, to January 1, 1926	30,000.00
Total	300,000.00

SUMMARY

Total appropriations	$300,000.00
Fees appropriated	16,041.11
Total	316,041.11
Unexpended balance, returned to general fund	13,184.37
Total	302,856.74
Fines collected for calendar year	2,048,563.00
Receipts	298,798.33
Total	2,347,361.33
Total disbursements	302,856.74
Balance (amounts collected in excess)	2,044,504.59

Illinois in 43 counties spent $47,560 and collected $300,811.

As one studies the record of the penalties paid by liquor law violators one realizes the sardonic truth in the utterance of one of our judges who said, "I have never seen or heard of a rich bootlegger. This lawlessness does not pay any more than other forms of crime."

The suggestion that we might find a source of revenue instead of a source of expenditure in our attitude toward the liquor traffic is dangerous. A sound taxation policy taxes business and not commercialized vice. To make a wholesale profit from the retail vices of the people is one of the most shortsighted proposals. Our present prosperity and the existing surplus in the Treasury are the product of prohibition. Because of the 20 per cent increase in our industrial efficiency, the greatly increased production, unprecedented savings, and widely distributed prosperity we have been enabled to plan cuts in taxation while steadily reducing our national debt. All this is the more remarkable in that we are to-day passing through a readjustment due to the continuous mechanization of industry, which has temporarily thrown out of employment a very considerable group of our workers. Had such a dislocation in our industrial world occurred under the license era, we would have had soup kitchens opened and bread lines established in all our larger cities. Because of prohibition, however, we are making this readjustment without difficulty and without shock. The buying level of the Nation continues high and our standard of living has not been lowered. It is interesting to note that when the Nation passed through a somewhat similar period of readjustment a few years ago, while the amount of wages paid decreased, the amount of savings deposited in our savings banks increased. Nothing of that sort could have occurred had the saloons been open to drain away the money of the workers of the Nation. Legitimate business and not destructive vice pays the taxes of the Nation.

No less an authority than Irving Fisher, professor of economics at the Yale University, whose reputation as one of the greatest authorities on economic questions is international, has said:

> But we do hear it said that prohibition is costly to administer, and that it deprives us of a source of revenue for taxes. This also is "economic nonsense," since the real source of taxation is income. Not only income taxes but all taxes are paid out of income. Prohibition has added $6,000,000,000 a year to this stream of income, the source of all taxes. It is therefore penny-wise and pound-foolish to argue that prohibition destroys revenue. It simply requires a transfer of taxes from alcoholic beverages to nonalcoholic beverages and to the other products to which our energies have been transferred.

To return to the old-time method whereby a city, State, or the Nation granted to a group of men the privilege of debauching their fellows with impunity on payment of a small license tax would be folly. It would be just as sensible, just as moral, and just as profitable for us to copy the old-time Japan which licensed a Yoshiswara district, that made the Government a panderer or Monte Carlo, or other places that capitalize the gambling impulse.

The receipts from taxation upon any form of the legalized liquor traffic were fictitious. They were never net receipts. For every dollar we thus received we were forced to spend more dollars in caring for the vice, crime, pauperism, and insanity that were the by-products of the liquor traffic. Furthermore, the liquor interest, as was shown by the investigation made by the Senate of the United States, robbed the Federal Government of much of the money due in taxes, expended millions of dollars yearly to corrupt elections, degraded our patrons, slowed up production in industry, added to production costs, caused industrial accidents, diverted from retail trade billions of dollars each year, and placed upon charity enormous burdens for the care of those made destitute by intemperance.

VERMONT AND REPUBLICAN PARTY

Mr. GIBSON. Mr. Speaker, under the general leave to extend remarks I desire to submit the following address delivered as chairman of the Republican State convention at Burlington, Vt., May 18, 1928:

The militant party that has led Vermont for nearly three-quarters of a century to cast her electoral vote for Republican candidates is to be congratulated upon presenting a united front for the campaign of 1928.

At the opening of this convention I present to you the greetings of your senior Senator, who has been so gallantly fighting his way back to health, FRANK L. GREENE, a better man than whom never served a constituency; that of your junior Senator, who is taking high rank as a legislator for the people, PORTER H. DALE, whose presence here indicates his deep interest in party success; and that of my hard-working, conscientious, able colleague in the House, ELBERT S. BRIGHAM. They are all striving to serve the people of the State honestly and faithfully. They regret that the press of public business incident to adjournment prevents them all from joining with you to-day.

I pay my respects, too, to another Vermonter who, while he resides outside of the State, yet takes as intense an interest in her welfare as any citizen within her borders, one of the greatest Presidents of the Republic, that true and loyal son of Vermont, Calvin Coolidge.

THE TEST

In order to merit the confidence of the American people to the extent of being intrusted with executive and legislative power, any party must render honest and efficient service. It must be able to give a satisfactory account of its stewardship. This is the test applied by the voter. It is well, then, to inquire if the Republican Party has met that test. If it is found that it has, then it is entitled to continue to guide the affairs of the State and the Nation.

Historically the Republican Party is a great party. Under its control of more than a half a century there has been written into the law of the land more progressive and humanitarian legislation than has otherwise become the rule of mankind since the birth of Christ. Under its guidance the United States has become the most powerful nation of the world and a leader in thought and action. A nation struggling to maintain an existence when the party first came into power has, through able party leadership, passed into an era of remarkable commercial development and attained a commanding position in the affairs of nations. Our people enjoy more of the luxuries of life than those of any other nation now or ever in existence. The wonderful opportunities of life here and the stability of our orderly liberty have attracted the peoples of every land, so that now literally millions are waiting at the gateways to enter and share with us the blessing of freedom in this, our America.

STATE ADMINISTRATION

Vermont is a small State when measured by area and population. When measured by the standard of her men and women, by the standard of its progressive laws, by the standard of service, she stands at the head of the sisterhood. In the efficient conduct of her own affairs she has no superior. The decisions of her courts have become the precedents of the common-law world. The sterling integrity of her citizens is now a model for the entire Nation.

Last autumn, when we were successfully waging a fight for a better Vermont, we suffered the greatest disaster that ever overtook a State. We do not at the present time fully visualize its far-reaching effect. Property equal in amount to one-tenth of all assessed for taxes was swept away overnight. Our road and bridge damage, falling on 352,000 people, was in excess of the road and bridge damage falling on 19,000,000 people in the seven States of the Mississippi Valley by reason of that great flood. The road damage per person for Vermont was $21. The highest damage per person in the Mississippi Valley States was 72 cents in Arkansas. The damage to highways and bridges per mile of road in Vermont was $495, while the highest in the other States was only $17.64. The entire per capita flood damage for Vermont was $86. The nearest approach to it was the per capita damage of $25.65 in Mississippi.

It was a disaster that tried the souls of citizens. It came unawares. It called for acts of heroism. It called for wise leadership, for statesmanship of the highest order. In the face of this emergency there was no faltering, no hesitation. Our people from the lowest to the highest met the emergency with heroism, with the true Vermont spirit. They exhibited a resourcefulness and a self-reliance without a parallel. They swept away in a day any doubt as to the quality of citizenship of the Vermont of this day and generation. The State administration, under the leadership of that able Christian gentleman, John E. Weeks, our governor, facing problems such as no other executive ever faced in the administration of our home affairs, has led us safely through the darkness of the night and into the full light of a new day filled with renewed hope of lasting prosperity.

The agencies of rehabilitation were marshalled. The Red Cross, like a ministering Angel of Mercy, came to our stricken valleys. Financial agencies were set into motion. Our troops guarded and helped in the dark hours. The legislature was called into session and performed its task with ability and dispatch.

To be sure, party lines were not drawn. Everywhere in the State everybody joined in the work. Partisan differences were not thought of. Leaders of the Democratic Party rendered assistance as great as any. It is not a time in Vermont, and it is not my purpose to criticize the portion of our people who have been loyal to the principles of the Democratic Party. But the burden of leadership rested on the party in power. The only question with which we are concerned is: Did it meet the test?

The present State administration has given us a permanent hard-surface road policy; has provided for the Champlain Bridge; initiated a new era of development along all lines; the advantages of the State have been set forth; and among the hills and along the valleys there has been a quickening faith in Vermont. We have met the test and kept the faith.

Highway and bridge damage has brought us the problem of how best to help the smaller units of government, our towns, in their work of rehabilitation. It will be necessary to advance much money from the State treasury for that purpose. The situation has been so handled thus far as to reflect much credit on the people of the State. The expenditure of these funds must be carefully watched and held within proper bonds. The essential elements of honesty and common sense will guide us safely in working out this new policy lest it have a tendency to take away the independence of our towns in the conduct of their own affairs. I am sure we will all unite and follow that course of action that is for the common good of all our people.

THE STATE DELEGATION

In dealing with the interrelated affairs of the State and the Nation the people send Senators and Representatives to the Congress of the United States. It is only just and fair to the members of our delegation that attention be called to some of the things accomplished during the past two years that directly affect Vermont. We have worked in harmony in all matters in order that we could render the best service to our constitutents.

We have secured an appropriation for the purchase of land for an artillery range, thus insuring the continued use of Fort Ethan Allen as an Army post.

We have helped in the successful fight to preserve our representation in the House. While mindful of the provisions of the Constitution, we were also mindful of the injustice that would have resulted from a reapportionment under the census of 1920.

We have, under the new public-building policy, secured the allocation of new public buildings at Bellows Falls and Springfield. We expect to add Rutland and White River Junction to the list in the immediate future.

We have helped initiate a new policy of the Government, that of buildings customs and immigrations stations on the border, at the smaller ports of entry. A survey of the needs of the country has been made, and out of 47 buildings recommended, 11 will go to Vermont. Three of these have already been placed in the Budget estimates.

We have caused a study to be made by the Bureau of Fisheries of all of the streams of the State, to determine what further aid the Federal Government may extend in the restocking of our streams.

Our manufacturers have been put into touch with the Department of Commerce, with a view to encouraging their export trade.

We have helped to pass legislation to secure increased appropriation for agricultural extension work. The survey of our needs in that field of rehabilitation is now under way.

An item has been placed in the War Department appropriation bill which will take care of the survey of our streams by Army engineers for the purpose of recommending means of flood control.

We have secured an appropriation of $2,654,000 from the Federal Treasury for the rehabilitation of our highways and bridges. This sum is immediately available and available until expended.

THE ISSUE OF CLEAN GOVERNMENT

Some of our Democratic friends are proclaiming that the paramount issue in the coming campaign will be that of clean government.

The recent scandals are not confined to one party. It can not be denied, however, that they constitute a challenge to representative government. But the Republican Party does not, in the present instance, and never has, tolerated corruption in public office, and it matters not whether it concerns oil leases in the West, or sewer graft, street-cleaning graft, or milk graft in Tammany-ridden New York. Its position was well set forth in the speech of President Coolidge, delivered in New York:

"Lately there have been most startling revelations concerning the leasing of Government oil lands. It is my duty to extend to every individual the constitutional right to the presumption of innocence until proven guilty. But I have another duty equally constitutional, and even more important, of securing the enforcement of the law. In that duty I do not intend to fail.

"Character is the only secure foundation of the State. We know well that all plans for improving the machinery of government and all measures for social betterment fail and the hopes of progress wither when corruption touches administration. At the revelation of greed making its subtle approaches to public officers, of the prostitution of high place to private profit, we are filled with scorn and with indignation. We have a deep sense of humiliation at such gross betrayal of trust, and we lament the undermining of public confidence in official integrity. But we can not rest with righteous wrath; still less can we permit ourselves to give way to cynicism. The heart of the American people is sound. Their officers with rare exception are faithful and high minded. For us, we propose to follow the clear open path of justice. There will be immediate, adequate, unshrinking prosecution, criminal and civil, to punish the guilty and to protect every national interest. In this effort there will be no politics and no partisanship. It will be speedy; it will be just. I am a Republican, but I can not on that account shield anyone because he is a Republican. I am a Republican, but I can not on that account prosecute anyone because he is a Democrat."

Steadfastly and resolutely the administration has proceeded to bring everyone guilty of dishonesty in the discharge of a public trust to the bar of justice. Civil suits have been successfully prosecuted, returning to the control of the Government all of the property sought to have been acquired under the oil leases.

Dishonesty in governmental matters will creep in through human weakness, but when discovered it must be promptly eliminated. The administration has met the test. There need be no hesitancy in boldly defending its record.

CARE OF VETERANS

The record of the Republican Party is its strongest appeal for public approval. The strong nation, the one resting upon a lasting foundation, is the one that in time of peace generously cares for its defenders in times of peril. No country has ever shown a more generous disposition in the care of its veterans.

From the first declaration in its party platform in 1868 to that of 1924 the Republican Party has steadfastly adhered to one policy, that of liberally and completely providing for the defenders of the United States. Its party platforms have always meant performance.

A total of $12,000,000,000 has been expended in that connection since 1868.

The party secured the establishment of the Veterans' Bureau, that is now disbursing more than a million dollars each day of the year. It backed the establishment of an insurance system that carries obligations of more than $3,000,000,000. It helped to provide the most complete, up-to-date, scientific hospital service in existence. We are maintaining 95 hospitals, with nearly 30,000 available beds. Since 1919, 600,000 veterans have been cared for in these Government institutions. Nothing like this humanitarian work has ever been recorded.

The bonus act is being carried forward to successful administration, 3,383,530 adjusted compensation certificates having been issued. Already more than $100,000,000 has been expended. This law, one of justice to the service man, is now regarded as a measure making for practical economy.

Over 170,000 ex-service men have received the benefits of vocational training.

Over a billion dollars has already been expended for disability compensation. Continuance of the Republican Party in power means a continuance of care for the disabled veteran.

FOREIGN AFFAIRS

The objective of the administration in foreign affairs is the attainment of universal peace. We initiated the disarmament conference, sought by every honorable means further limitation through the Geneva conference, and are now moving straight toward the goal of the abolition of future war through mutual and binding agreements. We are the enemies of no nation. We are afraid of no nation. Our diplomacy is founded on the basis of mutual good will and fair dealing.

We have defended the Monroe doctrine and protected the Latin American Republics from European interference and have helped them in the establishment of orderly governments.

Some of our friends of the Democratic Party have complained of our policy in respect to Nicaragua. But they forget that it was the patriotic Democratic President, Grover Cleveland, who first used the marines to maintain peace south of the Rio Grande and in the Caribbean Islands; that it was another Democrat, William Jennings Bryan, who as Secretary of State negotiated the treaty which gave us the right to construct a canal across Nicaragua, secured our rights in Fonseca Bay, and negotiated the loan with New York bankers and obligated us to duties we can not shirk.

We are in Nicaragua only after the demands of more than 30 American concerns for protection and upon the insistent demand of Great Britain, France, and Italy that we discharge our duty and protect their nationals. If we had hesitated, their warships would have patrolled the waters of the Caribbean and we would have been face to face with a grave problem.

We are in Nicaragua to protect rights secured by treaty, to carry out our solemn agreement to superintend and guarantee a fair election, and to establish an orderly government. We are there to place a people struggling to master the rudiments of government in a position which they may enjoy freedom and attain prosperity.

Shall we under those conditions haul down the flag of freedom and say to the world that this great Nation, that believes in peace, will do nothing to help a people who are begging us to put them on their feet and help them, as we have helped Cuba, Haiti, and San Domingo? No! We will remain until we have done our whole duty to those people and to the world.

FOREIGN LOANS

During the World War we issued Liberty bonds and used the proceeds to help foreign nations, relying on their promise to repay us.

We created the Foreign Debt Commission to deal with the situation thereby created. Agreements have been reached with 11 different nations, by the terms of which we are to receive back $22,000,000,000 for the $9,850,860,799 loaned. These governments are now making payments at the rate of about $175,000,000 per year.

BUSINESS ADMINISTRATION

The Republican Party stands for economy in the expenditure of public moneys and for efficiency in the administration of the Nation's affairs.

The campaign for economy began in 1919 with the advent of a Republican Congress. In the time between that and 1921 the Republican Congress had cut over $3,000,000,000 from the estimates of the Democratic Executive.

But even with that showing when the party came into full power in 1921 an emergency existed. Extravagance, lack of morale, and unregulated expenses had laid a paralyzing hand upon business and the industry of the Nation. In spite of the situatiton our finances were so well handled that soon we were able to pass a tax-reduction measure, increasing exemptions and reducing taxes directly affecting the people. Immediate business improvement followed.

In 1924 another sweeping reduction affecting the average citizen was made. The measure provided a blanket reduction on all incomes.

Again in 1925 another reduction was effected. Altogether from 1921 to 1925 the Republican Party lifted a tax burden of $1,800,000,000 annually from the people of this country. Before the present session of Congress adjourns a further reduction of $200,000,000 will be made.

But this enormous reduction in taxes did not retard reduction in the public debt. March 1, 1921, this debt was more than $24,000,000,000. On May 1, 1928, the debt had been reduced to nearly $17,000,000,000, a reduction of $7,000,000,000, or more than a billion dollars a year.

When the Republican Party came into power the interest on the public debt was more than a billion dollars annually, a sum greater than all governmental expenditures in 1915. The program of refunding, reduction, and readjustment has served to reduce our interest charges $269,000,000 annually.

Business methods have been introduced in Government routine with the result that expenses have been reduced $2,279,000,000 annually. In 1921 the annual cost of the maintenance of the Government was $5,538,000,000. This was reduced in 1927 to $3,259,000,000. The net result of Republican control has been a reduction of the public debt of nearly $7,000,000,000; a reduction of $269,000,000 in fixed charges; a reduction of $2,300,000,000 in routine expenses; and a reduction of $2,000,000,000 in taxes.

What Government, anywhere, at any time can match that record? It constitutes a party achievement that challenges the admiration of the financial experts of the world. While foreign nations are increasing taxes in a struggle for balanced budgets we are reducing taxes, reducing our debt, and having an annual surplus.

LABOR

The last Congress in the interest of labor extended the workmen's compensation benefits to maritime workers. It corrected some injustices in the employees' compensation act and extended and liberalized the original law. The United States Board of Mediation was created to supplant the useless labor board. This new board disposes of all disputes between railroads and their employees. The new agency insures peace in the transportation world for a decade to come.

A retirement system has been provided for Government employees which was liberalized by the last Congress. We are about to increase the pay of Government employees by $18,000,000 per annum. The Civil Service Committees are working constantly on legislation to improve the conditions of the Government employees, in order that more efficient service may be rendered. It is a matter of record in the eight years before the Republican Party came into power not a single meeting of the House committee was held.

BUILDING UP VERMONT

We have many grave problems before us. None is of more importance than that of building up agriculture and industry in our own State. During the years of the past we have been sending our money into the West and the Southwest, where it has been used to develop and build up those sections. With our money we have helped the farmer of the West to compete with our own, with the natural result that the number of our farms has steadily decreased and the lot of our farmer has not improved. We should adopt a new policy. Put Vermont money to work for Vermont. Out of such a policy will come a greater measure of prosperity than we have ever known before.

Let us all unite with a common purpose to work for the maintenance of rural communities, for the encouragement of industry, for the betterment of agricultural conditions, for the highest standard of education, and the good of all classes of our people. Then Vermont will emerge from the crisis through which we are passing—a greater State, a better State.

We have come together to select delegates to the national convention for the nomination of the next President and Vice President of the Nation. These delegates will interpret the will of the sturdy Republicans of the State. There are many able men from which to make choice. It may be the choice will fall upon that able Senate leader, Senator CHARLES CURTIS, of Kansas, or upon that distinguished ex-Governor of Illinois, Frank O. Lowden, or upon a gifted Senator who has won the support of the Hoosier State, JAMES E. WATSON, or upon the dynamic personality who presides over the United States Senate, our Vice President, or upon that splendid administrator, the Secretary of Commerce, Herbert Hoover. It may be that the call from the voters of the country will be so insistent that the Kansas City convention will draft that great son of Vermont to again become the standard bearer.

But whoever is selected to lead, Vermont will be found marching in the front rank proudly carrying the banner of Republicanism, emblazoned with the slogan, "We have never failed the Grand Old Party."

FLOOD CONTROL ON THE MISSISSIPPI RIVER

Mr. DRIVER. Mr. Speaker, when the President affixed his signature on May 15, 1928, to the act "for the control of floods on the Mississippi River and its tributaries," there was launched the greatest engineering project undertaken in the history of nations. This action of the Congress is the culmination of intermittent investigations and fitful and disconnected efforts to control the floods of the Mississippi River, running through a period of 211 years and beginning in the year 1717 with the first levee construction under direction of De La Tour, the French engineer, for the protection of the city of New Orleans.

HISTORY OF FLOOD CONTROL

The manifestation by the Congress of a determined effort to curb the floods of the river and afford ease and facility to navigation thereon had its beginning with the creation of the Mississippi River Commission on June 28, 1879, which agency, while charged with the duty of providing necessary flood protection, was limited in its operation by the funds provided, and therefore, in effect, compelled to direct its operation to the demands of navigation, relying upon the local landowners to conform their levee construction to the uncertain and indefinite flood-control plan of such agency. This condition continued for the period of 37 years, when it became apparent to the Congress that, notwithstanding the change from individual effort to the organization of local levee districts, the local interests could not provide the necessary flood-control structures. The act of March 1, 1917, was passed, which provided for national participation, under the principle of local contribution and fixed the ratio of cost on the basis of 50-50, with the Government providing two-thirds of the cost of levee construction and the local interests one-third, all necessary rights of way, levee adjustment, and maintenance. The provision for a definite annual expenditure was thus provided, to be made under the supervision of the Mississippi River Commission, which agency was thus given the means of bringing about a connected and consistent construction, and to fix grades and section for strength and security to the levees. This law speeded up the work, which was further accelerated through the act of March 2, 1923, increasing the annual appropriations for flood-control works and hurrying the improvement to the tentative grade and section to what was believed to be a complete protection.

FLOOD OF 1927

The flood of 1927 demonstrated that the grade and section of levees as fixed by the Mississippi River Commission as the requisite strength for complete security was insufficient, as many of the levee lines had reached the maximum. The levees were breached in 52 places, inundating 12,000,000 acres of the 17,500,000 acres embraced within the organized levee districts and destroying 246 lives and more than $350,000,000 of the property within such areas, which stupendous losses, combined with the knowledge that the maximum flood heights in the Mississippi River and its tributaries had not been reached, awakened the Nation to a realization anew of the duty and responsibility for the control of the flood waters and the protection of the lives and properties of the inhabitants of the alluvial region. The necessity for auxiliary methods to the levee system was impressed upon the engineering forces by the flood of 1927.

With the recession of the flood waters the Chief of Engineers of the United States Army and the Mississippi River Commission commenced a thorough and comprehensive study of the conditions resulting from the unusual flood and prepared comprehensive plans for the treatment of floods, not only of the volume of the 1927 flood but to flood heights 25 per cent in excess of that attained in that year.

LEGISLATIVE ACTION

Responding to the situation, Hon. FRANK R. REID, chairman of the Flood Control Committee of the House of Representatives, called the committee into informal session on the 7th day of November, 1927, thus initiating the work of preparing legislation for the preservation of the alluvial valley. The hearings continued for 92 days, during which time more than 300 witnesses, including the most eminent engineers of the Nation, were heard, and a record comprising 5,248 pages was written, constituting one of the most exhaustive investigations made in congressional history. To this hearing was added a thorough investigation by the Commerce Committee of the United States Senate, and resulted in the preparation and the reporting out to the respective Houses bills adopting the plan recommended by the Chief of Engineers of the United States Army as a basis, with directions to a board created for the purpose of reconciling the differences in such plan and the plans offered by the Mississippi River Commission for the complete flood protection of the valley as a national responsibility at national expense, and for investigations and determination of projects on the tributary streams.

The report of the Chief of Engineers of the United States Army was submitted to the Congress on the 8th day of December, 1927, and immediately referred to the Flood Control Committee of the House and the Commerce Committee of the Senate, and thereafter the report of the Mississippi River Commission was brought before the Flood Control Committee and made a public document at its instance.

Following the customary and usual parliamentary procedure, Senate bill No. 3740, as amended by the Flood Control Committee of the House and on the floor of the respective bodies, was enacted into law.

ACT OF MAY 15, 1928

Section 1 declares the purpose of the act and provides for the control of floods on the Mississippi River from the Head of the Passes at the Mouth of the Mississippi River in Louisiana to Cape Girardeau, in Missouri, head of the alluvial plane, and adopts the engineering plan of the Chief of Engineers of the United States Army as a basis. A flood-control board, to consist of the Chief of Engineers of the United States Army, the president of the Mississippi River Commission, and a civilian engineer, is created, with directions to consider the engineering differences between the plan of the Chief of Engineers and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, with authority to make further surveys and investigations and to reconcile the engineering differences between said plans and make its report thereon to the President.

CHIEF OF ENGINEERS' PLAN

The plan recommended by the Chief of Engineers provides for the enlargement of existing levees on the main stem of the Mississippi River from Cape Girardeau, Mo., to the mouth of the Mississippi River in Louisiana, with a factor of safety against a flood 25 per cent greater than the flood of 1927 if the waters of such flood had been confined.

The estimated gauges at the three pivotal points on the Mississippi River in the flood of 1927 if confined are: Cairo, Ill., 58.5 feet; Arkansas City, Ark., 69 feet; and the mouth of Old River in Louisiana, 61.5 feet. Therefore, the maximum flood gauges to be provided for would amount to 65.4 feet at Cairo, Ill.; 74.5 feet at Arkansas City, Ark.; and 64.5 feet at the mouth of Old River in Louisiana, the equivalent of 2,250,000 second-feet of flow at Cairo, 2,850,000 second-feet at Arkansas City, Ark., and 2,650,000 second-feet at the mouth of Old River in Louisiana.

Realizing the extreme danger of reliance upon levees alone for the control of a flood of the magnitude estimated, recommendation was made for diversions to be provided at four points, to wit:

A flood way 5 miles in width, for the protection of the city of Cairo, Ill., beginning at Birds Point, in Missouri, and extending to New Madrid, in said State, through which it is estimated the gauge at Cairo would be reduced practically 5 feet, with the flood waters so diverted, returning to the main channel and following the same to the mouth of the Arkansas River, where the second diversion is recommended, beginning at Cypress Creek and carrying 900,000 second-feet through the Boeuf River Basin into Old River at the head of the Atchafalaya Basin. A diversion is proposed through the Atchafalaya Basin of 1,500,000 feet per second, and for the protection of the city of New Orleans, a spillway at Bonnet Carre, about 40 miles above that city and on the east side of the river, carrying 250,000 second-feet into Lake Pontchartrain, in order to reduce the flow passing New Orleans to not exceed 1,400,000 second-feet.

The plan also provides side levees to the flood ways and spillways and for a levee on the south side of the Arkansas River from Pine Bluff, Ark., to the intersection of the Mississippi River Levee for the protection of the Tensas Basin against the flood waters of that river.

At the points of diversion into flood ways the plan of the Chief of Engineers recommended what is termed "fuse-plug" levees, which is in fact a line of levee 3 feet lower than the general grade of levees and which is designed to overtop when flood heights reach the 1927 maximum, thus crevassing and permitting the excess to pass through the diversion channels. This plan was estimated to cost $296,000,000, including $110,000,000 to be applied to revetment work, leaving for flood-control purposes the sum of $186,000,000, and did not embrace an estimate of the value of flowage rights over the flood-way lands or rights of way for the levee foundations along the diversions.

MISSISSIPPI RIVER COMMISSION PLANS

The Mississippi River Commission offered what is designated as the comprehensive plan, which consists of levee enlargement along the main river from Cape Girardeau, Mo., to the Head of the Passes at the mouth of the Mississippi in Louisiana, to protect against the maximum flood of 25 per cent in excess of the 1927 crest, if confined, with a free board of 5 feet, including enlargement of the tributary levees within the limit of the backwater areas therein from the Mississippi River, with four proposed controlled diversions, to wit:

One at Cypress Creek through the Boeuf River Basin, with a capacity of 600,000 second-feet, and another through the Atchafalaya Basin with a capacity of 900,000 second-feet. It also provided a spillway at Bonnet Carre, with a capacity of 250,000 second-feet and one at Caernarvon, 15 miles south of New Orleans, where an artificial crevasse was made in 1927 for the relief of said city, with a diversion of 250,000 second-feet.

The plan also provided for the enlargement of the levees now existing from Cape Girardeau, Mo., to Rock Island, Ill. The estimated cost was $775,000,000, which includes an estimate of $165,000,000 for revetment, leaving the estimated cost of the flood-control works $610,000,000. This estimate embraces the value of flowage rights and rights of way for diversion levees. But the Mississippi River Commission recommended that the comprehensive plan be not adopted until further investigations were made, and especially the question of the reservoir effect on the waters of the Arkansas and White Rivers in Arkansas. The reservoir board appointed by the Chief of Engineers made an investigation touching the effect of reservoir control of tributary floods and estimated the cost of reducing the flood heights to a factor of safety in the main channel of the Mississippi River at $1,300,000,000, but estimated that at an expense of $240,000,000 eleven reservoirs on the Arkansas and White Rivers would reduce the flood gauge at Arkansas City, near the mouth of the Arkansas River, practically 8 feet, which influence would be exerted on the gauge heights at the mouth of Old River and down the main channel by New Orleans, as well as the amount of water passing through the Atchafalaya Basin, and it was this feature of the report of the reservoir board which caused the recommendation to be made by the Mississippi River Commission for further study. Pending such investigations, the Mississippi River Commission recommended the adoption of what is termed the interim plan, which included levee enlargement, bank revetment, Atchafalaya and Boeuf River flood ways, and the Bonnet Carre spillway, at an estimated cost of $407,500,000, including $75,000,000 for bank revetment, or an estimated cost for flood-control structures of $332,500,000.

DIFFERENCE IN PLANS

The essential differences between the plan offered by the Chief of Engineers and the plans of the Mississippi River Commission will be found—

First, in the matter of levee enlargement.

The Chief of Engineers' plan provides a reasonable factor of safety.

The Mississippi River Commission plans provide a freeboard of 5 feet.

Second. The plan of the Chief of Engineers recommends "fuse-plug" levees at the head of the diversion channels, which are expected to crevasse when the water overtops such levee, and thus in the opinion of many engineers, render an uncertain amount of diversion to be measured only by the extent to which the inflow will be permitted through the widening of the crevasse or crevasses. Such opinion extends to the uncertainty of a sufficient amount of water finding its way through such flood ways to relieve the main channel of the flood waters in excess of the amount intended to be relieved against.

The Mississippi River Commission plans provide for a controlled flood way at the head of such diversions, thus providing against the crevassing of the levees and regulating the quantity of diversion.

Third. The plan of the Chief of Engineers provides for a diversion of 900,000 second-feet through the Beouf River Basin.

The plans of the Mississippi River Commission limit such diversion to 600,000 second-feet, which, in the opinion of engineers familiar with the topography therein, will restrict the area of such flood way at least one-half, thus reducing to such extent the amount of land required for flowage easement.

Fourth. The Chief of Engineers' plan provides for a diversion of 1,500,000 second-feet through the Atchafalaya Basin, which necessitates two distinct flood ways, one on each side of the Atchafalaya River.

The Mississippi River Commission plans provide for a diversion of 900,000 second-feet to be carried through the Atchafalaya River, by enlarging its channel capacity through levee setbacks and enlargements along the same.

Fifth. The plan of the Chief of Engineers provides for one controlled spillway located at Bonnet Carre.

The Mississippi River Commission plans provide for two controlled spillways—one at Bonnet Carre and one at Caernarvon.

Sixth. The Chief of Engineers' plan provides a flood way from Birds Point to New Madrid in Missouri.

The Mississippi River Commission plans provide for increased levee heights at Cairo, and do not recommend the Birds Point diversion.

Seventh. The plans of the Mississippi River Commission provide for enlarged levees from Cape Girardeau, Mo., to Rock Island, Ill.

The plan of the Chief of Engineers makes no such provision.

All plans provide for bank revetment, the difference being only in the amount. The plan of the Chief of Engineers proposes to use $110,000,000 for such work, while the comprehensive plan of the Mississippi River Commission proposes an expenditure of $175,000,000 and the interim plan $75,000,000.

BOARD OF FLOOD CONTROL

The duty of the board will be confined to a determination of the plan to be executed by reconciling the differences between the three plans as outlined. A clean engineering problem, with no great amount of latitude within which discretion may be exercised. When such duty is performed the flood control board passes out of the picture.

MISSISSIPPI RIVER COMMISSION

The execution of the plan is delegated to the Mississippi River Commission, whose personnel is in no manner changed by the present law, but the individual members thereof, instead of

meeting with the President and Secretary at stated intervals, will now be required to devote their entire time to the duties and responsibilities of the office, with directions to make personal inspection trips over the affected territory at intervals throughout the year, and hold hearings to afford an opportunity to the people concerned to be heard. Such commission is now empowered to employ all necessary engineering personnel and to provide the needed equipment and make contracts with respect to the work committed to it, thereby obviating the conditions heretofore existing making necessary the use of the engineering talent provided by other agencies.

COST

An authorization of $325,000,000 is provided for the work, of which the sum of $15,000,000 was appropriated by the present Congress and contained in the second and last deficiency act, and in addition thereto the unexpended balance of the annual appropriation of $10,000,000 carried in the appropriation for nonmilitary activities of the War Department of the present session is turned into the fund available for the prosecution of the work of the next fiscal year. As provision was made in the first deficiency act of this session for the repayment of the money expended in the effort to protect against the flood of 1927, but a small part, if any, of the $10,000,000 appropriation has been spent, and, therefore, $24,000,000 is made available for the prosecution of the actual flood control and revetment work during the fiscal year, and $1,000,000 is available for emergency work on the tributary streams beyond the backwater areas thereof.

The law provides that the work provided for under the reconciled plan shall be made as a national duty and at the expense of the United States, except it is made the duty of the local interests along the main stem of the river, including that portion from Cape Girardeau, Mo., to Rock Island, Ill., and on the tributaries within the backwater areas, to provide rights of way, and maintain the work, not including, however, repairs and replacements.

In the language of the law the duty of the United States is to "provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River." This particular language is employed to differentiate the natural reservoirs and streams which are now charged with the burden of natural drainage—that is, such rivers, bayous, and depressions through which usually pass the waters falling and are drained through the same, as distinguished from the areas which will be charged with waters not accustomed to flow over the land through natural drainage.

The duty is placed on the United States to provide flowage rights over the lands within the flood ways and spillways, and to provide rights of way for the protection levees along such flood ways and spillways, and to maintain the same. The law also provides that in the event the local interests on any section of the river shall be unable to maintain the levees on direction of the Secretary of War the same shall be maintained out of the public funds.

TRIBUTARIES

The law provides for the earliest practical surveys and investigations of the main tributaries of the Mississippi River and their tributaries, which include the Illinois, St. Francis, White, Arkansas, Yazoo, and Red Rivers, with directions for reports on flood-control projects thereon to Congress, and carries an authorization of $5,000,000 for such surveys. Pending the working out of projects on such streams, provision is made for an expenditure of not exceeding $10,000,000 on levee enlargement and construction between the intersection of such rivers with the Mississippi and the limit of the backwater thereon. This provision is but the enactment of the existing law with respect to such areas, and carries with it the duty of the local interests to provide necessary rights of way and maintenance and to pay one-third of the cost of such enlargement and construction.

EMERGENCY FUND

The law authorizes an emergency fund of $5,000,000 for flood protection on the tributary streams beyond the backwater areas, to be expended under directions of the Secretary of War, acting through the Chief of Engineers of the United States Army, and it is expressly provided that such monies may be applied to repairing and rebuilding structures within such limits as were damaged or destroyed by the flood waters of 1927. As stated, $1,000,000 of such amount is appropriated, and is available for the purposes mentioned.

DIRECT DAMAGE

The law also provides that where, through the construction of necessary flood-control works on one side of the river, a direct damage is inflicted on the lands on the opposite side of the river, or the damages done by previous works are enhanced, the amount thereof shall be ascertained and reported to the Congress for appropriate action and an express declaration of liability is made therefor. This provision arises out of the national duty assumed to protect lives and property in the alluvial area, and is especially applicable to the unprotected basins along the river in west Tennessee and south of Natchez in Mississippi. The duty is first to afford protection to such areas, but if an investigation discloses that such protection is not feasible or is uneconomical to the extent that the works now provided for shall enhance the damage or cause to be overflowed lands which are not now subject to inundation, an ad-measurement of damages will be made and reported to the Congress.

Much divergence of opinion exists among engineers on the ultimate cost of flood control for the Mississippi Valley. Necessarily it is largely a matter of speculation. On the main river the project will eventually call for an expenditure of approximately $450,000,000. The data collected and information available is not sufficient to afford a basis for computation as to the cost of tributary control. Every Member of the two bodies of Congress realizes that the duty to provide adequate protection to the lives and property of the people along the tributary streams in all respects is equal to the responsibility assumed on the main river.

The provision for tributary investigations and surveys is made for the purpose of securing speedy action in the working out of flood-control projects thereon, that the Congress may act with the utmost expedition in discharging the obligation assumed to the lives and property interests involved in such areas.

REPUBLICAN LEGISLATION FOR AGRICULTURE

Mr. STRONG of Kansas. Mr. Speaker, the veto of a single bill, the McNary-Haugen bill, which was opposed and supported by members of both political parties, is being used in an attempt to make the friends of agriculture believe that their trust in the Republican Party has not been justified.

I wish, therefore, to recite the facts. The election of a Democratic administration in 1912 was the result of a split in the Republican Party and not the result of a lack of national prosperity.

The first legislation of importance enacted under the Wilson administration was the "Underwood tariff law," which substituted for the protection of American industry and American agriculture, "a tariff for revenue only," that opened American markets to the manufacturer, the farmer, and the laboring man of other nations. Immediately industry began to lag and labor to be without employment. Wheat fell to 65 cents per bushel and other agricultural products in proportion.

National disaster to agriculture was averted by the world conflict which brought war prices, but with the restoration of peace our markets were again flooded with merchandise and food products that came in either duty free or because of inadequate tariff protection.

Five million men were soon out of work and agriculture in distress. The price of wheat was reduced to 70 cents a bushel; corn to 27 cents, and the Nation's bonds were soon selling far below par.

In their distress the people elected a Republican Congress in 1918, which served during the last two years of the Democratic administration and began the restoration of our national prosperity. I shall recount only the legislation the Republican Party has since passed in the interest of agriculture.

It repealed the so-called daylight saving law, over President Wilson's veto.

It passed the uniform cold storage bill.

It passed over the veto of President Wilson the act reviving the War Finance Corporation, to finance the marketing and exportation of agricultural products.

It liberalized the Federal reserve act and the farm loan act in the interest of the farmers.

It passed the farmers' emergency tariff act only to have it vetoed by President Wilson in keeping with the fundamental free-trade policy of the Democratic Party.

In 1921 the Republican Party came into complete control of the Government. Within a little more than a month after the convening of Congress, in special session on April 11, 1921, the Republican Congress had passed and a Republican President had approved the farmers' emergency tariff act, which stopped the importations of wheat, milk, and cheese from Canada, corn and beef from Argentina, wool and mutton from Australia, eggs from China, and butter from Norway, Denmark, and Sweden, with which the markets of this country had been flooded under the free-trade provisions of the Underwood Democratic tariff.

Let me set forth the deadly parallel between the Republican and Democratic tariff on agricultural products:

Comparison of protection afforded farm products under Republican tariff act of 1922 and Democratic act of 1913

	Republican tariff 1922	Democratic tariff 1913
Wheat, originally 30 cents per bushel	42 cents per bushel [1]	Free.
Corn	15 cents per bushel	Do.
Rye	do	Do.
Oats	do	6 cents per bushel.
Butter, originally 8 cents per pound	12 cents per pound [1]	2½ cents per pound.
Eggs	8 cents per dozen	Free.
Poultry, live	3 cents per pound	1 cent per pound.
Milk	2½ cents per gallon	Free.
Cream	20 cents per gallon	Do.
Honey	3 cents per pound	10 cents per gallon.
Alfalfa seed	4 cents per pound	Free.
Clovers (seed)	1 to 4 cents per pound	Do.
Millet seed	1 cent per pound	Do.
Timothy seed	2 cents per pound	Do.
Beef and veal, fresh	3 cents per pound	Do.
Cattle	1½ to 2 cents per pound.	Do.
Meats prepared or preserved	20 per cent	Do.
Lamb, fresh	4 cents per pound	Do.
Mutton, fresh	2½ cents per pound	Do.
Sheep	$2 per head	Do.
Swine	½ cent per pound	Do.
Ham and bacon	2 cents per pound	Do.
Lard	1 cent per pound	Do.
Lard compounds	4 cents per pound	Do.
Hay	$4 per ton	$2 per ton.
Potatoes	50 cents per 100 pounds.	Free.
Onions	57 cents per bushel	20 cents per bushel.
Wool, scoured	31 cents per pound	Free.

[1] Rates of duty increased by President Coolidge under flexible provisions of the tariff act.

Under the Republican tariff law of 1922 the following were placed upon the free list:

Agricultural implements, including picks, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers (except lawn mowers), horse rakes, cultivators, threshing machines, cotton gins, wagons, and carts.

Livestock imported for breeding purposes, antitoxins, vaccines, serums, and bacterines.

Binding twine; barbed wire, either plain or galvanized; fertilizers.

Oil cake and oil-cake meals.

Building material, including shingles, pickets, palings, wood, logs, timber, cement.

Leather goods, including harness, boots and shoes, gloves, etc.

Coal.

In the same Congress the Federal farm loan act was liberalized to give improved service to farm borrowers and the sale and marketing of the farm-bank bonds facilitated so as to secure lower rates on farm loans with the result that up to April 30 of this year 467,403 farm loans had been made, totaling the immense sum of $1,487,450,000.

The agriculture credit act was passed establishing the intermediate credit banks in connection with the Federal farm-loan banks, thus establishing a financial system for the marketing of agricultural products which now cooperates with the United States warehousing act by making loans on United States warehouse receipts. Up to April 30 of this year loans so made, including rediscounts and renewals, had amounted to $665,000,000.

The cooperative marketing act was passed authorizing and legalizing the formation of cooperative marketing associations to sell farm products and to buy farm supplies.

The war finance corporation act was amended so that loans might be made to agricultural interests, and a billion-dollar revolving fund was provided for that purpose.

The Federal reserve act was amended so as to add a member to the board who should represent the interest of agriculture.

In fact, so much legislation in the interest of agriculture was enacted that the legislative representative of the American Farm Bureau Federation, in his report to the executive committee, under date of April 6, 1923, said:

> It is not too much to say that the 26 laws passed by that (the Sixty-seventh Congress), which were initiated or supported by us, are of far more importance to American agriculture than all the legislation relating to agriculture passed since the adoption of the Constitution.

A Republican Congress, backed by a Republican administration, has continued to pass legislation in the interest of agriculture, as follows:

Revised United States warehousing act, complementing the agricultural credit act, increasing the number of agricultural products which could be put in bonded warehouses in return for which receipts could be issued upon which money could be borrowed under the intermediate or agricultural credits act.

Butter standard act.

Filled milk act, prohibiting the shipment of filled milk in interstate or foreign commerce.

Act creating a dairy bureau in the Department of Agriculture.

Packers and stockyards act.

Act to regulate all grain exchanges and dealings in "futures."

Revised Federal highways act.

Two seed loan acts to relieve emergencies in the drought-stricken districts of the Northwest and Southwest.

A series of acts giving leeway on payments due from those agricultural producers on irrigated or reclamation projects, those who had purchased Indian lands, and those who were using Government lands for grazing purposes—relief acts made necessary because of crop failures and the agricultural crisis which had brought the producers face to face with bankruptcy.

Appropriation of $10,000,000 for purchases of American food products to be sent to Russia.

Fordney-McCumber Tariff Act, continuing farmers' protective schedules enacted in the emergency tariff act.

Hoch-Smith joint resolution, providing for an adjustment of freight rates by the Interstate Commerce Commission with the least practicable delay, so as to insure to agricultural products, including livestock, the lowest possible rates compatible with the maintenance of adequate transportation service.

Act establishing in the Department of Agriculture a bureau to assist farmers in cooperative marketing.

Amendment to the agricultural credits act to permit intermediate credit banks—previously restricted to the making of loans on crops harvested and stored for market—to make loans on growing crops, thus further assisting in the financing of agriculture.

MISSISSIPPI FLOOD CONTROL ACT

Legislation providing for the canalization of the Mississippi, Missouri, and Illinois Rivers, which will be completed by 1930.

Legislation providing for the extension and operation of Government barge-line service on such rivers as soon as the channels authorized shall be completed, with a provision directing the establishment of joint rail and water rates.

The last two pieces of legislation are the most important in the interest of the Central West that have passed the Congress, for it insures cheap water transportation for the great territory covered by the Mississippi River system.

Coincident with the Republican legislative program, administrative changes of far-reaching importance have been made to expand the usefulness of the Government to agriculture. The activities of the Department of Agriculture have been reorganized to include a Bureau of Agricultural Economics and a new livestock reporting service. There has been a reorganization and expansion of the extension service and an organization of the Bureau of Home Economics. In fact, the Department of Agriculture has to-day the largest and most capable force of experts working along many lines of research under one department of Government known to the world.

Other departments of the Government have also been helpful to agriculture, including the Department of Commerce, in which, early in the Republican administration, was established a foodstuff division, the principal function of which has been to find increased outlets for American farm products.

In the face of this record of legislation, that has resulted in increased prices of agricultural products, is it possible that any farmer or person interested in agriculture can be misled into believing that the Republican Party has not been the friend of the great group of its citizens who produce the Nation's food?

HON. LESLIE M. SHAW ON PRESIDENT COOLIDGE'S M'NARY-HAUGEN VETO

Mr. ACKERMAN. Mr. Speaker and Members of the House, with the exception of the President, probably no other person in the United States—either in or out of Congress—has more closely studied the provisions of the McNary-Haugen bill than Hon. Leslie M. Shaw, who was Secretary of the Treasury for five years during the Roosevelt administration.

In his consideration of the bill Secretary Shaw brought to bear not only his experience as a former head of the Government's financial system but his experience as an Iowa farmer, lawyer, banker, and former governor of that great Corn Belt State.

Having had the privilege of hearing the former Secretary discuss the measure both prior to and subsequent to the publication of President Coolidge's veto message, his observations impressed me as being well worthy of consideration by every American citizen either as an advocate of the measure or as opposed to it. Accordingly, I asked him to write me his views.

Under the permission granted me by the House, I am attaching herewith the ex-Secretary's letter for the RECORD, and would commend its perusal to everyone who is regretful over the failure of the bill to become law, as well as to those who believe that President Coolidge enunciated the soundest of principles when he declined to sign the measure:

WASHINGTON, D. C., *May 28, 1928.*

Hon. ERNEST R. ACKERMAN,
Washington, D. C.

DEAR MR. CONGRESSMAN: Agreeable to your suggestion, I put in concrete form the substance of what I said to you the other evening at the hotel, with reference to the President's recent veto message. You are at liberty to make such use of it as you deem appropriate and wise.

Our discussion, you will recall, was based upon this thesis: "If the Republican Party remains true to its principles it will have abundant capital with which to resume business, though it lose all the offices; but if it abandons sound economic principles it will have no capital on which to continue business, though it retain all the offices." The Republican party is a party of principles, and if it shall ever exchange economic soundness for expediency it should and will become a recollection.

Children are not alone in sometimes wanting what is not good for them. Seventy-five per cent of the American people favored an unlimited issue of irredeemable paper currency, commonly called greenbacks, in the seventies and were saved from themselves by President Grant when he vetoed, in 1874, a preliminary measure, then known as the inflation bill.

A yet larger per cent demanded free silver in the nineties, and to please their constituents one branch of Congress passed such a bill. Again the wisdom and courage of a President saved the people from themselves. President Cleveland let it be known that he would veto any such legislation if he ever got the chance, and the other branch, by a small margin, saved the necessity. To-day there are not 10 men between the seas who will admit ever having favored either of those fantastic propositions.

A much larger proportion of western farmers demanded free silver 32 years ago than favored the McNary-Haugen bill to-day. Not only did debased currency appeal to the fearfully oppressed farmers of that period but even the delegation from my State, Iowa, contained but one gold-standard man. Both Senators and 10 of the 11 Congressmen were committed to free silver. It evidenced consummate courage for the Republican convention of 1896 to pledge the maintenance of the gold standard in the face of the sentiment of every State west of the Mississippi River and risk educating the people between then and election day. But Americans usually sense truth when properly presented, and in that instance five months proved sufficient.

I consider the McNary-Haugen bill quite as bad in principle, and if it shall ever become a law it will prove quite as ruinous in operation as greenbackism or free silver would have been, either of which could have been operated, and both were constitutional. The sole objection to those measures was their economic unsoundness. The President shows to a demonstration that the McNary-Haugen bill is unsound economically, that it is so cumbersome and involved that it can not be made to function; and the Attorney General declares it unconstitutional. For the third time in our history the courage of a President saves the country from economic hara-kiri.

President Coolidge has been many years in public life and thus far no one claims to have discovered from his lip or his pen an insincere word, an unsupported statement, or a promise that he does not think he can and does not intend to redeem. Like all men of prominence, he is not loved by everyone, but, unlike most men whom I have known, no one accuses him of duplicity or insincerity. I therefore feel free to quote, without supporting argument, a few of the concrete statements contained in his message, though with all of them you are already familiar.

He says: "It embodies a formidable array of perils for agriculture * * * a maze of ponderous, futile bureaucratic paraphernalia * * * unworkable price regulation * * * a régime of delusive experiments in price fixing * * * a nation-wide system of regulatory policing, intolerable espionage. * * * These provisions would disappoint the farmer by implying that the law of supply and demand can be thus legislatively distorted in his favor. Fiat prices match the folly of fiat money. * * * A bureaucratic tyranny of unprecedented proportions would be let down on the backs of the farm industry * * * thousands of contracts with the 4,400 millers, the 1,200 meat-packing plants, the 3,000 or more cotton and woolen mills, and the 2,700 canners. If this bill had been in operation in 1925 it would have involved collections upon an aggregate of over 16,000,000,000 units of wheat, corn, and cotton. This is bureaucracy gone mad. * * * If there be any conclusion we can announce as final * * * after the bitter and excessively costly war-time experiences, it is that we can not maintain a bureaucracy of such vast proportions without constant danger of corruption, mismanagement, and prodigious tax burden. * * * Swarms of inspectors, auditors, disbursers, accountants, and regulatory officers would be let loose. * * * The plague of petty officialdom would set up an intolerable tyranny over the daily lives of farmers and every individual and firm engaged in distributing farm products."

I think the inevitably ruinous effect of the dumping provisions of the bill upon our foreign commerce, as discussed by the President, gives ample justification for the veto independent of all other considerations.

The Dingley tariff law contained a provision the operation of which, without Executive order, compelled Russia during McKinley's administration to abandon her practice of aiding her beet-sugar industry in its policy of dumping its product on the American market, and under our present law the President is clothed with power and is expected to protect against any country imposing upon our industries as the McNary-Haugen bill directs that we impose upon the agricultural interests of others.

While Secretary of the Treasury I had, of course, extensive experience in the administration of custom laws, and I noted their effect upon international relations. Governments are often unable to protect against dumping by the nationals of other countries acting on their own initiative, but no country will tolerate dumping by direct authority of Congress, as provided in this bill, without retaliating in such manner as will seriously affect agriculture as well as every other industry.

To illustrate, in 1927 we exported practically $1,500,000,000 worth of factory products during the various stages of the production, of which there was consumed, according to the estimate of the Department of Commerce, more than $500,000,000 in food. Of course this was not farm values, and yet if those exportations of factory products are shut off our surpluses of foods will be much larger than at present. The farmers' best market is the laborer's table which he supplies, and every time we export $1,000 factory value of factory products it is the equivalent of sending 38 per cent thereof—$380 of food at American prices.

At the rate we are now progressing, 10 years of adequate protection for every product of the American farm, both in the raw and processed, and all other competitive merchandise will convert the United States into an extensive importer of foods. Of course, everything should be done and must be done to aid agriculture at the present time, but nothing must be permitted that will dim the ever-brightening prospects of our agricultural future.

Yours very truly,

LESLIE M. SHAW.

WORLD WAR VETERANS' LEGISLATION

Mrs. ROGERS. Mr. Speaker, on May 19, 1924, "An act to provide adjusted compensation for veterans of the World War, and for other purposes," was passed by Congress. This law provided for the payment of adjusted compensation to veterans who performed active service in the military or naval forces during the World War in the following manner:

First. The issuance of a certificate to the veteran, if alive, of a face value equal to the amount in dollars of a 20-year endowment insurance that the amount of his adjusted-service credit increased by 25 per cent would purchase at his age on the birthday nearest the date of the certificate, if applied as a net single premium.

Second. To the dependents of the veteran if the veteran had died before making an application, the amount of his adjusted-service credit in 10 equal quarterly installments.

Third. Cash to the veteran or dependent if the amount of the adjusted-service credit was not in excess of $50.

The amount of adjusted-service credit was, under the provisions of this act, to be computed at the rate of $1 per day for each day of home service in excess of 60 days after April 5, 1917, and before July 1, 1919, and $1.25 for each day of oversea service during this period. The maximum amount of adjusted-service credit authorized for home service was $500 and the maximum amount for oversea service was $625.

The order of preference of dependents was as follows:

First. To the widow or widower, if unmarried.

Second. If no unmarried widow or widower, then to the children share and share alike.

Third. If no unmarried widow or widower or children, then to the mother.

Fourth. If no unmarried widow or widower, children, or mother, then to the father.

The benefits payable under this act were exempted from taxation, assignment, and attachment or levy under any legal or equitable proceeds.

A penalty clause was incorporated in the act, making it illegal for any person to charge any fee or other compensation for assisting a veteran or his dependent in obtaining the benefits of this act.

The veteran was permitted to designate any person as beneficiary for the adjusted-service certificate and the face value of the certificate was made payable at the end of 20 years to the veteran, if alive, or if he died before the expiration of the 20 years the face value was payable to the designated beneficiary in a lump sum.

Provision was made whereby any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia might loan to the veteran, after the expiration of two years from the date of his adjusted-service certificate, an amount not in excess of the loan value thereof.

This act also contained provisions for the administration thereof.

On June 5, 1924, the President approved S. 3181, "An act to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide additional hospital facilities," which authorized an appropriation of $6,850,000 for the construction of additional hospital and out-patient dispensary facilities for patients of the United States Veterans' Bureau.

On March 3, 1925, the President approved H. R. 11633, "An act to authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924," which authorized an appropriation of $10,000,000 for the construction of additional hospital and out-patient dispensary facilities for the United States Veterans' Bureau.

On May 23, 1928, the President approved the Rogers bill (H. R. 12281), "An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, as amended, and for other purposes," which authorized an appropriation of $15,000,000 for the construction of additional hospital and out-patient dispensary facilities for the United States Veterans' Bureau.

The World War veterans' act, 1924, approved June 7, 1924, was the result of a desire on the part of the officials of the United States Veterans' Bureau, representatives of veterans' organizations, and of the Congress itself, to remove the flaws and inadequacies that appeared in the preceding acts of Congress, codify the laws affecting veterans of the World War, and to enlarge upon the relief functions of the bureau. In this codification were incorporated all the pertinent provisions of the war risk insurance act, as amended, the vocational rehabilitation act, as amended, and the act approved August 9, 1921, establishing the United States Veterans' Bureau; and those acts were thereupon repealed, all rights accrued thereunder, however, being expressly saved. In the repeal of these old statutes and the codification of the provisions which the Congress desired to retain on the statute books, many important changes were made in the legislation, the most important of which may be summarized as follows:

Tuberculosis which developed to a degree of 10 per cent or more prior to January 1, 1925, was conclusively presumed to be of service origin, while neuropsychiatric diseases, paralysis agitans, encephalitis lethargica, and amœbic dysentery, developing to a degree of 10 per cent or more of disability before January 1, 1925, were given the benefit of a rebuttable presumption of service connection. This provision alone brought within the purview of the legislation thousands of veterans who theretofore had been unable to connect their disabilities with the service, so as to be eligible for compensation and hospital treatment.

Veterans of any war, occupation, or expedition since 1897 who were not dishonorably discharged from the service were accorded the benefits of hospitalization without regard to the nature or origin of their disabilities, in so far as existing Government facilities would permit, preference to be given to those veterans who were financially unable to pay for hospitalization and necessary traveling expenses.

Provision was made for the establishment of regional offices and subregional offices, thus decentralizing the administration of benefits.

National guardsmen disabled after being called into the Federal service were brought within the provisions of the law in the same manner as inducted men.

The "line of duty" requirement was repealed, the misconduct provision, however, being continued. The time during which the disability or disease must have been contracted was limited to the period from April 6, 1917, to July 2, 1921.

Compensation for widows and children was increased as follows:

If there is a widow but no child, from $25 to $30 a month.

If there is a widow and one child, from $35 to $40 a month, with $6 a month for each additional child. This is an increase of $1 a month per child, with no limitation on the number.

If there is no widow, but three children, $40 a month, with $5 for each additional child.

The burial provision was liberalized to provide for payment of expenses of burial and transportation of the body in all cases, without regard to indigency, where the veteran dies while receiving compensation or vocational training, or away from home at a place to which he was ordered by the bureau for treatment or training, or while traveling under orders of the bureau.

Provision was made for a temporary total rating for a period of six months for veterans who, after a period of one year's hospitalization for tuberculosis, have reached a condition of complete arrest. Veterans hospitalized for tuberculosis for a period of one year and who, in the judgment of the director, will not reach a condition of arrest by further hospitalization, and whose discharge from the hospital will not be prejudicial to themselves or their families, were accorded the privilege of discharge from the hospital with a temporary total rating for three years.

The principles of ratings were changed so as to make the degree of disability dependent upon the average impairment of earning capacity resulting from injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in each individual case, as formerly.

The allowance for an attendant was increased from $20 to $50.

Provision was made for reimbursement for treatment obtained in emergencies from private sources.

Provision was made that, except in case of fraud, no reduction in compensation should be retroactive and no reduction or discontinuance should be effective until the first day of the third calendar month next succeeding that in which such reduction or discontinuance was determined.

The time for filing claims was extended one year longer, in the discretion of the director.

Provision was made for payment of compensation for injuries incurred as result of treatment or training.

The final date for reinstatement and conversion of term insurance was fixed as July 2, 1926.

The provision relative to prevention of lapse of insurance where at time of lapse the insured had uncollected compensation and such compensation was still uncollected at time of permanent total disability or death in an amount sufficient to have covered the premium due was changed to provide that in such a case the amount of insurance prevented from lapse should be the amount the uncollected compensation would purchase if applied as premiums. Under the previous law it was necessary to have uncollected compensation sufficient to cover premiums on the whole amount of insurance covered by the contract.

On March 4, 1925, the President approved the bill amending the World War veterans' act, 1924, more commonly known as the Reed-Johnson Act. This amendatory act greatly liberalizes the provisions of the laws providing relief for ex-service men who served in the World War and also for veterans of any war, military occupation, or expedition since 1897.

One of the most outstanding features of this amendment is the provision which makes compensation payable to all those veterans of the World War who are suffering with paralysis, paresis, or blindness, or who are helpless or bedridden as a result of any disability, without regard to whether such disability is the result of willful misconduct, and irrespective of whether the veteran is actually hospitalized. Prior to this amendment willful misconduct barred all right to compensation except where the veteran was suffering with paralysis, paresis, blindness, or constitutional lues as a result of a disease requiring hospitalization, and it was necessary that such veterans be hospitalized in Veterans' Bureau hospitals before any compensation could be paid.

Another important provision in the new legislation is the consolidation of the former provisions of the World War veterans' act relating to forfeitures of compensation. Under the amendment each period of service stands alone and a dishonorable discharge from one enlistment will have no effect on the payment of compensation for disabilities incurred during an enlistment from which the man was honorably discharged. It is also provided that the forfeiture provisions shall apply to conscientious objectors only where they refused to perform military duty or to wear the uniform, and further that aliens, allied or neutral, shall not be affected by the forfeiture provisions if their service was honest and faithful and they were not discharged prior to November 11, 1918, on their own solicitation because of alienage. All insurance is removed from the operation of these forfeiture provisions except where death was inflicted as a lawful punishment for crime or military offense. Under the law as it formerly stood a dishonorable discharge from the service on the ground that the man was guilty of any offense involving moral turpitude or willful and persistent misconduct would bar his right to insurance as well as compensation and training. The amendment, as stated above, takes

insurance out of the operation of this provision unless death was inflicted as a lawful punishment for crime or military offense. It is further provided that the discharge of a person for having concealed the fact that he was a minor at time of enlistment will not bar the benefits provided that service was otherwise honorable. These amendments are all retroactive to April 6, 1917.

The provision for burial expenses has been extended to include "funeral expenses" as well as "burial expenses." Congress has also left it to the judgment of the director as to whether the deceased leaves assets sufficient to meet the expense of his funeral and the transportation of his body, eliminating the language formerly in the statute requiring an administrative finding as to whether or not such expenses were otherwise provided for. The director is also authorized to provide by regulation what items shall be included as expenses of burial and funeral, and to what persons payment shall be made. The restriction as to the payment of transportation expenses within the continental limits of the United States has been removed and it is now possible for the bureau to pay the expenses of transportation of the body of a deceased veteran to the place of burial in the United States or its territories or possessions.

The provisions of the statute which prohibited the concurrent payment of compensation and pension to child, widow, or parent, other than a mother, have been removed. Under the amendment a person who is entitled to receive a pension on account of some one other than the person on whose account the compensation is payable will be permitted to receive both.

The director is also given authority to furnish at the expense of the Government special clothing made necessary by the wearing of prosthetic appliances furnished by the bureau to correct disabilities of service origin.

A provision is also included in the amendment by virtue of which the director is authorized to apportion disability compensation of insane inmates of institutions to the wife, children, and dependent parents of such inmates under regulations to be prescribed by the bureau.

The section of the law under which veterans of any war, expedition, or occupation since 1897 are hospitalized in Government hospitals, irrespective of the nature or origin of their disabilities, has been amended to permit the bureau to furnish such hospitalization in other than Government hospitals in the insular possessions, where at the present time there are no Government hospitals which will receive tubercular and neuropsychiatric patients.

A new section has been enacted whereby the director is authorized to designate persons at hospitals who shall have the authority to make arrests for crimes or offenses against the United States committed on the hospital reservation. This authority will be a potent factor in the maintenance of order and the enforcement of laws, especially the liquor and narcotic laws, on hospital reservations.

The amendment also brings within the compensation provisions of the law disabilities incurred while pursuing courses of vocational training under the Federal Board for Vocational Education and disabilities suffered as a result of examination ordered by the bureau in connection with claims for compensation or medical treatment. Before this amendment, disabilities incurred during training under the Federal board were not compensable and neither were injuries suffered during examination in connection with claims and treatment. The time in which application may be made for this compensation is extended to two years from the date of the passage of the amendment on March 4, 1925, or to two years after the injury occurs, whichever is the later. Where an injury compensable under this provision occurs under circumstances which place the liability on some one other than the Government to pay damages, the Government is subrogated to the rights of the claimant.

There are also many insurance features covered by the amendment, among which are the following: (1) The restoration of the essential policy provisions formerly contained in the war risk insurance act, which were repealed by the World War veterans' act, 1924, such as the unqualified right to change a beneficiary within the permitted class without the consent of the designated beneficiary, and the provision which provides that where a beneficiary at the time of designation is within the permitted class and is the designated beneficiary at the time of maturity because of the death of the insured, such beneficiary shall be deemed to be within the permitted class even though the status of such beneficiary shall have been changed, and so forth; (2) the provision permitting reinstatement of insurance within three months after lapse, provided that insured is at time of reinstatement in as good health as at time of lapse; (3) the elimination of the necessity for actual proof of service origin where the disability has been connected with the service for compensation purposes; (4) the provision for payment of insurance in one sum to the estate where no beneficiary is named or the designated beneficiary dies before receiving all the installments of insurance. This provision will preclude the necessity of distributing payments over a period of perhaps 20 years and thus permit the expeditious closing of estates.

Authority is also given to the director to make regulations under which trainees who have completed their courses may be allowed to retain books and equipment which they have used during training and which may be useful to them when entering employment in line with their training.

The amount allowed as a fee to attorneys who bring suits against the bureau is increased from 5 per cent to 10 per cent of the amount recovered. The duty of deducting this amount is placed upon the bureau and such deduction is to be made before the judgment is paid. A penalty of $500 or imprisonment at hard labor for two years, or both, is provided for those attorneys who charge fees in excess of the amount allowed.

The general penal provisions of the statute are amended to provide a penalty of fine and imprisonment for persons who receive maintenance and support allowance, as well as compensation, insurance, or any other money or check, without being entitled thereto with intent to defraud the United States or any beneficiary of the bureau, and also to provide a penalty of fine and imprisonment for any person who shall make a fraudulent claim for maintenance and support allowance. Claims for maintenance and support allowance were not included in the penal provisions heretofore.

A new section is added to provide for fine and imprisonment of guardians, curators, committees, or persons otherwise legally vested with the responsibility or care of a claimant or his estate who embezzle or fraudulently convert to their own use money paid to them in a fiduciary capacity under any law administered by the Veterans' Bureau.

On June 2, 1926, Public, 325, Sixty-ninth Congress, was approved by the President, and extended the time for reinstatement and conversion of yearly renewable term insurance one year—to July 2, 1927—with a further provision that this time might be extended by regulation where reinstatement and conversion was impracticable or impossible due to the mental condition or disappearance of the insured. This act also provided that where the amount of an individual monthly payment was less than $5 such amount might be allowed to accumulate without interest and be disbursed annually.

ACT OF JULY 2, 1926

Section 4: The director's salary is increased from $10,000 to $12,000.

Section 10: Authority is granted for the hospitalization of women veterans in other than Government hospitals.

Authority is granted for the alteration, extension, and improvement of existing hospital and out-patient dispensary facilities without the approval of the President, providing that such alteration, extension, or improvement does not materially increase the bed capacity.

Section 21: Authority is granted to the director to refuse to make further payments to any guardian, curator, conservator, or other fiduciary in the District of Columbia who, in the opinion of the director, is acting as fiduciary in such a number of cases as to make it impracticable to properly conserve the estates or supervise the persons of the wards. In any case where a fiduciary is not properly executing the duties of his trust or is collecting inequitable fees or commissions, the director is authorized to appear in court and make presentation of such matters. Suspension of payments may be made in any case where the fiduciary neglects or refuses to render an account showing proper application of payments for the benefit of the ward. Authority is granted for payment of court or other expenses incident to investigation or court proceeding relative to appointment or removal of fiduciaries.

Section 26: Where the accrued amount due at the time of the death of the beneficiary is $1,000 or less, payment may be made direct to the person who would take under the laws of intestacy without necessity of letters of administration.

Section 28: Provision is made for the reimbursement of the Government life-insurance fund from the military and naval insurance fund in any case where recovery is waived of an overpayment under a converted policy.

Section 31: Provision is made for reimbursement of beneficiaries who sustain loss of personal effects through fire in bureau hospitals. This provision is retroactive.

Section 33: Authority is granted for the provision of courses of instruction for the professional personnel of the bureau.

Authority is also granted for the detailing of not more than 2 per cent of the professional personnel to attend professional courses offered through nongovernmental agencies, employees so detailed to be entitled to payment of their expenses in addition to their compensation.

Section 200: Women citizens of the United States who were taken from the United States by the Government and who served in base hospitals overseas, are included within the provisions of the World War veterans' act as amended.

Spinal meningitis is included among those diseases conclusively held to be of service origin when developing to a degree of 10 per cent or more prior to January 1, 1925.

Section 201: The allowance for burial expenses is made available for women who served as Army nurses under contracts between April 21, 1898, and February 2, 1901.

The director is authorized to decide when a veteran leaves assets which should be applied to burial and funeral expenses, his decision to be binding for all purposes.

Section 202: Organic loss of speech is included among those conditions classed as permanent and total disability.

Provision is made for the reimbursement of State hospitals for hospitalization furnished the disabled ex-service man prior to the time he was taken over by the bureau. It is also provided that if the disabled person or his estate has borne the expenses of such hospitalization, reimbursement shall be made to such person or his estate.

Section 202 (7): This section is amended by substituting the phrase "Government of the United States" for the word "bureau," so that the subdivision will apply where the veteran is hospitalized in any Government institution. Provision is made for the payment of such additional sum as would equal the total sum by which compensation is reduced through this subdivision in the event the disabled person recovers his reason and is discharged.

Provision is made for the payment of not less than $50 per month for life in arrested tuberculosis cases. This provision is effective as of the date of the passage of the act and is specifically made not retroactive.

Women who served as Army nurses between April 21, 1897, and February 2, 1921, are brought within the provisions of section 202 (10).

Authority is granted for the furnishing of clothing and prosthetic appliances (and repairs thereto) to veterans entitled to the benefits of this subdivision who are financially unable to supply themselves with same. Pensions of veterans entitled to the benefits of this section are specifically removed from the purview of the now existing statutes which provide for deductions for board and maintenance while they are maintained in Government hospitals. The director is authorized to use other than Government hospitals in the Territories as well as insular possessions of the United States.

Section 203: Provision is made for a straight per diem allowance of $2.65 per day in lieu of loss of wages incurred while submitting to examination in connection with applications for treatment or compensation.

Section 206: The time for filing evidence of service origin of a disability is extended three years from the passage of the World War veterans' act, that is, until June 7, 1927.

Section 209: The director is authorized to extend the time for filing claim not to exceed five years for good cause shown.

Section 212. This section is amended to make the provision therein, which states that compensation shall not be paid while a person is in receipt of active service or retirement pay, effective as of April 6, 1917. This removes the present bar against payment of compensation while the veteran was receiving reserve pay.

Provision is also made that the schedule of ratings provided by the World War veterans' act shall hereafter be applicable to disabilities compensable only under the war risk insurance act as amended, that is, disabilities incurred between April 6, 1917, and July 2, 1921, and which heretofore have been governed by the rating table adopted under the war risk insurance act.

Section 300: Applications for insurance heretofore made by reserve officers on active duty at training camp or station are validated.

Members of the Coast Guard are included within those entitled to apply for insurance.

Section 304: The time for reinstatement of insurance by ex-service men suffering with disabilities of service origin is extended one year from the passage of this act. The unpaid premiums may be carried as an interest-bearing indebtedness against the policy to be deducted from any settlement made thereunder in a case where all the other requirements of reinstatement are complied with, but the veteran is unable to pay the premiums in arrears with interest. The time for reinstating yearly renewable term insurance generally is extended to July 2, 1927.

Section 305: This section is amended to apply to canceled or reduced insurance as well as lapsed insurance, and a new proviso is added limiting the payment of insurance revived under this section to the insured, his widow, child or children, or dependent parents, and in the order named unless otherwise designated by the insured during his lifetime or by his last will and testament.

Section 308: This is a new section to provide that where the insurance lapsed and the insured forwards not later than the seventh day of the month following the grace period an amount sufficient to reinstate the insurance, reinstatement may be made whenever it is shown that the insured was in the required state of health at time of remittance.

Section 309: This is a new section to provide that where any person allowed his insurance to lapse and died after February 24, 1919, prior to collecting the $60 bonus, the insurance shall not be considered to have lapsed during such period as the uncollected bonus would, if applied in payment of premiums when due, equal, or exceed the same. The payment of insurance revived under this section is payable only to the classes mentioned in the proviso added to section 305.

Section 406: This section is amended to extend the time for those veterans in placement training on June 30, 1926, to January 1, 1927, and to those in institutional training two years from the date this legislation is enacted.

Language is also included in this section which will permit the payment of the two months' allowance provided by section 404 to all trainees whenever rehabilitation is determined. Under the old law, by reason of the language in section 406 providing that no training allowance should be paid after June 30, 1926, those men who were rehabilitated after May 1, 1926, were discriminated against in respect to the two months' allowance.

Section 506: This is a new section extending the penal provisions of the statute to the Philippine Islands.

RÉSUMÉ OF PROVISIONS OF ACT OF JULY 3, 1926

(Public 472, 69th Cong.)

On July 3, 1926, the President approved H. R. 10277, "An act to amend the World War adjusted compensation act," which contains the following important provisions:

First. A provision to validate payments where the veteran died while his application for adjusted compensation was in the mail.

Second. A provision whereby application is valid if the Secretary of War or the Secretary of the Navy finds that it bears the signature of the applicant and discloses an intention to claim the benefits of the act, regardless of whether the veteran is alive at the time of the filing of the application, provided application is filed by January 1, 1928.

Third. A provision whereby an adjusted service certificate may be issued to the widow of a veteran who died between May 19, 1924, and July 1, 1924, without making application, provided the application is filed by the widow on or before January 1, 1928.

Fourth. A provision whereby no deductions shall be made from the adjusted service credit or amounts due under the act on account of any indebtedness of the veteran to the United States.

Fifth. A provision whereby a widow or widower who remarries before receiving the 10 quarterly installments from a deceased veteran's adjusted service credit shall not forfeit their rights by such remarriage.

Sixth. A provision whereby the mother or father of a veteran who was 60 years of age before January 2, 1928, or if the mother was unmarried before that date they shall be presumed to be dependent. In addition the date of dependency was changed from the time of the death of the veteran to "at any time thereafter and before January 2, 1928."

Seventh. A provision whereby the sum of $60 is authorized to be paid in a lump sum to the dependents of the veteran who died while in the service and before July 1, 1919, if an adjusted-service credit has been or is, after this action taken, certified to the director.

On March 3, 1927, the President approved H. R. 16886, "An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon security of adjusted service certificate," which provides authority to the director to make loans to veterans upon their adjusted-service certificate upon the same terms and conditions as are applicable in cases of loans made by a bank. The director was authorized to make such loans through the regional offices, suboffices, and hospitals of the bureau.

On March 3, 1927, paragraph 7 of section 202 of the World War veterans' act, as amended, which provided for the reduction of compensation of all veterans in hospitals who had no dependents to $40 a month as of June 30, 1927, was repealed.

The Senate and House of Representatives passed a bill (S. 777) "An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, or Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in service of the United States during the World War." This bill provides for the retirement of ex-emergency officers of the Army, Navy, and Marine Corps who were disabled in line of duty during the World War and who have or may hereafter within one year be rated by the bureau at not less than 30 per cent permanent for a disability directly resulting from war service with pay at the rate of 75 per cent of that to which they were entitled at the time of discharge from their commissioned service, except pay under act of May 18, 1920. They are also entitled to the same privileges as members of the Regular Army, Navy, or Marine Corps retired for disability, and also to hospitalization and medical treatment under the World War veterans' act, as amended.

This act also provides for a register of all disabled emergency officers of the World War, and provides that such officers who have or may hereafter be rated less than 30 per cent and more than 10 per cent permanently disabled for disability directly resulting from war service shall be entitled to the privileges of retired officers, excepting pay.

On May 29, 1928, the President affixed his signature to H. R. 13039, "A bill to amend the World War veterans' act, as amended," which contains many important provisions, the most important of which are as follows:

First. A statute of limitations on insurance suits providing that suits on contracts of insurance must be brought within six years after the claim accrues or one year after the passage of the act, whichever is the later. At the present time, under the conformity act, the statutes of limitation of the different States apply.

Second. Provision for payment of original expenses of appointment of guardians.

Third. Provision for the payment of death compensation to a child after the age of 18 and until the completion of education or training (but not after such child reaches the age of 21 years).

Fourth. A provision that the payment of compensation to dependent parents shall be made during the period of dependency and that such compensation shall be payable whether the dependency arises before or after the death of the veteran.

Fifth. Provision for the payment of burial expenses in the amount of $107 in all cases in which the director, in his discretion and with due regard to the circumstances of each case, may decide that this sum may be allowed.

Sixth. A provision whereby widows and children of veterans who are now being paid compensation by virtue of an accrued right under the war risk insurance act, as amended, which was repealed by the World War veterans' act of June 7, 1924, are placed on a parity with widows and children of veterans who are receiving compensation under the World War veterans' act.

Seventh. A provision to authorize the director, in his discretion, to apportion compensation in the case of a disabled person who is a patient in a hospital or is living separate and apart from his wife and/or children. This provision was made to overcome the difficulties now existing which makes mandatory the apportionment of compensation to persons who are undeserving or in behalf of persons who have been separated from their families for many years or can not be located.

Eighth. A provision to extend the time for filing evidence to establish service connection to April 6, 1930.

Ninth. A provision which authorizes the director, in his discretion, to extend the time for filing claim for benefits under this act to April 6, 1930.

Tenth. A provision which permits the use of uncollected compensation not payable because of the provisions of section 310 of the war risk insurance act and section 210 of the World War veterans' act, as amended, for the purpose of reviving insurance under section 305 of the World War veterans' act, as amended. This provision places the legislative stamp of approval on the interpretation of section 305 of the World War veterans' act, as amended, heretofore made by the bureau but which has recently been overruled by the Comptroller General.

Eleventh. A provision whereby reconversion of insurance to a lower premium rate may be made upon proof of good health, satisfactory to the director.

Twelfth. A provision which removes the restriction on the designation of beneficiaries for United States Government life (converted) insurance.

Thirteenth. A provision whereby application for United States Government life (converted) insurance may be made by any person who has heretofore applied or been eligible to apply for yearly renewable term insurance or United States Government life insurance, provided that such person is in good health and furnishes evidence satisfactory to the director to that effect.

Fourteenth. A provision whereby persons now holding United States Government life insurance and who are in good health may apply for the insertion in their contract of a disability clause providing for the payment of disability benefits where total disability has existed for 12 months. The director, under this amendment, is required to fix a rate of premium for this added feature to the insured to cover the necessary cost of the same.

On May 29, 1928, the President approved H. R. 10487, a bill to amend the World War adjusted compensation act, as amended, which contains the following important provisions:

First. A provision to extend the time for filing applications for the benefits of the World War adjusted compensation act to January 2, 1930.

Second. A provision to permit the Secretary of the Navy and the Secretary of War to certify to the Veterans' Bureau the adjusted service credit of a veteran where an application had been made by the veteran but was lost after having been received by one of the departments.

Third. A provision to authorize the presumption of death of an individual where he has been absent from his home and family for a period of seven years, during which period no information of his existence has been received.

Fourth. A provision to authorize a veteran to designate more than one beneficiary under his adjusted-compensation certificate.

MY STEWARDSHIP REVIEWED—SOME THINGS I HAVE TRIED TO DO

Mr. McSWAIN. Mr. Speaker, during my service on the Committee on Military Affairs I have taken a great interest in trying to procure a satisfactory solution of the much vexed problem of Muscle Shoals. Our Government has many millions of dollars invested there originally as a war proposition in order to insure for us an ample domestic supply of nitrogen for the making of powder and other explosives in time of war. Fortunately, the very element, to wit, nitrogen, which is essential for powder is also essential as a fertilizer, and it looked like a very fine combination to be able to use this plant for the benefit of agriculture in peace and for the defense of the Nation in war. Consequently, I have tried hard to work out that combination, and the various bills that have been before the committee have been earnestly and studiously considered by me with that end in view. I took a particular interest in trying to reform and amend the bill known as the Madden bill, which really contained the offer of the American Cyanimid Co., and offered a great many amendments, most of which were accepted by the company. However, we were unable to agree upon three fundamental and highly important amendments and for that reason the committee never could report that bill favorably.

THE FARMER AND MUSCLE SHOALS

Finally, what is known as the "Norris bill" was passed by the Senate by an overwhelming vote and came to the House and was referred to our committee. There were various features of that bill which I could not approve, especially one that undertook to confer upon the Federal Power Commission the right to fix the rates at which any utility company buying power generated at Muscle Shoals should retail said power to the public. I considered that an unconstitutional infringement of the reserved rights of the States, and still so regard it. I furthermore considered the framework of the Norris bill as unsound, in that it undertook to confer the operation of the plant upon both the Secretary of War and the Secretary of Agriculture, and I felt satisfied that the operation under such conditions would finally rest in the hands of some irresponsible subordinate officer, and the failure of the project under such circumstances would almost be certain. Furthermore, the Secretary of Agriculture and his advisers had plainly confessed that they could see no hope for agriculture to obtain cheap fertilizer at Muscle Shoals. Therefore, I worked hard and finally offered a bill in the form of a substitute for the Norris bill. This was referred by the full committee to a subcommittee of five, of which I was a member and was taken as the framework around which the subcommittee finally formulated a bill which was recommended to the full committee for its consideration. When the full committee approved of it, it was then introduced by the chairman, the Hon. JOHN M. MORIN, of Pennsylvania, and henceforth became known as his bill. I worked hard in assisting to prepare the report from the committee on this bill in order that the Members of the House might better understand it. When the House cut out the fertilizer feature I could still

see that there was hope for the farmer in the right of the corporation to manufacture and sell fixed nitrogen. Therefore I urged my friends to stand by the bill and to send it to conference, where the bill was so shaped up as to commend itself to the favorable consideration of both Houses and is now in the hands of the President.

I hope the President will approve the bill. He has vetoed the McNary-Haugen bill, which most of the farmers and most of their friends have strongly indorsed. The President has said that there are other means of aiding and encouraging the farmer than by the employment of the agencies contemplated by the McNary-Haugen bill. I hope the President can see that the program contemplated by the Muscle Shoals corporation is consistent with his ideas of public welfare. I hope that he can see that it is essential to an adequate policy of national defense. I hope that he can see that it will be a great blessing to the farmers to be able to buy plant food in the form of nitrogen for not exceeding one-half of what the farmers now pay for Chilean nitrates. However, if the President should veto the bill, that is his responsibility and not mine. I am assuming that the President would have approved the Madden bill, which was introduced by the late Hon. Martin B. Madden, chairman of the Committee on Appropriations, one of the President's staunchest and most loyal friends. The Madden bill contemplated the building of the dam at Cove Creek and also contemplated the building of Dam No. 3, all at a total expenditure of over $60,000,000. I think that the Morin bill more nearly safeguards the national defense and more nearly protects our property at Muscle Shoals, and more wisely proposes to serve agriculture than the Madden bill. If, therefore, the President would have approved the Madden bill, he surely can afford to approve the Morin bill. However, it is impossible at this time to forecast what the President will do, and we can only say that if the President should veto the Morin bill, then the Muscle Shoals problem will be before us at the next session of Congress and will remain eternally before us until some bill is passed by Congress and signed by the President.

The bill now before the President is the only one that Congress has been able to pass relating to a policy at Muscle Shoals. If it takes another eight years for the Congress to be able to pass another bill, and if we continue to lose $8,000 a day at Muscle Shoals from the sale of power alone, and continue to lose 40,000 tons of nitrogen a year for the next eight years, then the loss in money and in plant food, and by reason thereof the loss to the farmers, will be enormous.

The responsibility for such loss will not be on my head. I have tried for five years to get the committee to agree upon something. Having agreed upon the Morin bill, I tried hard to get the House to approve it. The House did approve it after substantial amendments. I then tried hard to reconcile the differences between the House and the Senate, and that was finally done. However, I am now at the end of my rope. I do not claim to have any influence with the President. I have no way of approaching him. I presume that he would not care for my opinion on this subject. If he does, it has been abundantly expressed in the CONGRESSIONAL RECORD. If the President realizes the serious and perilous predicament of agriculture at this time, he will help to bring relief by signing the Morin-Norris Muscle Shoals bill.

PROGRESS OF AVIATION

Mr. Speaker, the marvelous change that has come about in the development of aviation in America within the last three or four years is such as to arrest attention and call for an explanation. Just three or four years ago the critics of our backwardness in aviation were numerous. It was charged that our progress in aviation was being retarded by jealous and narrow-minded bureaucrats in both the Army and the Navy. Furthermore, the manufacturers of aircraft generally were complaining of lack of orders, were threatening bankruptcy, and saying that they must go out of business unless a change should be brought about. The Army and the Navy conducted in all about 25 different investigations. Finally the President appointed what was known as the President's Aircraft Board, and popularly called the Morrow Board, headed by Dwight W. Morrow, now our minister to Mexico. Into the ears of this commission were poured all the complaints of the discontented and especially those of the manufacturers themselves. It did appear that America was about to bring up the rear in the matter of navigating the air.

But, Mr. Speaker, public sentiment was aroused and the Congress responded, as it always does, to the demands of popular opinion. Therefore both the Committees on Naval Affairs and Military Affairs brought in bills inaugurating five-year programs for the Army and Navy, respectively. These programs authorized the authorities to set up a program of development and enlargement and expansion that the manufacturers could count on. Furthermore, a subcommittee from each of these two legislative committees worked out a bill looking to the development of designs in aircraft by the enlistment of the inventive genius of our people. This same bill, while retaining all the benefits of publicity from advertisement and competition, permits the War Department and the Navy Department to recognize merit and the ability to perform on the part of aircraft as factors in fixing the purchase price thereof in connection with letting bids for the construction of aircraft. This particular feature was contrary to the recommendations of the Morrow Board, but was worked out in such a way as to finally commend itself to the good judgment of the conservative men in both the Army and the Navy. The result has been highly satisfactory. The five-year program has permitted the training of a large personnel, and the new purchasing law has encouraged the manufacturers of aircraft to build a superior type. These two forces have combined to produce a degree of progress in aviation that is startling.

So, Mr. Speaker, we no longer hear complaints about our backwardness in aviation. Nothing but praise is found on the tongues of all. The newspaper reports are to the effect that the manufacturers of aircraft are working to the limit of their capacity on orders. The stock sales of holdings in aircraft manufactures show that they are regarded as fine investments. American aviators have led the world. They have circled the globe, they have hopped the Atlantic and the Pacific, and our popular hero, Col. Charles A. Lindbergh, on May 21, 1927, startled the work by a nonstop flight of a little more than 34 hours from New York to Paris. I believe, Mr. Speaker, that this wonderful change in the sentiment of our people and change in the condition of the aircraft industry and these wonderful achievements of our aviators are certainly due in a large measure at least to the legislation inaugurated by Congress.

AGRICULTURAL DECLINE

Mr. Speaker, I recognize the fact that agriculture is on the decline in this Nation, and that in our part of the country it is in a desperate condition. I am deeply interested in the subject by necessity and by choice. I recognize that the prosperity of the Nation depends upon its agricultural resources in the last analysis. I recognize that agriculture is the only really creative industry. All other industries take created wealth, such as raw cotton or lumber or iron, and convert this material into other forms for the use and convenience of the people, but agriculture takes the God-given soil and sunshine and rain and human labor and from this combination brings into existence new things. It gives life for the first time to the grains of corn and wheat to produce the bread of mankind. It gives form and texture for the first time to cotton and wool, from which man produces clothing and covering for his comfort and pleasure. Agriculture takes the grass and grain of the field and by feeding them to the livestock and by breeding the livestock produces milk and butter and meat to supply strength to human bodies.

ECONOMIC TREND FAVORS INDUSTRY AGAINST AGRICULTURE

But the whole economic trend of the time is toward more industrialism. Within a generation the population has so shifted that now practically two-thirds of all the people live in cities and towns and are engaged in commercial, financial, and industrial occupations. It is true that improved methods of agriculture and wonderful agricultural implements make it possible for one-third of the people to produce more than that third and the other two thirds can consume. Hence we are compelled to find foreign markets for our overproduction of cotton, of wheat, and of meat, and yet, in spite of a world market and a huge city demand, agriculture languishes.

Intelligent and honorable men by the tens of thousands have devoted their best energies for a lifetime to their farms and find themselves still in debt and barely able to have a few of the conveniences of life and with meager educational opportunities for their children. Why should the basic industry of the Nation be the least remunerative of all? Without the farm producing these raw materials, and especially the meat and bread for the industrial population gathered in town and city, life in our great cities and centers of population would be impossible. Those who transport by rail and truck the things from the farm for the city folks to eat are reasonably well paid, and railroad stocks for the first time in history are now paying dividends. Those that labor as distributing agencies are reasonably well paid when compared with the farmer. Those who finance the transactions of commerce and industry are well paid, and the interest rate of money continues high. During the last two years stocks and securities in the financial centers of New York and Boston and Chicago have soared higher than ever before in history.

HOW ONE ITEM OF $281,440 WAS SAVED AT FORT BLISS, TEX.

I call attention briefly to the fact that by an amendment to a pending bill and by some remarks made in connection therewith there was saved to the Treasury in one transaction $281,440. This was in connection with the purchase of additional land for use at Fort Bliss, Tex.

The Chief of Staff of the Army and the commanding general at Fort Bliss came before the committee urging the report of a bill to buy 3,600 acres of land for about $360,000. The particular tract of land was described, and left no discretion with the War Department as to either the exact land or the price.

I realize that an average of $100 per acre for land in the vicinity of El Paso, Tex., is too high. I therefore insisted that the bill be amended so as to authorize an appropriation of such sum of money as might be necessary, not exceeding $360,000, for the purchase of any land situated near Fort Bliss and suitable for use in connection with Fort Bliss, so that the various and numerous landowners in that vicinity might come in and offer their several tracts of land and thus be put to bidding one against the other for the sale of their land to the Government. The result was that the War Department, after such bidding—in that case the bidding taking the form of the lowest price offered for suitable land—bought 4,500 acres at a saving of $281,440. After the result of this was published and came to the attention of the Hon. John C. McKenzie, formerly chairman of the Committee on Military Affairs, and now in private life and living at his home in Illinois, he wrote me the following letter, which I greatly appreciate and have great pride in calling to the attention of the country. Here is the letter:

Hon. J. J. McSWAIN,
Washington, D. C.

DEAR FRIEND MAC: It is impossible for me to forget my associations with members of the Committee on Military Affairs, and naturally I am interested in following the work of the committee, notwithstanding I am far away. I am especially pleased to note that through your efforts to guard the interest of the Government in the motion you made in connection with the Fort Bliss land bill in the last session has resulted in saving the people of our Government the snug sum of $281,440 and in the acquiring of 4,532 acres, thus giving us 900 acres more than was proposed in the bill submitted to us. Such an achievement is surely worth while and only demonstrates the necessity of the members of that great committee being ever diligent in protecting the Government's interests. You can feel that in being alert and submitting the proper motion at the time you saved enough to warrant the retaining you in Congress the remainder of your life. I often think of you and all the boys, and I wish you all well and hope that you all will be on guard to head off not only land exploiters but personal exploiters, of which there are many.

With kind personal regards, I am,
Your friend,

JOHN C. McKENZIE.

EFFECT OF RECENT FLOOD BILL ON THE TRIBUTARIES

Mr. RAGON. Mr. Speaker, there has come to me so many requests for information in regard to the provisions of the recent flood bill, particularly with reference to its effect on the tributaries, that I feel a few observations upon the bill may be of some service.

For the first time in the history of the country a policy of flood control on the tributaries has been announced and a program to develop this policy has been put into action.

I have always felt a proper control of the lower Mississippi River floods could only be effected through a control of the tributaries. I have only given study to flood control on the Arkansas, White, and Red Rivers; but the annual flood damages on these three rivers constitute an economic wastage running into millions of dollars. These conditions are due to the fact that the Government, which holds supreme power and control over these streams, has for the last 25 years completely neglected them.

When Congress met last December they found surveys and suggestions prepared by Army engineers for the control of flood waters on the Mississippi from Cairo to the Gulf, but there were no surveys nor were there any suggestions of a program to be followed on any of the tributaries. The result was any action taken by Congress for flood control on the tributaries, if effective in the prevention of future floods, would be merely a leap into the dark. Therefore the friends of tributary flood control found that their first task was to adopt a policy and get a survey which would show us what could be done and an estimate of the cost involved. I am glad to say this was done, but not without a very determined fight being urged by Members of Congress living on the tributaries.

I shall not enlarge upon any part of the bill except that which relates to the tributaries and for the sake of brevity shall only quote those sections which deal directly with the problems of the Arkansas, White, and Red Rivers.

Section 10 of the flood bill provides:

That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to the act of January 21, 1927, and the House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods, which projects shall include: The Red River and tributaries, the Yazoo River and tributaries, the White River and tributaries, the St. Francis River and tributaries, the Arkansas River and tributaries, the Ohio River and tributaries, the Missouri River and tributaries, and the Illinois River and tributaries; and the reports thereon, in addition to the surveys provided by said House Document No. 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; that prospective income from the disposal of reservoired waters; the extent to which reservoired waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs, and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation: *Provided*, That before transmitting such reports to Congress the same shall be presented to the Mississippi River Commission, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

The sum of $5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice.

It will be noticed that the first part of section 10 refers to House Document 308, of the Sixty-ninth Congress. The purport of the legislation incorporated in this document is to direct the Secretary of War, through the Chief of Engineers, to make surveys of certain rivers to determine the feasibility of power development, irrigation, flood control, and so forth. It will be noted that this section after reference to the House Document 308 directs the Secretary of War and the Chief of Engineers to prepare and submit to Congress at the earliest practicable date project for flood control on the tributaries of the Mississippi subject to destructive floods. The Red, White, and Arkansas Rivers and their tributaries are specifically mentioned in this section. The Arkansas and the Petit Jean, the latter a tributary of the Arkansas, were incorporated in the House document. However, it will be seen from a close reading of the section that the purpose set forth in section 10 is to cull out of the information procured from the surveys provided in the House document a program for flood control on these tributaries. These flood-control projects will be submitted to Congress by the Secretary of War. It will be noted that $5,000,000 is authorized for the purpose of preparing flood-control projects. There has already been an allocation made of approximately $65,000 for use on the Arkansas and Petit Jean in the preparation of surveys under the provisions of House Document 308.

It will be noted that flood surveys shall be made simultaneously with flood control on the Mississippi River. The purpose of this provision is to speed up the flood-control projects on the Arkansas and other tributaries. This provision will also enable the Flood Commission within a short time to arrive at the proper determination of the effect the tributary flood waters have on the lower Mississippi River and I believe will eventuate in treating of the lower Mississippi and the tributaries as one project. I have always maintained the proper control of the flood in the Mississippi River Valley should be handled as one project.

Section 7 of the bill provides:

That the sum of $5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War, on the recom-

mendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, including the flood of 1927.

I was successful in having this section amended on the floor so as to reach back and cover the flood damages of 1927. The effect of this provision depends much upon the construction given it by the Chief of Engineers and his associates. The chairman of the committee, when asked on the floor of the House the purposes this section was to serve, replied it was to take care of districts in the condition of the one represented by Mr. RAGON, of Arkansas. Therefore the legislative intention back of this section was to do emergency work where levees were destroyed or crevasses made by floods of 1927 and subsequent floods. I am sure the legislative intent was to assist in the reconstruction of flood-control works where their destruction imperiled any considerable amount of land. However, as stated before, this section, and particularly the word "emergency" included therein, has not yet been construed, and the extent to which this fund will be available to those in the Arkansas Valley remains to be determined.

In addition to this $10,000,000 which is given outright to tributary work, we were able to procure $10,000,000 additional to apply to work on the tributaries where they were affected by backwaters of the Mississippi. This $10,000,000 can be spent only where there is a contribution of one-third part by the landowners of the affected area. In other words, in the area affected by backwaters of the Mississippi, the Government gives $2 and local interests give $1 for flood-control purposes. Hence it will be seen that the recent flood control bill carries $20,000,000 for the purpose of flood-control work on the tributaries.

It is understood that this bill is not in its entirety what the Members in the flooded districts wanted. The Members on the lower Mississippi and tributary streams were dissatisfied with some of the features. The opposition to the bill was so obstinate it was necessary to compromise if we were to meet the perils of another flood which might break loose on us at any time. However, as a whole the bill is a good start in the right direction and future sessions of Congress can iron out the mistakes or failures, if any, in the present bill. Congress has given a great skeleton for those interested in flood control to work upon in the future. A comprehensive flood-control project is not a job to be accomplished in a year, but will require the work of years.

The people in the Arkansas River Valley from Pueblo, Colo., to the Mississippi River have for the first time in history a start toward the control of the devastating waters of the Arkansas River. I would remind those interested that the work of no individual Congressman or Senator, nor the work of all the Congressmen and Senators in the affected area, can accomplish this purpose. They can be effective, but to accomplish the full purpose of flood control in the Arkansas River Valley they must have the support of every force in the valley. Chambers of commerce, civic organizations, men of influence in the financial and professional world must get in behind the project. Their work must not be confined to the influence they may have over some individual Congressman or Senator, but their influence must be wielded over engineers and those in the executive positions of this Government.

I believe the people in the valley are aroused as never before to the terrific effect of the wastage of $60,000,000 which the flood of 1927 caused in the Arkansas River Valley. I received many letters manifesting interest from individuals and organizations as far west as Oklahoma City and Wichita, Kans. I hope that every chamber of commerce along the Arkansas River in Arkansas, Oklahoma, Kansas, Texas, New Mexico, and Colorado will feel their individual responsibility and awaken to the great opportunity which lies before us in the procurement of a comprehensive flood-control plan for the Arkansas River. I feel that Congress has discharged well its duty toward our stricken people, and it shall be my purpose during this vacation to acquaint the people of my State, and particularly the district which I have the honor to serve, with conditions as they are and assist them in mobilizing their forces for a long and continued struggle.

NEW MEXICO LEGISLATION PASSED IN THE SEVENTIETH CONGRESS

Mr. MORROW. Mr. Speaker, in order that my constituents may know the legislation passed by me in the House, bills affecting New Mexico, during the Seventieth Congress, first session, I insert herein a short history of each measure which is now a law or has passed the House. The list includes only the legislation passed and is not a record of the departmental work involved in a congressional office.

Public Law 169: Authorizing an appropriation of $100,000 to the Middle Rio Grande conservancy district, New Mexico, for reclamation, flood control, and irrigation of Indian lands which intersperse white lands in the district.

Public Resolution 7: To amend the constitution of New Mexico in order to submit to the voters of the State the proposed amendment passed by the eighth State legislature dealing with contracts for the development and protection of minerals on State lands.

Fish hatchery bill: For the establishment of a fish-cultural station in New Mexico; included in the omnibus fish hatchery bill [H. R. 13383], which passed both the House and Senate. Now before the President for signature.

H. R. 4215: For the relief of Frank L. Merrifield, Raton, N. Mex. Passed the House May 25, 1928. Change record of discharge in War Department to read "Honorable discharge."

Public Law 194: Approved March 27, 1928. For the protection of the watershed within the Caron National Forest, from which water is obtained for the Taos Pueblo, N. Mex.

Private Law 240: For the relief of Omer D. Lewis, for injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians.

Public Law 553: Granting 250,000 acres of land to the counties of Santa Fe, Grant, Luna, and Hidalgo, and the town of Silver City, N. Mex., to reimburse them for bonds issued in the aid of railroads. Approved May 28, 1928.

Private Law 255: For the relief of Harry C. Bradley, bringing Mr. Bradley under the employees' compensation act for tuberculosis contracted in the service of the United States.

Public Law 296: Providing for acquisition of right of way through the lands of the Pueblo Indians of New Mexico. Approved April 21, 1928.

Public Law 279: Extending the provision of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest land." Act is made applicable to lands within former Spanish or Mexican land grants which lie within or contiguous to the boundaries of the Carson, Manzano, or Santa Fe National Forests, New Mexico. Approved April 16, 1928.

Increase of pension for Mrs. Lottie A. Rice, Lincoln, N. Mex., to $50 per month; Civil War widow.

H. R. 6496, 6497, 6498, and 6499: Bills providing for compacts between New Mexico and adjoining States on rivers in which States are jointly interested. Rivers: Rio Grande, Pecos, Canadian or Red, San Juan, Las Animas, Gila, San Francisco, and Cimarron. States: New Mexico, Oklahoma, Texas, Colorado, Arizona.

The four bills favorably reported by Committee on Irrigation and Reclamation of the House. On Consent Calendar for passage at opening of second session Seventieth Congress, in December, 1928.

Public Law 508: To provide for investigation and survey of methods for utilization of Gila River, N. Mex. and Ariz. Approved May 25, 1928.

Public Law 556: Introduced by Congressman HUDSPETH, of Texas. For extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas. Reported favorably by Mr. MORROW, from Committee on Irrigation and Reclamation. Due to illness of Mr. HUDSPETH, Mr. MORROW, in conjunction with Texas delegation, worked for passage of the bill. Approved May 28, 1928.

Private Law No. 53: Granting issuance of patent to Bureau of Catholic Indian Missions for a tract of church land on the Mescalero Indian Reservation, N. Mex.

Public Law No. 481: Reserving 14,000 acres of land to the Acoma Indians, New Mexico, for grazing purposes. Approved May 23, 1928.

H. R. 12113: Providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State. Passed House May 21, 1928. On Senate Calendar for attention second session, Seventieth Congress.

Public Law 114: An act to grant extension of time under coal permits. Introduced by Senator BRATTON in the Senate. Favorably reported by Mr. MORROW from the House Committee on the Public Lands. Approved March 9, 1928.

Appropriations included in the second deficiency appropriation bill, approved May 29, 1928, which are of vital importance to the State of New Mexico:

First. One hundred thousand dollars for the middle Rio Grande conservancy district, N. Mex., for reclamation, flood control, and irrigation of Indian lands in the district.

Second. Two hundred and fifty thousand dollars for raising Avalon Dam, Carlsbad irrigation project, N. Mex.

Third. Seven thousand five hundred dollars for construction of Jemez Bridge, Sia Pueblo, N. Mex.

Fourth. Seventy thousand dollars to pay the Hatch flood damages, New Mexico.

I feel that all the legislation quoted is constructive and beneficial for the future development of New Mexico.

THE LATE REPRESENTATIVE A. E. B. STEPHENS

Mr. LONGWORTH. Mr. Speaker, while I can add nothing to the eloquent and heartfelt tributes which have been rendered by my colleagues to Colonel STEPHENS, I can not let this occasion pass without bearing my testimony to his worth as a citizen, statesman, and friend. It has been my privilege to know him intimately for many years, and I hoped against hope in the busy days which attended the closing of the last Congress that his life would be spared and that we would continue to benefit here from his wise counsel and untiring zeal in the discharge of the duties of his high office.

But in the wisdom of Providence it was not to be. We who knew him well realize the greatness of our loss, and with pride in his achievements and affection for the man do honor to his memory.

For many years Colonel STEPHENS served his city faithfully and well. As a citizen he never shirked a call to duty, and in response to that call he came here to Congress at a time when the opportunity for service was never greater. The World War had just ended, and he at once devoted himself unsparingly to the perplexing problems and the heavy burden of responsibility which confronted Congress in that trying time.

His statesmanship was not of the showy type which gains for itself headlines in the newspapers. He never sought for such publicity, but it would be well for us if we had more men willing, as he was, to submit to the drudgery of hard work necessary to a thorough understanding of the legislative proposals upon which a Member of this body must constantly pass judgment. And I think it was in his devotion to the work of his committee—for it is in the committees of the House that the more laborious work of the Congress is accomplished; there the facts are gathered and the evidence weighed—that he achieved his greatest success, and there his work came to full fruition and has left its permanent impress upon the record of the last four Congresses. No committee of the House is charged with heavier responsibilities than the great Committee on Naval Affairs. Colonel STEPHENS's colleagues on that committee have testified to the great value of his work there, but it has come to me also to have some knowledge of it, and I know that it entitles him to a well-earned place among the constructive statesmen of the last decade.

And yet, Mr. Speaker, it is not as a citizen or statesman that he will be best remembered, but as a friend. I doubt if any man I have ever known had more real friends. Quiet and unassuming, with a keen wit and a rare capacity for sympathy, always ready to give the best that was in him, BUZZ STEPHENS endeared himself to a host of friends who will ever hold him in affectionate remembrance.

STONE MOUNTAIN EXERCISES

Mr. FAUST. Mr. Speaker, on April 9, at Stone Mountain, near Atlanta, Ga., appropriate dedicatory exercises were held by the Stone Mountain Memorial Association.

The monumental undertaking was far from completion but had reached the stage where the unveiling ceremonies might fittingly be held. The Congress by joint resolution provided for a commission of Senators and Representatives to be present at the dedicatory service. It was my good fortune to be designated as one of the House members of the commission.

Representative THOMAS M. BELL, of the ninth Georgia district, adjacent to Atlanta, who had been a director of the undertaking for many years, was also appointed on the commission, and to his unfailing thoughtfulness his colleagues were much indebted for many pleasant courtesies. Among them was an impromptu reception at the railroad station of his home city, where citizens had gathered to greet and welcome their Congressman and those in his party. It was a splendid expression of the esteem and affection in which Congressman BELL is held by his constituents.

The program at Atlanta, both of entertainment and dedication, left nothing to be desired. On the afternoon of the appointed day a large assemblage gathered at the base of Stone Mountain. The president of the association, Mr. Hollis M. Randolph, had charge of the program. The exercises were held at the foot of this giant rock. Stone Mountain itself is sufficient to excite wonder and comment. Its base is nearly 10 miles in circumference. It rises abruptly to a height of 700 feet. The side upon which the sculptor is working out the details of his conception is almost perpendicular. The substance of the mountain is a particularly hard granite. Geologists say that the wear of time and elements upon the figures wrought will be almost imperceptible. Great masses of the outer material have been removed from the place where the likenesses are being carved, so that the figures that are chiseled therein are on the virgin stone, unmarred by wind or weather.

When the work so far completed was disclosed by the dropping of the curtain, the magnitude of the entire undertaking became apparent. There was a rough hewn but plainly discernible outline of the faithful horse Traveller, and the figure of General Lee mounted was almost complete in every detail. About twenty times life size, it is up to now the most ambitious undertaking of any sculptor. Other figures will join the silent leader as the work progresses.

The exercises attendant upon the unveiling were notable. The chief address of presentation was delivered in masterly form by Judge Marcus A. Beck, a justice of the Supreme Court of Georgia. He traced in interesting and eloquent detail the life, activities, and character of General Lee. This address, as well as the response and other proceedings, are available, and would be found entertaining and valuable.

The response and acceptance for the Nation was fittingly and happily made by Mayor Walker, of New York City. An interesting part of the exercises was the signal for the unveiling, which was given by the release of carrier pigeons, the door being opened by Robert E. Lee, 4th, the sturdy and handsome 3-year-old great-grandson of the general.

Of course, in such an atmosphere and at such an event the memories and traditions of the southland were a part. The personality and character of their chieftain will always be revered. The visual imagery upon Stone Mountain is but an added expression of the memories and sentiments they cherish. More than two generations after the conflict in which he played an important part, it seems most appropriate that the exercises should be joined by those from all sections of the country and official cognizance taken by the Congress. All could sincerely join in the feeling that here indeed was an occasion that emphasized again the reunion of North and South, which happily has for years been accomplished.

MY ANNUAL REPORT TO THE CITIZENS OF THE NINTH CONGRESSIONAL DISTRICT OF NEW YORK

Mr. O'CONNELL. Mr. Speaker, the first session of the Seventieth Congress has just closed, and under the unanimous permission granted to me by my colleagues in the House I have the honor of making this report to the voters of my district of my activities with respect to the important legislation which has been under consideration by the Congress.

As I said in my report two years ago, we must establish contacts. This, my fourth annual report, is distributed in the hope that it will stimulate thought and a deeper sense of the responsibility relative to the work of the National Legislature, as well as to enable you to determine to what degree and in what manner I have striven to represent my district and its variegated interests.

The Seventieth Congress convened December 5, 1927, the Members of which were elected in November of 1926. As you doubtless know each Congress has two sessions—a long session and a short session. The one just closed was what is known as the long session and continued from December 5 to May 29.

Because of the multiplicity of important legislative matters that came up for consideration and deliberation, I can deal but briefly in this report with only the outstanding questions that came before us.

TAXATION

The new revenue act which the two Houses finally passed and the President signed will cut taxes $222,000,000. In all the legislation affecting this branch of our economic legislation I have consistently maintained an attitude of opposition to any plan which sought to give a larger reduction to the wealthy than it would to those of low or moderate incomes, thus relieving that part of our public least able to bear the tax.

In the new tax bill the Ways and Means Committee followed three principles. First, that the reductions should not be such as would produce a deficit in the Treasury; second, that the reductions should be distributed where relief appeared more necessary and advisable; and third, that the taxes that had not been reduced since the World War should be given special attention. The following table will show precisely how each individual class is affected by the new rates:

Decrease in revenue effected under bill reducing tax cuts

The rate changes provided by the new tax reduction bill follow:

REDUCTION IN REVENUE

Corporation rate, reduced 13½ to 12 per cent	$123,000,000
Corporation exemption, increased $2,000 to $3,000	12,000,000
Automobile tax, repealed	66,000,000
Admissions tax, exemption increased from 75 cents to $3	17,000,000
Club dues, exemption raised $10 to $25	1,000,000
Earned income allowance, increased $20,000 to $30,000	4,500,000
Cereal beverages, repealed	185,000
Wine taxes, reduced	1,000,000
Foreign-built yachts, repealed	10,000
Narcotics, druggists' fee reduced from $6 to $3	150,000
Total reductions	225,295,000

INCREASE IN REVENUE

Withholding tax at source	2,000,000
Prize fights admissions, 25 per cent over $5	750,000
Foreign-built yachts, customs	50,000
Total increases	2,800,000
Net reduction	222,495,000

APPROPRIATIONS

One of the most important functions of the Government is the raising of revenue and appropriations. At the opening of each session the President, through the Bureau of the Budget, submits an estimate of the money that will be necessary to carry on the work of the various governmental departments. Upon the basis of these estimates, which embraces approximately 1,000 pages in the bill, the various appropriation committees submit the various supply bills. During the last session of Congress the total amount appropriated was $4,595,448,625.59. The following are the major appropriation bills and the amount carried in each bill:

Agriculture	$139,138,793.88
District of Columbia	37,625,208.00
Executive and independent offices	527,593,111.00
Interior	272,656,039.00
Legislative	17,746,893.26
Navy	362,145,812.00
State, Justice, Commerce, and Labor	89,820,597.64
Treasury and Post Office	1,061,342,060.00
War	398,517,221.50
First deficiency	200,936,668.02
Second deficiency	99,172,485.76
Permanent annual and indefinites	1,388,753,735.53
Grand total	4,595,448,625.59

The term "permanent appropriations" is used to indicate expenditures authorized by previous Congresses.

REVENUES

The following table shows the manner of raising revenues to meet the above-mentioned expenditures:

Customs	$602,000,000.00
Income tax	2,065,000,000.00
Miscellaneous internal revenue	640,545,000.00
Miscellaneous receipts	501,952,314.00
Total	3,809,497,314.00
Gross total receipts	753,000,000.00
Gross total receipts (estimated)	4,562,497,314.00

While the foregoing would indicate a deficit, it is assumed, based on past experience, that actual cash withdrawals will fall sufficiently short of the sum total of the appropriations as actually to leave a surplus.

THE POSTAL EMPLOYEES NIGHT DIFFERENTIAL BILL

After working for several years on a bill that would grant a differential in pay for night workers in the Postal Service, the bill was finally passed by the House and the Senate, but was vetoed by the President. I was very happy to give my hearty support to this meritorious legislation which is favored by all post-office employees and which finally became a law. To my mind, it was a needed recognition of deserved public service in a substantial manner. And may I add that the men and women of the service gladdened my heart by their appreciation, as expressed by countless letters and telegrams.

UNEMPLOYMENT

Next to universal peace the greatest problem of the day in our country, as well as in every other country, is the great problem of unemployment. Its proper solution will relieve many other perplexing problems. It should also reduce the tax burdens now overwhelming our cities, towns, and villages. It will greatly lessen the work now forced upon social service and charity organizations. It will decrease the number now housed in almshouses and other abiding places throughout the land. It will sharply decrease the temptation that prompts men to crime, with a consequent diminishing number of those that are held in solitary confinement throughout the country. In a word, it will eliminate the misery and grief that accompanies great periods of industrial depression with the contentment and happiness that goes with steady uninterrupted employment.

MUSCLE SHOALS

A question that has engaged the attention of Congress for several sessions is Muscle Shoals, and considerable discussion took place during the present session in the Senate and in the House upon this subject.

The proponents of the measure advert to the already large governmental investment, the advantage of the plant as a means of producing cheap nitrate and fertilizer as a benefit to our farmers. The discussion developed the proposition that the United States, having so heavy an investment, could not afford at this time to entirely abandon the project, but should utilize the works for the benefit of the public in the production of electric energy that would furnish, in addition to nitrate and fertilizer, light and power as well to a tremendous section of the country. It is hoped that the public will get cheaper light and power, because the Government will control the power project.

An amendment was written into the bill which permits of the manufacture of nitrates and the development of electrical energy, but prevents the manufacture of fertilizer except for experimental purposes. I voted for the above amendment and for the bill. Muscle Shoals in operation is a great national asset; while idle it is a white elephant on our hands.

FLOOD CONTROL

The sympathy of the Nation went out to the poor people of the Mississippi Valley when that vast territory was inundated by an avalanche of water 300 miles in length and 100 miles in width, covering, as it did, every city, village, and farm.

I believe it to be a national problem financed and controlled by the Federal Government, and for that reason I supported legislation recommended by the Flood Control Committee, which personally investigated this great question. This measure received the sanction of a large majority of the Members of the House and Senate. I voted in the affirmative.

THE BOULDER CANYON PROJECT

The paramount purpose of this legislation is the protection of human life and property in Imperial Valley, Calif., now under a constant menace of destruction from floods. A further explanation of the bill is found in the report of the present Secretary of the Interior, Dr. Hubert Work, in which he states:

> The general plan and purpose of this measure have my support and I favor its being made a national undertaking to be carried out and administered by the Federal Government.

While Boulder Dam is primarily a flood-control and irrigation project, it is capable of developing considerable electrical power and will be a source of domestic water supply for southern California. Boulder Dam and Muscle Shoals will add to the wealth of the Nation and provide employment to many thousands of our people. I voted for the Boulder Dam project.

IMMIGRATION

The House of Representatives enacted a bill liberalizing the present immigration laws by permitting, to a limited extent, the reuniting of families who have been separated by reason of the immigration policy which has been in effect since the enactment of the original quota restrictive immigration act of 1921. It was my pleasure to support this human legislation, because in my judgment it was a mistaken policy to permit the entry of a husband or father and to exclude for a great number of years the remainder of the family.

This legislation, without interference with the quota assigned to the various nations, merely grants a preference to the families of aliens who are already residents of the United States. It in no way changes our present immigration policy, but it selects, as it were, for future immigration those who are most likely to make America their permanent home. I very gladly supported this legislation permitting the reuniting of separated families.

COAL

Any number of bills and resolutions were presented bearing on this important subject. It is a matter of regret to report that no definite action was taken by those in control of either branch of the Congress to meet the issue and bring about a suitable solution of this very vital problem. Despite the recognized dilemma of the operators who are verging on bankruptcy, that the miners are suffering with their families in untold hardship and misery, and that chaos and confusion obtains in both bituminous and anthracite fields, nothing has been done.

Public opinion must in the end be concentrated upon a situation that calls for constructive remedial legislation.

The coal industry is one of the most disorganized in the United States. The public suffers from constant strikes, and the workers suffer from unemployment and low standards of living.

RADIO

I supported the bill extending the life of the Radio Commission another year, believing it necessary to enable that body to work out the many important and difficult problems which surround the art of the radio. I opposed the amendment which directs the commission to make equal allocation to each of the five zones for the reason that the licensing authority already had sufficient power conferred upon them to deal with this question and because broadcasting should be allocated on the basis not of population but of radio receiving sets. The act of 1927 provided briefly that there shall be an equitable distribution of radio service in the various five zones; this amendment ties the hands of the commission and retards the progress of the radio.

AMENDMENT TO THE CONSTITUTION

The joint resolution proposing an amendment to the Constitution fixing the commencement of the terms of President, Vice President, Members of Congress, and fixing the time of the assembling of Congress, was defeated in the House.

While this resolution was being considered many amendments were proposed, one of which would extend the terms of Representatives from two to four years, their elections to be held at the same time the President is elected.

While I favor summoning the Congress to meet at an earlier date than is now provided, I voted against the adoption of this resolution because of the uncertainty of some of its provisions.

Under this proposal the new Congress will have to canvass the electoral vote for President and Vice President within 20 days after it convenes, and should a deadlock occur serious consequences might result. I hope a perfected resolution will be offered in the next session, and if it is free from faulty provisions, I shall support it.

In attempting to amend the Constitution it should not be done hurriedly; deliberate rather than hasty consideration should be the rule. One recent amendment hastily considered has proven disastrous. It has been productive of graft, perjury, and other unlawful acts, including that of murders, in its attempted enforcement. The failure of the eighteenth amendment is still fresh in the minds of the people. Therefore let us consider carefully this amendment before submitting it to the States for ratification.

FARM RELIEF

The Haugen bill was introduced again, and after passing the House and Senate it was vetoed by the President, who denounced it as unsound economically, suggesting it would injure rather than benefit the farmer. Many agricultural organizations in our State opposed this bill, fearing it would do great harm to the industry—I voted against this bill. The relief the farmers are asking for now is a reduction in freight rates on farm products, a reduction in taxes, better roads, and improved marketing facilities. I have supported legislation designed to bring about this needed relief.

PROHIBITION

Many bills were introduced to modify the Volstead Act. They were all referred to the Judiciary Committee, but no action, I regret to say, was taken on them during this session.

PENSION BILLS

With the exception of a bill increasing the rates of pensions for widows of Civil War veterans no pension bills except omnibus bills were passed in the past session of Congress. Several widows residing in my district in whose cases I was interested were granted pensions and increases in pensions in the omnibus bill which passed the House and Senate and was signed by the President.

The general pension bill increased the rates for Civil War veterans' widows from $30 to $40 per month; also provided for the payment of this larger rate to all widows who had attained the age of 75 but must have been married prior to June 27, 1905.

I was very glad to vote in favor of this bill for the dependent widows of our veterans of the Civil War.

CONVICT LABOR BILL

I voted for the bill which enables the State to prohibit the shipment of prison-made goods as articles of interstate commerce. It was supported by organized labor and many business and civic organizations.

WORLD WAR VETERANS' ADJUSTED COMPENSATION ACT

To care for several thousand ex-service men who have not as yet applied for their adjusted compensation, the Congress enacted legislation amending the World War adjusted compensation law. This amendment comprised three major provisions as follows:

First. It extended for a period of two years the time within which application may be filed for adjusted compensation.

Second. It removed all doubt as to the finality of the determination of the Secretary of War and the Secretary of the Navy concerning the validity of a lost application.

Third. It extended the benefits of the act to dependents of veterans who have been absent from their homes, continuously and without explanation, for a period of seven years.

This bill received the unanimous vote of the membership of the House of Representatives, among which I was glad to be numbered. It was a just and meritorious measure.

AMENDMENTS TO WORLD WAR VETERANS' ACT

Other measures of concern to our ex-service men which received my support were the amendment to the World War veterans' act, liberalizing the present war risk insurance requirements, and the Rogers bill providing $15,000,000 to extend the hospitalization facilities of the Veterans' Bureau.

OTHER IMPORTANT BILLS

In addition to the bills which I have thus far touched upon Congress acted upon many other measures of more or less importance. Among them may be included:

The bill to investigate submarine disasters, postal rates revision, alien property bill, coordination of public-health activities, merchant marine bill, good roads, migratory bird refuge bill, public buildings bill, Federal employees' pay bill, customs inspectors' pay bill, immigration inspectors' pay bill, fourth-class postmaster allowances, and aviation. With the exception of several amendments, I supported these measures.

THE UNFINISHED BUSINESS

Many important measures, some good, some bad, are not acted upon as the first session of the Seventieth Congress goes into history. These necessarily will be pressed by the proponents when the second session is called to order early in December. Among these I might mention:

The all-American canal (Great Lakes to Hudson), the universal conscription act, reapportionment of Congress, railroad consolidation, resale price bill, regulation of motor busses, the Sunday observance (or blue law), postal employees' Saturday half holiday, Pullman surcharge, coal bill, national education bill, amendment to retirement act, and prohibition modification.

SUMMARY

It is difficult to realize the vast amount of work that comes to the attention of the average Congressman every day in the week. I mean by this statement not only the legislation which has to be considered in the committees and in the House of Representatives but also the many personal-service requests which arrive in every mail—requests for assistance in pension cases, compensation claims, civil-service examinations, immigration and passport matters, Federal appointments, and innumerable minor matters, all of which enable the Congressman to be of better service to his constituents and arouse a greater and more personal interest on the part of the people in their Government.

During the session I have not been absent from any of the important roll calls, except in case of illness or when in conference with people of our district who were interested in important legislation. An inspection of the official voting records will show my record of attendance to have been high.

Never in a single instance was there any persuasion from political boss, leader, or organization to influence me for or against any legislation. I cast my vote on every question according to conviction and having in mind the best interests of the people.

This intelligent and active cooperation between the people and their Representative is in every way essential if we expect to improve the machinery of our Government. To stimulate that interest in my district is the motive which prompts my publishing this annual report of my congressional activities. Although Congress has adjourned until December, my office at Washington will remain open to serve the people of our district. I shall also continue my Brooklyn office, where I can be reached when Congress is not in session. By maintaining these two offices and by keeping them open throughout the year I am enabled to render effective service to the residents of the ninth congressional district.

Of course, at times Congress is subjected to unnecessary criticism, but regardless of any such criticism I regard it a very great honor to be the Representative of our district in the greatest and most powerful legislative body in the world.

I am therefore profoundly grateful to all for the confidence reposed in me during my years of service in the House, and I shall continue to represent my district and its people to the very best of my ability.

DECAYING SHRINES AND TEMPLES OF CHINA

Mr. COLLINS. Mr. Speaker, on a recent visit to China, I was appalled to see the state of dilapidation and ruin into which most of the temples and shrines of that unknown country has fallen. Old buildings and monuments whose lovely beauty has enthralled dignitaries and scholarly travelers are going fast into decay and if left alone these manifestations of Chinese civilization will follow into dust those of the Aztec and Incas.

Beautiful shrines and temples on the approach to the Ming Tombs are nearly naked. Others at the Summer Palace and Yellow Temple and at all the sacred spots in that untouched country are already defaced. The orange red and blue walls and the three-tiered roofs of superb yellow tiles that characterize so many of the historic places in China are falling apart and will soon be gone. Many of these buildings are of frame construction, except their tiled roofs, and they will go more rapidly than the others.

Money is needed to restore them all. The Chinese are without the means to do it. Poverty is almost the rule with them. Their spending capacity is almost nil, and added to this, political chaos exists throughout their land. If these monuments and temples are to be saved, the time to do it is now and delay will mean their ruin and loss. Forward-looking citizens of our own country, I trust, will rise to the opportunity and save these beautiful buildings that speak so fully of the artistic struggles of by-gone orientals.

It is only fair to those that come after us for us to preserve intact for them not only our own art and architecture but as well the art and architecture of the ancients. We do not do our full duty merely by passing on to them our own works. It is our equal duty to pass on to them the art of the ancients and other expressions of their creative genius.

THE TARIFF AND THE FARMER

Mr. LEAVITT. Mr. Speaker, from Chester C. Davis, formerly commissioner of agriculture for my State of Montana, I have just received a very warm letter of appreciation of what I have done in Congress in connection with legislative matters having a bearing on the welfare of the farmers of my State and district, as well as of the Nation. Mr. Davis, who is now connected with the Agricultural Service in Washington, an office which conducts research, information, and representation work for various agricultural organizations, including the Farmers' Union and the American Farm Bureau Federation, states that it was at the suggestion of the farm groups that the letter was written.

I deeply appreciate this communication from the farm organizations. I appreciate it especially because Mr. Davis states therein that I have always been active in this regard, and very graciously adds that he recalls the day when I made the first address delivered in the House of Representatives for the farm bill of 1924, during my first session in Congress.

My hope is that this evidence of work already done and of interest shown will assure me a patient hearing here and among the people it is my honor to represent as I call attention to what I know to be a very dangerous proposal advanced in a seductive manner to the farmers of this country. I refer to the false and misleading doctrine that agriculture will be helped by downing the tariff.

Several speeches have been made here covering in a broad way the beneficial effects to agriculture of a protective tariff. I shall refer only to wheat, sheep and wool, cattle, poultry, dairy products, and sugar. I select these because they are basic commodities in my State.

The history is written in both laws and experience to prove the value and necessity of tariffs on these articles. This history is that under the tariff law of 1913, when the Democratic theory of the tariff on agricultural products was put into effect, all of these basic Montana products except sugar were put on the free list without any tariff protection whatever, and that sugar had a much lower rate than it has now under a Republican tariff. As soon as the war was over and the trade of the world began to flow normally again, the farmers of America paid for that fundamental error with the ruin of their industry. At once the stored-up food and animal products of South America, Australia, and all the low-cost sections of the earth appeared at our ports in tremendous cargoes. With no adequate tariff wall to hurdle they came in, cheap and free. Thus American farmers paid the price of a shortsighted policy by direct and disastrous competition with countries of low living standards, ill-paid labor, and cheap transportation by water.

In the midst of that tragedy a Republican Congress was elected and it wrote at once an emergency tariff bill. But there was a Democratic President then who held the traditional theory of free trade or low duties on agriculture, and he vetoed the bill. That is bitter history, and history repeats itself.

In 1921 there was a Republican President, as well as a Republican majority in Congress, and the first concern was again for agriculture. An emergency bill was passed and signed, putting protective rates to guard our own farm products and save the American market for our own producers. In 1922 the present tariff law was enacted, and on each and every one of these Montana products a protective tariff was placed or materially increased. None was left on the free list, and every farmer who produces these things benefited greatly thereby.

I am aware, of course, that the opposition questions the value to the farmer of a tariff on some of these products. They select, for example, dates when the tariff on wheat has not by itself held the Minneapolis prices on comparative grades above those at Winnipeg. But that is like saying that the Battle of Bull Run proves that the Union lost the Civil War. It is true that a large surplus here and a shortage in Canada will reduce or overcome the benefit of our tariff. Our surplus sold abroad is continually dragging down the domestic price by competition at Liverpool. But the established fact is—and it can not be controverted—that under the existing tariff wheat prices do tend to be higher in the United States than in Canada. And this in spite of the fact that Canadian wheat averages higher in intrinsic quality, considering our entire country. It is only Montana which meets and competes successfully with Canada in quality.

The food research institute of Stanford University says, basing its conclusions on Government reports and individual investigations, and comparing the Minneapolis and Winnipeg markets through the crop years of 1923–24, 1924–25, and 1925–26, that under the present tariff on wheat, in the ordinary crop year, the price margin in favor of American spring wheat averages about 26 cents a bushel. The margin varies and it is sometimes wiped out or even reversed, but altogether there is no question that with a substantial tariff duty on wheat imported into the United States for domestic consumption wheat prices tend to stand higher in the United States than in Canada. We do not get the full benefit of the 42 cents tariff rate because we export a surplus. The control of that surplus until our population increases to consume it is the most acute of our problems. I am also quite convinced that there would be benefits to the producers of Montana high-grade wheat from the repeal of the drawback or milling in bond provision of the tariff. I shall press for a consideration of that point when the revision of the tariff confronts the next Congress. There are also other economic forces which reduce and at times reverse the margin. But there is some real benefit, and certainly no one who understands the facts will say that because the tariff on wheat is not fully 100 per cent effective, the remedy is to rob the farmers of what benefit they do receive. Surely no one can suggest that except he whose ingrained political theories and traditions set his prejudices above his judgment.

Montana has also become a sugar-producing State. In 1926 Montana and the contiguous fields of Wyoming produced 130,000 tons of sugar beets. In that same year imports into the United States of cane and beet sugar amounted to $244,000,000, a value of two and one-half times the farm value of our national domestic production. The average quantity of sugar obtained that year from a ton of beets was about 254 pounds. The minimum guaranteed price as a whole was $7 a ton, so that the grower received a minimum of 2.76 cents a pound for sugar in the beet. The Cuban grower got 1 cent a pound for his in the cane. The difference is 1.76 cents, which is the tariff rate per pound. The American beet grower got the benefit. But the tariff rate under the democratic law of 1913 was only 1.005 cents, and I have personally in debate wrung from two Democratic members of the Committee on Ways and Means, men who would help write the new tariff law should their party come back into power, the statement that they would again reduce the tariff on sugar. Reduction to the rate of the 1913 law would cost the beet grower about $1.90 on every ton of beets he grew. No; it must be neither reduced nor eliminated, but instead it must be made more permanently effective by limiting the importation of free sugar from the Philippines.

Now as to wool. The Democratic tariff law of 1913 put wool on the free list, and there is high Democratic authority in both the Senate and the House that they would also do that again if they could. The Republican law of 1922 put a duty on wool of from 12 cents to 31 cents a pound. Montana produces about 24,000,000 pounds of wool. The effect of the tariff therefore interests us materially. In January, 1914, while the Democratic tariff law of 1913 was in effect and before war prices prevailed, the Boston price of wool was actually below that of London, and in 1921 it was only 15.1 cents above. Then came the emergency act of 1921 and the act of 1922 establishing the present wool duty. In 1922 the Boston price went 31.5

cents above the London price, and it has exceeded it by from 21 cents to 33 cents ever since. And it was not wool alone which was on the free list under the Democratic law. Sheep, mutton, and lamb likewise came in free. All are protected by tariff duties to-day.

The raisers of cattle are likewise greatly benefited by the tariff as it is now written. Instead of any reduction the inclusion of hides is advisable. The Democratic tariff law of 1913 put fresh beef, veal, and live cattle on the free list and thus in open competition with the Argentine and all the world. We still import a part of our beef supply and the tariff is therefore effective in protecting our domestic price. This is likewise true of butter and poultry. Both have been given advanced rates which must be maintained and increased, for any reduction would be well-nigh fatal to these industries.

The growers of all these Montana products are keenly alive to the value of the present tariff to themselves. That is evidenced by the fact that I have heard from representatives of them all asking me to help maintain and in some instances to secure increases in the existing schedules. I now have before the Tariff Commission a case of the poultry producers for increases. The Montana Stockgrowers' Association has asked for an advance in the tariff on beef products and for a duty on hides. The beet-sugar growers have asked defense of the integrity of their schedules and protection from the advancing competition of free sugar from the Philippines. The wheat growers and the wool men are of like mind, and I am in accord with them all. The protective tariff is a necessity to maintain our own farm industry against cheap foreign products.

But what, you ask, has this to do with the dangerous fallacy that downward Democratic revision of the tariff will elevate the farmer? Just this: The history of Democratic tariff writing is that while they are reducing the tariff schedules on industry, and thus lessening the power of labor and industry to buy the farmer's products, they have always even more greatly reduced or eliminated entirely the tariff on products of the farm.

That, however, is not the only reason for caution in accepting such a doctrine. While it is important to take into account immediate price problems in considering the tariff, we must not fail also to look well and clearly into the future. In indulging the hope to increase the benefits of the tariff to agriculture we must recognize some important facts. And one outstanding fact is that our agriculture is becoming less dependent on the foreign market while industry is becoming more dependent on it. Agricultural exports are now a diminishing part not only of our total exports but also are becoming a smaller percentage of the total domestic production in agriculture. On the other hand, exported industrial products are rapidly becoming a greater per cent of our total exports, and also a gradually increasing percentage of the fast-mounting output of our industries.

A few figures will illustrate these fundamental and interesting tendencies. In 1900 our agricultural exports were 62 per cent of the total value of all our national exports. In 1910 our agricultural exports had fallen to 51 per cent, in 1914 to 49 per cent, and in 1926 to only 41 per cent of our total exports. In the four-year period 1899 to 1903 we exported approximately 23.9 per cent of the total value of all our animal products and of our farm crops not fed. The per cent had fallen to 14.4 by 1909–1913. In 1914–1918 the percentage increased to 18.5 on account of exceptional conditions occasioned by the war, but it had declined again to 14.7 in 1926.

Now let us see what has happened regarding manufactured exports in relation to the domestic production of industry for the same period. In 1899 we exported 9.8 per cent of the value added by manufacturers in this country, compared with 13.1 per cent in 1913, 12.6 per cent in 1921, 8.8 per cent in 1923, and 10.4 per cent in 1925. Thus the proportion which manufactured exports bear to the total value added by manufactures in this country has more than held its own since the beginning of the century, notwithstanding the phenomenal increase of 546 per cent in the total value added by domestic manufactures. In approximately the same period—1900–1904 to 1922–1926—the value of agricultural exports increased only 122 per cent, while that of all other exports advanced 338 per cent.

In view of this fact that agriculture is becoming continually less and industry steadily more dependent on the foreign market, it would be dangerous for the friends of the farmer to urge a drastic downward revision of the tariff. As industry becomes more dependent on world markets and as our foreign investments grow—that is to say, as we become more and more a creditor nation—the sentiment for lower tariffs or for free trade will grow stronger and stronger among the nonagricultural population and the cities' interest in cheap food will aid in bringing about this change of sentiment. Then when protectionism and free trade shall have traded supporters and the farmers shall be even more clear than they are now as to the need to themselves of protection they may not be strong enough in numbers to maintain the protective system which some of their mistaken friends are now so willing in their ignorance to destroy.

At that time we may find in this country too late a repetition of the history of England in the first half of the nineteenth century. Then the farmers of England became too weak in Parliament, through the growth of the cities, to maintain tariff protection and their markets were thrown open to foreign competition, with resulting ruin and disaster. It is certainly in the interest of all our farmers, especially of those of Montana and of all other States similarly situated, to maintain and strengthen—not destroy—that protective system from which they are now in a position to derive ever-increasing benefits.

It is not only a study of such facts and figures which convinces me of this danger. I have in my files the propaganda of textile manufacturers of New England for a reduction of the tariff on wool. I have the propaganda of the international bankers, who have great investments abroad, for tariff reductions to open wide our markets to the products of the world. I have the evidence of city populations along the eastern coast and elsewhere demanding the cheap food which can so easily reach them by sea. Many of them know as relatives the producers in foreign lands better than they yet know the people and the needs of the great farm areas of the interior of America. To them the vision of building and maintaining a mighty America through the development of all its own resources may not always be as clear as the vision of cheaper meat and sugar and bread and butter and poultry and clothes, and in that regard I regret to say that they see eye to eye with those who hold the free-trade and low-tariff tradition of the Democrats.

Thus join together the free traders and the international bankers in a league for a transparent effort to make of the farmers a catspaw to begin the tearing down of that protective tariff system which at once guards agriculture from ruinous competition in what it sells and helps to keep prosperous and possessed of high purchasing power domestic industry and labor, which furnish it the best home market in the world. In that home market our farmers sell nearly 90 per cent of what they produce. The words "Down with the tariff" in the mouth of a farmer are the words of suicide.

There will be revisions in the tariff law, but they must be made by a Republican Congress, which will again protect agriculture along with labor and industry, and not under the Democratic theory, which will repeat history by not only opening the gate but throwing down the fence.

STATUS OF BILLS REFERRED TO THE COMMITTEE ON INDIAN AFFAIRS AT CLOSE OF FIRST SESSION SEVENTIETH CONGRESS

Mr. LEAVITT. Mr. Speaker, I am inserting in the RECORD the usual report of the Committee on Indian Affairs covering the bills considered during the first session of the Seventieth Congress. It is my intention to complete this report at the end of the Congress, including a more detailed discussion of the status and need of legislation having to do with the welfare of the American Indians. Since the statement at the close of the last Congress there has been received the report of the Institute for Government Research covering the problem of Indian administration. It has been too recently received, however, for discussion at this time or for application to the deliberations of the committee in the session just closed. It is, however, in the hands of the members of the committee.

During the session 89 bills were given final consideration and reported to the House. Of these, 58 have already become law and 1 was removed from the calendar because its provisions were included in the second deficiency bill. There are 14 measures which have passed the House and are pending in the Senate. Eight bills which have passed the Senate are now pending before the House committee. The status of all bills which have been reported is shown in the following tabulation. The bills are arranged numerically, an asterisk (*) being used to indicate those which have become law. Since 992 bills have become law during the entire session, these 58 comprise 5.74 per cent of the total for the session:

*H. R. 70: Authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex. (H. Rept. 380. S. 700 substituted. Public Law 169.)

H. R. 167: To amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act. (H.

Rept. 1029. Passed House May 7, 1928. Passed Senate May 10, 1928. May 18, 1928, returned with veto message. May 19, 1928, referred to committee.)

*H. R. 173: To provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash. (H. Rept. 547. Public Law 204.)

*H. R. 308: Authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands on the Fort Hall Indian Reservation. (H. Rept. 485. Public Law 203.)

*H. R. 356: To amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect." (H. Rept. 549. Public Law 192.)

*H. R. 431: To authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes. (H. Rept. 736. Public Law 301.)

*H. R. 441: To authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif. (H. Rept. 480. Public Law 402.)

*H. R. 462: Providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States. (H. Rept. 589. Amended to provide payment of $25. Public Law 172.)

*H. R. 491: Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California. (H. Rept. 951. Public Law 423.)

*H. R. 3539: For the relief of Frank Murray. (H. Rept. 1390. Private Law 279.)

H. R. 5479. To provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes. (H. Rept. 824. Included in the second deficiency bill, H. R. 13873, in slightly different form. The latter bill became public law.)

H. R. 5574. Authorizing the Lower Spokane and the Lower Pend d'Oreille or Lower Kalispell Tribes or Bands of Indians of the State of Washington, or any of them, to present their claims to the Court of Claims. (H. Rept. 958. S. 1480, which is listed below, substituted and passed by House on May 7, 1928.)

*H. R. 6862. Authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States. (H. Rept. 940. Public Law 347.)

H. R. 7204. To authorize the creation of Indian trust estates, and for other purposes. (H. Rept. 1358.)

H. R. 7207. To appropriate treaty funds due the Wisconsin Pottawatomie Indians. (H. Rept. 553. S. 1759, listed below, substituted and passed.)

H. R. 7346: Conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes. (H. Rept. 1389. Passed House in amended form on May 21, 1928.)

*H. R. 7463: Amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims. (H. Rept. 948. Public Law 267.)

H. R. 8280: Conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States. (H. Rept. 1030. S. 710, listed below, substituted and passed House in amended form on April 16, 1928.)

*H. R. 8281: To provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation. (H. Rept. 176. Public Law 88.)

*H. R. 8282: To provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians. (H. Rept. 177. Public Law 89.)

*H. R. 8291: To amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes." (H. Rept. 465. Public Law 90.)

*H. R. 8292: To reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah. (H. Rept. 178. Public Law 91.)

*H. R. 8293: To amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913. (H. Rept. 464. Public Law 151.)

*H. R. 8326: To authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla. (H. Rept. 632. Public Law 233.)

*H. R. 8542: To provide for the construction of a hospital at the Fort Bidwell Indian School, Calif. (H. Rept. 554. Public Law 199.)

*H. R. 8543: To provide for the construction of a school building at the Fort Bidwell Indian School, Calif. (H. Rept. 555. Public Law 200.)

H. R. 8731: To authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash. (H. Rept. 616. S. 1478 (listed below) substituted and passed by House.)

*H. R. 8824: To provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex. (H. Rept. 483. Public Law 194.)

H. R. 8831: To provide for the collection of fees from royalties on production of minerals from leased Indian lands. (H. Rept. 463. Passed House February 20, 1928. Passed Senate April 9, 1928, amended.)

H. R. 8898: To provide for the restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes. (H. Rept. 556. Passed House February 20, 1928.)

H. R. 8901: To amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes." (H. Rept. 1387.)

H. R. 9033: To amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'" (H. Rept. 633. Rereferred to the committee on March 2, 1928. See H. R. 13407.)

*H. R. 9037: To provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use. (H. Rept. 557. Public Law 92.)

*H. R. 9046: To amend section 17 of the act of March 2, 1899, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," as amended by the act of June 10, 1896. (H. Rept. 1154. Public Law 460.)

*H. R. 9483: To provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico. (H. Rept. 816. Public Law 296.)

*H. R. 9994: To reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled. (H. Rept. 462. Private Law 26.)

H. R. 10042: To provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes. (H. Rept. 957. Passed House April 20, 1928.)

H. R. 10327: For the relief of Charles J. Hunt. (H. Rept. 864. Passed House March 30, 1928.)

*H. R. 10360: To confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926. (H. Rept. 746. Public Law 422.)

H. R. 10372: Regulating Indian allotments disposed of by will. (H. Rept. 1781. Passed House May 28, 1928.)

H. R. 10475: To authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex. (H. Rept. 818. S. 3007 (listed below) substituted and passed on May 24, 1928, by the House.)

H. R. 11064: For the relief of F. Stanley Millichamp. (H. Rept. 1522. Passed House May 25, 1928.)

*H. R. 11276: To authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont. (H. Rept. 1044. S. 3435 substituted and passed by House on April 14, 1928. Public Law 275.)

H. R. 11359: For the relief of the Arapahoe and Cheyenne Indians and for other purposes. (H. Rept. 954. S. 3343 (listed below) substituted and passed.)

*H. R. 11365: To authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in

trust for them by the United States. (H. Rept. 1238. S. 3366 substituted and passed by House on April 21, 1928. Public Law 324.)

*H. R. 11468. Authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes. (H. Rept. 1506. Approved May 29, 1928. Public Law 564.)

*H. R. 11478: To amend an act to allot lands to children on the Crow Reservation, Mont. (H. Rept. 950. Public Law 342.)

*H. R. 11479: To reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians. (H. Rept. 945. Public Law 481.)

H. R. 11484: Authorizing a per capita payment to the Rosebud Sioux Indians, S. Dak. (H. Rept. 1145; S. 3438 (listed below) substituted by House and passed.)

H. R. 11580: To authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont. (H. Rept. 1250. Passed House May 8, 1928. See S. 3593.)

H. R. 11582: To authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians. (H. Rept. 955. House substitutes and passes S. 3355 (listed below) on March 24, 1928.)

*H. R. 11629: To amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service. (H. Rept. 956. Public Law 355.)

H. R. 11983: To provide for issuance of perpetual easement to the department of fish and game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho. (H. Rept. 1246. Passed House May 12, 1928.)

*H. R. 12000: To extend the period of restrictions on lands of certain members of the Five Civilized Tribes, and for other purposes. (H. Rept. 1193. House substitutes and passes S. 3594 on May 10, 1928. Public Law 360. See H. R. 13711 amending this.)

*H. R. 12067: To set aside certain lands for the Chippewa Indians in the State of Minnesota. (H. Rept. 1239. Public Law 461.)

H. R. 12312: For the relief of James Hunts Along. (H. Rept. 1724. Passed House May 28, 1928.)

H. R. 12414: Authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes. (H. Rept. 1851.)

*H. R. 12446. To approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y. (H. Rept. 1251. Private Law 162.)

*H. R. 12574. To extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases. (H. Rept. 1421. S. 3867 substituted and passed by House on May 21, 1928. Public Law 507.)

H. R. 12604: Authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes. (H. Rept. 1586. S. 3868, listed below, substituted and passed by the House.)

*H. R. 13342: To authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota. (H. Rept. 1424. Approved May 29, 1928. Public Law 517.)

H. R. 13407: Relating to the tribal and individual affairs of the Osage Indians of Oklahoma. (H. Rept. 1458.)

H. R. 13506: Fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs. (H. Rept. 1653.)

H. R. 13606. For the relief of Russell White Bear. (H. Rept. 1726. May 28, 1928, passed House.)

*H. R. 13711: To amend section 4 of an act entitled "An act to extend the period of restrictions in lands of certain members of the Five Civilized Tribes, and for other purposes." (See H. R. 12000.) (H. Rept. 1654. House substitutes S. 4448, with amendment, on May 19, 1928. Public Law 504.)

H. R. 13753: Authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes. (H. Rept. 1730. Passed House May 28, 1928. Passed Senate May 29, 1928.)

HOUSE JOINT RESOLUTIONS

H. J. Res. 76: For the relief of Leah Frank, Creek Indian, new born, roll No. 294. (H. Rept. 1254. Passed House May 25, 1928.)

H. J. Res. 260: For the relief of Eloise Childers, Creek Indian, minor, roll No. 354. (H. Rept. 1587. Passed House May 25, 1928.)

H. J. Res. 261: For the relief of Effa Cowe, Creek Indian, new born, roll No. 78. (H. Rept. 1493. Passed House May 25, 1926.)

SENATE BILLS

S. 710: Conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States. Substituted for H. R. 8280 on April 16, 1928, and passed by House with amendments. May 10, 1928, House accepts conference report.

* S. 1145: To authorize an appropriation for roads on Indian reservations. (H. Rept. 1247. Public Law 520.)

* S. 1191: To amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes. (H. Rept. 1639. Approved May 29, 1928. Public Law 622.)

* S. 1456. To authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex. (H. Rept. 1142.)

S. 1480: Authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims. (H. Rept. 1490. Vetoed May 18, 1928.)

* S. 1662: To change the boundaries of the Tule River Indian Reservation, Calif. (H. Rept. 1252. Public Law 421.)

* S. 1759: To appropriate treaty funds due the Wisconsin Pottawatomie Indians. (February 20, 1928, passed as substitute for H. R. 7207. Public Law 85.)

* S. 2076: Authorizing the allotment of Carl J. Reid Dussome as a Kiowa Indian, and directing issuance of trust patent to him to certain lands of the Kiowa Indian Reservation, Okla. (H. Rept. 1655. Approved May 29, 1928. Private Law 268.)

* S. 2084: For the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes. (H. Rept. 1240. Public Law 444.)

* S. 2279: Authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes. (H. Rept. 862. Public Law 186.)

* S. 2306: For the relief of William E. Thackrey. (H. Rept. 1253. Approved May 28, 1928. Public Law 236.)

S. 2360: To amend section of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma and for other purposes.'" (H. Rept. 1901.)

*S. 2738: For the relief of C. R. Olberg (H. Rept. 1656. Approved May 29, 1928. Private Law 295.)

S. 2792: Reinvesting title to certain lands in the Yankton Sioux Tribe of Indians. (H. Rept. 1852.)

*S. 3007: To authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex. (Substituted for H. R. 10475 and passed on March 24, 1928. Private Law 53.)

*S. 3026: Authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz. (H. Rept. 1248. Public Law 443.)

*S. 3343: For the relief of the Arapahoe and Cheyenne Indians, and for other purposes. (Substituted for H. R. 11359 and passed by House on March 23, 1928. Public Law 208.)

*S. 3355: To authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians. (Substituted for H. R. 11582 and passed by House on March 24, 1928. Public Law 209.)

*S. 3365: To authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo. (H. Rept. 1249. Public Law 442.)

*S. 3438: Authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota. (Substituted for H. R. 11484 and passed by House on May 4, 1928. Public Law 362.)

*S. 3593: To authorize the leasing or sale of lands reserved for agency, schools, and other purposes, on the Fort Peck Indian Reservation, Mont. (H. Rept. 1723. Approved May 26, 1928. Public Law 552.)

S. 3779: To authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz. (H. Rept. 1640.)

*S. 3794: For the relief of R. E. Hansen. (H. Rept. 1729. Approved May 29, 1928. Private Law 288.)

*S. 3868: Authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the

United States to be paid to the attorney for the Creek Nation, and for other purposes. (Substituted for H. R. 12604 and passed by House on May 25, 1928. Approved May 29, 1928. Public Law 567.)

*S. 4321: Authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation, in Arizona, and for other purposes. (H. Rept. 1728. Approved May 29, 1928. Public Law 590.)

*S. 4346: To authorize an appropriation for the purchase of certain privately owned lands within the Fort Apache Indian Reservation, Ariz. (H. Rept. 1853. Approved May 29, 1928. Public Law 583.)

DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, the subcommittee of the House Committee of the District of Columbia making a study of the government of the District and its different agencies has presented to the full committee its report for the first session of the Seventieth Congress. This report deals only with matters of a constructive nature.

The subcommittee has acted in complete harmony with the Committee on Appropriations, and to that committee is due in a large measure the actual accomplishments of the subcommitee of the District Committee.

At the conclusion of the study of any department of the District government recommendations have been submitted to the Committee on Appropriations for action if the object to be attained could be covered in an appropriation bill. In other cases involving purely administrative matters the recommendations have been submitted to the Commissioners of the District. The members of the subcommittee felt that their duty did not end with simply recommending changes, and so have taken every means possible to have them actually carried into effect.

Changes already adopted as a result of the survey mean an annual saving of $186,470 in perpetuity. Two bills are now pending which, if enacted into law, will raise the annual saving to $308,470. Other suggestions now pending will, if adopted, result in further saving of $870,400.

Recommendations adopted

Discontinuing the printing of the District of Columbia general schedule of supplies	$3,500
Purchase of supplies, other than food supplies, under the definite-quantity purchase plan	8,000
Purchase of miscellaneous items through the general supply schedule instead of through contracts made by the commissioners solely for District of Columbia needs	10,000
Purchase of food supplies in bulk in definite quantities	10,000
Production of carbon-copy record of purchase orders to replace press-copy record	1,020
Inspection of hay and payment for the quality of hay actually received	7,500
Purchase of printed matter from the Government Printing Office instead of from private contractors	20,000
Taking of discounts on purchases, which has been made possible by the adoption of approved methods	10,000
Printing by addressograph equipment the names and addresses of real property taxpayers, and the location, area, etc., of each tract on tax bills, field books, and other records	6,500
Manufacture of additional brick at reformatory	36,000
Production of lime at reformatory from surplus oyster shells	3,600
Manufacture of automobile license tags at the reformatory	5,250
Manufacture of castings at reformatory foundry	14,000
Issue of motor-vehicle registration tags by improved methods	1,100
Installation of additional traffic signal lights in congested area resulting in relief of 6 full-time police officers	12,000
Transfer of auto repair work for police department to District auto repair shop	18,000
Use of printed forms in copying deeds for record in office of recorder of deeds	5,000
Total annual savings of	186,470

Recommendations pending action

Payment of one-half of personal tax due when returns are filed	48,500
Payment of personal-property tax on automobiles as a condition precedent to the issue of license tags	73,400
Preparation of personal-tax ledgers from original documents instead of from memorandum cards now especially prepared for this purpose	1,000
Preparation of paint by paint-grinding machine	4,500
Reduction of premium rates charged by stock fire insurance companies to place them on a parity with the average for the whole United States	600,000
Adoption of photostat process by office of recorder of deeds for making copies of documents	17,000
Reduction of garbage and utilization of by-products by improved methods	126,000
Total annual savings of	870,400

SUMMARY

Annual savings from recommendations adopted	186,470
Annual savings from recommendations pending action	870,400
Total	1,056,870

Through the activities of the subcommittee surplus Federal property was secured without cost to the District of Columbia, which resulted in a single saving amounting to approximately $75,000. As a result of the investigation of traffic-signal contracts the District of Columbia also saved $11,238.60. Finally, the charging of cement against special assessment jobs at actual cost has resulted in an annual saving to certain District of Columbia taxpayers amounting to $6,250.

The subcommittee has followed a definite policy of constructive endeavor with a single view to improving the administration affairs in the District of Columbia. Many of the most valuable results of the investigation can not be measured in dollars and cents, but they are already apparent in a better morale among District employees and in the improved service which is being rendered to the public. Furthermore, the labors of the subcommittee will furnish to future District and Appropriations Committees the foundation for the development of the District of Columbia, which should make it a model of municipal government for the United States.

SHALL WE CONTINUE TO HAVE GOVERNMENT BY "LAME DUCKS"?

Mr. FLETCHER. Mr. Speaker, monarchies function on the assumption that the masses of the people are incapable of self-government.

Democracy functions on the assumption that the masses of the people are capable of governing themselves.

From the beginning of our experiment in government under democracy there has been in this country a large number of the cynical minded who have sneered at the idea of self-government.

To reinforce their arguments they point to the fact that half of the people are not sufficiently interested in their Government to bother voting even in a presidential election.

PREFER DICTATOR

There are increasing numbers in America who frankly approve the adventure of Mussolini in Italy and quite a number who with equal frankness insist that it would be better for this country if it were ruled by a dictator.

The aristocratic few whose theory of government is personified in Alexander Hamilton, Mussolini, and other extreme individualists always have done everything possible to separate the people from their government by the barb-wire entanglements of technical legislative obstruction.

But if we interpret history correctly it is evident that the fathers of our Republic had no intention of legalizing a precedent that would eventually establish government by what, in popular political parlance, is known as "lame ducks." A lame duck is a politician who is politically dead but not buried, an unwanted officeholder who still remains in office after being defeated at the polls.

AN INDEFENSIBLE CUSTOM

Contemptuous thwarting of the efforts of the people to rule themselves is the indefensible custom of political parties. Even Presidents appoint to high office politicians who have been put in the lame-duck class by the voters.

One of the most responsible positions in the President's Cabinet to-day is occupied by a lame-duck politician who was overwhelmingly defeated at election by the people of his own State.

By presidential lame-duck appointment this man who was refused permission to serve his own State now serves all the States, in spite of the people.

Is it any wonder half the voters stay away from the polls? Many have come to the conclusion that more and more we are tending toward government of politicians, for politicians, and by politicians.

ANOTHER EXAMPLE OF WHY WE HAVE "MISREPRESENTATIVE" GOVERNMENT

Defeated Congressmen and Senators remain in office 13 months after they have been defeated and their successors chosen.

In any well-organized business an employee that proved unsatisfactory to the voting stockholders would, upon official request to resign, comply with that request and make room for his successor.

As a matter of practical common sense this would seem the obvious and the only thing to do. But when it comes to using this same common-sense principle in government the will of the voting stockholder is blocked by constitutional provision, with the result that after being elected a Congressman has to wait for 13 months before he is permitted to assume the responsibilities of his office, and during the 13 months the man whom

the people have indicated by their votes that they do not want nevertheless continues to serve them.

Thus, instead of having representative government, we have a condition approved by the Constitution where "misrepresentative" government is possible.

SUPPOSE THE ISSUE WERE PEACE OR WAR?

Not only is it possible for these lame ducks to ram legislation down the people's throats to which they are bitterly opposed, but far more serious than that is the possibility of a lame-duck Congress selecting the man who is to be President.

If no presidential candidate receives the majority of the electorial vote the selection of a president goes to the old Congress. The Congress that is to make this momentous decision may be one that has been overwhelmingly repudiated by the people.

Suppose the issue in a presidential campaign were the vital one affecting the American people such as the issue involving peace or war. In that event how serious would it be for a repudiated Congress to have the responsibility of deciding the issue of peace or war or deciding a presidential election in the circumstance such a decision were put up to Congress?

THE CIVIL WAR MIGHT NOT HAVE BEEN

In their appeal favoring legislation to remedy this condition the members of the conservative American Bar Association have gone so far as to express the belief that if President Lincoln had been inaugurated in January instead of March the Civil War might have been avoided.

Article 1, section 4, of the Federal Constitution provides: Congress shall assemble at least once each year and such meetings shall be on the first Monday in December unless they shall by law designate a different day.

A new Congress comes into existence on March 4 following the biennial congressional election. To assemble in advance of March 4 it is necessary to amend our organic law. Proposed amendment to the Constitution of the United States fixing the commencement of the terms of President, Vice President, and the Members of Congress and fixing the time of the assembling of Congress has been repeatedly approved by the Senate but always blocked in the House.

SOME ARGUMENTS OF THE OPPOSITION

Those responsible for defeating the measure have included among their reasons such conclusions as the Government has survived 150 years under the present system, the people need 13 months to cool off after a heated campaign, and so forth, and they express a feeling that there is too great a tendency in these modern times to trifle with the Constitution.

In one session, the sixty-seventh, I believe, 71 constitutional amendments were presented. All together there have been proposed over 2,000 amendments to the Constitution.

These are samples of impressive arguments offered by those who favor letting alone the obsolete processes of misrepresentative government, by which lame ducks vote their will in defiance of the people, while their successors are kept out of office for a period of 13 months after being elected.

MAKE IT A CAMPAIGN ISSUE

Nothing is stated here that is news. This is merely a presentation of what everybody knows and what everybody thinks, with the exception of a powerful few in Congress who so far have been successful in thwarting the apparent wishes of the people.

These reactionaries probably will continue in their successful efforts to block this needed constitutional change unless the people make it an issue in the campaign and send to Congress men pledged to vote for an amendment to the Constitution that will eliminate government of the people by representatives who no longer are authorized to represent.

STATISTICS OF REVENUE, 1918–1928

Mr. HAWLEY. Mr. Speaker, the Division of Investigation of the Joint Committee on Internal Revenue Taxation has prepared, at my suggestion, certain statistics relating to the ordinary receipts and expenditures of the Government for the period 1918 to 1928, inclusive, including certain tabulations as to the rates of tax which were in effect over the same period.

Inasmuch as such statistics have been, and undoubtedly will be, continually referred to by Members of Congress and others interested in taxation, I believe it is important to have this data published where it can be referred to as a whole, because at present it is necessary to search for these figures through various reports of the Secretary of the Treasury and the Commissioner of Internal Revenue.

Accordingly I am offering for the RECORD a report by Mr. Parker, Chief of the Division of Investigation, containing the statistics above referred to:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, May 29, 1928.

Hon. WILLIS C. HAWLEY,
Chairman Joint Committee on Internal Revenue Taxation,
House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN: There is submitted herewith, as per your instructions, certain statistics in regard to Treasury receipts and expenditures for the period 1918 to 1928, inclusive, including a tabulation of the more important rates of tax effective during the same period. These statistics are classified under the following schedules:

"Schedule No. 1: Summary of all ordinary receipts and expenditures for fiscal years 1918 to 1928, inclusive. Also, reduction in revenue estimated at time of passage of new acts.

"Schedule No. 2: Receipts from internal revenue and other Treasury receipts, fiscal years 1918 to 1928, inclusive. (With supporting statistics.)

"Schedule No. 3: Comparison of rates of taxation, 1918 to 1928, inclusive."

The above figures are compiled almost entirely from the reports of the Secretary of the Treasury and the reports of the Commissioner of Internal Revenue. Some of the estimated figures for 1928 are from estimates by the Treasury Department and a few have been made by this division on the latest information available. Estimates of reduction to be expected from new revenue acts, as signed, are from the statements of the chairman of the Finance Committee of the Senate or the chairman of the Ways and Means Committee of the House.

Attention is drawn to the fact that the receipts of the Government are published on four different bases, and if an apparent discrepancy exists on comparison of the submitted figures with other published statements, reference should be made to pages 421 and 422 of the "Annual Report of the Secretary of the Treasury on the State of the Finances for Fiscal Year ended June 30, 1927," in order that such apparent discrepancy may be reconciled.

Respectfully submitted.

L. H. PARKER,
Chief Division of Investigation.

SCHEDULE 1

Summary of all ordinary receipts and expenditures for fiscal years 1918 to 1928, inclusive, also reduction in revenue estimated at time of passage of new acts

Year	Revenues [1]	Expenditures [2]	Surplus	Reduction proposed by act (as signed)	Date of enactment of act
1918	$4,180,425,156	$13,791,907,895	[3] $9,611,482,739		Feb. 24, 1919
1919	4,654,380,899	18,952,141,180	[3] 14,297,760,281		
1920	6,694,565,389	6,482,077,241	212,488,148		
1921	5,624,932,961	5,538,040,689	86,892,272	$835,200,000	Nov. 23, 1921
1922	4,109,104,151	3,795,302,500	313,801,651		
1923	4,007,135,481	3,697,478,020	309,657,461		
1924	4,012,044,702	3,506,677,715	505,366,987	490,000,000	June 2, 1924
1925	3,780,148,684	3,529,643,446	250,505,238		
1926	3,962,755,690	3,584,987,873	377,767,817	387,811,000	Feb. 26, 1926
1927	4,129,394,441	3,493,584,519	635,809,922		
1928 [4]	4,041,325,280	3,668,003,279	373,322,001	222,495,000	May 29, 1928

[1] Ordinary receipts. [2] Expenditures chargeable against ordinary receipts. [3] Deficit. [4] Estimated.

SCHEDULE 2

Summary—Receipts from internal revenue and other Treasury receipts, fiscal years 1918 to 1928, inclusive

[NOTE.—The receipts shown in the column for the year 1918 are for the fiscal year ending June 30, 1918; for the year 1919, are for the year ending June 30, 1919, and so on. It should be noted that the figures for the fiscal year 1928 are estimated on the latest figures available]

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928[1]
A. Income and profits taxes	$2,852,324,866	$2,600,783,903	$3,956,936,004	$3,228,137,674	$2,086,918,465	$1,691,089,535	$1,841,759,317	$1,761,659,049	$1,974,104,141	$2,219,952,444	$2,164,000,000
B. Estates and gifts	47,452,880	82,029,983	103,635,563	154,043,260	139,418,846	126,705,207	102,966,762	108,939,895	119,216,375	100,339,852	59,500,000
C. Distilled spirits	317,553,688	365,211,252	97,905,276	82,598,065	45,563,350	30,354,007	27,580,381	25,902,820	26,436,334	21,194,669	15,154,180
D. Fermented liquors	126,285,857	117,839,602	41,965,874	25,364	46,086	4,079	5,328	1,954	15,694	883	100
E. Tobacco	156,188,660	206,003,092	295,809,355	255,219,385	270,759,384	309,015,493	325,638,931	345,247,211	370,666,439	376,170,205	395,498,000
F. Current revenue acts:											
1. Documentary stamps	23,151,239	45,843,131	84,347,827	72,468,012	58,706,964	64,875,380	62,257,554	49,251,784	54,014,240	37,345,552	46,870,000
2. Transportation	70,736,550	237,839,572	289,348,088	301,512,414	198,790,250	30,380,784	34,662,429				
3. Insurance	6,492,025	14,508,881	18,421,754	18,992,094	10,855,404						
4. Manufacturers' excise	36,570,478	75,463,674	216,144,368	177,726,988	143,511,632	162,527,580	175,900,047	130,357,163	142,416,857	66,630,420	54,200,000
5. Child labor			2,380	24,224	15,225						
6. Dealers' excise	2,215,181	10,984,229	109,199,189	110,271,619	64,320,484	32,668,595	35,391,179	10,494,935	7,781,309	198,611	125,000
7. Occupational and special	56,489,548	89,215,342	186,366,179	187,172,140	170,544,630	167,962,465	182,065,557	136,503,484	136,968,988	38,152,680	35,890,000
G. Miscellaneous	3,494,849	4,427,418	7,498,395	7,165,823	8,000,363	6,162,103	7,951,772	15,781,973	4,379,515	5,697,814	7,088,000
Grand total, internal revenue	3,698,955,821	3,850,150,079	5,407,580,252	4,595,357,062	3,197,451,083	2,621,745,228	2,796,179,257	2,584,140,268	2,835,999,892	2,865,683,130	2,778,325,280
Grand total, other treasury receipts	481,469,335	804,230,820	1,286,985,137	1,029,575,899	911,653,068	1,385,390,253	1,215,865,445	1,196,008,416	1,126,755,798	1,263,711,311	1,263,000,000
Grand total, all receipts (ordinary)	4,180,425,156	4,654,380,899	6,694,565,389	5,624,932,961	4,109,104,151	4,007,135,481	4,012,044,702	3,780,148,684	3,962,755,690	4,129,394,441	4,041,325,280

RECEIPTS FROM INTERNAL REVENUE

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928[1]
A. Income and profits taxes:											
1. Individuals and partnerships	$2,839,027,939	$2,600,783,903	$3,956,936,004	$3,228,137,674	$2,086,918,465	$1,691,089,535	$1,841,759,317	$845,426,352	$879,124,407	$911,939,911	$856,800,000
2. Corporations								916,232,697	1,094,979,734	1,308,012,533	1,307,200,000
3. Munitions manufacturers, net income	13,296,927										
Subtotal, income tax	2,852,324,866	2,600,783,903	3,956,936,004	3,228,137,674	2,086,918,465	1,691,089,535	1,841,759,317	1,761,659,049	1,974,104,141	2,219,952,444	2,164,000,000
B. Estates and gifts:											
1. Transfer of estates of decedents	47,452,880	82,029,983	103,635,563	154,043,260	139,418,846	126,705,207	102,966,762	101,421,766	116,041,036	100,339,852	59,500,000
2. Gifts								7,518,129	3,175,339		
Subtotal, estate and gift tax	47,452,880	82,029,983	103,635,563	154,043,260	139,418,846	126,705,207	102,966,762	108,939,895	119,216,375	100,339,852	59,500,000
C. Distilled spirits:											
1. Distilled spirits (beverage and non-beverage)	186,265,928	302,965,467	67,270,799	78,471,493	42,372,455	27,793,660	24,834,113	23,180,609	23,799,527	18,756,779	13,600,000
2. Rectified spirits or wines	3,912,381	4,963,854	181,015	28,587	19,192	17,181	21,635	12,997	7,987	16,419	12,000
3. Bottled-in-bond spirits	353,187	606,103	110,453	209,368	68,856	99,305	93,161	87,579	87,835	66,741	67,500
4. Spirits for export	12,585	9,825	34,909	7,567	2,049	1,778	1,232	511	491	257	180
5. Still or sparkling wines, cordials, etc	9,124,369	10,521,609	4,017,597	2,001,780	1,306,250	1,531,991	1,454,063	1,595,489	1,679,434	795,603	889,000
6. Grape brandy for wine fortification	641,669	1,081,289	129,964	578,628	1,115,647	376,704	665,055	475,112	322,182	400,760	205,000
7. Rectifiers, liquor dealers, and manufacturers of stills	3,516,033	2,626,612	2,134,916	687,519	543,249	450,182	484,254	533,307	535,262	1,148,050	367,000
8. Miscellaneous collections relating to distilled spirits	113,727,536	42,436,493	24,025,623	613,123	135,652	83,206	26,868	17,216	3,616	10,060	13,500
Subtotal, distilled spirits	317,553,688	365,211,252	97,905,276	82,598,065	45,563,350	30,354,007	27,580,381	25,902,820	26,436,334	21,194,669	15,154,180
D. Fermented liquors:											
1. Fermented liquors (barrel)	125,727,581	117,503,896	41,743,891	17,134	35,240	502	2,542	889	15,161	146	
2. Brewers and malt-liquor dealers	558,276	335,706	221,983	8,230	10,846	3,577	2,786	1,065	533	737	100
Subtotal, fermented liquors	126,285,857	117,839,602	41,965,874	25,364	46,086	4,079	5,328	1,954	15,694	883	100
E. Tobacco:											
1. Cigars (large)	30,034,477	36,086,247	55,423,814	51,076,563	44,183,575	47,272,571	45,205,165	43,346,812	38,319,343	23,544,682	22,700,000
2. Cigars (small)	875,727	925,017	992,114	1,013,510	968,527	865,010	756,139	730,853	532,750	352,666	301,000
3. Cigarettes (large)	121,306	162,349	232,201	356,258	118,478	130,929	126,168	109,523	126,782	86,995	77,000
4. Cigarettes (small)	66,370,962	90,440,807	151,262,215	135,053,370	150,127,514	182,584,807	203,651,331	225,032,702	254,824,808	278,928,562	300,980,000
5. Snuff of all descriptions	4,049,402	5,134,366	6,948,931	5,795,402	6,947,631	7,175,216	7,005,089	6,753,620	6,917,719	6,907,664	7,490,000
6. Tobacco, chewing and smoking	47,485,438	57,491,384	74,663,768	59,330,627	66,341,839	68,857,707	66,700,456	66,922,389	67,710,773	65,070,195	62,800,000
7. Cigarette papers	431,382	1,020,532	1,541,746	1,184,186	1,001,510	1,095,997	1,029,293	1,189,408	1,061,145	1,170,025	1,066,000
8. Manufacturers, cigars, cigarettes, and tobacco	538,486	789,109	1,032,304	1,229,286	988,275	1,004,959	1,137,148	1,125,915	1,132,156		
9. Miscellaneous taxes relating to tobacco	6,281,480	13,953,281	3,712,262	180,183	82,035	28,297	28,142	35,989	40,963	109,416	84,000
Subtotal, tobacco	156,188,660	206,003,092	295,809,355	255,219,385	270,759,384	309,015,493	325,638,931	345,247,211	370,666,439	376,170,205	395,498,000

I. Current revenue acts:											
1. Documentary stamps—											
(a) Sales by postmasters	4,336,182	10,199,467	24,437,894	20,880,869	14,616,958	11,843,404	12,418,180	7,737,895	7,880,707		
(b) Bonds, capital stock issues, conveyances	12,948,623	18,747,421	35,277,437	32,670,622	26,730,794	32,759,763	30,613,428	20,124,727	20,599,715	13,044,446	15,550,000
(c) Capital stock transfers	2,236,040	7,540,881	13,372,164	8,790,905	9,012,702	9,871,604	7,936,832	12,808,629	17,137,186	16,674,103	22,400,000
(d) Produce sales (futures)	2,353,889	7,263,571	8,171,870	7,521,675	5,558,589	7,015,382	7,557,577	5,397,148	4,183,218	2,884,534	3,901,000
(e) Playing cards	1,276,505	2,091,791	3,088,462	2,603,941	2,787,921	3,385,227	3,731,537	3,183,385	4,213,414	4,742,469	5,019,000
Subtotal, documentary stamps	23,151,239	45,843,131	84,347,827	72,468,012	58,706,964	64,875,380	62,257,554	49,251,784	54,014,240	37,345,552	46,870,000
2. Transportation—											
(a) Freight	30,002,163	116,345,977	130,785,811	140,019,200	85,385,186						
(b) Express	6,458,995	14,301,901	17,597,638	17,093,936	12,475,870						
(c) Persons	24,306,350	77,790,778	98,786,636	97,481,976	58,042,231						
(d) Seats, berths, and staterooms	2,236,700	5,896,833	6,074,556	8,485,016	5,991,624						
(e) Oil by pipe lines	1,433,325	5,601,694	8,426,406	9,989,874	7,623,817						
(f) Telegraph and telephone	6,299,017	17,879,233	26,631,837	27,360,361	28,086,886	29,188,338	33,238,875				
(g) Leased wires		23,156	1,045,204	1,082,051	1,184,636	1,192,446	1,423,554				
Subtotal, transportation	70,736,550	237,839,572	289,348,088	301,512,414	198,790,250	30,380,784	34,662,429				
3. Insurance (life, marine, fire, and casualty)	6,492,025	14,508,881	18,421,754	18,992,094	10,855,404						
4. Manufacturers' excise—											
(a) Automobile trucks and automobile wagons	23,981,269	1,934,223	14,471,464	11,640,056	8,404,558	10,678,761	11,510,563	7,807,811	6,817,100		
(b) Other automobiles and motor cycles		41,991,773	76,315,814	64,388,184	56,684,540	92,736,580	112,870,537	94,141,549	113,133,246	66,437,881	54,000,000
(c) Tires, parts, and accessories		4,908,276	53,135,513	39,518,009	39,344,665	40,875,149	33,633,610	22,737,385	18,204,849		
(d) Pianos and organs			13,624,121	11,568,035	4,951,752						
(e) Tennis rackets and sporting goods			2,944,913	4,283,902	2,215,607						
(f) Chewing gum			1,124,943	1,332,267	742,871						
(g) Cameras and lenses			876,212	849,940	681,546	891,966	717,915	653,545	604,472		
(h) Photographic films			716,904	1,045,430	743,670	718,491	888,961	876,735	659,007		
(i) Candy			23,142,034	20,436,700	13,593,754	11,315,466	11,803,704				
(j) Firearms, shells, etc			4,644,793	3,702,643	3,374,921	4,329,888	3,370,084	3,664,125	2,618,368	192,539	200,000
(k) Hunting and bowie knives			15,836	33,971	21,748	30,455	20,982				
(l) Dirk knives and daggers			4,145	2,328	6,527	1,052	3,940				
(m) Portable electric fans	12,589,210	26,356,397	174,084	297,583	125,015						
(n) Thermos bottles			218,304	175,862	88,892						
(o) Cigar holders, pipes, etc			142,373	151,702	165,454	239,580	319,164	65,244	49,897		
(p) Automatic slot machines			88,876	100,505	88,888	136,604	183,430	390,549	323,091		
(q) Liveries, livery boots, etc			136,021	150,732	112,381	138,234	145,465				
(r) Hunting garments			224,757	182,816	230,535	168,274	172,694				
(s) Articles made of fur			15,311,214	9,081,239	6,523,971						
(t) Yachts, motor boats, etc			212,685	553,202	406,868	267,080	258,998				
(u) Toilet soaps and powders			1,919,398	2,223,774	1,324,601						
(v) Miscellaneous (Revenue act, 1917)			2,318,688								
(w) Motion-picture films (leased)		273,005	4,381,276	6,008,108	3,678,868						
(x) Mah-jongg								20,220	6,827		
Subtotal, manufacturers' excise	36,570,478	75,463,674	216,144,368	177,726,988	143,511,632	162,527,580	175,900,047	130,357,163	142,416,857	66,630,420	54,200,000
5. Child labor tax			2,380	24,224	15,225						
6. Dealers' excise—											
(a) Sculpture, paintings, statuary, etc		112,771	1,543,134	1,116,337	582,800	837,832	755,566	821,519	419,865		
(b) Carpets, trunks, wearing apparel, etc		394,972	17,903,611	20,374,604	8,413,453	1,400,990	1,582,341				
(c) Jewelry, watches, clocks, opera glasses, etc		1,794,248	25,863,607	24,303,937	19,514,465	20,297,876	22,634,406	9,673,416	7,307,854		
(d) Perfumes, cosmetics, patent and proprietary medicines, etc		1,500,019	6,427,881	5,800,768	2,305,482						
(e) Beverages (nonalcoholic) including soft drinks, mineral water, etc	2,215,181	7,182,219	57,460,956	58,675,973	33,504,284	10,131,897	10,418,866		53,590	198,611	125,000
Subtotal, dealers' excise	2,215,181	10,984,229	109,199,189	110,271,619	64,320,484	32,668,595	35,391,179	10,494,935	7,781,309	198,611	125,000
7. Occupational and special taxes—											
(a) Capital stock on corporations	24,996,205	28,775,750	93,020,421	81,525,653	80,612,240	81,567,739	87,471,692	90,002,595	97,385,756	8,970,231	7,500,000
(b) Theaters, museums, circuses, etc	865,361	1,349,742	2,048,806	1,703,382	1,863,252	1,865,289	1,623,362				
(c) Bowling alley, billiard and pool tables	1,086,308	1,611,980	2,782,157	2,368,009	2,499,832	2,371,092	2,312,814	2,289,831	1,714,660		
(d) Shooting galleries		8,987	35,166	23,314	21,367	19,401	17,075	16,523	14,160		

[1] Estimated.

[2] Estimated on 10 months' figures.

RECEIPTS FROM INTERNAL REVENUE—Continued

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928 [2]
F. Current revenue acts—Con.											
7. Occupational and special taxes—Con.											
(e) Riding academies		$3,526	$23,360	$16,940	$12,668	$13,208	$10,722	$12,016	$8,098		
(f) Automobiles for hire		507,721	2,040,244	1,776,494	1,785,620	1,907,399	2,013,839	1,865,075	1,646,797		
(g) Use of yachts, power and sailing boats	$406,522	190,765	862,237	731,093	545,841	216,315	262,572	301,456	223,325	$7,967	$10,000
(h) Brokers, stock, etc	333,397	1,048,578	2,121,312	1,966,313	1,934,180	1,642,878	1,574,030	1,326,657	939,938		
(i) Admissions	26,357,339	50,919,608	76,720,555	89,730,833	73,384,956	70,175,147	77,712,524	30,907,809	23,980,677	17,940,636	17,310,000
(j) Dues	2,259,057	4,072,549	5,198,001	6,159,818	6,615,634	7,170,731	8,069,861	8,690,588	10,073,838	10,436,021	10,280,000
(k) Narcotics, importers, manufacturers, dealers, etc	185,359	726,136	1,513,920	1,170,291	1,269,040	1,013,266	1,057,066	1,090,934	981,739	797,825	790,000
Subtotal, occupational and special taxes	56,489,548	89,215,342	186,366,179	187,172,140	170,544,630	167,962,465	182,065,557	136,503,484	136,968,988	38,152,680	35,890,000
G. Miscellaneous:											
1. Oleomargarine, colored	562,725	680,351	1,194,720	921,192	494,006	678,980	989,319	1,231,939	1,073,937	1,161,977	1,244,000
2. Oleomargarine, uncolored	829,606	852,889	930,343	655,427	452,774	507,708	570,605	510,363	588,904	619,680	698,000
3. Oleomargarine manufacturers and dealers	944,576	1,258,591	1,603,213	1,409,846	1,174,300	1,067,843	1,254,181	1,296,626	1,407,377	1,382,562	1,457,000
4. Adulterated butter, cheese, mixed flour, etc	66,128	134,583	83,597	50,978	33,456	52,780	49,360	25,228	22,322	21,073	14,000
5. Collections under prohibition laws			641,029	2,152,388	1,979,587	729,244	855,395	560,888	416,198	502,877	750,000
6. Internal revenue collected through customs offices				356,296	495,559	109,291	29,036	51,054	55,065	40,303	25,000
7. Opium, manufactured for smoking			310	25	50	470	275				
8. Other miscellaneous receipts	1,091,814	1,501,004	3,045,183	1,619,671	3,370,631	3,015,787	4,203,601	12,105,875	815,712	1,969,337	2,900,000
Subtotal, miscellaneous	3,494,849	4,427,418	7,498,395	7,165,823	8,000,363	6,162,103	7,951,772	15,781,973	4,379,515	5,697,814	7,088,000
Grand total (internal revenue)	3,698,955,821	3,850,150,079	5,407,580,252	4,595,357,062	3,197,451,083	2,621,745,228	2,796,179,257	2,584,140,268	2,835,999,892	2,865,683,130	[2] 2,778,325,280

NOTE.—The above figures are compiled from the annual reports of the Commissioner of Internal Revenue and are based on reports of actual collections.

OTHER TREASURY RECEIPTS

Customs	$182,758,989	$183,428,625	$322,902,650	$308,564,391	$356,443,387	$561,928,867	$545,637,504	$547,561,226	$579,430,093	$605,499,983	$587,000,000
Sales of public lands	1,969,455	1,404,705	1,910,140	1,530,439							
Federal reserve bank franchise tax			2,703,894	60,724,742							
Interest on foreign obligations			3,751,433	31,142,983	26,548,513	201,332,248	160,684,808	160,389,978	160,090,686	160,389,600	161,000,000
Repayment of foreign obligations			70,545,188	83,678,223	48,673,555	31,656,908	61,089,867	23,247,699	34,147,272	45,699,573	54,000,000
Sale of surplus war supplies and property			309,272,820	183,692,849	113,606,800	91,706,388	46,774,600	23,768,975	25,572,013	18,038,530	10,000,000
Retirement of stock of Grain Corporation			350,000,000	100,000,000							
Panama Canal	6,414,570	6,777,047	5,664,741	12,280,742	11,747,092	17,271,855	27,063,204	23,089,958	24,648,569	25,768,390	26,000,000
Railroad securities						99,297,348	94,373,536	143,911,421	36,735,327	89,737,959	169,000,000
All other securities					26,079,128	46,361,372	9,602,405	19,843,302	34,568,379	63,474,987	2,000,000
Trust fund receipts reapportioned for investment					42,113,438	26,862,680	30,643,799	33,373,481	39,796,558	48,476,631	52,000,000
Miscellaneous sources credited direct to appropriations						65,911,406	29,609,735	29,603,432	18,694,008	14,361,494	14,000,000
Other miscellaneous	293,238,657	622,539,528	222,782,946	246,891,611	270,638,981	240,333,649	211,408,208	186,183,321	171,433,409	188,502,953	188,000,000
Reconciliation between Treasury receipts and internal-revenue collections	−2,912,336	−9,919,085	−2,548,675	1,069,919	15,802,174	2,727,532	−1,022,221	5,035,623	1,639,484	3,731,211	
Grand total, other Treasury receipts	481,469,335	804,230,820	1,286,985,137	1,029,575,899	911,653,068	1,385,390,25 [1]	1,215,865,445	1,196,008,416	1,126,755,798	1,263,711,311	[1] 1,263,000,000
Grand total, all ordinary receipts	4,180,425,156	4,654,380,899	6,694,565,389	5,624,932,961	4,109,104,151	4,007,135,481	4,012,044,702	3,780,148,684	3,962,755,690	4,129,394,441	4,041,325,280

[1] Estimated.
[2] Estimated on 10 months' figures.

NOTE.—The figures for "Other Treasury receipts" are from the annual reports of the Secretary of the Treasury, and are on the basis of daily Treasury statements. It should be noted that there is a slight difference between the collections of internal revenue which are reported by the commissioner and the figures of the Treasury Department based on daily Treasury statements; this requires the use of a "Reconciliation between Treasury receipts and internal-revenue collections" as shown.

SCHEDULE 3

Comparison of rates of taxation, 1918 to 1928, inclusive

A. INCOME AND EXCESS—WAR PROFITS RATES

	1918	1919	1920	1921	1922	1923[1]	1924	1925	1926	1927	1928
	Normal rates										
1. Individuals											
PORTION OF NET INCOME											
First $4,000	Per cent 6	Per cent 4	Per cent 4	Per cent 4	Per cent 4	Per cent 4	Per cent 2	Per cent 1½	Per cent 1½	Per cent 1½	Per cent 1½
Second $4,000	12	8	8	8	8	8	4	3	3	3	3
Balance over $8,000	12	8	8	8	8	8	6	5	5	5	5
	Surtax rates										
AMOUNTS OF NET INCOME											
$5,000 to $6,000	1	1	1	1	0	0	0	0	0	0	0
$6,000 to $8,000	2	2	2	2	1	1	0	0	0	0	0
$8,000 to $10,000	3	3	3	3	1	1	0	0	0	0	0
$10,000 to $12,000	4	4	4	4	2	2	1	1	1	1	1
$12,000 to $14,000	5	5	5	5	3	3	1	1	1	1	1
$14,000 to $16,000	6	6	6	6	4	4	2	2	2	2	2
$16,000 to $18,000	7	7	7	7	5	5	3	3	3	3	3
$18,000 to $20,000	8	8	8	8	6	6	4	4	4	4	4
$20,000 to $22,000	9	9	9	9	8	8	5	5	5	5	5
$22,000 to $24,000	10	10	10	10	9	9	6	6	6	6	6
$24,000 to $26,000	11	11	11	11	10	10	7	7	7	7	7
$26,000 to $28,000	12	12	12	12	11	11	8	7	7	7	7
$28,000 to $30,000	13	13	13	13	12	12	9	8	8	8	8
$30,000 to $32,000	14	14	14	14	13	13	10	8	8	8	8
$32,000 to $34,000	15	15	15	15	15	15	10	9	9	9	9
$34,000 to $36,000	16	16	16	16	15	15	11	9	9	9	9
$36,000 to $38,000	17	17	17	17	16	16	12	10	10	10	10
$38,000 to $40,000	18	18	18	18	17	17	13	10	10	10	10
$40,000 to $42,000	19	19	19	19	18	18	13	11	11	11	11
$42,000 to $44,000	20	20	20	20	19	19	14	11	11	11	11
$44,000 to $46,000	21	21	21	21	20	20	15	12	12	12	12
$46,000 to $48,000	22	22	22	22	21	21	16	12	12	12	12
$48,000 to $50,000	23	23	23	23	22	22	17	13	13	13	13
$50,000 to $52,000	24	24	24	24	23	23	18	13	13	13	13
$52,000 td $54,000	25	25	25	25	24	24	19	14	14	14	14
$54,000 to $56,000	26	26	26	26	25	25	19	14	14	14	14
$56,000 to $58,000	27	27	27	27	26	26	20	15	15	15	15
$58,000 to $60,000	28	28	28	28	27	27	21	15	15	15	15
$60,000 to $62,000	29	29	29	29	28	28	21	16	16	16	16
$62,000 to $64,000	30	30	30	30	29	29	22	16	16	16	16
$64,000 to $66,000	31	31	31	31	30	30	23	17	17	17	17
$66,000 to $68,000	32	32	32	32	31	31	24	17	17	17	17
$68,000 to $70,000	33	33	33	33	32	32	25	17	17	17	17
$70,000 to $72,000	34	34	34	34	33	33	26	18	18	18	18
$72,000 to $74,000	35	35	35	35	34	34	26	18	18	18	18
$74,000 to $76,000	36	36	36	36	35	35	27	18	18	18	18
$76,000 to $78,000	37	37	37	37	36	36	28	18	18	18	18
$78,000 to $80,000	38	38	38	38	37	37	28	18	18	18	18
$80,000 to $82,000	39	39	39	39	38	38	29	19	19	19	19
$82,000 to $84,000	40	40	40	40	39	39	30	19	19	19	19
$84,000 to $86,000	41	41	41	41	40	40	31	19	19	19	19
$86,000 to $88,000	42	42	42	42	41	41	31	19	19	19	19
$88,000 to $90,000	43	43	43	43	42	42	32	19	19	19	19
$90,000 to $92,000	44	44	44	44	43	43	33	19	19	19	19
$92,000 to $94,000	45	45	45	45	44	44	34	19	19	19	19
$94,000 to $96,000	46	46	46	46	45	45	35	19	19	19	19
$96,000 to $98,000	47	47	47	47	46	46	36	19	19	19	19
$98,000 to $100,000	48	48	48	48	47	47	36	19	19	19	19
$100,000 to $150,000	52	52	52	52	48	48	37	20	20	20	20
$150,000 to $200,000	56	56	56	56	49	49	37	20	20	20	20
$200,000 to $300,000	60	60	60	60	50	50	38	20	20	20	20
$300,000 to $500,000	63	63	63	63	50	50	39	20	20	20	20
$500,000 to $1,000,000	64	64	64	64	50	50	40	20	20	20	20
Over $1,000,000	65	65	65	65	50	50	40	20	20	20	20

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928
PERSONAL EXEMPTIONS—CREDITS											
Single person	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,000	$1,500	$1,500	$1,500	$1,500
Married person (net income not more than $5,000)	2,000	2,000	2,000	2,500	2,500	2,500	2,500	3,500	3,500	3,500	3,500
Married person (net income over $5,000)	2,000	2,000	2,000	2,000	2,000	2,000	2,500	3,500	3,500	3,500	3,500
Credit for each dependent	200	200	200	400	400	400	400	400	400	400	400
EARNED INCOME TAX CREDIT											
Portion of earned net income:	Per cent	Per cen	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent	Per cent
$0 to $10,000							25	25	25	25	25
$10,000 to $20,000								25	25	25	25
$20,000 to $30,000											25
CAPITAL GAINS TAX											
Limit to tax on capital assets held over 2 years					12½	12½	12½	12½	12½	12½	12½

[1] 25 per cent of 1923 tax rebated by 1924 act in case of individuals only.

SCHEDULE 3—Continued

Comparison of rates of taxation, 1918 to 1928, inclusive—Continued

A. INCOME AND EXCESS—WAR PROFITS RATES—continued

	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928
2. Corporations											
NORMAL CORPORATION RATES											
Standard corporation rate	*Per cent* 12	*Per cent* 10	*Per cent* 10	*Per cent* 10	*Per cent* 12½	*Per cent* 12½	*Per cent* 12½	*Per cent* 13	*Per cent* 13½	*Per cent* 13½	*Per cent* 12
EXCESS-PROFITS TAX RATES											
(a) On corporations earning less than 8 per cent of their invested capital plus $3,000											
(b) On corporations earning more than 8 per cent and less than 20 per cent of their invested capital	30	20	20	20							
(c) On balance of earning over 20 per cent of the invested capital	65	40	40	40							
WAR-PROFITS TAX RATE											
In certain cases on portion of income	80										
EXEMPTIONS											
Amount of income exempt from tax, corporations with net income not over $25,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$3,000
Amount of income exempt from tax, corporations with net income over $25,000	2,000	2,000	2,000								

NOTE.—The rates, exemptions, etc., shown above, and relating to the income tax on individuals and corporations, are all based on the rates and exemptions effective for the calendar year.

B. ESTATES AND GIFTS

	Graduated rates										
	1918[1]	1919[2]	1920	1921	1922	1923	1924[3]	1925[4]	1926	1927	1928
1. Estate Tax											
AMOUNTS OF NET TAXABLE ESTATE											
	Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
$0 to $50,000	2	1	1	1	1	1	1	1	1	1	1
$50,000 to $100,000	4	2	2	2	2	2	2	2	2	2	2
$100,000 to $150,000	4	2	2	2	2	2	2	2	3	3	3
$150,000 to $200,000	6	3	3	3	3	3	3	3	3	3	3
$200,000 to $250,000	6	3	3	3	3	3	3	3	4	4	4
$250,000 to $400,000	8	4	4	4	4	4	4	4	4	4	4
$400,000 to $450,000	8	4	4	4	4	4	4	4	5	5	5
$450,000 to $600,000	10	6	6	6	6	6	6	6	5	5	5
$600,000 to $750,000	10	6	6	6	6	6	6	6	6	6	6
$750,000 to $800,000	10	8	8	8	8	8	8	8	6	6	6
$800,000 to $1,000,000	10	8	8	8	8	8	8	8	7	7	7
$1,000,000 to $1,500,000	12	10	10	10	10	10	10	10	8	8	8
$1,500,000 to $2,000,000	12	12	12	12	12	12	12	12	9	9	9
$2,000,000 to $2,500,000	14	14	14	14	14	14	14	14	10	10	10
$2,500,000 to $3,000,000	14	14	14	14	14	14	14	14	11	11	11
$3,000,000 to $3,500,000	16	16	16	16	16	16	16	16	12	12	12
$3,500,000 to $4,000,000	16	16	16	16	16	16	16	16	13	13	13
$4,000,000 to $5,000,000	18	18	18	18	18	18	18	18	14	14	14
$5,000,000 to $6,000,000	20	20	20	20	20	20	20	20	15	15	15
$6,000,000 to $7,000,000	20	20	20	20	20	20	20	20	16	16	16
$7,000,000 to $8,000,000	20	20	20	20	20	20	20	20	17	17	17
$8,000,000 to $9,000,000	22	22	22	22	22	22	22	22	18	18	18
$9,000,000 to $10,000,000	22	22	22	22	22	22	22	22	19	19	19
Over $10,000,000	25	25	25	25	25	25	25	25	20	20	20
EXEMPTIONS TO VALUE OF ESTATE											
Amount exempt from tax	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$100,000	$100,000	$100,000
TAX CREDIT FOR STATE INHERITANCE TAXES											
Percentage allowed as tax credit							25	25	80	80	80
2. Gift Tax											
Gift-tax rates							(5)	(5)			

[1] 1917 act effective.
[2] 1918 act effective.
[3] Rates shown are after retroactive amendment.
[4] Rates same as estate tax for 1919.

NOTE.—Estate tax: The revenue act of 1917 was effective in the case of decedents whose date of death occurred in 1918; the revenue act of 1918 was effective in the case of decedents whose date of death occurred after Feb. 24, 1919; the revenue act of 1926 was effective in the case of decedents whose date of death occurred after Feb. 26, 1926. Gift tax: The gift tax was effective for the calendar years 1924 and 1925 only.

C. DISTILLED SPIRITS—RATES OF TAX

NOTE.—A classification of the various rates of tax on these products appears unnecessary, as the changes in rates have been relatively small. The important factor in this connection is the eighteenth amendment to the Constitution. The revenue from this source has fallen from $365,000,000 for the fiscal year 1919 to about $15,000,000 in the current fiscal year and is due almost entirely to the amendment above noted.

D. FERMENTED LIQUORS—RATES OF TAX

NOTE.—The same remarks apply as under C above. The revenue has fallen from $126,000,000 for the fiscal year 1918 to $100 for the fiscal year 1928.

E. TOBACCO—RATES OF TAX

Classification	Revenue act of 1918	Revenue act of 1921	Revenue act of 1924	Revenue act of 1926	Revenue act of 1928
Cigars (large):					
Retail price not more than 5 cents	$4 per thousand	$4 per thousand	$4 per thousand	$2 per thousand	$2 per thousand.
Retail price more than 5 and not more than 8 cents.	$6 per thousand	$6 per thousand	$6 per thousand	$3 per thousand	$3 per thousand.
Retail price more than 8 and not more than 15 cents.	$9 per thousand	$9 per thousand	$9 per thousand	$5 per thousand	$5 per thousand.

E. TOBACCO—RATES OF TAX—continued

Classification	Revenue act of 1918	Revenue act of 1921	Revenue act of 1924	Revenue act of 1926	Revenue act of 1928
Cigars (large)—Continued.					
Retail price more than 15 and not more than 20 cents.	$12 per thousand	$12 per thousand	$12 per thousand	$10.50 per thousand	$10.50 per thousand.
Retail price more than 20 cents	$15 per thousand	$15 per thousand	$15 per thousand	$13.50 per thousand	$13.50 per thousand.
Cigars (small)	$1.50 per thousand	$1.50 per thousand	$1.50 per thousand	$0.75 per thousand	$0.75 per thousand.
Cigarettes (large)	$3 per thousand	No change	No change	No change	No change.
Cigarettes (small)	$7.20 per thousand	do	do	do	Do.
Tobacco, smoking and chewing, etc	18 cents per pound	do	do	do	Do.
Snuff	18 cents per pound	do	do	do	Do.
Cigarette papers	1 cent per hundred	do	do	do	Do.

NOTE.—The above are the most important taxes. Special taxes on the manufacturers of tobacco were largely removed by the 1926 act.

F. CURRENT REVENUE ACTS

1. Documentary stamps—Rates of tax					
Bonds and capital-stock issues	5 cents per $100	5 cents per $100	5 cents per $100	5 cents per $100	5 cents per $100.
Capital-stock transfers	2 cents per $100	2 cents per $100	2 cents per $100	2 cents per $100	2 cents per $100.
Produce sales (futures)	2 cents per $100	2 cents per $100	1 cent per $100	1 cent per $100	1 cent per $100.
Playing cards	8 cents	8 cents	10 cents	10 cents	10 cents.

NOTE.—The above appear to be the most important stamp taxes, other stamp taxes are omitted for the sake of brevity.

2. Transportation

Inasmuch as the taxes on freight, express, persons and other forms of transportation have now all been removed, it appears unnecessary to list these rates in detail.

3. Insurance

Special taxes on insurance companies have now all been removed.

4. Manufacturers' excise—Rates of tax					
Automobile trucks	3 per cent	3 per cent	3 per cent (over $1,000)		
Automobiles	5 per cent	5 per cent	5 per cent	3 per cent	
Automobile accessories	do	do	2½ per cent		
Pianos and organs	do				
Tennis rackets and sporting goods	10 per cent				
Chewing gum	3 per cent				
Cameras and lenses	10 per cent	10 per cent	10 per cent		
Photographic films	5 per cent	5 per cent	5 per cent		
Candy	do	3 per cent			
Pistols and revolvers	10 per cent	10 per cent	10 per cent	10 per cent	10 per cent.
Other firearms	do	do	do		
Hunting and bowie knives	do	do			
Dirk knives and daggers	100 per cent	100 per cent			
Portable electric fans	5 per cent				
Thermos bottles	do				
Cigar holders, pipes, etc	10 per cent	10 per cent	10 per cent		
Automatic slot machines	5 and 10 per cent	5 and 10 per cent	5 per cent		
Liveries, livery boots, etc	10 per cent	10 per cent			
Hunting garments	do	do			
Articles made of fur	do				
Yachts, motor boats, etc	do	10 per cent			
Toilet soaps and powders	3 per cent				
Mah-jongg			10 per cent		
5. Child labor—Rates of tax					
Employers of child labor [1]	10 per cent of net profits.	10 per cent of net profits.			
6. Dealers' excise—Rates of tax					
Sculpture, paintings, statuary, etc	10 per cent	5 per cent	5 per cent		
Carpets, trunks, wearing apparel, etc. (in excess of certain amounts).	10 per cent	5 per cent			
Jewelry, watches, clocks, etc	5 per cent	5 per cent	5 per cent		
Perfumes, cosmetics, patent medicines, etc	4 per cent				
Beverages (nonalcoholic), soft drinks, etc	10 and 15 per cent	2 cents per gallon		One-tenth of a cent per gallon (cereals).	
7. Occupational and special taxes—Rates of tax					
Capital stock tax	$1 per $1,000	$1 per $1,000	$1 per $1,000		
Theaters, museums, circuses, etc	Various	Various			
Bowling alleys, billiard and pool tables, etc	$10 each	$10 each	$10 each		
Shooting galleries	$20	$20	$20		
Riding academies	$100	$100	$100		
Autos for hire	$10 to $20 each	$10 to $20 each	$10 to $20 each		
Use of yachts	Graduated	Graduated	Graduated	Graduated	
Brokers	$50 to $200	$50 to $200 each	$50 to $300		
Admissions	10 per cent, etc	10 per cent, etc. (over 10 cents).	10 per cent (over 50 cents).	10 per cent (over 75 cents).	10 per cent (over $3).
Club dues	10 per cent (over ($10)	10 per cent (over $10)	10 per cent (over $10)	10 per cent (over $10)	10 per cent (over $25).
Narcotics:					
Importers and manufacturers	$24	$24	$24	$24	$24.
Wholesale dealers	$12	$12	$12	$12	$12.
Retail dealers	$6	$6	$6	$6	$3.
Physicians	$3	$3	$3	$1	$1.

[1] This tax declared unconstitutional by United States Supreme Court May 15, 1922.

G. MISCELLANEOUS

NOTE.—There have been no substantial changes in these taxes, and it appears unnecessary to detail the rates.

THE FLEXIBLE PROVISIONS OF THE TARIFF LAW—THE TARIFF AND THE FARMER

Mr. COLTON. Mr. Speaker, often in the discussion of political questions nonessentials are emphasized and we forget the fundamental issues involved. It is well, in the beginning of the coming campaign, to call attention to a few of the basic principles upon which the economic life and prosperity of this Nation depends.

Since the World War the American farmers have struggled valiantly to overcome the depression that fell upon agriculture at the close of that terrible conflict. They are, however, to be congratulated upon the substantial progress that has been made toward recovery, and I am sure may look forward with hope to the time when agriculture is on a parity with other industries.

In order to discredit the tariff and its helpfulness to the farmers in their efforts to recover from the effects of the depression following the war much has been unjustly attributed to the tariff law and its administration. It has even been charged that it was an unlawful and unconstitutional law and I want to direct your attention to that phase of the question for a few moments.

SUPREME COURT UPHOLDS PROTECTIVE-TARIFF POLICY

(See copy of decision herewith submitted)

In what may become one of the most important and history-making decisions of the Supreme Court of the United States, that court, for the first time in history, has recently held that Congress acts well within its powers granted under the Constitution when it passes a tariff act in which are fixed rates of duty high enough to protect or to encourage domestic industries. As far as the Constitution is concerned, Congress has the right to fix the rates of duty on imported articles as high or as low as it chooses. It may levy absolutely prohibitive duties if it should so desire and yet be within its constitutional rights and powers. Or Congress has the power to remove all duties on all products imported and to leave all domestic industries liable to absolutely free competition with imports from foreign countries. This decision leaves no doubt about the question of the constitutionality of the Republican tariff laws. In the minds of most people there never has been any doubt about the matter. It is now fully established that Congress has the power to protect the domestic industries from destructive foreign competition by levying adequate tariff rates.

The opinion of the court rendered April 9, 1928, was unanimous and delivered by Chief Justice Taft. The two following quotations give the conclusions of this point:

Whatever we may think of the wisdom of a protection policy, we can not hold it unconstitutional.

* * * the fact that Congress declares that one of its motives in fixing the rates of duty is so to fix them that they shall encourage the industries of this country in the competition with producers in other countries in the sale of goods in this country can not invalidate a revenue act so framed.

SECTION 315 ALSO DECLARED CONSTITUTIONAL

Another extremely important point covered by that decision of the Supreme Court is in relation to the adjustment of the customs duties by the President after scientific investigations by the Tariff Commission. One of the great powers conferred on Congress by the Federal Constitution, Article I, section 8, is that of levying and collecting taxes, duties, imposts, and excises. Congress has exercised that power in the past to the best of its ability, and before the commerce of this great Nation became so great and complicated it was able to do a fair job at it without the assistance of a body of technical experts to advise about the conditions in the various industries. At present, however, there are literally tens of thousands of articles of commerce that are imported into the United States each year and that compete with like or similar articles produced in this country. Many of these products are unknown to the average man. No adequate understanding of the problems involved in the growth or production of these thousands of articles is possible unless careful and complete data regarding them are systematically gathered, arranged, and interpreted by specialists who make it their business day after day to study and report on such problems. Congress realized this condition and organized the Tariff Commission in 1916, with its staff of now more than 200 experts, for the purpose of supplying the President and Congress with the information about these many articles of commerce necessary to fix or adjust the customs duties in an equitable and reasonable way based upon the actual facts existing in the industries of the United States and in competing foreign countries. Congress realized that without some such scientific body as the commission the Ways and Means Committee would be left to determine the rates from the maze of conflicting testimony of the interested parties that appear before that committee either to have the duty as high as possible or as low as possible.

In 1922 the Republican Party went further than the Democrats did in 1916 with the Tariff Commission idea. We gave the commission additional responsibilities. One of these additional tasks was the investigation of costs of production of articles of commerce in the United States and in the principal competing foreign countries for the purpose of assisting the President in the administration of section 315 of the tariff act of 1922.

The commission proceeded to carry out its duty under the law and made reports to the President, who acted upon the information furnished him by the commission, which was his duty under the law, and raised or lowered the customs duties as the evidence indicated was necessary to equalize the costs of production. Now the question of the constitutionality was raised with respect to section 315, under the authority of which the President adjusted certain tariff duties, and the decision of the Supreme Court, just mentioned, was that section 315 was constitutional, and that the President and the Tariff Commission acted within their powers and were merely doing their duty by so investigating costs of production and equalizing them by the adjustment of the customs duties in the manner described in that section of the law. The court said the President or the Tariff Commission, or any other body when designated by Congress, as they are, might adjust the customs duties just as the Interstate Commerce Commission adjusts the freight rates. Further, if the Congress should decide that all competitive conditions at home and abroad should be equalized rather than merely the costs of production at home and abroad, a law embodying such a policy would be constitutional. And if Congress should revise the law to give the Tariff Commission itself authority to change the customs rates as the Interstate Commerce Commission now changes freight rates, such a law would also be constitutional. Because of the wide powers that Congress may delegate to the Tariff Commission this decision of the Supreme Court opens up the way for a real test of the flexible tariff provision on its merits and for such amendments to that provision as may be found essential to its successful and satisfactory operation.

The following quotation taken from the opinion rendered by Chief Justice Taft gives the essence of the conclusions of the court:

The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise. If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority. This conclusion is amply sustained by a case in which there was no advisory commission furnished the President—a case to which this court gave the fullest consideration nearly 40 years ago. (Field *v.* Clark, 143 U. S. 649, 680.)

FLEXIBLE TARIFF PROVISION WORKS WELL

Recently a majority of a select committee of another body of Congress recommended the repeal of the flexible provisions of the tariff of 1922, and particularly the section which confers authority upon the President to revise tariff rates. That committee maintained that the practical value of the flexible provisions had not been demonstrated. With this view I take sharp issue.

Under the provisions of section 315 the President has adjusted the rates of duty upon some 35 or 40 articles imported into the United States. A number of these articles upon which the duty has been adjusted have been agricultural products upon which the duty has been increased. The increase in the duty on such products as wheat, flour, butter, swiss cheese, and cherries have greatly benefited the farmers of the country and especially those of the West where such products are grown in surplus quantities.

The duty on mill feeds which the farmers buy for the purpose of feeding their livestock was reduced under the flexible provision. This reduction greatly benefited the farmers by permitting them to obtain such feeds at lower prices and large importations have come in from Canada for such purpose.

It may be interesting to some to know that during the first three or four years the value of the commodities on which a

reduction was made was about equal to the value of those on which an increase was made. Since then there has been a change and the ratio is about one-third to two-thirds, the value of the increased commodities being the larger.

This quiet and unostentatious operation of the flexible tariff provision has gone on successfully. There has been no general turmoil in industry such as that which accompanies general tariff revisions. The industries of the country have prospered continuously during its operation. The maladjustment of the customs duties on imported foreign products is gradually being overcome and corrected by the operation of the flexible tariff under the excellent administration of President Coolidge with the assistance of the Tariff Commission.

While the adjustments in the tariff rates have been slower than was anticipated at the time the tariff act was passed, yet they have proceeded on a conservative and careful basis, and after thorough investigations by the Tariff Commission and due consideration by the President the country at large has greatly benefited by the adjustments that have been made.

The Republican Party is to be congratulated upon its far-sightedness in adopting the flexible tariff provision in the tariff act of 1922. The party may well be proud of the achievements of President Coolidge in his administration of the act. He has accomplished much good in spite of the opposition to his policy from certain members of the opposition on the Tariff Commission and from certain members of the opposition in Congress.

Not only has the flexible provision of the tariff act of 1922 already made possible the adjustment of a number of the inadequate original duties of the Fordney-McCumber Act, but the Tariff Commission has in process at the present time 40 or more additional investigations which will lead to further adjustments of tariff rates that are now out of line because of changed conditions since 1922. And in addition to the 75 or 80 investigations that have already been undertaken by the Tariff Commission, there are many other investigations that ought to be undertaken and that will be undertaken by the commission as funds are made available by the Congress for such work, and the duties will be adjusted by the President, as far as possible under the law, to equalize costs of production in the United States and in the principal competing country.

Thus without the usual upheaval in business that invariably goes along with the general revisions of the tariff, those duties that are out of line, being either too high or too low, will in time be adjusted by the operation of the flexible tariff provision, so that costs of production in the United States and in the principal competing country will be equalized by the rates of duties collected on imports of such products.

THE REPUBLICAN TARIFF POLICY IS A LIBERAL ONE

The adjustment of rates of duties on this basis is a liberal tariff policy. It permits the products of foreign countries to enter into competition in the markets of the United States on an equal basis with the products of the United States. The tariff policy of few, if any, other protectionist countries is so liberal as that. It is certainly fair to foreign producers and importers of foreign products.

While there is much sentiment in the United States, and much pressure has been brought to bear upon Members of Congress to induce the adoption of a tariff policy that would exclude foreign products from entrance into the United States, and thus keep them from coming into competition with the domestic products in the markets of the United States, yet the Republican Party has deliberately adopted the liberal policy of adjusting tariff rates to equalize costs of production of foreign and domestic products in our own domestic markets.

What can be fairer than such a policy? A more liberal tariff policy at this time would be un-American and would certainly not be for the best interests of the United States.

REPUBLICAN TARIFF HAS CONTRIBUTED TOWARD PRESENT PROSPERITY

The policy of protection for the purpose of encouraging domestic industries has, under the Fordney-McCumber Act of 1922, as under the former Republican tariffs, proved to be one of the outstanding and important factors contributing toward the present prosperity of the domestic industries and of the people in general of the United States. The Republican Party gladly issues the challenge to anybody to disprove that fact.

If the Democratic Party desires to go before the American people in 1928 on the tariff issue, the Republican Party will be delighted to accept the challenge and leave the result to the votes of the people with no fear of the outcome.

The people of this country understand by this time, after much experience, that to permit free entry of foreign agricultural and manufactured products to compete with their own products on the American markets, is to cut their own incomes and to make more difficult their own existence. Because the American people are now well aware of this fact, the Republican Party is anxious at any time to make the tariff the paramount issue in any presidential campaign.

PROTECTION ACCORDED TO AGRICULTURAL PRODUCTS BY REPUBLICAN TARIFF OF 1922

It is sometimes recklessly charged that the farmer is not benefited by the tariff. Let us look at that for a moment.

Schedule 7, the agricultural schedule of the tariff act of 1922, is a very important schedule. It is one of the largest and most active schedules of the whole tariff law. Import duties have been collected on about 350 specifically classified agricultural products and almost that many forestry products. Some of the important farm products imported under this schedule in considerable quantities are as follows:

Butter, milk and cream, wool, mutton, beef, fresh and frozen, cattle, swine, eggs, egg products, sugar beets, sugar, hay, corn, wheat, oats, barley, rye, rice, flaxseed, clover seed, alfalfa seed, tobacco, onions, tomatoes, apples, oranges, berries, cottonseed, other fruits, peanuts and other nuts.

The protection of the domestic markets of these products for the benefit of the farmers of this country has helped greatly in the agricultural situation during the past six years. The sheep and cattle men of the West have been greatly benefited. These industries are in a relatively profitable condition at the present time.

The beet-sugar industry has gone through a most difficult and almost ruinous period. The duty of 1 per cent per pound on sugar fixed in the Underwood Tariff Act of 1913 was entirely inadequate for the protection of the domestic industry. Had it not been for the World War the domestic sugar industry would have been ruined during the period that that act was in operation. During the war the Cuban sugar industry increased its production so tremendously and exported sugar to Europe in such large quantities that after the war, when the European beet-sugar industry began to get on its feet again, Cuba found herself with an overburdening surplus of sugar being produced.

The production in Cuba since the war has not been reduced to anything like the pre-war level. With the tremendous overproduction in Cuba hanging over the American market, prices of sugar in the United States have, in spite of the tariff, been so low as to almost bankrupt the domestic sugar industry. If it had not been for the Republican tariff the domestic sugar industry would have been completely ruined. The Republican tariff without a doubt is the only thing that really saved the domestic sugar industry from annihilation.

It is true that on a number of these products the duty is not sufficiently high to afford the protection needed. I understand, however, that the farmers have applied to the President and the United States Tariff Commission, through Congress in a number of cases, for investigations under section 315 in order that the duties on a number of these agricultural products may be adjusted. The commission now has under investigation milk and cream, eggs and egg products, corn, flaxseed, onions, peanuts, soya beans, cottonseed, fresh and canned tomatoes, and so on. These investigations are nearing completion and adjustment of the duties may be expected.

I am advised, and it is a significant fact, that no applications have been filed by farmers themselves or by farm organizations requesting reductions in duties on domestic manufactured products.

The farmers of the United States are at the present time more interested in the tariff than ever before. The tariff act of 1922 was in reality largely made up in accordance with suggestions from the Senators and Representatives from the agricultural districts. The rates of duty on farm products fixed in the act were thought at the time to be adequate for the protection of agriculture. If there are duties that are still inadequate, when the tariff is revised by Congress the Republican Party will undoubtedly place adequate duties on such farm products.

It has often been contended that tariff legislation is class legislation, but if that was ever true it is not true now. The low tariff advocates now generally accept the fact that the wage earners have accepted the tariff as an economic necessity and the advocates of the low tariff are beginning to fix their attention almost entirely on the farmer in an effort to capitalize his discontent.

They now declare that the protective tariff favors the manufacturer and the wage earner at the expense of the farmer. The farmer is being told that the tariff does not benefit him either directly or indirectly, but on the contrary he is penalized by having to pay higher prices for what he buys because of the protective tariff.

The fallacy of this argument is apparent when the farmer realizes that by protection the wage earners are guaranteed steady employment in the cities and towns, thereby giving him a great home market of buyers who are able to purchase the same quality of goods and food products as the average member of the so-called European upper classes are able to buy. In addition to this the farmer knows that he has a direct benefit from protection. Many of our farm crops could not exist under our present wage system in competition with cheap labor in foreign fields.

In the State of Utah in 1927 one beet sugar company paid two and a quarter millions of dollars for labor and four millions to the farmers for sugar beets in that year. Without a reasonable tariff on sugar this factory would be out of business. This is only one small item of the direct benefit to the farmers.

Our opponents would not dare this year to advocate the repeal of the tariff, but they are on record in the first session of the Seventieth Congress as favoring a revision of the tariff downward. This would mean that on all of the agricultural products there would be a downward revision of the tariff. Let this be known among the farmers of this Nation and I am not afraid of the result. Let the issue be squarely drawn between the great protective tariff as advocated by the Republicans and the uncertain undefinable attitude of the Democratic Party and without question the people of America will continue in power the great party that has been the greatest contributing factor in making America the leading nation of the world.

SECOND ANNUAL REPORT TO THE VOTERS OF THE FOURTH DISTRICT OF CALIFORNIA

Mrs. KAHN. Mr. Speaker, the first session of the Seventieth Congress has ended, and under the leave granted to Members of Congress to print in the RECORD their statements on any subject, I am utilizing this privilege once more to render to the voters of the fourth congressional district of California a brief résumé of the activities and accomplishments of the present Congress, with especial reference to my own votes and views on the legislative matters that have been before the Congress and the Nation during the session just ended.

The expense incident to the distribution of this report is not a charge upon the taxpayers; out of my own funds I shall pay for the reprinting of this statement, also for the addressing of the envelopes. I have estimated that the printing and distribution of this report to the 100,000 voters in the fourth congressional district of California will cost me between $450 and $500. Being mailed as a public document it has the advantage, of course, of the franking privilege and carries no postage. However, as explained in my previous report, I can think of no better use to which the CONGRESSIONAL RECORD can be put than to employ it as a means of acquainting the voters with the legislative record of Congress and with the attitude and vote of their own Representative on the important questions with which Congress has had to deal. The voters are in a true sense stockholders in this greatest corporation, the United States Government, and as stockholders are entitled to know what the directors—the Members of Congress—are doing and what the condition of the corporation is.

LEGISLATION

During the session of Congress just ended there were four major measures of national scope which particularly interested me; I refer to the revenue act of 1928, the merchant marine act, flood control, and the alien property act. These measures are now law, and in my opinion distinguish the session of Congress that achieved their enactment as one of constructive accomplishment.

It might be of interest here to note that during the session of Congress just ended there were 4,577 bills introduced in the Senate and 14,143 bills introduced in the House. In addition to these bills a large number of resolutions were introduced. These bills are referred to appropriate committees and by them referred to the departments affected for report; later they are returned to the committees for consideration and report to their respective Houses and placed on the proper calendar of the House or Senate. While it is a physical impossibility for a Member to keep up with all the bills introduced and pending before Congress each Member is expected to become familiar with those reported from the committees of which he or she is a member, and every conscientious Member must study the bills of general importance to the Nation, and especially those which peculiarly affect his or her own district or State. Nine hundred and ninety-two bills were enacted during this session of Congress.

COMMITTEES

I am a member of four committees: First, Committee on Education; second, Committee on the Census; third, Committee on War Claims; and fourth, Committee on Coinage, Weights, and Measures. I have attended on an average of four committee meetings each week, and have taken an active part in all matters coming before them for consideration, action, and report.

REVENUE ACT OF 1928

When the Seventieth Congress convened last December the first subject to engage its attention was that of tax reduction. I voted for this bill. The revenues collected and the payment of interest and part of the principal due on our foreign debts were in excess of our expenditures, which justified a further reduction of taxes. The money absolutely necessary to maintain the Government with rigid economy should, I believe, be collected from the people, taking into consideration their wealth and their ability to pay. With this in view, I favor a graduated income tax; in the first place, granting liberal exemptions to persons of small income and beginning with a lower tax upon those of moderate income and exacting a greater percentage from the larger incomes.

In the formation of the tax revision bill of 1928 three principles were followed: First, that the reductions should not be such as would produce a deficit in the Treasury; second, that the reductions should be distributed where the need for relief appeared most necessary and advisable; and third, that the taxes that had not been reduced since the World War should be given special attention.

The following table will show precisely how each individual class is affected by the new rates:

Reduction in revenue

Corporation rate, reduced 13½ to 12 per cent	$123,000,000
Corporation exemption, increased $2,000 to $3,000	12,000,000
Automobile tax, repealed	66,000,000
Admission tax, exemption increased from 75 cents to $3	17,000,000
Club dues, exemption raised $10 to $25	1,000,000
Earned income allowance, increased $20,000 to $30,000	4,500,000
Cereal beverages, repealed	185,000
Wine taxes, reduced	1,000,000
Foreign-built yachts, repealed	10,000
Narcotics, druggists' fees reduced from $6 to $3	150,000
Total reductions	225,295,000

The analysis of this reduction shows that the largest single item is the one beneficial to corporations and their stockholders. Previous tax-reduction measures had left the corporation taxes high in comparison with individuals and partnerships. The tax rate on corporations was reduced from 13½ to 12 per cent, resulting in a tax reduction of $123,000,000. In the case of small corporations with net income of $25,000 or less the exemption was increased from $2,000 to $3,000 resulting in an additional saving of $12,000,000 or a total corporation tax reduction of $135,000,000. It is estimated that there are not less than 3,000,000 individual owners of corporate stock in the United States, indicating that the benefit of this reduction will be widespread.

The second largest reduction in taxes will benefit the purchasers of automobiles. The present tax on the sale of cars, amounting to between $66,000,000 and $67,000,000, has been entirely eliminated.

The next largest item of reduction is in admissions. The exemption from tax of such charges was raised from 75 cents to $3, making a total reduction in the admission tax of $17,000,000.

The tax assessed against druggists and other dealers in narcotics was changed from $6 to $3 a year. I might explain that the purpose of this tax is not so much for revenue as to secure an accurate registration of every person in the United States who dispenses, or who is dealing in, narcotics.

The exemption on club dues was raised from $10 to $25, making a total reduction in that tax of $1,000,000. Members of clubs whose annual dues are $25 a year or less will pay no tax. This takes care of the smaller clubs, teachers clubs, country clubs, and various similar organizations.

The new tax bill provides for several administrative changes, which materially simplify the law by grouping the various related sections, and after these changes are put into general use they will be found to be of great benefit to the individual taxpayer, the student of taxation, and the attorney.

APPROPRIATIONS

One of the most important functions of Congress is to wisely appropriate money to operate properly and efficiently this greatest Government in the world. At the opening of each session of Congress the President, through the Bureau of the Budget, submits an estimate of the money which will be necessary to carry on the work of the various governmental departments. Upon the basis of these estimates the Appropriations Committee submits the various supply bills. During the session of Congress just ended the total amount appropriated was $4,595,-

448,625.59. The following are the major appropriation bills and the amount carried in each bill:

Agriculture	$139,138,793.88
District of Columbia	37,625,209.00
Executive and independent offices	527,593,111.00
Interior	272,656,039.00
Legislative	17,746,893.26
Navy	362,145,812.00
State, Justice, Commerce, and Labor	89,820,597.64
Treasury and Post Office	1,061,342,060.00
War	398,517,221.50
First deficiency	200,936,688.02
Second deficiency	99,172,485.76
Permanent annual and indefinites	1,388,753,735.53
Grand total	4,595,448,625.59

Happily, we are living through peaceful and prosperous years, and this is and should be a period of progress and of constructive development. While I have insistently voted against all unnecessary expenditures, I have supported certain measures carrying large appropriations that will yield returns in good roads, public buildings, flood control, and so forth, which I regard as investments. I believe, however, that all appropriations for nonproductive purposes should be closely scrutinized and reduced to the minimum.

MERCHANT MARINE ACT

The merchant marine act represents an effort on the part of our Government to further the development of a private merchant marine rather than a continuation of the shipping business under Government management. It provides a fund of $125,000,000 for this purpose, which may be loaned for the construction of private vessels, and in addition establishes favorable mail contracts. This act is considered a long step forward in American shipping. It will make possible the building of new ships of greater speed than any now flying the American flag, and so revive the shipbuilding industry in this country.

It is expected that it will stimulate an increased use of American ships for carrying American cargoes, as well as give us a larger measure of industrial and commercial independence. Also, it will provide us with naval auxiliaries in times of stress. But more important than all these advantages, the passage of this act served notice to the world that it is our settled purpose to retain upon the seas that which we now have and that it is our determination in due process of time to build and maintain a merchant marine of a size and efficiency commensurate with our national interests and national dignity.

FLOOD CONTROL

After extensive hearings, numerous conferences, and negotiations between congressional leaders and the executive branch of the Government, a flood-control measure was enacted which recognizes the principle that this is a national problem and obligation. The sympathy of the Nation went out to the people of the Mississippi Valley when that vast territory was inundated by a great avalanche of water, covering as it did every city, village, and farm in its path. Devastation, destruction, disaster, and death followed in its wake, and the total loss ran into many hundreds of millions of dollars. I believe that flood control is a national problem, and I supported the legislation recommended by the Flood Control Committee, carrying an appropriation of $325,000,000 for flood-control work.

ALIEN PROPERTY ACT

During the World War an immense amount of property belonging to the citizens of Germany was seized by the Alien Property Custodian representing the United States Government. In addition, we took over German ships which were in our harbors at the time war was declared, likewise a radio station and a large number of patents belonging to Germans. After the war was over many American citizens presented claims against Germany for losses sustained during the war period. It would have been unfair to return the seized property to Germany without giving consideration to the claims of Americans. The alien property act provides for the settlement of claims of American nationals against Germany, and of German nationals against the United States, and for the ultimate return of all property of German nationals held by the United States.

SAN FRANCISCO FIRE CLAIMANTS

When this legislation providing for the disposition of alien property was before the Ways and Means Committee of the House I appeared before that committee to press the claims of the Californians who suffered losses in 1906 at the hands of certain German and Austrian insurance companies who either completely failed to meet their obligations or met them only in part. It was decided, however, that consideration could be obtained for the California fire claimants through an amendment to be offered in the Senate after the bill should pass the House and be referred to the Senate. During the consideration of the bill in the Senate Senator SHORTRIDGE offered such an amendment, which was adopted by the Senate, but, unfortunately, it was stricken out of the bill in conference. Naturally, this was a keen disappointment to all of us interested in obtaining relief for the people who were so unjustly treated by the foreign insurance companies.

RADIO

Believing that radio is one of the greatest civilizing agencies of the present age, I supported the bill extending the life of the Radio Commission another year. This was necessary to enable that body to work out the many important and difficult problems which surround the art of radio. The act amends the previous law so as to require more nearly equal distribution of broadcasting stations, wave lengths, and operating hours among the five geographical radio zones. Order must be brought out of the existing chaos, interference prevented as much as possible, and broadcasting must be placed on a sound and permanent basis.

REVISION OF POSTAL RATES

The new postal rates law, providing for a reduction in rates estimated at more than $16,000,000 annually, is of interest and benefit to the people of the fourth district, as well as to the country in general.

Under this law the rate is reduced from 2 cents to 1 cent on post cards and private mailing cards. Provision is also made for the acceptance of business reply cards and letters in business reply envelopes without prepayment of postage. The purpose of this provision is to meet a demand from advertisers for a means by which they can encourage replies to advertising matter by the payment of the postage on such replies without the necessity for inclosing stamped post cards or stamped envelopes along with the advertising matter.

Second-class rates on advertising sections of publications and the postage on magazines and newspapers, when sent by others than the publisher or news agent, are reduced. A minimum charge per piece is fixed on second-class matter when there are more than 32 pieces to the pound.

The third-class rates remain the same as in existing law with the exception of some slight modifications in bulk rates.

Postage rates on fourth-class matter are reduced, and provision is made for bulk pound rates on third-class matter, a special rate on library books and combined special handling and delivery at reduced rates.

A bill has also been passed authorizing a new schedule of rates on air mail.

The Cuban parcel post bill, in which considerable interest has been expressed, remains on the calendar.

CONVICT LABOR BILL

I voted for this bill, which makes it possible for the State to prohibit the shipment of prison-made goods as articles of interstate commerce. It was supported by organized labor and many business and civic organizations.

VETERANS

A general bill increasing the pension rate for certain widows of Civil War veterans was enacted during the past session of Congress. Under this law Civil War veterans' widows who have attained the age of 75 and who were married prior to June 27, 1905, will have their pensions increased from $30 to $40 per month.

It is unfortunate that many bills of this character are brought up in the House under suspension of the rules, which prevents discussion in detail or amendment; in such instances the Members are compelled to vote for the bill as it stands and without change.

Omnibus pension bills, taking care of special Civil War and Spanish-American War as well as other cases, have also been passed during the session just ended.

Congress has also passed legislation further benefiting the World War veterans, including authorization of additional appropriations for hospitalization purposes, extending the time for conversion of insurance, prolonging the time for vocational training, liberalizing the law with reference to the filing of claims for compensation and the bonus, and the retirement bill for the disabled emergency officers.

A statement recently made by Representative ROYAL C. JOHNSON, chairman of the Committee on World War Veterans' Legislation, will prove of interest here:

Since the conclusion of the World War the Government of the United States has been most liberal in its treatment of disabled service men. Under the laws existing at the close of the war a soldier totally and permanently disabled with the most grievous injuries would receive compensation in the sum of but $30 per month.

By the passage of the Sweet bill that was increased so that total permanent disability to-day is compensated at the rate of $100 per month, and the soldier temporarily disabled receives $80 per month,

with allowances for dependents. With the passage of the veterans' act of 1924 the act was further liberalized.

Men disabled by mental diseases and by tuberculosis were by that law presumed to have received their disability in line of duty if the diseases were contracted prior to January 1, 1925, and by an amendment to the act, men arrested of tuberculosis receive for life compensation in the sum of $50 per month.

In the law (H. R. 13039) enacted in this present session of Congress, recently signed by the President, every service man is given the right, physically fit, to take Government insurance, and the time has been extended for all service men in which to file claims and present evidence showing that they have a compensable disability.

No country in the world has been as liberal to its service men.

I have actively supported all legislation in the interests of our veterans and their dependents. Hardly a day has passed since I have been a Member of Congress that I have not had opportunity to render some aid to ex-service men or their dependents in connection with pensions or increase of pensions, insurance settlements, compensation, hospitalization, and so forth. I believe the people who have actually made sacrifices for their country are entitled to every consideration.

FEDERAL EMPLOYEES

I have put forth every effort to improve conditions for the Federal employees. I supported the Welch bill, providing general salary increases, the Bacharach bill for the customs employees, as well as the differential pay bill for night workers in the Postal Service.

The bill liberalizing the Federal employees' retirement law was passed by the Senate, but failed to come up in the House. However, this bill retains its status on the calendar, and I am hopeful that it will be one of the first measures passed by the House at the December session of Congress. It can then be sent to the President for approval.

I introduced a bill (H. R. 10478) providing for the retirement of the licensed officers of the Army transport service. This bill was passed by the House on May 16, 1928. It is now before the Senate Committee on Military Affairs. I shall continue my efforts in behalf of this measure, and I believe those interested can be hopeful that the next session of Congress will see this bill enacted into law.

MUSCLE SHOALS

A question which has engaged the attention of Congress for several sessions is Muscle Shoals, and considerable discussion took place during the present session on this subject. Much has been said upon both sides of the matter, and a bill was finally passed by the House and the Senate and sent to the President for approval. The President has not signed the bill, and there is considerable question now regarding its real status. It is possible that the Supreme Court will have to decide the issue.

FARM-RELIEF LEGISLATION

The McNary-Haugen bill was introduced again, and after passing the House and Senate was vetoed by the President, who denounced it as unsound economically, suggesting it would injure rather than benefit the farmer. I voted against this bill. I believe that reduction in freight rates on farm products, reduction in taxes, better roads, and improved marketing facilities will prove of greater assistance to the farmer than the plan carried in the McNary-Haugen measure.

EDUCATION BILL

The Committee on Education, of which I am a member, held further hearings on the so-called Curtis-Reed bill, which provides for the creation of a Federal department of education with a secretary in the President's Cabinet. The present bill eliminates Federal subsidies to States and thereby gains increased support. As yet the bill has not been reported to the House.

REAPPORTIONMENT

The bill for the apportionment of Representatives in Congress was defeated. Under the Constitution of the United States, representation in the House is provided for by giving each State at least one Representative and representation otherwise in proportion to its population. The Constitution provides for the census to be taken within every 10-year period. These provisions of the Constitution recognize the certainty of the increase of population and the inevitable changes in the distribution of population, and the Constitution intrusted the Congress with the duty of readjusting representation to population for each 10-year period. At the end of each decade, with the exception of the last one, Congress functioned by reapportioning as provided by the Constitution. Following the census of 1920, Congress failed to reapportion, partly because of opposition to increasing the membership of the House and partly because of the opposition from States that would lose representation on reapportionment. The bill brought up in the House during the session just ended gave Congress its opportunity to perform its constitutional duty by providing in advance for reapportionment under the census of 1930. Its enactment would have provided a permanent system for reapportionment on the basis prescribed by the Constitution. Its passage would have given assurance to all States in the country that just representation would not be denied them. As a member of the Committee on the Census, I worked diligently for a favorable report on this legislation, and I voted for the bill when it was finally brought up in the House. California, whose population has increased tremendously during the past 10 years, is one of the States denied just representation through the failure of Congress to pass this legislation. Our State is justly entitled to at least three additional Representatives. While the measure has failed for the time, I believe that eventually right will prevail and this situation will be corrected.

CONSTITUTIONAL AMENDMENT

The joint resolution proposing an amendment to the Constitution, fixing the commencement of the terms of President, Vice President, Members of Congress, and fixing the time of the assembling of Congress, was defeated in the House. During the consideration of this resolution many amendments were proposed, one of which would extend the terms of Representatives from two to four years, their elections to be held at the same time the President is elected. As the discussion progressed the entire question became so involved that the best constitutional lawyers in Congress could not agree as to how the resolution would work out should it become a law. In attempting to amend the Constitution it should be done deliberately and carefully, and where any change can be accomplished by legislation rather than by amendment I favor the legislative process. If, during the next session of Congress, a less complicated measure is brought up in the House on this subject, I shall be very glad to consider it.

PROHIBITION

Approximately 60 bills were introduced to modify the Volstead Act, one of which I sponsored. These bills were all referred to the Judiciary Committee, but no action, I regret to say, was taken on them during this session. I consider the prohibition situation most deplorable, and I firmly believe that if the Volstead Act were amended to the extent of permitting the manufacture and sale of light wines and beer it would do much toward eliminating many of the evils that prohibition has brought about. Some most unfortunate accidents have occurred through the indiscriminate use of firearms by Coast Guard men and prohibition agents; I have advocated distinctive uniforms for these officials so that unoffending private citizens can distinguish them and be on their guard against accidents.

SAN FRANCISCO BAY BRIDGE

Hearings were held before the Committee on Interstate and Foreign Commerce of the House and before the Committee on Commerce of the Senate on bills to permit the construction of a bridge across San Francisco Bay. Cooperating with Congressman WELCH and a delegation of San Francisco officials, I appeared before the House committee to urge the necessity of such a bridge for the commuting public between San Francisco and the bay cities. The Senate committee made a favorable report on the matter to the Senate, but as yet the House committee has not taken any action in the premises. I shall renew my efforts in behalf of this project at the December session of Congress.

HETCH HETCHY

Toward the close of the session San Francisco was unjustly attacked in connection with the Hetch Hetchy project and our compliance with the provisions of the so-called Raker Act. I defended San Francisco against the charges made, and those interested in this controversy can find the details in the CONGRESSIONAL RECORD of May 19, 1928. My statement appears on pages 9247–9251.

PRESIDIO ROADS

Early in the session I introduced a bill authorizing the appropriation of $47,200 for the improvement of the roads in the Presidio. This measure was approved by the President on May 3, 1928, and this very necessary work will be done in the near future.

BOULDER DAM

One of the big issues before Congress is Boulder Dam. The bill authorizing the development of this project has been passed by the House, and is the unfinished business of the Senate, to be taken up early in the December session of Congress. The paramount purpose of this legislation is the protection of human life and property in the Imperial Valley, now under a constant menace of destruction from floods. In a comprehensive report by the Secretary of the Interior, he states, among other things:

The general plan and purpose of this measure have my support, and I favor its being made a national undertaking, to be carried out and administered by the Federal Government.

PEACE

While the Members of the House of Representatives have practically no voice in negotiations with foreign governments, I have followed with a great deal of interest the efforts of the President and the Secretary of State to bring about the acceptance of a multilateral treaty among the principal nations of the world renouncing war as an instrument of national policy in their mutual relations.

The trend of civilization is undoubtedly toward peace, and I believe that we as a nation can feel satisfied with the efforts of our Government in this connection. As President Coolidge has pointed out, the peace of the world can not be obtained by any one single act; but every treaty of arbitration and conciliation and every agreement against resorting to war adds another barrier against those conflicts which from time to time have recurred in the history of nations. It is the hope of mankind that these repeated steps may in time establish a mode of thought and a custom of action that will do much to prevent war. I believe we must cultivate and cherish sentiments of friendship and understanding, but I believe, too, that we must be mindful of our national defenses for the millennium has not yet been reached.

OUR DUTY AS CITIZENS

In an address before the Daughters of the American Revolution, President Coolidge called attention to the significant fact that—

since 1880 there has been a marked increase in the tendency to remain away from the polls on the part of those entitled to vote.

One way to counteract this widespread apathy and indifference is to stimulate in each individual citizen a keener interest in the business of Congress. This, my second annual report, is distributed in the hope that it will stimulate thought and a deeper sense of responsibility relative to the work of Congress, and also enable you, the voters, to determine to what degree and in what manner I have represented you and your interests.

PERSONAL SERVICE TO CONSTITUENTS

It is almost impossible to give an adequate description of the tremendous amount of work involved in the service rendered by a Representative to his or her constituents in an individual capacity. At times it is difficult to keep up with the daily demands and render the needed service as promptly and efficiently as it should be.

The requests for information and assistance require close cooperation with practically every Government department. They include inquiries regarding pending legislation, immigration and deportation cases, claims of ex-service men, pension cases, income-tax matters, the securing of passports for travelers, discharge of enlisted men in the Army, Navy, and Marine Corps, appointments to West Point and Annapolis, pardon cases, recommendations for appointments and transfers, the supply of general information on many subjects, the furnishing of publications, and so forth.

During the sessions of Congress my office is open every day in Washington, and during the adjournment periods of Congress I maintain an office at home in San Francisco, where I am always glad to see my friends and constituents and take up with them personally the matters in which they are interested. My office in San Francisco this year is located at 1027 Merchants Exchange Building, where I shall be until the convening of Congress next December.

In closing I can say with the utmost sincerity that I have continued to adhere to the established policies of Julius Kahn. Like him, I am a firm believer in party government, but blind partisanship was never his guide to action in voting on measures. I have voted on each measure purely on the basis of the merits of each question. I appreciate the splendid cooperation that has been given me by individuals and groups in the district. Only through your cooperation and your advice will teamwork in government come about.

I am a candidate for reelection as the Representative of the fourth congressional district of California. I am willing to stand on my record.

THE STONE MOUNTAIN MEMORIAL

Mr. LEA. Mr. Speaker, as a member of the congressional committee appointed to represent Congress at the unveiling of the Lee Statue on Stone Mountain on the 9th of April, 1928, I desire to express an appreciation of having served in that capacity. I appreciate the thoughtful consideration and many courtesies extended to us on the trip by our colleague, Congressman BELL. The genial and admirable qualities of Mr. BELL are known to all our colleagues. At no time were those qualities more appreciated than in his capacity of host to the congressional committee on this occasion. We found that our Georgia colleague was only a sample of that same geniality and hospitality we met generally among the people of Atlanta.

Certain unique features of this unveiling at Stone Mountain were impressive. Stone Mountain itself is unique among the mountains of the world. Detached from any range of mountains, it rises out of a comparatively level country, forming a conspicuous silhouette against the southern sky. It is not a great heap of soil, rocks, and brush, canyons and cliffs, as we ordinarily think of a mountain. It rather impresses one as a great monument, lifting up and spreading out in majestic proportions, fashioned by the Master Architect from one gigantic stone. The solidity of its materials and the vastness of its proportions make it secure against the destructive elements of all time. We gaze upon it and are reminded of "yesterday, to-day, and forever." The color of its gray granite adapts itself to the comparable uniform of the heroic characters to which it is now dedicated. Its enduring qualities are comparable to the enduring fame of the great leader. It rises up out of the heart of the land that gives such a tribute of affection and devotion to the memory of her great captain, such as has never been surpassed by the tributes paid to the victorious heroes of this earth, and the equal of which has rarely, if ever, been bestowed on the heroes of the lost causes of history.

The date of the unveiling was in itself significant. The 9th of April was the anniversary of Appomattox. It was there the cause of Lee and the South became the "lost cause." Appomattox was Lee's Gethsemane. From Appomattox Lee and his men turned away in defeat. The union of the Confederate States, as a separate government, was defeated forever. The Union of the States of America was confirmed forever.

Yet the memorial at Stone Mountain is not a monument to defeat but rather a tribute to triumph. The Union established and confirmed at Appomattox is now accepted without regrets—yea, happily. The memorial at Stone Mountain is a tribute to heroic and uncomplaining sacrifices to courage and to all those other great qualities of heart, mind, and soul of the southern people which find their noblest exemplification in the life, services, and character of Robert E. Lee.

In the travail of war and doubly in the following decades, when the South with patient toil, unmeasured discouragements and ultimate success sought its restoration, there was comfort and inspiration in the memory of Lee. In their poverty of material things, they yet had inspiration, pride, honor; they had spiritual wealth in affection, admiration, and reverence for their great leader. These remained as assets to the South. Stone Mountain stood on the 9th of April as a tribute to victory out of defeat.

Visitors will come from all lands to behold this tribute of a great people to the leader of their lost cause. They will behold a tribute unsurpassed by any similar monument on the face of the earth.

Behold the monument's majestic front,
The mighty captain carven in the stone!
Proudly he strides his peerless Traveler
Facing the battle field as when he viewed
His tried divisions march across to death.
High art has triumphed where an army failed.

Not the least pleasing feature of this dedication was the presence of little Robert E. Lee, great-grandson of the Confederate general. As the flags drawn aside revealed the heroic statue, little Robert released 48 pigeons, each representing a State of this happy, united country. With winged delight they arose and circled above the face of the mountain side.

This little 3-year-old great-grandson has a distinctive personality. He has a reserve power in embryo, a personal charm, the wholesomeness of a morning in spring, and a tinge of thoughtful calmness in a face that exhibits unusual mental penetration for one of his years. Manifestly he shares the rich heritage of his great-grandfather's blood.

FARM LEGISLATION

Mr. RAYBURN. Mr. Speaker, every thinking person in the land realizes that there is a farm problem. Everyone must realize that although many other industries are prosperous, as they never were before, that agriculture as a whole is in the worst state of depression in which it has ever been. The question of farm legislation has been up for discussion in Congress and in the country for several years. What are we going to do about it? Are we going to sit supinely by while the greatest industry in our land languishes? The question of farm relief has been raised. It must be met and it must be settled. Farmers from one end of our land to the other have awakened to their condition and to their rights and are justly demanding that agriculture be given justice. It has been wisely said by a

wise man, "When tillage begins, the other arts follow; the farmers are therefore the founders of human civilization."

The farmers have been the pioneers in all the advancement of our country. It was the farmer who went forth to clear away the forests and turn the sod of the prairie to make it a home for man that products may be brought forth to feed and clothe the world. He went into the tractless forest before the railroads went there or the factories or other businesses went there, and there never would have been railroads and factories or towns if the pioneer farmer had not blazed the way and settled the country and brought forth by his labor the things that the railroads, the factories, and all used to build towns. Every other industry in the land should want agriculture to be prosperous. If the farmers are not prosperous the revenue of the railroads shrink and labor upon the railroads is idle. If agriculture is not prosperous the smoke will cease to lift from the factories and their business shall perish from the earth, and thousands upon thousands of men and women will be left out of employment because the farmer will not have money with which to buy the output of the factories. So, with the merchants and the banks. We are all interdependent upon each other, and if the greatest and most basic of all industries is not prosperous then every other industry fails in prosperity.

To show you that other industries are prosperous and the farmers are not we have but to refer to the income-tax returns for the past six years. After Congress had made three great reductions in income-tax rates the surplus collected last from this tax was $635,000,000, which shows conclusively that many men and many industries are prosperous. What is the tragic story of agriculture? Within the last 15 years the wealth of the country has increased more than $200,000,000,000, while farm values have shrunk $20,000,000,000 and farm indebtedness has grown nearly $10,000,000,000. A further fact showing the depressed condition in our agricultural sections in answer to the boast of the prosperity under Republican administration, it may be cited that during the Harding and Coolidge administration there have been 3,785 bank failures and 2,800 of these failures occurred in the 12 leading agricultural States.

On top of this hundreds and even thousands of business houses have been forced to close their doors in these agricultural States because the farmer in his depressed condition was not able to patronize business concerns. These conditions stare the farmer in the face, and yet he has to buy upon a high price level and sell upon a low price level. The things that he has to buy are protected and the price made higher by tariff laws, and the things he has to sell are sold in open competition with the whole world. The tariff in a few lines of agriculture will help the producer, but in the vast majority of instances it is a snare and a delusion. Take cotton, for instance. America exports millions of bales each year and imports no cotton that would come in competition with the export cotton; therefore, a tariff on ordinary cotton, it matters not how high, would be of absolutely no benefit to the cotton farmer, as there is no competition to meet. Therefore, the only hope of the man who produces cotton is that the discriminations in the law against him be removed, and by better marketing conditions and in the aid of the strong arm of the Government these conditions may be brought about. This is part of the tragic story of agriculture. This is why the farmers throughout the land are crying out for justice and for Congress to take out the discriminations in the present law and pass other laws that will give them justice and a square deal.

If I sat on the Republican side of the House, regardless of what my President said as to the details of relief, I would join those who are seeking an honest solution of the farm problem. I would go further. I would vote to pass this bill over his veto the same as I would if the President of my party sat in the White House at this time and vetoed the measure that we have before us. The boasted prosperity under this Republican administration has never reached the farmers. The farmer will believe that prosperity has come to him like it has come to other people when he is able to pay his notes at the bank, pay the merchant, get out of debt, and have some left to clothe and feed his family and to buy them books that his children may go to school, and enough more left to buy some of the comforts and pleasures of life that all others seem to enjoy.

Two years ago I supported farm relief legislation. I am supporting farm legislation at this session of Congress, and I believe that the passage of this so-called McNary-Haugen bill, even though it has some features in it that I would like to see eliminated, will be a great step forward for the benefit of agriculture. Given an honest, intelligent, patriotic board, nonpartisan in its character, with $400,000,000 to buy up surplus crops and hold them off the market and to feed them gradually to the market with the constant threat to those who would try to manipulate the market and cheat the farmers, we will see a new day dawn for agriculture. Some of the timid ones in this House say they fear the power of the board created by this law. Any board is to be feared that is not composed of wise and patriotic men, and every board and every commission in this Government could be made an agency of great oppression if it were composed of the wrong sort of men. We have the Interstate Commerce Commission that has power over the whole railroad industry and the right to fix the rates that the railroads receive and that every shipper and every consumer must pay. This is a vast power, but who would be so bold as to ask for the repeal of the interstate commerce act and let the railroads go unbridled and back to the old days of rebates and favoring of the big shipper as against the small shipper? The Federal Reserve Board has great power, but who among you would advocate the repeal of the Federal reserve act that has done more to keep the country out of money panics than any piece of legislation passed in the last half century? Who would repeal the Federal farm loan act just because it has a board to administer it when it has loaned hundreds of millions to the farmers at a low rate of interest? The same can be said of the Federal Trade Commission. If we can live under these boards and not fear their power, then why fear the power of this board when we believe that it will have such powers and duties that will bring about relief to agriculture? The farmer not only wants some legislation for his benefit but he also wants you to remove some of the discriminations that already exist in the laws that are a constant burden upon him. Our Republican friends boast that agricultural implements are on the free list. This is a half truth.

Agricultural implements as such are on the free list, but every pound of steel and iron that goes into them is heavily taxed under your discriminating tariff law, increasing the price of every plow, every hoe, every wagon, every piece of harness that he uses in his labor on the farm. What has this administration done for the farmer? Nothing, except to pile his burdens higher by laws that favor the rich and discriminate against the poor. Never in the history of the last generation have farm products sold as high as they did under the last Democratic administration. Cotton and wheat reached an unprecedented price during that administration. Prices have decreased and agriculture has languished since the Harding and Coolidge administrations have been in power. What did the Democrats do while they were in power? We passed the farm loan act that was a boon to agriculture. We passed the Federal reserve act that has kept down panics and that has kept money in the banks for the farmers to get; and after that we passed the Smith-Lever extension act and many other acts too numerous to mention that helped and did not hurt agriculture. Since the Republicans have been in power they have passed no laws except to place upon the statute books laws that have been discriminatory and hurtful.

Every patriotic American, be he Republican or Democrat, should hope for the prosperity of agriculture, for every sensible man must know that the life of this Republic and the perpetuity of these free institutions of ours rests in the last analysis upon the prosperity, peace, and happiness of all classes of people. We must rear in this land a healthy, happy, virile race if we are to preserve the good in the Government transmitted to us by those who died to bring it into existence and who have fought for more than a hundred years to preserve it. In every war for liberty and the preservation of our institutions the farmers and their sons have gone to war, and upon the farms of our land have the torches of patriotism always been held high. More nations have gone down to defeat and have passed out of existence from hunger than from invading armies.

I know the condition of agriculture generally over the country, and especially do I know it in the five counties of the great district that I have the honor to represent. It is worse now than it has ever been. When I am at home I live on the farm. I watch conditions there. I am a director in the Fannin County Fair, my home county, where we are all trying by demonstration, by better seed, by better farming, by terracing land to preserve it, by dairying and livestock raising and by general diversification and getting away from one or two crops to help the conditions of agriculture. Yet with all this the farmers are not prosperous. It is harder to make a living on the farm now than ever before. In the district that I have the honor to represent the land is as rich, the people as intelligent, as patriotic, and as industrious as any under the sun; and if such people living in such a land as that can not be prosperous, then woe to this great industry from one end of the land to the other. These conditions should challenge the best thought and the highest patriotism of every American, whether he lives upon the farms or in the towns and cities. I warn you gentlemen from the cities and the great manufacturing sections that no

longer can you be prosperous if the men who till the soil do not have money to buy the output of your factories and your business houses. Even this bill in some of its particulars may not suit you and may not suit me. It is the best thought of those who have labored long and faithfully on this question, and remember that we must start somewhere, by some law, in order to bring about a solution of this almost appalling problem.

Again, I repeat, something must be done. It is the tragedy of the age and a black page on our history that this Congress should adjourn with nothing done for agriculture. My hope and trust is that in the coming election the people will rise up in their might, in their power, and in their patriotism and elect a President and a Congress that will do its duty and do justice to agriculture, that greatest of all our great industries.

THE FUNDAMENTALS OF DEMOCRACY

Mr. WHITTINGTON. Mr. Speaker, under the general leave to extend remarks I desire to submit the following address delivered as chairman of the Democratic State convention at Jackson, Miss.:

I wish first of all to express my appreciation of the high honor conferred upon me in being chosen temporary chairman of the convention.

We have turned aside from private pursuits and have assembled to consider public affairs. We must take high ground as we renew our allegiance to the fundamental principles of representative government and interpret the political faith of the people of Mississippi. There must be no rancor, discord, or dissention. We must banish the shams, hypocrisies, and nonessentials that frequently obtain in political conventions. The views of all should be considered and the decision of the majority should control.

We have met here conscious of our beneficent heritage and alive to the duties and obligations of citizenship. The Government is our greatest enterprise and participation in its affairs is an essential part of all our activities. Each must do his part; each must assume his share in the discharge of civic duties. He who is unwilling to shoulder his civic burden or to take his place in public affairs has no right to complain of misrule or injustice. The State or National Government will be good or bad as the citizen serves or neglects his country. A good government means a happy and prosperous people; a bad government means a discontented and oppressed people. Fertile lands, great natural resources, and mighty rivers do not make a great people. Only that land is great where the people are patriotic. The material is not enough; it will not suffice. The character and intelligence of the people and not material things make a country prosperous. The path of human history is marked by the wrecks and ruins of republics that fell because the people forgot and neglected their government. The government was bad and the people lost hope. Both the government and the people passed from the stage of history.

All government is human; none is perfect. The society that is satisfied is lost. No civilization is good unless it is growing better. We refer to the past, we recall the present, in order to point to the future. We review the fundamental principles of democracy in order to solve the complex and multiplying public problems of to-day.

FUNCTION OF GOVERNMENT

There is much confusion in the public mind to-day. Good men and women in Mississippi are anxious as to their proper course in the approaching presidential campaign. I have an abiding confidence in the people of Mississippi, and I believe that they will always do the right when once they analyze the real issues involved.

What are the real functions of government? It is not the province of the Government to engage in business or compete with private enterprise. It is not the function of the Government to supplant private initiative or to destroy the place of the individual in our economic life. It is not the function of the Government to deprive the individual of his self-reliance or take the place of competition in trade and commerce. Its aim is to protect society and to promote the peace and progress of the people. In the language of Thomas Jefferson,

"The freedom and happiness of man are the sole objects of all legitimate government."

MISSISSIPPI LIBERAL AND PROGRESSIVE

I can not refrain from expressing the satisfaction that all Mississippians feel in the forward and progressive legislation enacted by the present and immediately preceding State administrations during the past four years.

We can not live unto ourselves. The good opinion of others is a vital asset. Mississippi is regaining her prestige among the sister States of the Union. The recent constructive legislation, the favorable attitude toward both labor and capital, and the equal treatment of corporations and industrial enterprises have attracted favorable comment in the forum, in the public press, and in the business circles of the country. The State is being advertised as progressive and liberal. A new day of hope and of opportunity is breaking. The eyes of the Nation are turning to the South. We welcome industries and factories to our borders.

I am tempted to refer here to local problems—to the pressing necessity of reorganizing both State and county governments. I should like to emphasize a few of the important questions confronting the people of this State, questions that can be solved only by the cordial and sincere cooperation of the executive and the legislature, each working in the proper sphere as provided by the constitution. These problems are important, and they include revision and distribution of taxation, efficiency in administration, the use of the merit system in the selection of employees of the State, and a permanent highway program whereby those who use the highways shall pay for them. These questions can only be solved by mutual trust and confidence, in a spirit of cooperation, and in their solution there will be glory enough for all.

NATIONAL QUESTIONS

But we have come together primarily for the consideration of national issues. We are here to recall the fundamental principles of democracy, the great political truths for which the Nation was ordained, and the spirit and genius of the Declaration of Independence made a vital and living force by the Constitution of the United States. We are not here to straddle; we are here to confer; we are here to counsel and deliberate; we are here to think clearly and to speak plainly; we are here to interpret and proclaim the political convictions of the people of Mississippi. We are here to send to the national councils of democracy delegates to speak for us, delegates who are familiar with the best traditions of our people, of broad views, well grounded in the science of public affairs, honest and capable, who know our rights and are considerate of the rights of others, who are typical of our political ideals, courageous and resourceful, and determined to cooperate with the democracy of the Nation for the public welfare of all the people, and who will plan for victory in the coming campaign.

The people of Mississippi have a real interest in the issues before the country. There are questions that underlie the freedom and happiness of the people. I wish that the first inaugural address of Thomas Jefferson, the philosopher of Democracy, the great lover of the people, the most consummate politician and statesman of his or any other day, a message consisting of scarcely 4,000 words, might be read in every forum and proclaimed in every political meeting in the campaign of 1928. It enunciates the essential principles of good government, principles that are essential now as they were then. I recall a few of them:

"Equal and exact justice to all men; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; economy in public expense, that labor may be lightly burthened; encouragement of agriculture and of commerce as its handmaid; the diffusion of information and arraignment of all abuses at the bar of public reason."

Jefferson emphasized the necessity of a wise and frugal government, which restrains men from injuring one another and leaves them free to regulate their own pursuits, and the imperative necessity of a government not taking from the mouth of labor the bread that it has earned. In a word, Jefferson summed up good government, and the principles he enunciated are as applicable to our own day as they were when he delivered his first inaugural address on March 4, 1801.

JEFFERSON AND HAMILTON

There are two theories of government. It is the age-long conflict between two great schools of thought—one the rule of the few, the other the rule of the many; one the centralization of power, the other the distribution of authority; one the exaltation of a class, the other the welfare of all; one special privileges, the other equal rights; one the Hamiltonian theory, the other the Jeffersonian creed. The conflict is just as real to-day as it was in the days of Jefferson and Hamilton; greed and avarice are just as selfish now as then. Eternal vigilance is just as applicable to peace as to war; it is always essential to success and victory. There are some issues that are national and not political, humanitarian and not economic, but the Republican Party adheres to the school of Hamilton and the Democratic Party is the spokesman for the principles of Jefferson. Under which banner will Mississippi march to the polls in November, 1928?

Have we forgotten the days of reconstruction? Insidious efforts are being made to create false issues and to revive settled issues, issues settled by both Constitution and by statutes, which no Congress can or will repeal, in the hope of dividing Democracy and in the hope of diverting attention from the real issues of the campaign. The party of Jefferson, Jackson, Cleveland, and Wilson is called upon again to do battle for the people against the entrenched powers of greed, monopoly, and corruption. The people are not receiving a square deal, and they

know it. If Democracy is united on essentials and if a leader is chosen who has the confidence of the great body of the people, the masses of Democracy will rally to his standard as they have never rallied to the call of a political leader since the days of Andrew Jackson. What shall be our battle cry? Who shall lead the hosts of Democracy against the boasting forces of deception and corruption? Who shall lead in the battle to restore the Government to the people?

We have a direct interest in national questions, and I mention but a few: The tariff, taxation, centralization, bureaucracy, agriculture, and foreign relations.

The average citizen may not pay a tariff at the customhouse, or a direct tax; but we pay them nevertheless. We pay them in the food we eat and in the clothes we wear; they are included in the rent we pay. All taxation is not direct; it is largely indirect, and ultimately falls upon the producers, wage earners, and consumers of the country. Let us turn aside from the nonessentials that so frequently engage the attention of our people and consider for a few moments some of the paramount questions in the coming campaign.

HIGH COST OF GOVERNMENT

The costs of government are alarming and they are steadily mounting. In 1923 the Budget estimated that the average cost of the Government for 1921 to each man, woman, and child in cities of more than 30,000 inhabitants in the country was $96.16. This is $480 contributed annually by the average American family of five to the costs of government.

There is one person on the public pay roll of the State, municipal, or National Government for every 12 persons over 16 years of age. Surely and certainly we are building a bureaucratic system of government. It is the most inefficient and demoralizing form of government ever conceived by man. Expenditures are made and appropriations authorized that are utterly indefensible. Every increase appropriation in the legislature or in Congress means more taxes, and those who ask for increased appropriations must know that they will pay for these appropriations in the long run. The National Budget for 1928 is about $4,700,000,000; just a few years before the World War it was only $800,000,000; and now, 10 years after the war, it is almost $5,000,000,000. The people are being burdened unnecessarily and unjust taxation is depriving them of the comforts of life. It is subversive of good government; it leads to corruption and unless checked it will result in the downfall of the Republic.

It is said that one person out of every five was supported by the Government at the beginning of the French Revolution. The bureaucratic Government of France fell and all other bureaucratic governments that have gone before have fallen. A bureaucratic system is not only destructive of the individual, depriving him of his self-reliance, the labor of his hand and the fruit of his brain, but it is destructive of the government. The tendency is to pass the taxes to the wage earners and consumers; the selfish effort is to shift responsibility from those who accumulate under our economic system to those who labor and toil.

DISHONEST TARIFF

What is the interest of the people of Mississippi in the present dishonest and unscrupulously high protective tariff? Our chief product is cotton, 60 per cent of which is exported annually. We receive the world price and we must compete with cheap foreign labor. We are for a reasonable tariff, an honest tariff; we would not disrupt the industrial life of the Nation, but the high schedules of the Fordney-McCumber tariff are not for the laborer; they are for the benefit of the manufacturer. A high protective tariff is not necessary to protect American industry. The employees in the automobile industry receive the highest wages in the country, and yet the automobile industry has developed marvelously without a tariff.

Again, no matter what may have been our views about a tariff before the World War, the situation is now completely changed. Seventy-five years ago England became the great creditor nation of the world and the protective tariff system was abolished. The United States has retained it, but the United States of 1928 is far different from the United States of 1914. We are now the great creditor nation of the world. We have become a lender instead of a borrower. We are no longer in our economic infancy. Our World War allies owe us $10,000,000,000; we have increased our loans abroad until the foreign loans of American citizens now aggregate some $15,000,000,000. In my judgment there is danger in further foreign investment unless the policy is restricted in European countries upon condition that the large military forces now being maintained are materially reduced. There is no way for our foreign debtors or foreign customers to pay unless they can exchange their products for our gold. The expansion of the protective system will spell economic and financial ruin for the United States.

FOREIGN POLICY AND TRADE RELATIONS

What is the place of the United States among the nations? Washington proclaimed it and Jefferson reaffirmed it: Peace and friendship with all nations and entangling alliances with none. We oppose a policy of isolation, we oppose a policy of indifference; we favor a policy of good will and of peace. The cotton growers of the South are concerned in better trade relations with all nations. The voice of America should be heard in all economic and international councils so that peace may prevail, commerce may be carried on among the people, and American rights and privileges may be everywhere recognized and protected. The American flag, whose stars and stripes have been baptized in the blood of our heroes, must protect the sons and daughters of the Republic on every sea and in every land, and must protect trade and commerce with all people. The markets of the world must be open to American trade and to American products. We are determined that neither the Army nor the Navy shall be used as a constabulary to protect and promote the greed and exploitations of those who would rob and plunder in Mexico, Central or South America, or elsewhere.

AGRICULTURE

Those who do not understand the problem of agriculture and those who are not interested dismiss the plea of the farmer by saying that laws can not aid agriculture. It is said that the farmer must work out his own salvation. This is the stock reply of those who are now enjoying the benefits of national legislation when the farmer asks that the aid now given to others be accorded to him. When the manufacturer pleads for a tariff, when labor asked for laws to protect the interests of those who toil, when banking asked for the Federal reserve system, when transportation pleaded for loans for rehabilitation after the war, did Congress ignore their appeals and tell each of them to work out their own salvation? The machinery has been provided to aid labor, industry, banking, and transportation. The farmer asks no special favors. He pleads for a square deal. He has not refused to work, but he asks for an adequate return for his daily toil. He asks that the Government provide the same yardstick in dealing with agriculture that has been established for the other interests of the Nation.

There is something wrong with both the laws and economic system of the country when the large cotton crops of 1925 and 1926 did not bring to the grower as much by 25 per cent in the aggregate each year as the average normal crop in preceding years. There should be some relief when the agricultural wealth has actually decreased since 1913, while the national wealth has steadily increased. The aim is not to put the Government in business, but it is to enable the fundamental industry of the Nation to function properly. The surplus should be the salvation and not the destruction of the farmer. Agriculture of itself and by itself can not solve the problem. I know of no panacea for all the ills of the farmer; I know of no magic wand whose wave will make the improvident prosperous and the inefficient successful, but I do know that the present economic system, under which the aggregate value of the large crop is less than the aggregate value of the small crop, under which the large crop is really a curse instead of a blessing, is wrong and ought to be remedied. The benefits that have been extended by the Government to others should be extended to agriculture or they should be withdrawn.

The problem is not local or State; it is national. Agriculture is entitled to the help of industry, trade, finance, and the Government. Taxes of farm property in 1926 were approximately 250 per cent of what they were in 1914, whereas the increase in the price of farm products was only 130 per cent of the 1914 figure. Taxes on lands must be reduced. The States can best help, not by endeavoring to control the weather and the yield, when statistics show that in the case of cotton 46 per cent of the factors affecting the yield is due to acreage and 54 per cent is due to weather, insects and other conditions, but by relieving the lands of the burdens of taxation. The Federal Government can best help by promoting marketing and by financing the surplus.

FLOOD CONTROL

The flood of 1927 wrought frightful destruction in the lower Mississippi Valley. The heart of the Nation was touched and the conscience of the country was aroused. The people were of one accord. There was never such unanimity of sentiment about any matter of national import. From shore to shore, from Lakes to Gulf, the country was of one mind. American public opinion was unanimous. The problem was not sectional or political, but national. The Government has recognized the obligation and the flood control act of 1928 is the most constructive legislation for a great public internal improvement ever authorized by a law-making body.

The burden of taxation for levees and flood control has been transferred from the shoulders of the people along the river to the shoulders of the Nation. The flood control of the Mississippi River means the dawn of a more prosperous era in the Mississippi Delta. I here and now gladly acknowledge the debt of gratitude of the people of the Mississippi Delta to the National Congress, to my colleagues in the House, to the Senators from Mississippi, to the Governor of Mississippi, and to the legislature, and to all of the people for the kind and sympathetic interest and for the fine cooperation and adequate legislation that meant so much to the people of the Delta, who were overwhelmed by the great flood of 1927.

PROHIBITION AND LAW ENFORCEMENT

The Democracy of Mississippi is for law enforcement and for prohibition. Ours was the first State to ratify the eighteenth amendment. State-wide prohibition has obtained in Mississippi since 1908. Thirty-

three States had enacted prohibition laws, covering 95 per cent of the area and 68 per cent of the people of the United States, before the eighteenth amendment was ratified by 46 States. The majority of the people and the vast majority of the States have spoken. The saloon has gone, never to return. The people of Mississippi stand squarely for prohibition. We are opposed to the modification of the eighteenth amendment or to the repeal of prohibition statutes. There is not now, nor can there be any uncertainty as to where the Democracy of Mississippi stands on prohibition.

Again, the sentiment of the country is for prohibition. The expressed will of the majority of the American people is being attacked by a militant minority. The task of the friends of prohibition and law enforcement is to promote public opinion by example as well as by precept. We live under a government of men and women rather than of laws. It is not necessary for the patriot to hold office to be of service to the country. The man or woman who shapes public opinion exercises a greater power than the judge who writes judicial decrees or the legislator who enacts laws.

A policy of education and observance will help. Public opinion must be right. It will not do to denounce the man who differs with us on the prohibition question. He has the right to exercise his own judgment. Many of our best friends differ with us; they are entitled to their views. I accord to any man the right to advocate the repeal of any law or the modification of any constitutional amendment that in his judgment is unwise and not for the public welfare. I do not denounce the man or woman who advocates a change in statute or Constitution. It is his privilege. It is both intellectual cowardice to denounce the man who differs with us on political questions. The resort should be to the bar of reason and not the forum of denunciation. The better way is to persuade and educate. The successful way is to reason and convince. A man may be thoroughly orthodox on the prohibition question and absolutely unfit to represent the people in any capacity on scores of other questions. I am interested in a man's record on prohibition, but when he undertakes to shape public sentiment or aspires to political preferment, I am more interested in his honesty, capacity, and loyalty to the public service. Freedom is one thing but disobedience to law and constituted authority is quite another thing. Laws ought to be obeyed by those who opposed as well as by those who favored their passage. Disregard of law breeds disorder and makes for anarchy. The best guaranty of liberty and freedom is obedience to the law. The man who disobeys has no right to ask for the repeal of a law. The Constitution must be obeyed. I take my stand with Jackson for the Union and for the Constitution. The tendency to evade, to disregard, and disobey the law gives me the most concern. I am interested in public sentiment and in promoting public opinion, but I am more interested in the cultivation of a public conscience for the enforcement of all laws.

Prohibition is entitled to a fair trial. The advocates of repeal and modification would strengthen their case if they would couple with their appeal a plea for the enforcement of the Volstead Act. There is no place for bigotry in representative government, nor is there any place for those who violate either statute or Constitution. Violation debauches the public conscience; it tears the very heart out of good government. We stand for the enforcement of all laws; we stand for the Constitution from the first to the seventh article and from the first to the nineteenth amendment. There may be those who advocate repeal, but there can be none who advocates disobedience. Some, either by careless thinking or by design, would create division in our ranks, but the democracy of Mississippi stands for prohibition and temperance no matter who may be nominated or elected President of the United States.

WOMEN IN POLITICS

We welcome the women in the solution of the prohibition question. They can play a constructive part in promoting temperance. We welcome them to share with us the responsibilities of voting. The ballot is not a right, nor yet a privilege, but it is a trust—a sacred trust—to be discharged not for personal gain but in the public and national interest. The Government was made for man and not man for the Government. Its aims are more and more in the interest of human welfare and social well being. I believe that woman has come into the political kingdom for just such a time as this. She can supplement and reinforce the fight for clean and honest government.

LEADERSHIP

A nation without leadership is doomed. "Where there is no vision the people perish." Those who lead in thinking and in shaping public opinion in Mississippi can clarify the political atmosphere. The political leaders in Mississippi must not be shirkers or slackers; the leaders can not seek an easy place for safety nor a safe place for retreat. No man can lead who ever sold the truth to serve the hour. The conflict between justice and injustice, between right and might, between the forces of ill-gotten gain and the advocates of liberty, is on. Those who command and those in the ranks must not fail; there must be no turning back. And in the conflict where would Jefferson take his stand? In whose column would Andrew Jackson ride?

MISRULE AND CORRUPTION

There are issues vital to the perpetuity of the Republic; they strike at its very foundations. It is the eternal conflict between man and mammon, between honesty and dishonesty, between the protectors and the betrayers of the people. The corrupting power and influence of money must be eliminated from the body politic. The very temple of the Republic has been invaded. The use of money is debauching the public conscience. Corrupt and tainted campaign funds can not be retained by those who preach clean government and clean politics. The fight is on; the battle lines are forming, and the issue is between democracy and plutocracy.

The Democratic Party, under the leadership of Woodrow Wilson, fought the greatest of all wars without taint of fraud in any branch of the Government, and put on the statute books the most constructive legislation in the history of the United States. But after the muck and mire and blood and destruction of war, with the return of peace, the country tired of the ideals of Wilson. We went back to the fleshpots again, we turned from the human ideals to material gains, from the protection of human rights and the promotion of human freedom to the accumulation of wealth. But the country has paid the price. The public service is being corrupted. The Republican administration is now discredited and demoralized. The party in power has been weighed in the balance and found wanting. The public domain, the great oil reserve, the property of the people, were bartered to swell the campaign funds of the Republican Party. Cabinet officers have betrayed their trusts and have been driven in disgrace from their places. The charges of bold fraud have been sustained by the Supreme Court of the United States. The appropriations of a grateful Nation for the veterans of the greatest of all wars have been embezzled. Public offices have been assigned to the largest campaign contributors. Seats in the greatest deliberative body of the world have been sold to the highest bidder. The official benefactors of the most corrupt and gigantic bribery in history have retained the fruits of crooked and tainted money without a word of protest or a murmur. The Nation has been shocked; the time is ripe for a change. The Republican Party must be scourged from place and power. The battle is on. The spirit of Jefferson, Jackson, and Wilson is hovering over the democracy of the Nation.

"Now has come the time for action,
Clear away all thought of faction."

PARTIES AND MAJORITY RULE

In a democracy the people are sovereign. They speak through their representatives and the majority rules. Party government is essential in a republic. Parties are inevitable; majority rule is fundamental. No free country has been without parties; a republican form of government can not exist or function without them.

The meaning of democracy is the rule of the majority. Its conception is based upon equality and majority rule. There is and can be no better rule. No man is bigger than his party and no party is bigger than its principles. Party government is not a matter of blindly following, nor is it a matter of herding the voters like sheep or cattle, but it is a matter of every person asserting his rights, participating in public affairs, doing his civic duty, not passively but actively, and then abiding by the will of the majority. The majority must rule in the Nation and it must rule in the party.

The fewer the political parties the better for the country. We have no place for the bloc system. It is a product of continental Europe. The multiplicity of parties is a menace to any government. It results in the rule of the minority. Blocs and minorities lead to autocracies and dictatorships. It is said that in Spain, Italy, and Turkey there is a separate party for every statesman, and the result is that the dictator has succeeded the premier. There must be patience and cooperation in government. The majority must rule; the principle is the very genius of our institutions. There is no place for the slacker; there is no place for the political coward. Achilles dragging Hector around the walls of Troy is always preferable to Achilles sulking in his tent.

Mississippi can afford to trust her delegates to the national convention. If they are good enough to be sent, they are good enough to be trusted. Why should the delegates of Mississippi, of all delegates in the Union, be singled out by negative and undemocratic instructions? They are entitled to the same freedom of action and the same opportunity to promote the interests of our people that have been accorded to other delegates. There must be no repetition of Madison Square Garden. The voice of Mississippi must not be silenced nor the arm of Mississippi made impotent by any instructions that will thwart the delegates at every turn.

I respect the man and the woman with courage and conviction, although I may not agree with their views. Robert E. Lee believed that secession was wrong. He opposed it, but he cast his lot with the majority of his people, and he offered his sword to the people and State of his own Virginia. The late President Woodrow Wilson differed from Congress on the prohibition question, but no official was ever appointed who advocated disobeying the laws of the land,

nor would any judge or other official advocating disobedience of the laws or Constitution have been confirmed by the Senate. The vast majority of the House and Senate is dry and the vast majority of the next House and Senate will be dry. Republicans and Democrats alike voted for prohibition, and they will sustain prohibition. There is no danger of repealing the eighteenth amendment, no matter who may be elected President of the United States. It gives comfort to those who love their country to know that no man has ever been or will ever be elected Chief Executive who will not advocate the enforcement of all laws; no man has ever been or will ever be elected President who has disgraced the office by becoming a traitor to his people. No such man is being seriously considered by either great party to-day as a candidate for the Presidency.

MISSISSIPPI DEMOCRATIC

The South is as strongly Democratic as New England is Republican. In Mississippi and the South the people and democracy are the same. No independent party has ever shaped or controlled legislation for the Nation. Mississippi and the South will remain Democratic as long as the Republican Party is affiliated with the office-selling, political-trafficking, black-and-tan, alleged Republicans, masquerading in the livery of a great party, but in reality debauchers of the public service.

The recent efforts of some otherwise excellent citizens to organize a lily-white Republican Party in the State proved abortive. The itching for office and the urge for political pie caused them to embrace with open arms the political outcasts that even the black-and-tan, regularly recognized, colored-in-fact, disreputable regular organization would not tolerate. It is ours to condemn and not to commend the political trafficking and Federal office selling that have obtained in Mississippi under the Republican Party for the last seven years. There is not a chance for those who are Republican from principle to have a look-in in the voice and control of the Republican Party in Mississippi or in the South. Our hope in the future as in the past lies in cooperating with the Democrats of the Nation.

HARMONY AND VICTORY

I have been in a storm at sea. I have seen the waves rise and lash the ship in fury. During the storm the ship made but little progress, but after the storm, when the sea was calm, the ship sailed on in its course. It is only when the sea is quiet that the heights and depths can be measured. It is only when the sea is calm that the surveyor measures the depths and the astronomer calculates the heights.

The campaign of 1928 will be memorable. It will be bitter. Yes: there will be strife. Tempests will rage and the storms of passion and prejudice will be violent. The billows of hate will roll. But when the storms subside the judgment of the American people will be formed. The great voice of America will be heard, and that voice will not come from the universities, the colleges, or the great educators; it will not come from the banks or the counting rooms, but it will come from among the plains, over the hills and through the valleys. The voice will gain in volume and authority as it comes from the homes of the United States, and it will be the voice of liberty and equal rights. The verdict of the people will be given when prejudice and passion have been overcome by reason and justice, for after the political tempest has subsided the thoughtful voters of the United States, around 10,000,000 firesides in America will recall the struggles and sacrifices of our heroic dead, give thanks to Almighty God for our great country and our greater men and women, recount the glories of the past, the high privileges of the present, the hopes and dreams of the future, and in the light of peace, with good will for all men, as reason holds sway and conscience sits enthroned, the men and women of America, with the love of home and country in their hearts, will vote to preserve and perpetuate the Government for which Thomas Jefferson thought, Andrew Jackson fought, and Woodrow Wilson wrought.

IMMIGRATION FROM COUNTRIES OF WESTERN HEMISPHERE

Mr. SANDERS of Texas. Mr. Speaker, under the general leave to print I wish to insert the following address before the Immigration Committee of the House on February 21, 1928, as follows:

Judge BOX. I will now ask Mr. SANDERS, of the third congressional district of the State of Texas, to make a statement in regard to this bill.

Mr. SANDERS. As a result of my experience in appearing before and serving on committees of the Congress I know the value of time, and I may save a little time for this committee if I may have permission to incorporate in the record, without reading them, some remarks and clippings that I had in mind.

The CHAIRMAN. If there is no objection, the Representative will be granted permission to extend his remarks in the record.

Mr. SANDERS. Thank you. I desire to say, at the outset, that when I was first elected to Congress I advocated prohibiting all immigration. I still feel that way about the matter of immigration.

I am supporting Judge Box's bill whole-heartedly.

Mr. Chairman and gentlemen of the committee, ours is a democracy and our Government is representative in form.

It is our duty as representatives of the people to translate their wishes into law. The immigration problem is one of the most important with which we have to deal. Its importance is more fully realized now than ever before, for the reason that the World War opened our eyes on this important question. When the United States became involved in the World War and preparations were made for the registering of our citizenship, we found to our surprise and sorrow that we had millions in the United States enjoying the blessings of liberty and living under the protection of our flag who were with us but not of us, and not for us. This condition ought not to exist. This Congress at this session ought to enact such legislation as will make it impossible for these conditions to continue. Congress is to be congratulated because of the immigration act and amendments which have been passed in recent years, but it is my belief that Congress has not gone as far in that direction as a vast majority of the citizens of the United States desire. While Congress was applauded for the act of 1924, yet at that time, in my judgment, the country as a whole was demanding that all immigration should be stopped for at least a period of five years. Abraham Lincoln once said that "this country could not endure half slave and half free."

May I now apply that saying to the present by saying that the United States can not endure half citizen and half foreign? I do not mean to say that those of foreign birth are all bad. Many of them are good citizens and have contributed much to our present greatness and past glory, and I would not pluck one star from their crown. Many of them made good soldiers in war and have made good citizens in times of peace, but the fact remains that we have now in the United States 7,000,000 of foreign birth who are not American citizens. A man ought not to be permitted to live under the shadow of our flag and enjoy the protection of our laws who does not think enough of this country to qualify as a citizen and discharge the duties of a citizen. A man ought not to be permitted to live in this country who does not prefer it above all other countries. "If you don't like your Uncle Sammy, go back to your home over the seas; to the land from whence you came, whatever be its name; don't be ungrateful to me. If you don't like the stars in Old Glory, if you don't like its red, white, and blue, don't be like the cur in the story; don't bite the hand that's feeding you." And in this connection I wish to say to the committee that I am glad that you have reported a deportation law, and trust that it will pass soon and become a law. Of course, I realize that you are not going to report out a bill at this time restricting immigration entirely, but I do hope that you report out the Box bill. I can't conceive of any reason why the quota law should not be made to apply to Mexico, Canada, and South American countries.

I know I voice the sentiment of the majority of the citizens, not only in my district but in the great State of Texas, when I say they indorse the Box bill. The only opposition to it that I know anything about comes from that class, small in numbers, who are farming by proxy—that is, who do not till the soil themselves, but have their land cultivated by cheap Mexican labor. They are not looking out for the public welfare but for No. 1. With them it is a matter of dollars and cents, regardless of country and regardless of citizenship. This small class oppose this legislation, of course. It interferes with their business. Jesus Christ encountered opposition in the country of the Gadarenes because He ran their swine into the sea. Their position is illustrated by the story of the negro in the World War. When told that he would have to go to war he asked, "What for?" He was told "To fight for his country." He said he didn't give a darn for the country; he lived in town.

Many tell us that one of the troubles with agriculture at this time is that our farms are producing too much. These cheap Mexicans are helping to aggravate this condition. When we apply the quota law as provided in the Box bill we are rendering a service to our country, and we are really assisting the real honest-to-goodness farmer who toils through the long hot days to feed the world. The class of immigration which would be excluded by this bill are not worth anything as citizens, even if they could become citizens. They are decidedly a liability and not an asset. They do not build schoolhouses and churches, nor do they contribute anything worth while to the community or to the country. If we are to keep our Nation great and strong and preserve our Government and its institutions and transmit the blessings of liberty to those who are to come after us, we must look well to our citizenship.

In order to show you how the people of my district feel about this immigration matter, and especially about the bill which is now pending before you, introduced by my colleague, Hon. JOHN C. BOX, I wish to incorporate here a letter received from the manager of the Chamber of Commerce of Henderson, Tex.:

HENDERSON CHAMBER OF COMMERCE,
Henderson, Rusk County, Tex., February 10, 1928.

Hon. MORGAN G. SANDERS, M. C.,
Washington, D. C.

DEAR MR. SANDERS: I am requested to advise you that the Henderson Chamber of Commerce has passed a resolution indorsing the bill of your

colleague the Hon. JOHN C. BOX on immigration, having particular reference to the provision to prohibit the importation of the large quantities of Mexicans to Texas.

We are of the opinion that these are brought in to cultivate large acreage on cheap labor, in competition to the tenant farmer, who, we believe, it is the Government's duty to protect and encourage.

Large acres of the western plains through the importation of the Mexicans are being cultivated in cotton on a large scale, which is disastrous to the entire South, as the one particular question with us is to reduce rather than increase the present cotton acreage.

We are advising you this that you may know our attitude in the matter. With kindest personal regards, I am,

Yours truly,

E. M. PRESTON, *Managing Director.*

I also wish to incorporate at this point a copy of a letter which I received from the commissioner of labor of the State of Texas:

BUREAU OF LABOR STATISTICS,
Austin, Tex., February 6, 1928.

Hon. MORGAN G. SANDERS, M. C.,
Washington, D. C.

DEAR SIR: The "Box bill" now pending in Congress has our unqualified support. Seemingly, it is the consensus of opinion that the defeat of this measure would be an irreparable loss to the laboring masses of this country.

The fact that we have had a serious employment problem since the war is convincing proof that the tide of immigration should recede, and that instead of lowering the standards of our own workmen something should be done to sustain and elevate them.

Land barons and other special interests may desire to make labor a cheap commodity; they may maintain a lobby and petition your body from time to time, but the great masses of this country who can not be heard demand the passage of this act.

Texas is now flooded with undesirable Mexicans, immigrants. On every corner the tamale and chili vendor is shouting his wares. On the large farms he has replaced the white man, due to the fact that his living standards are low, and it takes little to satisfy his needs. In railroad gangs and on public works Mexicans and negroes have pushed the white man out and threaten the respectability of the most numerous American families.

Records of this department indicate a tremendous oversupply of labor and an investigation discloses that this condition is traceable to the vast influx of Mexican immigration.

An expression from you as to the position you are taking on this bill will be duly appreciated.

Yours very truly,

CHAS. MCKEMY,
Commissioner of Labor.

I want to give you an extract from a letter which I have received from Mr. J. L. McKinley, a farmer at Big Sandy, Tex., which shows you how the farmers are feeling generally on this proposition:

"I wish you would render all the assistance you can to the Hon. JOHN C. Box in trying to control the hordes of daily germ-carrying Mexicans from flooding our State with cheap labor. They are hurting the cause of all the common people to such an extent that it will breed something bad if not stopped. I have been here a long time and must say that I have never seen the like before. Thousands of people can't get work and other thousands who are lucky enough to get work find wages so low that they can't make both ends meet, and it is all caused by these hordes of Mexicans. They are used, trainloads, on all big construction works and our common labor is crowded out. We don't need them on the farms. We are raising too much cotton now. They ruin the schools; they carry germs; they add nothing to society. All they want is a hovel in which to stay. Must we common people be brought to their level? We can not do so. Please do what you can to help us."

I also wish to incorporate just here a letter received from Mr. O. W. Otterbury, of San Antonio, Tex., which is as follows:

124 DREXEL AVENUE,
San Antonio, Tex.

Hon. MORGAN C. SANDERS, M. C.,
Washington, D. C.

HONORABLE SIR: Permit me, as a voter who lives in a city where he can see and appreciate the social and economic menace of the Mexican peon in the United States, to say that there are literally thousands of American voters in San Antonio who long will hold in appreciative remembrance those members of our national legislative body who give their whole-hearted support to the Box immigration bill.

I am, my dear sir, most sincerely,

O. W. OTTERBURY.

I also submit for your consideration copy of a letter which I have received from the San Antonio Typographical Union, No. 172, as follows:

Hon. MORGAN G. SANDERS, M. C.,
Canton, Tex.

DEAR SIR:

"Whereas the restrictions by law of immigration has operated to materially reduce the menace to the American workingman of competition by a large volume of cheap European labor with its attendant low standards of living, and has thus proven of incalculable benefit as a factor in maintaining and enhancing the social and material welfare of the people of this Nation, thereby demonstrating its right to an honorable and permanent place in the laws of our land; and

"Whereas this law has failed of application in so far as it concerns the great influx of the peon class from the Republic of Mexico, thus leaving wide open a portal through which annually countless thousands of the most undesirable of aliens flock into our country; and

"Whereas this great inpouring of people constitutes a growing menace by reason of its large percentage of moral and financial pauperism, incapable of development away from that condition, whose influence is toward the breaking down of our social and economic fabric; and

"Whereas the employment furnished to these people by those who clamor loudest for their continued admission in unlimited number is of a seasonable nature only, at wages which permit of the purchase only of the bare necessities for a temporary existence, thus filling our southern cities and towns during the greater portion of the year with a large and growing army of unemployed, who become immediate objects of charity, constituting a heavy financial burden upon our people; and

"Whereas, by reason of their inability to support themselves, together with their lack of established morals, they become in large measure, as soon as admitted to citizenship, a great volume of purchasable vote, thus debauching our political franchise system; also, in unnumbered instances, they become lawless invaders of the rights and property of our self-respecting citizenship; and

"Whereas they populate and propagate in congested areas and in filthy hovels; and their personal habits, their lack of sanitation and hygiene, and their general uncleanliness are conducive of the breeding and transmitting of perilous epidemics and loathsome diseases; and

"Whereas from time to time the undesirables migrate farther inland, invading other and various cities and communities of the United States, thus becoming cheap bidders for employment against better paid, better fed, more capable workers throughout the length and breadth of our land, at the same time carrying with them their ignorance of and indifference toward established laws of health, their lawlessness, and their marketable votes; and

"Whereas the unlimited admission into the United States of this wholly objectionable and dangerous class is of benefit only to the individual few whose personal greed for cheap labor constitutes their own highest ideal, and is altogether repugnant to every thinking citizen who has at heart the welfare of the country at large rather than the filling of his own pockets at the expense of the hopeless; and

"Whereas the restricted immigration bill now before the Congress of the United States, known as the Box bill, embodies those provisions and regulations best calculated to safeguard the moral, mental, physical, and economic welfare of our citizenship, and should have the unqualified indorsement and support of the people generally: Therefore be it

"*Resolved*, That San Antonio Typographical Union, No. 172, an organization of approximately 200 thinking men, who have deeply at heart the welfare of the many against the selfishness of the few, declares by unanimous vote in regular session assembled that its sympathies and encouragement, both as an organization and as individual members, are hereby extended to the author of the bill and to its proponents in unlimited measure, believing in the righteousness of their endeavors to prevent the undermining of the very foundations of our existence, with full confidence that in the eternal order of events right must and will prevail; and be it further

"*Resolved*, That copies of this resolution, bearing the official seal of this organization, be sent to such individuals and into such quarters as are deemed necessary in order that its import shall carry the utmost weight in favor of the bill."

Adopted by unanimous vote, Sunday, February 5, 1928.

WILLIAM B. ARNOLD, *President.*
E. G. KOERPS, *Secretary.*

There is much talk at this time about flood control, and it is an important question, and I expect to support any matter which offers any solution to that difficult problem, but I also recognize that equally as important is the flood control of this immigration. Only 80,000 immigrants came to this country in the first 250 years after the discovery of America. From 1890 until 1924, when we enacted the immigration law, this country received 22,000,000 immigrants, about one-fifth of our present population. Many of these immigrants came from countries which had no orderly government, and they brought their Bolshevik ideas with them, and they know nothing about our Government and its institutions, and care less.

From the press of the United States, which reflects the sentiments of the people on this question, we must conclude that the great mass of our citizenship want our immigration restricted even more than it is now, and if we are to preserve American standards, and preserve

this country of ours and transmit to those who are to come after us in such a way that they will enjoy the blessings of liberty which we now have, we must look well to restricting immigration.

Mr. FREE. Will the white Americans pick cotton?

Mr. SANDERS of Texas. Yes. I myself have picked it.

Mr. FREE. But, generally speaking, it is picked by the colored people or the Mexicans, is it not?

Mr. SANDERS. No. The colored people do pick cotton, but many of the white folks in my section of the country that I know also pick cotton. They not only pick cotton in their own section of the country, but they move as the crop ripens to other sections of the country. If the crop opens in west Texas, they harvest it and then move eastward.

Mr. FREE. If you were to push out of this country all the Mexicans who are here unlawfully and then reduce the immigration to a quota basis, would you have enough laborers to pick your cotton?

Mr. SANDERS. I think we would. That is true. When you talk about labor, I say that my view is that it is vastly more important to protect our citizenship and to build up our American country properly for Americans, even if somebody does suffer by way of labor, but I do not admit there would be a shortage of labor.

Mr. FREE. If the State of California should reach out and take a large number of your negroes away from you, would you then have enough left?

Mr. SANDERS. I think so. I would not regret it if many negroes in our country should leave.

Mr. FREE. Would you still be able to harvest your crop satisfactorily?

Mr. SANDERS. Yes; we would. Certainly we would. A large number of people in my section of the country do not covet the negro, and they would give him to any section or sections that want him.

The CHAIRMAN. The inference is that the permitting of Mexicans to come into the United States in large numbers is creating a problem that would be more troublesome than the negro problem has been to you?

Mr. SANDERS. Yes; that is true.

The CHAIRMAN. And the Mexican people bring about a condition where the white people can not work side by side with them?

Mr. SANDERS. That is true.

Mr. FREE. Do you believe that the Mexicans who come in are more or less itinerant? Do you find that they come and go, or do they remain in a community once they settle there?

Mr. SANDERS. There are two classes of them. A great many of them go back, while a great many of them remain. My own judgment is that very few return to Mexico; that the vast majority of the Mexicans who come to the United States remain here.

Mr. FREE. Do they remain in the particular community to which they first came or do they circulate about?

Mr. SANDERS. They remain in the same communities generally, but they circulate about some also.

Mr. SABATH. They do not remain on the border, but they go farther east, so much so that thousands and thousands of them are to be found in the Middle West.

Mr. SANDERS. I did not understand that question. He asked whether they remained in the community where they first located. They are invading all of our southwestern territory. In my district, which is 300 or 400 miles from the border, I receive letters complaining about conditions there, and it is in the northeastern part of Texas.

Mr. FREE. Do you find any competition between the negroes and Mexicans in the sort of labor the Mexicans themselves engage in?

Mr. SANDERS. I do not know about that.

Mr. FREE. Do you find that the Mexicans are displacing the negroes in labor?

Mr. SANDERS. They have not invaded my territory to any large extent, but my understanding is that they have displaced large numbers of negroes in other sections of my State. My territory covers the northeastern part of Texas.

Mr. FREE. Are the crops there similar to what they are in the southern and western part?

Mr. SANDERS. Yes.

Mr. FREE. What crops do you grow?

Mr. SANDERS. Corn, cotton, strawberries, vegetables, and all sorts of garden truck. In fact, I believe we grow almost every kind of thing there.

Mr. FREE. Southern Texas is devoted more to growing cotton than anything else, is it not?

Mr. SANDERS. I think so.

Mr. RUTHERFORD. Have you not a device down there now whereby a man with two mules may handle 5 or 6 bales of cotton a day?

Mr. SANDERS. That has not been a success.

Mr. FREE. The cotton does not come on all at once. It is a continuing crop, and that is perhaps the reason.

Mr. SANDERS. The difficulty with the machine is that it will not reach out and actually pick the cotton.

Mr. SABATH. The first letter you read a little while ago was from a gentleman who is interested in the tenant. Who are these tenants; are they Americans?

Mr. SANDERS. Yes.

Mr. SABATH. By whom is this land owned, the land upon which these tenants live? Is it owned by corporations or private individuals?

Mr. SANDERS. In some instances it is owned by corporations, but we have many prosperous farmers who own more land than they can personally look after, and they have to rent it to white folks and negroes as tenants.

Mr. FREE. You have prosperous farmers in Texas?

Mr. SANDERS. Yes; that is to say, they prosper as much as they can under present conditions.

The CHAIRMAN. Your incoming Mexican is not much of a taxpayer?

Mr. SANDERS. He is not a taxpayer. He is a drone and barnacle upon society. He is not worth anything. He is in our social organization what a pound of putty would be in the stomach of a dyspeptic. [Laughter.]

Mr. FREE. Are the tenants mostly white or colored people?

Mr. SANDERS. White. We have some colored tenants and we have some colored people who own their own farms.

Mr. SCHNEIDER. I take it that the American negro, as a farmer, is suffering as a result of the cheap labor from Mexico the same as the white man is suffering from it.

Mr. SANDERS. Yes.

Mr. SCHNEIDER. Which is the more preferable as a citizen in Texas at the present time, the American negro or the average peon from Mexico?

Mr. SANDERS. I think that the negro is the more preferable.

The CHAIRMAN. It is all right to ask the question, but I do not think that matter should be brought in. You must remember that the entire negro population of the United States, with few exceptions, were born here and are citizens, whereas the Mexicans largely are newcomers. The Mexican is a newcomer. There are some people of Mexican ancestry, but it is the duty of this committee to inquire into conditions with a view to protecting the negro population in these Southern States as well as to protect any other people there.

Mr. SCHNEIDER. I think it is a fair question. The American negro should be given the same consideration that the white American is given.

The CHAIRMAN. We do not want to get into any comparison of peoples, even though one set are our own people and the other set are newcomers.

Mr. RUTHERFORD. I take it that if we had a quota restriction the condition of the negro laborer would be very much improved in the State of Texas.

Mr. SANDERS. I think so.

Mr. SCHNEIDER. The negro will be leaving Texas for elsewhere under present conditions, will he not?

Mr. SANDERS. Yes; they are crowding him out to some extent.

Mr. SCHNEIDER. What would the people of your section of the country say to the importation by certain absentees, landowners, of negroes from Haiti, South Africa, or some other country?

Mr. SANDERS. That is the same as if they were brought in from anywhere else. The people who own these large tracts could import their labor from the places you have mentioned, but it would be all the same. They would be brought into competition with the honest-to-goodness farmer and would be likely to drive him out.

The CHAIRMAN. If there are no further questions to ask Mr. SANDERS and he has nothing further to say, let us hear further from Judge Box.

Mr. BOX. It has been expected that Prof. Robert de C. Ward, of Harvard University, Cambridge, Mass., would be here to present his views to-day, but he is unable to be here, and his son, Mr. Henry de C. Ward, of Boston, is here to present his views.

THE TOLL BRIDGE OCTOPUS

Mr. COCHRAN of Missouri. Mr. Speaker, convinced the highway toll bridge, privately owned, should no longer be sanctioned by Congress unless proper provisions are made to safeguard the public interest, I propose at the opening of the next session to introduce a resolution providing for a thorough investigation of the toll-bridge question.

My resolution will either provide for an investigation by the Committee on Roads or a special committee consisting of five members of the Committee on Roads and five members of the Committee on Interstate and Foreign Commerce. The Roads Committee would, I feel, be the proper committee to make such an investigation, because the toll bridge is fast becoming a part of our national highway system.

The Committee on Roads has jurisdiction over all legislation affecting public highways as well as Federal aid for road construction, and while the Committee on Interstate and Foreign Commerce considers all bridge legislation, it simply approves applications for bridge franchises.

I hope by such an investigation to show beyond question, first, that individuals and corporations have petitioned and secured from Congress its consent to construct bridges when as a matter of fact the sole purpose was to sell the franchise; second, to prove a large number of projects have been financed far in excess of the actual cost; third, disclose that the majority

of the privately owned toll bridges are charging excessive tolls, some earning as high as 50 per cent on the actual investment; fourth, that the situation calls for an immediate revision of the privately owned toll bridge bill forms.

The revision of the bridge bill forms is most important. The bills should provide, first, that the individuals or corporation can not assign the grant, but must either construct the bridge or forfeit the rights; second, that all privately owned toll bridges shall be subject to the jurisdiction and supervision of the Government if an interstate bridge, and by the States, county, or municipality if an intrastate bridge; third, that a provision be inserted providing for the creation of a sinking fund, where a certain per cent of the tolls shall be deposited; this money to be used to retire bonds, and when all bonds are retired the bridge shall be forever free; fourth, that some provision be made whereby the Government shall have control over the amount of securities that can be issued in connection with an interstate bridge, and by the States in the case of intrastate bridges.

The consent of Congress certainly should be vested in the corporation that actually constructs and operates the bridge, and not in the name of promoters who simply dispose of their rights, thus adding to the cost of the structure.

Unless drastic action is taken by the Congress, toll bridges will dot the Federal-aid highways of the United States.

A survey just completed by the Bureau of Public Roads discloses that on October 1, 1927, there were 233 toll bridges operating in the United States, and on the same date 29 other toll bridges were in process of construction. Of the 233, but 42 were owned by the public, the remaining 191 being privately owned. Of the 29 under construction, 9 will be operated by the public, 2 by States, 4 by counties, and 3 by cities, while 20 will be operated by private corporations. How many projects where Congress had granted its consent to construct, but where building operations had not as yet started, were not included in the report. For instance, this report listed two new bridges as under construction near my home city, St. Louis, one at Alton, Ill., and the other at Bellefontaine, Mo.; but did not include the new bridge at the Chain of Rocks, just north of St. Louis, now nearing completion.

Two hundred and fifty-three bridge bills were favorably reported by the Committee on Interstate and Foreign Commerce of the House from December 5, 1927, to May 29, 1928, or during the session just closed. About 235 of these bills became laws. None of these projects are listed in the survey.

This in itself presents an alarming situation. The owners of 23,000,000 motor vehicles operating in the United States are paying for the construction and maintenance of roads by the tax on gasoline and license taxes. When their money is used to bring the road to a bridge approach where tolls are collected, can any good reason be advanced why part of the bridge tolls at least can not be set aside in a sinking fund to ultimately retire the securities so that eventually the bridge shall revert to the municipalities, counties, and States and be operated as free bridges thereafter? This certainly is not confiscation of property for public use without just compensation, because if proper provisions are made in the bills providing for recapture the owners will be liberally paid for their holdings before the securities are retired. The promoters will fully understand the conditions confronting them before engaging in building operations, because the agreement will be embodied in the law.

To say the Government, with absolute control over navigable streams and control over interstate commerce, can not carry out the suggestions heretofore advanced is not sound reasoning.

I know that some of my colleagues, especially some who have been handling bridge legislation, will disagree with me, but I predict without fear of contradiction if a bill embodying these features is presented to the Congress it will pass by an overwhelming majority.

The comptroller rendered a decision in which he held Federal-aid funds could not be used in the construction of any road leading to a toll bridge. Mr. DENISON, of Illinois, chairman of the subcommittee on bridges of the Committee on Interstate and Foreign Commerce, introduced a bill (H. R. 18) in the last session, which, if enacted, would have permitted the use of Federal-aid funds for this purpose. Hearings were held by the Committee on Roads, at which some rather startling as well as interesting facts were disclosed.

The committee is to be congratulated on its action in declining to report the bill, for in my opinion such a law would have inspired promoters to increased activity in advocating privately owned toll bridges. It developed at the hearing that the provision upon which the decision was based was placed in the road act for the sole purpose of discouraging toll bridges and toll roads.

Mr. DENISON made an extensive argument in favor of his bill. I have read his views and when he points out the States are heavily taxing the people to provide road construction, he advances, in my opinion, a real argument why the money of the people so taxed should not be used to construct a road that will lead them to a bridge where they will be required to pay a toll to private individuals, the owners probably living a thousand miles from the site of the bridge, and having no other interest in the structure other than to gouge the public.

Again I say, to have passed this bill would have resulted in a flood of applications being made to Congress for the construction of toll bridges by private individuals.

In some instances, it must be admitted by all, toll bridges are a necessity, and especially interstate bridges which can not always be constructed by the States and municipalities. In such cases public-spirited citizens should be encouraged to promote the construction of the bridges and not permit get-rich-quick promoters to exploit the public.

During the hearing Mr. ROBSION of Kentucky, a member of the committee, cited the situation in his State. He told of how the bridge promoters employed about one-third of the main lawyers in Kentucky and subsidized newspapers in making their drive to build privately owned toll bridges in that State. He also told of one toll bridge which cost in the neighborhood of $20,000. The Dixie Highway was constructed, brought to the point where the bridge crosses the Kentucky River, and in 1927 Mr. ROBSION said over $120,000 in tolls were collected by the owners of this bridge.

The situation in Louisville, where the city saw the wisdom of borrowing money at a rate of 4½ per cent to construct a bridge, the tolls to be used to retire the bonds and then make it a free bridge, was cited at the hearings. If Louisville can eliminate the private promoter why can other cities not do likewise?

The investing public should scrutinize all private toll-bridge securities before purchasing. Mr. MacDonald, who as Chief of the Bureau of Public Roads has studied this question very thoroughly, said before the committee that the only service that may be rendered by private toll companies in connection with bridges is the supplying of capital from investors for the construction. He holds this is both unnecessary and a costly service to the public. He insisted that, generally speaking, these bridges are of sufficient importance that the public can have the benefit of the bridges without spending a cent from property taxes or without putting a dollar of property behind the bonds issued. In other words, he maintained through the use of revenue bonds, a bond issued against the earnings of the bridge, the public can have the benefit of bridges on the main traffic highways and pay for them, pay the security off, out of the earnings of the bridge.

Mr. MacDonald, in my opinion, has an opportunity to perform a real public service. No individual connected with the Government is better informed on the highway question. He knows the toll-bridge situation, agrees that it is a menace, and is the proper official to lead the fight against this octopus. In my judgment he must, however, assume a more aggressive attitude, care not who he hurts, so long as he is waging a fight for free public highways. He is in a position through his bureau to secure the information that will destroy the toll-bridge monster which feasts upon the pocketbooks of the public. I suggest to him that he prepare now to submit to the Secretary of Agriculture in his annual report a comprehensive review of the toll-bridge situation, showing in detail how these get-rich-quick promoters have gouged the public and offer comparisons of their projects with those of legitimate promoters, who have not only secured in their own right the consent of Congress to construct bridges, but have retained that right, properly financed their projects, and erected the bridges. This information should reach the Secretary of Agriculture in time for him to place the matter before the President, so that the Chief Executive can, if he so desires, make such recommendations to the Congress in his annual message as he deems advisable.

An outstanding project which was discussed at the hearing was a bridge over Lake Pontchartrain in Louisiana. Private individuals secured permission to construct a bridge which required a very long approach. It connected with what is known as the Old Spanish Trail. The State a few miles away connects up the same roads with free bridges, with the result that a bridge which some estimate as having cost $5,000,000 has no earning power. Who is going to lose on this investment? Why, the public, purchaser of the securities, of course.

Mr. MacDonald maintained in his statement that the private promoters used every means at their disposal to prevent the construction of the free bridge, not only taking the matter to the courts but tried to make it an issue in the elections. It

was because there was a great prize in the way of tolls that would accrue to the private toll bridge that funds were available to defeat the will of the public, and that is one of the very serious things that is happening continuously, according to Mr. MacDonald.

On behalf of the American Association of State Highway Officals, Mr. W. C. Markham appeared in opposition to the Denison bill and suggested if the committee did intend to report the bill to so word it that the State highway departments would have the same control over the bridge as they now have in the construction and maintenance of Federal-aid road projects. Mr. Markham insisted—and his statement bears out my views often expressed on the floor, but challenged time and again by Mr. DENISON and others—that the States have no look-in on the construction of toll bridges after Congress once grants the franchise. The States have nothing to do, nothing to say, as to what the plans shall be or as to whether they are correct or not. Mr. Markham further argued that when the time comes for construction the States have no look-in as to whether the private corporation sublets to some of their own crowd at a certain price. He suggested that if such protection was assured the States then, as in road building, public bidding could be arranged for construction.

Mr. DENISON expressed the opinion Mr. Markham did not fully understand the situation, but the chairman of the committee replied that Mr. Markham may understand, but the Interstate Commerce Committee may not understand what it is doing.

Mr. DENISON also suggested that the committee not inquire into the form of bridge bills and offered to appear at some other time if the committee would like to discuss that subject and give an analysis of the bridge situation. That is what I desire to accomplish by my resolution, but I want others besides Mr. DENISON speaking on the subject because it is evident that all do not agree with his views as to the amount of protection the present bills extends to the public and States. There is a vast difference of opinion between Mr. DENISON and many I have talked with, some insisting the present forms are absolutely useless when it comes to protecting the general public. As Mr. MacDonald pointed out the law gives authority, but does not direct, the Secretary of War to make certain examinations of these projects. He also insisted that outside of giving jurisdiction to the War Department to pass on the location of piers neither the Government or States had any jurisdiction over the character of bridge to be constructed, nor as to the amount that could be spent. This has been my contention, but Mr. DENISON is not in accord with this view. A thorough investigation will disclose who is correct.

Mr. MacDonald fully agrees with me in reference to allowing promoters to sell franchises because he says it is his opinion as a first condition of the granting of a franchise the public has a right to demand that those who seek the exclusive right to operate a bridge upon a public highway shall give evidence of a sincere purpose to build the bridge for which the franchise is sought, and if after the franchise is granted conditions develop that make it impossible for the holder to carry out his implied agreement to build, the right to dispose of the franchise should rest in the public only and not in the individual or corporation, and he adds, just as I have contended all along, it is difficult to conceive of any sound public reason for the granting of assignable franchises, and the fact that its confidence has been gravely abused in many instances, should incline the public to look with suspicion upon application for this form of franchise.

Some months ago I thought I ended the activities of E. M. Elliott, who boasted in the press that he had over 33 projects, some secured in his own name and others in the name of citizens of a community, but during the last two weeks of the session I was twice approached by Members of Congress—one from Oregon and the other from the State of Washington—advising me Elliott was in that part of the country and was trying to prevail upon citizens to secure franchises from Congress for him for two bridges. Both assured me they would have nothing to do with any bridge project in which he was interested in any way.

The vice president of a very large financing company called at my office and told me they had paid Elliott for his rights in connection with certain grants; that Elliott had nothing to do with the construction or financing after they took the projects over. He was paid solely for the franchise which the Congress voted him to construct a bridge which he had no intention of building. How many more individuals are engaged in this business only an investigation such as I propose will disclose.

Mr. Markham made a rather amazing statement before the Roads Committee during the course of his testimony, when he brought out that Senate Reports 121, 123, 124, and 128, and House Reports 410, 425, 434, 435, 439, and 440 all state the toll bridges referred to had the approval of the Secretary of War and Secretary of Agriculture, when, as a matter of fact, all letters in the reports from the Secretary of Agriculture definitely stated he opposed the construction of the bridge. Mr. Markham further pointed out in other cases where the Secretary of Agriculture thought the bridge should not be constructed no mention was made of his opposition in the report.

I have just examined each of the reports referred to and find Mr. Markham's statement to be correct. I am sure this will prove to be a surprise to Members of the House as well as the Senate.

Strange as it may seem, nevertheless it is true, less attention is probably paid to bridge bills than any other class of bills introduced in Congress. When a bill is introduced copies are sent to the Committee on Interstate and Foreign Commerce of the House. The clerk sends one copy to the Secretary of War, who passes solely on the question as to whether it will obstruct navigation. Another copy is sent to the Secretary of Agriculture. When the reports are received the bill is referred to a subcommittee of three members, known as the bridge committee, which prepares the report or has the clerk prepare it, report the bill to the full committee, which automatically votes its approval, and the bill is sent to the House and placed on the Unanimous Consent Calendar. I am told not more than six hearings were held on all the bridge bills reported to the House at the last session.

It was only a few years ago that permits to construct dams across navigable streams for power purposes were authorized in this same manner, but finally Members were aroused and the water power act was passed.

No better law could be enacted than one giving the Secretary of War and the Secretary of Agriculture joint control over the issuing of permits to construct bridges in the United States. The Bureau of Public Roads, a part of the Department of Agriculture, has an organization that can take this work over without delay. It has its engineers, and cooperating with the Chief of Engineers of the Army, their trained engineers could supervise the construction of bridges jointly, they could see that the specifications were carried out and supervise the issuing of securities, and so forth.

Bridge construction is a very important factor in our national defense, and no better training for the engineers of the Army could be secured than in supervising the construction of these bridges.

We have the power under the Constitution to carry out such a plan, and unless a better suggestion is advanced I propose to recommend such a law when Congress reconvenes, through the introduction of a bill.

Such a plan will not only be a guaranty to the public that its interests will be properly safeguarded, but it will relieve Congress of a great deal of unnecessary work.

The Bureau of Public Roads and State officials at present are denied information relative to the revenue derived from certain toll bridges, the cost of construction, amount of securities issued, and so forth; but a committee of Congress duly clothed with proper authority can get such information, and it should be secured and made public.

When the Bureau of Public Roads shows that the total capital already invested or probably to be invested in 424 toll bridges which were in operation, under construction, or known to be in contemplation on October 31, 1927, was approximately $547,000,000, together with several hundred additional millions, to construct the bridges authorized during the session just closed, we are certainly justified in asking for an investigation.

As an example of exorbitant charges and excessive earnings by the operators of toll structures I will cite several cases. The Bureau of Public Roads is authority for the figures.

One structure was built in 1911 at a cost of about $25,000. Its gross income—only 8 per cent of the investment in the first year of operation—increased with increase in the traffic to a maximum of $46,311, or 185 per cent, of the original cost in 1924. For the 15-year period, from 1912 to 1926, inclusive, this bridge earned an average annual income equal to nearly 75 per cent of its original cost, or 975 per cent in 13 years. In 1925 a new toll bridge was opened a thousand feet downstream, and the earnings of the first bridge fell off from the 1924 peak of $46,311 to about $500 in 1926.

The Williamsport, Md., bridge, which cost $87,000 in 1907, had a total income of $56,273.31 in 1926; net income of $41,678.22.

The Columbia River Bridge, near Portland, Oreg., cost $1,683,556 in 1917, and had a net income in 1926 of $480,000, or 29 per cent of the original cost. Is it any wonder the biggest fight ever staged in Congress against the granting of a franchise to construct a bridge was made by people from Portland,

when the application for a bridge over the Columbia River at Longview was pending?

So far as is known, the overcapitalization of the Gandy Bridge in Florida, which I called to the attention of the House when I showed E. M. Elliott was the securities sales manager, is in a class by itself. The organization expenses of this bridge as listed in the office of the Florida Railroad Commission, which by special statute has control of the bridge, as $2,704,136, which is 125 per cent of the tangible property value of $2,138,554. The oustanding bonds, representing $2,934,500, exceed the cost of the tangible property and, in addition, there is outstanding $2,000,000 worth of stock. The gross income in 1926 of $743,868 was only 15 per cent; but it was 34 per cent of the cost of the tangible property.

I firmly believe a full investigation of the bridge situation will bring to light numerous cases of exorbitant charges and inflation and will in the end mean the death of the toll bridge, privately owned, as it will arouse the people to such an extent that the promoter will disappear from the picture.

The fight on toll bridges which I inaugurated during the session just closed has only started, and while I had few supporters at the outset, I am pleased to say a large number of the Members are now showing a vital interest in the subject and stand ready to assert themselves at the proper time.

I serve notice now that no toll bridge bills, where the consent of Congress to construct is vested in private individuals or corporations, will be passed by the House at the next session of Congress if I can prevent it until the present forms have been revised and an investigation held by a committee of the House on this subject. I shall offer no objections to the bills where the consent is given to a city, county, or State, but I will object even though the officials of the city, county, or State are named in the bill.

The toll bridge must disappear from the public highway as did the old tollgate.

THE PROTECTIVE TARIFF AND AMERICAN LIVING STANDARDS

Mr. TILSON. Mr. Speaker, ever since the principle of a protective tariff has been a political issue in this country the opponents of this policy have from time to time raised the cry that tariff duties high enough to be protective necessarily increase the cost of living, and on this plea have several times succeeded in committing the country to brief periods of nonprotection. The opponent of protection who declares that this policy in some instances increases the cost of living in the United States is stating the truth, but only half the truth. The fact is that protective duties in some cases do increase the cost of living, but it is even more true that the effect of such duties is to increase wages proportionately much more than living costs.

If an American workman receives $5 a day and a comparable foreign workman $2, while it costs the American $5 to buy the same thing here that the foreign worker buys for his $2, it is apparent that the American workman is no better off than his foreign competitor. If this were in fact the situation created by a protective tariff, the opponents of the policy would be justified in their opposition. On the other hand, if the American workman receives $5 a day and the foreign worker $2, while it costs the American only $3 to buy what the foreign worker can buy for $2, it is equally clear that the American is better off, and this is, in fact, the situation that now prevails, though the actual figures show a somewhat greater variance than the illustration given between the buying power of the American's wages and that of the foreigner's wages to the advantage of the American.

In considering the effect of protection, in order to be perfectly fair, we should always look not to the amount of wages paid but to their buying power. Even were there no figures to sustain the claim that the buying power of American wages is greater than is the case with the wages of any other country of the world, no one would have any doubt on this point if he stopped to consider the better food, better living conditions, conveniences, and luxuries enjoyed by American wage earners that are unknown to foreigners doing similar work, and which can be bought by the American only because his wages are not only higher in amount, but have a vastly greater buying power. The fact that millions of people in Europe would gladly leave their homes to come to America, if not stopped by strict immigration laws, proves that even the most ignorant classes of Europe thoroughly understand these conditions.

Mark Twain, in "A Connecticut Yankee at King Arthur's Court," humorously discussed the tariff from the nonprotectionist standpoint, but nevertheless with logic and sound argument, if the hypothesis upon which he based the logic had been equally correct. The transmuted Connecticut Yankee, who had become "the boss" at King Arthur's court, is represented as discussing protection with a peasant of a neighboring protectionist country:

> Why, look here, Brother Dowley, don't you see? Your wages are merely higher than ours in name, not in fact [says the Yankee, speaking, of course, of the wages in King Arthur's realm and those in the peasant's own country].
>
> Hear him! They are the double—ye have confessed it yourself.
>
> Yes, yes. I don't deny that at all [says the Yankee]. But that's got nothing to do with it; the amount of the wages in mere coins, with meaningless names attached to them to know them by, has got nothing to do with it. The thing is, how much can you buy with your wages?—that's the idea. * * * What I say is this: With us half a dollar buys more than a dollar buys with you—and therefore it stands to reason and the commonest kind of common sense that our wages are higher than yours.

Here is a sound argument against protection if the facts were correctly stated, but the great humorist unfortunately made up his facts to fit his argument instead of changing his theory to fit the facts. Mark Twain wrote this in the eighties and undoubtedly was aiming at the tariff controversy then raging in the United States. There are no figures showing the relative buying power of wages in this country and abroad at that time and as there was then no League of Nations, Labor Office, or Bureau of Labor Statistics to gather such data it must be presumed that the humorist had none at his command. Consequently he based his logic on an entirely false premise—that protection, in this country at least, had raised living costs more than it had raised wages, while the facts are that wages have increased under protection much faster than the cost of living. The very argument he used against protection when the facts were fashioned to fit his theory has become, with the aid of reliable data now available, a telling argument in favor of protection.

The following table prepared by the Bureau of Labor Statistics of the Department of Labor furnishes some illuminating data on the subject of the relative purchasing power of wages as measured in cost of living in the United States:

BUYING POWER UNDER PROTECTION AND NONPROTECTION

This table shows the general index of wages, 1907 to 1926, in parallel columns, with index numbers for cost of living, and for the purchasing power of wages as computed therefrom:

(1913=100)

Year		General index of wages per hour	Index number of cost of living	Relative purchasing power of wages as measured in living cost	Changes in purchasing power as compared with 1913 (per cent)
1907		89	82.0	108.5	+8.5
1908		89	84.3	105.6	+5.6
1909		90	88.7	101.5	+1.5
1910	Under protective tariff acts of July 24, 1897, and Aug. 5, 1909	93	93.0	100.0	0.0
1911		95	92.0	103.3	+3.3
1912		97	97.6	99.4	−0.6
1913		100	100.0	100.0	0.0
1914		102	103.0	99.0	−1.0
1915		103	105.1	98.0	−2.0
1916		111	118.3	93.8	−6.2
1917		128	142.4	89.9	−10.1
1918	Under nonprotective tariff act of Oct. 3, 1913	162	174.4	92.9	−7.1
1919		184	188.3	97.7	−2.3
1920		234	208.5	112.2	+12.2
1921		218	177.3	123.0	+23.0
1922		208	167.3	124.3	+24.3
1923		217	171.0	126.9	+26.9
1924	Under protective tariff act of Sept. 22, 1922	223	170.7	130.6	+30.6
1925		226	175.7	128.6	+28.6
1926		229	175.2	130.7	+30.7

It is worthy of note that the buying power of wages in the United States was relatively low during the war, even though the wages were high in money. In the nonprotection period from 1913 to 1922 the buying power of wages was small except in the years 1920, 1921, and 1922, when prices were falling faster than wages, and employment conditions were so bad that millions had no wages at all. As soon as we returned to protection in 1922 the buying power of wages was stabilized at a high figure and unemployment was promptly relieved.

ACTUAL WAGE DIFFERENCES

The next table shows the differences in wages in money between those paid for certain occupations in the United States and similar occupations abroad:

Comparison of American wages (per hour) with those of foreign countries

	United States	Germany	France	England
Lathe hands, automobile	$0.76	----------	$0.17	----------
Milling-machine operators, automobile	.74	----------	.17	----------
Bakers	.93	$0.24	----------	----------
Bricklayers	1.57	.23	.22	$0.40
Carpenters	1.27	.31	.18	.40
Electricians	1.34	.25	----------	----------
Laborers (building)	.50	.21	.09	.31
Painters	1.31	.30	.18	.40
Plasterers	1.60	.36	----------	.41
Plumbers	1.38	.31	.18	.40
Stonemasons	1.55	.31	.18	.41
Ironworkers	1.36	----------	.17	----------
Tailors	.86	.23	.20	----------
Miners	.62	----------	----------	.27
Farm laborers	.23	.07	.11	.13
Stonecutters	1.41	.36	.20	----------

The figures in the last preceding table are taken from the Monthly Labor Review, issued by the Bureau of Labor Statistics of the Department of Labor, for August, 1927. In some cases where the wages are given in days or weeks, they have been worked out into hours, in order to make the comparison uniform, and wherever this has been done an 8-hour or a 10-hour day has been used both for the United States and for foreign countries. The differences between the United States and the three countries indicated are in most instances about 4 to 1 for Germany, 5 to 1 for France, and about 3 to 1 for England.

COMPARISON OF BUYING POWER

As shown by the previous tables, the American wage earner receives in return for his services a greater wage in money than any foreign workman, and the buying power of wages in the United States is higher and more stable under protection than in nonprotective periods. The further point that the American's wages have a vastly greater buying power than the wages of foreigners is proved by the fact that he can afford to buy comforts, conveniences, and luxuries for himself and his family that no comparable foreign worker can buy. There are those, however, who must have statistics heaped upon statistics before they will believe, and for their benefit there is inserted here a report, as of July 1, 1927, issued by the international labor office of the League of Nations, comparing the buying power of wages in typical cities throughout the world, and certainly no one can claim that such an agency is biased in favor of the Republican Party or the protective tariff policy. The figures are as follows:

Index numbers of comparative real wages in various cities July 1, 1927

[London, July 1, 1927=100]

City	General average index numbers	
	Based on food only	With allowance for rent
Philadelphia	178	178
Ottawa	156	154
Copenhagen	106	106
Dublin	102	110
London	100	100
Stockholm [1]	92	90
Amsterdam	87	87
Berlin	67	62
Madrid	54	----------
Paris	53	----------
Milan	52	53
Brussels	48	52
Riga	48	51
Prague	46	49
Tallinn	46	47
Rome	43	45
Lodz	42	44
Vienna	41	46
Warsaw [2]	37	38
Lisbon	31	----------

[1] The figures are based on wages in the building, furniture-making, and printing industries only. For other cities the metal industry is also included.

[2] Based on a weighted average wage. For other cities an unweighted average has been used.

The only city which even approaches the one American city in the list is Ottawa, Canada, which is also under a protective tariff, and where conditions are quite similar to those under which the high wage standards were created in this country.

The table shows that the Philadelphia wage earner can buy 78 per cent more, or nearly twice as much with his wages as the wage earner in similar industries in London, nearly three times as much as the wage earner in Berlin, more than three times as much as the Parisian, and four times as much as the wage earner of Rome. It should be remembered that this means buying power and not merely the amount of wages in money, the difference in the money amount of the wages being in fact much greater. American wages, as shown in the table already given, are from three to five times higher than abroad.

The Bureau of Labor Statistics in connection with these figures says:

> In considering the figures presented it is very important to note that the wage data relate only to a few classes of workers (building, engineering, furniture, and printing and publishing) and the price data are limited to certain articles of food and to rent. Thus the index figures can be taken only as a very rough indication of the relative levels of real wages of adult male workers in certain occupations and cities. In many instances, however, the figures shown indicate such wide differences between cities that they may be accepted as reflecting real differences in the level of well being of the workers in different countries.

That there is no real question as to the truth of the broad inferences which can be drawn from the figures is indicated by a statement made by William B. Wilson, of Pennsylvania, former Democratic Secretary of Labor and recently Democratic candidate for Senator in Pennsylvania, who was quoted, as follows, by Drew Pearson in the Washington Star of July 4, 1926:

> The real wage is not the money received, but the amount of buying power received. A dollar will buy more in Germany, perhaps, than in England. I believe that no figures exist to-day which show the relative real wages of the workers of the world.
>
> However, my work in the Labor Department gave me some approximate estimates. There is not the slightest doubt that the American worker is not only better paid than any other worker but can buy more with his money.

It is not claimed, of course, that protection alone has been responsible for increasing the buying power of wages in the United States or that alone it can maintain such a condition. It can be properly claimed, however, that without protection other forces could not have brought this condition about and without protection such a condition can not be maintained in free competition with foreign articles manufactured and produced under other standards. The tariff can not control purely domestic disturbances of the American market and economic conditions.

THE TARIFF AND FARM PRODUCTS

Seeking every point of attack upon the protection policy, its opponents have attempted to take advantage of the real distress in certain branches of agriculture growing out of the dislocations caused by the war to persuade the farmer that in some way or other he is being injured by the tariff. Nothing could be further from the truth. The fact that farm products receive the same benefit from protection as other products of industry is clearly established by an examination of comparative prices in periods of protection and nonprotection. Such an examination shows that in periods of protection farm products have relatively increased in price faster than all commodities, and that in periods of nonprotection, except during the World War, prices of farm products have decreased much faster than the prices of all commodities.

The Bureau of Labor Statistics has for many years kept records of all commodity prices and translates the prices for each year into an index figure showing how much the average is above or below the average for the year 1913, which is used as the base. In the following table the index figure 102, for example, shows that the average price of the year indicated was 2 per cent higher than the average price for 1913, and the figure 98 shows that the prices for the year indicated averaged 2 per cent below those of 1913. The table follows showing the wholesale price index figures for farm products and for all commodities in periods of protection and nonprotection:

Comparison of wholesale prices of agricultural products and all prices by Labor Department index figures

[Average, 1913=100]

Year	Farm products	All commodities	Ratio of agricultural prices to all prices
UNDER M'KINLEY PROTECTIVE TARIFF ACT OF OCTOBER 1, 1890			
1890	69.8	80.5	86
1891	75.0	80.0	94
1892	68.5	74.8	91
1893	70.7	76.6	92
DEMOCRATIC WILSON-GORMAN TARIFF ACT OF AUGUST 27, 1894			
1894	61.4	68.7	88
1895	61.2	70.0	87
1896	55.0	66.7	82

Comparison of wholesale prices of agricultural products and all prices by Labor Department index figures—Continued

DINGLEY PROTECTIVE TARIFF ACT OF JULY 24, 1897, AND THE PAYNE-ALDRICH ACT OF AUGUST 5, 1909

Year	Farm products	All commodities	Ratio of agricultural prices to all prices
1897	59.2	66.8	88
1898	62.8	69.6	90
1899	64.1	74.9	85
1900	70.4	80.5	86
1901	73.6	79.3	94
1902	81.4	84.4	96
1903	77.2	85.5	90
1904	81.1	85.6	94
1905	78.8	86.2	92
1906	80.3	88.6	90
1907	86.7	93.5	93
1908	86.5	90.1	96
1909	97.0	96.9	100
1910	103.2	100.9	102
1911	93.0	93.0	100
1912	101.3	99.1	102
1913	100.0	100.0	100

From this table it will be seen that under the McKinley Protective Tariff Act the prices of all commodities dropped 4 points while farm products went up 1 point; that under the Wilson-Gorman nonprotective tariff farm products dropped 15 points in price while all prices dropped only 10 points; and that under the Dingley and Payne-Aldrich protective tariff laws the prices of agricultural products forged steadily upward much faster than other prices. From 1896 to 1913, under protection, agricultural prices advanced 80 per cent, while the prices of all commodities advanced a trifle less than 50 per cent.

When we examine the situation from 1913 to the present day we find that under nonprotection and the stress of the war agricultural prices went up 23 per cent, while all other prices were going up 47 per cent from 1913 to 1921, and that from 1921 to the present, under protection, agricultural products have advanced 16 per cent, while other prices have stood practically stationary. The table for 1913 to 1927 follows:

DEMOCRATIC UNDERWOOD TARIFF ACT OF OCTOBER 3, 1913, TO 1921

Year	Farm products	All commodities	Ratio of agricultural prices to all prices
1914 (war)	102.6	98.1	105
1915 (war)	103.9	100.8	103
1916 (war)	122.8	126.8	97
1917 (war)	189.6	177.2	107
1918 (war)	218.5	194.3	112
1919 (demobilization)	230.8	206.4	112
1920	217.9	226.2	96
1921 (to June 1)	127.5	155.7	82
FARMERS' EMERGENCY TARIFF ACT OF MAY 27, 1921 (PROTECTING ONLY FARM PRODUCTS)			
1921 (from June 1)	120.8	141.1	85
1922	133.3	148.8	89
FORDNEY-M'CUMBER PROTECTIVE TARIFF ACT			
1923	141.1	153.7	92
1924	143.4	149.7	95
1925	158.1	158.7	99
1926	142.2	151.0	94
1927	143.5	146.8	98

In examining this table it should be remembered that we had practically no foreign competition of any kind in the years 1914 to 1919, owing to the World War, which interrupted all foreign trade. The Underwood low tariff law was passed late in the fall of 1913, but before the greater part of our crops were ready to market the following year the outbreak of war—in August, 1914—ended any danger of foreign competition, and the demand for food for European armies sent the prices of food products, as well as other products, sky high. These conditions continued until 1919, when the demobilization of European armies began to bring about normal conditions and immediately a flood of foreign goods began coming to the United States which gave us an army of unemployed in 1920 and 1921 which equaled at least 5,000,000 persons. Farm products then began to drop in price more rapidly than other commodities, and in the first five months of 1921, before the adoption of the emergency farm tariff on May 27, 1921, farm products had slid down to a comparative index figure of 82, showing that the ratio between the prices of farm products and the prices of all commodities had changed 18 per cent to the detriment of the farmer since 1913. Farm products began to go up in price as soon as the emergency farm tariff was passed and the last seven months of 1921 showed the comparative index figure of 85, which made the comparative index figure for the entire year 84. From that point on the relationship between farm prices and other prices continued to change in favor of agricultural products until the prices of farm products have now practically reached equality with all commodity prices, based on the 1913 relationship.

During the last four months of 1927 and during the present year wholesale prices of farm products have been higher than the wholesale prices of all commodities, based on the 1913 relationship. The comparative index figure for agricultural prices fell to 94 in 1926, but the tendency since then has been upward, and it will undoubtedly continue upward if our tariff policy remains unchanged.

Farm products, therefore, receive just as much benefit from a protective tariff as all other products, and apparently suffer more in periods of nonprotection than other commodities. If, as contended by some, the farmer does not now get as much proportionately as he at one time received, the problem is in no way related to the tariff. If this condition exists, it can be due only to the fact that the wholesaler, or middle man, or transportation is getting more proportionately than formerly and this must be remedied by some other method than changing the tariff.

The inevitable conclusion is that under protection agricultural prices go up much faster than the prices of other commodities, and, under nonprotection, except in time of war, they go down much faster than all commodities. How a farmer can be anything but a protectionist under these conditions is difficult to understand.

WHAT IS PROTECTION?

Having in mind the persistent efforts, especially when an election is pending, to confuse the voters and lead them to vote against their own best interests, it may help serve to clear the atmosphere on the subject to state in elementary form the reasons for and purpose of a protective tariff.

In political parlance, a tariff is a duty on articles imported into the United States from foreign countries and a protective tariff is a duty large enough to at least equal the difference in the cost of producing the article here and abroad. A very large part of the cost of every finished article is labor. In producing a simple article made of iron or steel, by way of illustration, the portion of the cost of the article to the user which represents the actual value of the unmined metal contained in it is negligible. It requires labor to get the metal out of the ground, it takes labor to move it, and it takes labor to fashion it into its final form. All of this labor is paid for in the United States at higher rates than in foreign countries. The reason why higher wages can be paid is because when the foreign-made article reaches the customhouse the importer must pay a duty which theoretically equals the difference in cost between the foreign article and the domestic, which is very largely the difference between the wages paid in making the American article and those paid in making the foreign article. If this differential is not covered by import duties, then the domestic producer must go out of business or become bankrupt, while the wage earner in this line of business loses his job. If it be taken care of, both the producer and wage earner prosper together, and then there is what we call "good" times.

The opponents of protection admit that wages are nominally higher under protection, and when overwhelmed with the facts must concede that these wages are also higher in buying power, but will still claim that the consumer suffers as a result. Only to a very limited extent is there any such class as a consumer class; for, while all are consumers, nearly all are also producers of something or dependent upon someone who is a producer. The wealthy idler, who lives on the income of his money without doing any work, may get more out of his money by living abroad, as many of them do. Some of these who would like to live in the United States under the same conditions naturally oppose the protective-tariff policy, for they believe that, without protection, for a time at least, they could buy more with their income than under protection. Persons of this character whose first concern is not the welfare of the country as a whole, and who believe that they could weather the economic storm which would accompany a transition here from American standards of living to foreign standards for wage earners, might consistently urge free trade. Such an economic change, by reducing the buying power of the American public would ruin many great industries, and especially those producing what are sometimes considered luxuries, such

as the radio and automobile industries, and would so reduce the volume of many others as to cause untold economic loss. Only those ready to capitalize the misfortunes of others would gain by the change.

The state of affairs in the United States under which wage earners receive higher wages, with higher buying power, than those of foreign countries has been brought about gradually and is due to the fact that scarcity of labor, coupled with the necessity for developing our great natural resources, made it possible for wage earners to sell their services at a high figure in the comparatively early days of our history. In later years the efforts of organized labor groups, which in most instances could have been successful only in a protected market, have further raised living standards, thereby benefiting not only organized labor, but the country as a whole.

The natural conditions which originally contributed to the high wages and living standards in the United States no longer exist to the same degree, and neither organized labor nor any other agency can maintain these standards without some barrier against the importation of foreign products. Let us illustrate: If it cost an American manufacturer or producer $5 to produce the article which a foreign competitor can produce for $2.50, it follows inevitably that the American producer can not continue to do business if the foreign product is allowed to enter freely into the American market. If he would continue in business, the American producer must reduce his own production cost to the level of his foreign competitor and this usually means reducing wages to the same standard as his foreign competitor. This is elementary, and yet in election after election there are enthusiastic organized-labor men who go to the polls and vote for candidates who are committed against tariff protection. They frequently listen to political demagogues who talk about the "interests" grinding down the common people, and often they swallow with a relish such catch phrases as the "robber tariff" and "special privileges" without ever stopping to figure out what the tariff means to them in better food, better homes, and increasing luxuries for themselves, their wives, and children.

SOME TARIFF HISTORY

The principal opposition to a protective tariff policy for a long time has come from the southern portion of the country, which is or has been largely agricultural. In examining this traditional opposition it is interesting and instructive to take a short review of tariff history. The protective-tariff policy dates from the very beginning of our constitutional form of government, the first act for the purpose of protecting American industries and American labor being passed by the first Congress. Alexander Hamilton, the first Secretary of the Treasury, favored the policy, and all the earlier Presidents gave it their approval. The policy was the favorite one of Henry Clay, and has been advocated by Calhoun and other illustrious southerners in the earlier days of the Republic. Calhoun later turned against it with his State, and in Jackson's administration advocated the famous South Carolina nullification act. From that period opposition to tariff protection spread rapidly in the Southern States, then almost entirely agricultural. Since then this opposition has been traditional with the Democratic Party, which has for nearly a hundred years found its greatest strength in the Southern States. Opposition to the tariff on the part of the South has been a matter of tradition rather than a policy based on conditions as they now exist.

Using slave labor almost entirely, the Southern States in the period before the Civil War had no high wages or living standards for wage earners to maintain, and contended with considerable force and some show of reason that protective tariffs merely raised the cost of living without giving any compensating benefits. For nearly a century cotton has been the principal product of the South, about 62 per cent of this crop being sold abroad in an unprotected market. The cotton planter therefore may still believe that he is penalized by a protective tariff that forces the cotton producer to sell in an unprotected world market and buy in a protected domestic market.

Without discussing this contention, for it would require a very thorough review of the cotton industry to determine its truth or untruth, it is sufficient to say that this is probably the only large American industry for which this argument could be made with any degree of force, namely, an industry which depends more upon the foreign market than upon the domestic market. In recent years some of our southern Democrats have been trying to convince the farmers of other sections that their situation is the same as that of the cotton grower, but although some of the elements in their problems are alike they have not yet succeeded and probably will not succeed, because there is no real similarity between their respective situations as regards their principal dependence upon a foreign market. The fact remains and experience as well as statistics prove it, so that it can not be denied or explained away that periods of protection are and always have been best, both absolutely and relatively, for the farmer.

DEGREE OF PROTECTION NECESSARY

In theory protective duties should be such as to equal the difference in the cost of production between the United States and the competing country having the lowest production costs. In practice this is a very difficult figure to determine. Costs fluctuate so that it is difficult to obtain accurate information on production costs in foreign countries, and it is not to be expected that foreign producers would go out of their way to furnish data calculated to aid us in designing a scientific tariff law.

If it be not practicable to obtain exact figures, the best possible approximation should be made having in mind that the purpose of a protective tariff is to prevent unequal competition. It is claimed that if the rates are too high, domestic competition will not operate to keep prices from being exorbitant, especially in case of monopolies. In the first place it is not often the case that a domestic monopoly can be made so complete as to force abnormal prices, but if this should be attempted in connection with an article produced both here and abroad, the present tariff law carries a provision which gives the Tariff Commission power to raise or lower rates 50 per cent, which gives ample power to curb exorbitant charges by monopolies. As a matter of fact, however, in a country of 120,000,000 people there is enough domestic competition in practically all lines of industry to keep prices at reasonable figures with due regard for our living standards.

While we have had only five years since the Civil War during which our tariff laws have been avowedly nonprotective, and have had an opportunity to work without the aid of war conditions, we have had several periods during that time when depression has resulted because duties were not sufficiently high or because they did not cover certain articles. The tariff law now in force is an excellent one on the whole, though with changing conditions it, too, will need to be changed. Changed conditions have probably made some duties unnecessarily high. In a number of instances experience since 1922 has shown that they are not sufficiently protective. Rates in such cases should be increased, and some articles should be taken from the free list and placed in the dutiable list; but whenever and whatever revision is made it should be done by the friends of protection and with the avowed purpose of maintaining the principle of protection in proper measure.

REVENUES FROM CUSTOMS NOW NECESSARY

It should be kept in mind that there can be no such thing as "free trade" as long as a considerable part of our national income must be raised by customs duties. If the opponents of protection should come into power at the election this year, they would probably have to raise just as much revenue at the customhouses as is now raised, unless they are willing to increase internal taxation. They would, however, if they should practice what they preach, probably place the duties mostly on noncompeting articles, that is, articles not produced in the United States, and take them off or radically reduce them on competing articles.

EFFECTS OF LOW TARIFF

Since the Civil War this country has, fortunately, had only five years under two different laws, of what for want of a better name has been called tariff for revenue only—the six years from 1914 to 1920, nominally under the low tariff act of 1913, being completely nullified by the World War. Both of these experiments were somewhat disastrous and would have been more so if the people of the country had not promptly restored protection. It would take four or five years before the full effect of any change of this kind would be felt, because it would take time for foreign producers to equip themselves adequately to take full advantage of our markets. The effect was felt, however, as all who are old enough will remember, in the second Cleveland administration, again in the early part of 1914, before the war broke out in Europe, and finally in 1920 and 1921, before the present tariff law was enacted when the army of the unemployed reached the staggering number of 5,000,000 persons, according to figures well authenticated.

THE ANSWER TO THE CONSUMER

The opponent of the tariff is forced to concede that under protection employment is more general and wages are higher, but his heart still aches, at election time, for the poor unfortunate consumer. While I have shown that the consumer can not be separated from the producer, except in a very limited way, still there is a sufficient answer for the consumer as such for his adherence to protection.

When the consumer asks why he or she should be required to pay more for articles purchased in this country than for similar articles purchased abroad he should have a Yankee answer, begun by propounding another question such as this:

Are you one of the idle rich, living on an income, or are you dependent for a living on your own wages, or the wages of some other member of your family?

If the questioning consumer admits that he or she is living on an income from capital alone not invested in industry, it would be a sufficient answer to say: "Admitting, if you will, that you pay more for goods purchased in this country than for similar goods purchased abroad because of a protective tariff, do you wish to take a chance of having all your wealth wiped out in the economic disturbance which would be caused by making so violent a change in our living standards? If so, vote the Democratic ticket at the next election. If you don't lose all your money in the wreck caused by the change you and all other wealthy idlers may be able to buy more with your income than you do now."

On the other hand if the questioner admits that he or she is also a wage earner or is dependent upon some wage earner, the answer should be: "Prices are somewhat higher in this country because we have a protective tariff, but don't forget that wages and salaries are even higher than prices. You can buy more with your wages here than you could with the wages you would receive abroad, even though prices are higher here, and remember that this also is due to a protective tariff."

As usual the homely, practical wisdom of Abraham Lincoln answered succinctly but completely the high-living cost argument against protection when he said:

It is easier to pay a big bill if you have the money than a little one if you haven't.

ANOTHER RECORD OF ACCOMPLISHMENT

Mr. TILSON. Mr. Speaker, the first session of the Seventieth Congress will be long remembered on account of the number of matters of major importance with which it had to deal, and for its success in dealing satisfactorily with most of them. No session of Congress has a better record of performance of things worth while, and at the same time no session in recent years has done its work under more adverse conditions. As a rule it is not conducive to good legislation for politics to hold full sway, and yet this is just the situation in Washington for the six months preceding the presidential nominating conventions. It is bad enough when there is a real fight for the nomination in one party. This year there was a struggle of unusual fierceness and bitterness in both major parties, and Congress felt the disturbing influence. It is to the credit of Congress that more of the kind of legislation whose chief merit is that it is supposed to catch votes, did not pass under the circumstances.

All will not agree as to the relative importance of the measures that have become law, but all will admit that the tax reduction bill, the alien property bill, the merchant marine construction bill, and the flood control bill are all matters of momentous importance. Special mention of these does not in any way detract from the importance of others.

TAXES REDUCED $222,000,000

First reference to the tax reduction bill does not mean that it necessarily ranks first in its effect upon the public interest, though it is a measure far-reaching in its importance. As the bill was finally agreed to by the conferees on the part of the House and the Senate and approved by the President it reduced the annual tax burden approximately $222,500,000, which is about $20,000,000 above the Treasury estimate of the probable surplus of revenue receipts over expenditures. If business continues good so that there is no falling off in net income, it is believed that the bill as it becomes the law will produce sufficient revenue and at the same time relieve a large number of taxpayers.

The following table, prepared by Clayton F. Moore, clerk of the Committee on Ways and Means, is inserted so as to show where the reductions are made:

Corporation tax reduced from 13½ per cent to 12 per cent	$123,450,000
Credit for corporations whose net income is $25,000 or less, increased from $2,000 to $3,000	12,000,000
No change was made in the rate of tax on individuals, but the amount of earned income upon which the 25 per cent credit applies was increased from $20,000 to $30,000	4,500,000
The exemption from tax in the case of admission tickets was increased from 75 cents to $3	17,000,000
(A tax of 25 per cent on admissions in excess of $5 per seat to prize fights will increase the revenue on this type of admission about $750,000.)	
The exemption from tax of club dues, if not in excess of $10 annually, was increased to $25	1,000,000
Automobile tax (3 per cent on manufacturers' sales) repealed	$66,000,000
Annual tax on the use of foreign-built boats repealed	10,000
(But, by reason of the definition of the term "motor boat," as contained in the tariff act, the customs duty on such boats will be increased by $50,000.)	
Cereal beverage tax of $\frac{1}{6}$ of a cent repealed	185,000
Wines, war-time tax rates reduced to peace-time basis	1,000,000
Narcotics, annual license tax on retail dealers reduced from $6 to $3	150,000
	225,295,000
The law also provides for the withholding at the source, at the rate of 5 per cent in the case of individuals and of 12 per cent in the case of corporations of the income from tax-free covenant bonds in the hands of foreign owners, to prevent evasion of taxes, which will increase the revenue about $2,000,000.	
The total revenue provided in the bill is	$225,295,000
The increased revenues above mentioned	2,800,000
So, the net reduction is	222,495,000

In addition to these substantial reductions, the law itself is very much simplified for the convenience of the taxpayer, and is a new departure from previous revenue laws in its arrangement and style. It follows the recommendations of the Joint Committee on Internal Revenue Taxation made after a detailed study of the previous laws.

It is well to call attention to the fact that the tax bill just passed is the fourth consecutive tax reduction bill to be enacted into law since the Republican Party came into power in 1921. It must be borne in mind that in order to be able to thus reduce taxes there must be prudent and economical administration of governmental affairs and that the Republican Party has given the country such an administration should not be forgotten as it can not be successfully denied.

RETURN OF ALIEN PROPERTY

The return of alien property held since the World War is a matter of great gratification to the entire American people as well as to our present friends, though lately enemies in the war, to whom the property is now returned. It is not American policy to confiscate the private property of the nationals of a country with which we happen to be at war; but a number of complications had arisen out of the war making it more difficult to return the property than would at first appear. Our own nationals whose property in other countries had been held or destroyed had rights that must necessarily be protected. It was a fortunate solution that was finally worked out to which all parties in interest agreed as just and reasonable.

MISSISSIPPI FLOOD CONTROL

Not many weeks after the final adjournment of the Sixty-ninth Congress the country awoke to the realization that the Mississippi Valley was undergoing one of the most destructive floods of all history. People throughout the country were appalled as they read from day to day of the unprecedented losses. It was a catastrophe of such character that all agreed a national problem had been developed of such magnitude as to require additional legislation by Congress in order to set about solving it. Large sums of money would surely be required, which it would be impracticable, if not impossible, to provide by the method heretofore utilized of joint contribution. Congress must act, but there never was an instance where it was more imperative that Congress act upon reliable information. Government engineers began at once the tremendous task of gathering the necessary data and by the time Congress met were ready to submit tentative plans.

The Committee on Flood Control of the House of Representatives met several weeks before Congress convened in December and held hearings continuously for about five months. As is usual where such important interests are at stake and where so many are interested, sharp differences of opinion developed both at the hearings and in the consideration of the bill in the House. There was, however, a general desire that the necessary legislation should be enacted during the session, so that it was only a question of the form it should take. The bill as it finally received Executive approval was the result of laborious and extended negotiations carried on and concluded in a fine spirit of reasonable compromise, with the result that a bill was passed that it is believed will meet all the proper purposes of such legislation while reasonably safeguarding the Treasury. It reflects credit upon all concerned in its passage.

MERCHANT MARINE LEGISLATION

In my opinion the most important piece of constructive legislation enacted at the session of Congress just closing and the one that will in the end have the most far-reaching effects is the merchant marine construction bill. The exigencies of the war brought into existence a nondescript aggregation of merchant ships, which had cost the country a very large sum to

build, for war stands not upon expense. After the war under the supervision of the Shipping Board the Government continued to operate after a fashion a portion of this war-time fleet. The enterprise was foredoomed to failure from the beginning, as is Government operation of all such enterprises. A direct subsidy to privately operated ships had been refused by Congress, but ever since the war deficits on Government-operated ships have been paid, aggregating many times the largest direct subsidy ever proposed. Nor has the service furnished been equal, except in rare instances, to the demands of our trade. The Jones-White bill is the most important step taken in many years in the direction of building up a privately owned and operated American merchant marine. This law, through secured loans at low rates of interest on new ships constructed and by other advantages offered, will encourage the building and operation of new, up-to-date ships which will meet present-day requirements. It is believed that this law lays the foundation for the restoration of the American merchant marine to its former prestige on the high seas.

Emanating from the same committee another bill of importance passed both Houses of Congress and became a law earlier in the session. It dealt with the new and rapidly developing activity—the radio. The law enacted at the preceding session of Congress was amended and extended and the exigencies of a very complex and difficult situation met for the time being, or at least until the rapidly developing industry indicates additional legislation.

THE IMMIGRATION PROBLEM

The present Congress, like its predecessors for some years past, is strongly restrictionist on the immigration question; but there was practical unanimity of opinion as to the desirability of passing the so-called Jenkins bill, which grants a preferred status to the wives and minor children of aliens now living in the United States. The greatest hardships caused by the present quota immigration law have resulted from the separation of families. The passage of the Jenkins Act goes far toward curing this defect. The foreign-born residents of this country who have not yet been able to become citizens will, under the terms of this law, be able to bring in their dependents ahead of other quota immigrants and have their families with them while they are awaiting citizenship. It is a humane act and will remove one of the just criticisms made against the present immigration laws.

BENEFITS FOR WAR VETERANS

During the present session Congress has not been unmindful of our war veterans and their dependents. New hospitals have been authorized and new forms of compensation have been authorized for certain classes. Such legislation can not be called major legislation, nor can it be properly characterized as constructive. It is simply the fulfillment of a solemn obligation of the Nation. It is after a fashion paying the piper, for war is the most costly pastime in which a nation can indulge, and the people of the Nation would have us pay the debt we have thus incurred. The only difference of opinion in connection with such legislation is as to what is fair and just between different classes of those to whom we owe the obligation and also between all these as a class and the taxpaying public whom we also represent.

Salaries of a portion of the civil-service personnel of the Government have been increased during the present session. The civil service is being and should be maintained at a high standard of efficiency. In order to do this salaries must be paid comparable to those paid in private employment in comparable occupations. Salaries lower than this standard will inevitably lower the efficiency of Government service. Salaries higher than this standard can not be justified to the taxpaying public who foot the bills. Congress has endeavored to hold the scales as evenly as possible between the Government employee on the one side and the taxpayer on the other, with due regard for the highest possible efficiency of the public service.

REDUCTION OF POSTAL RATES

Substantial reductions in the rates on practically all classes of mail matter are made by a bill which was enacted into law during the closing days of the session. The new law includes provisions as follows:

To restore the 1-cent postage rate on post cards.

To provide for accepting business reply cards and letters in business reply envelopes for transmission in the mails without prepayment of postage.

To provide for collecting 1 cent additional an ounce on first-class matter when mailed with postage deficient more than one rate.

To reduce the postage on advertising portions of second-class matter.

To reduce the postage on magazines and newspapers when sent by others than the publisher or news agent.

To effect a minimum charge per piece on second-class matter when there are more than 32 pieces to the pound.

To provide for bulk pound rates on third-class matter.

To reduce the postage on fourth-class matter.

To provide for a special rate of postage on library books.

To provide for special handling and special delivery, combined, at reduced rates. This service is extended to all classes of mail.

Many other bills have been enacted into law, minor in their relative importance to the general public but of considerable consequence to those most directly concerned. To attempt even a synopsis of a portion of them would unduly prolong these remarks. On the other hand, it is too often forgotten that the prevention of unwise and unnecessary legislation is quite as important as the enactment of good legislation. This session of Congress has done its share of work along this line also.

FARM-RELIEF PROPOSALS

Some of the very important matters which have been considered during the present session of Congress have not eventuated in legislation. The most-talked-about measure was that of proposed relief for the agricultural producer. The enormous overproduction of certain agricultural commodities directly caused or encouraged by the war brought about a very serious maladjustment of prices as between farm products and other commodities used by the farmers. The relative prices of farm commodities, as compared with all kinds of service necessary to be paid for by the farmer, have been and still are very greatly to the disadvantage of the farmer, the disparity being greatly augmented by the effect of our restrictive immigration laws. The deflation of agriculture came somewhat suddenly, and was felt most keenly in 1920 and 1921.

Many proposals for relief have been made, and a number of them have been adopted, including an emergency tariff act in 1921 for the special relief of agriculture, several acts extending credit on most favorable terms to aid in more orderly marketing and other measures designed to aid agriculture in readjusting itself to normal conditions, all of which have been helpful, for while agriculture has not yet fully recovered the relative position it should have as our basic industry, it has very materially improved, as is clearly shown by Government statistics showing wholesale prices of agricultural products as compared with wholesale prices of all commodities.

It must be borne in mind that in 1921 the wholesale prices of farm products had reached the lowest relative figure as compared with the wholesale prices of all commodities since 1893, while in April of this year, the last month for which complete figures are available, wholesale prices of farm products were 7 per cent higher than the average for 1926. At the same time the average of wholesale prices for all commodities was 2 per cent lower than the average for 1926, showing that the relative position of agriculture is gradually but surely improving.

Recognizing the supreme importance of having agriculture fully regain and maintain its position as our primary industry Congress came together in the present session in a spirit of accord so far as farm relief was concerned, with a somewhat generally recognized concensus of opinion among those who had favored and those who had opposed certain proposals for relief in previous Congresses, that at this session those features of relief as to which there had not been serious disagreement should be enacted into law. Failure to carry out a program of this character and the consequent failure to enact any measure of relief whatever at this session must be charged in all fairness against those who insisted upon passing through Congress a particular form of measure, knowing well that it could not become a law. Whether it were wiser and better to have no legislation at all on the subject rather than accept anything different from the McNary-Haugen proposal, I do not attempt here to decide. Certain it is, however, that the supporters of that bill and not its opponents made the deliberate choice in favor of no legislation whatever.

REAPPORTIONMENT OF REPRESENTATIVES

Another bill that failed of passage was the proposal to reapportion the membership of the House of Representatives in accordance with the population, as found by the 1930 decennial census. The failure to perform this constitutional duty following the taking of the 1920 census has served to emphasize the danger of waiting until after the census of 1930 has been taken and the results known, for it is inevitable that the difficulties in the way will become greater as the differences in the rate of increase of population in different parts of the country become greater. The defeat of the measure in the House was not due to a party alignment on either side, though quite a considerable majority of the Republicans voted for it and a very decided majority of the Democrats voted against it.

The President's veto of the bill to authorize the operation of the Muscle Shoals plant under Government management was expected. All are agreed that some way should be found to utilize the natural power resources at Muscle Shoals, but even the most fervent desire to dispose of this long drawn-out controversy should not blind one to the fact that the bill presented to the President for his approval would have squarely committed the Government to the operation of a purely industrial enterprise, in direct competition with private industry.

The naval construction bill that passed the House failed to receive consideration in the Senate for lack of time, but will doubtless have full consideration at the short session of Congress and become a law, thus making provision for the continued maintenance of a Navy adequate for our purposes of national defense.

The proposal to take steps toward the control of floods in the delta of the Colorado River and to otherwise utilize the waters of that great stream by the building of a great dam at or near Boulder Canyon passed the House a few days before the end of the session. The bill did not come to a vote in the Senate. One of the very important provisions of the bill as it passed the House was the appointment of engineers to make a further study of the engineering problems. This provision in the form of a separate resolution passed both Houses and became a law, thereby assuring additional information, which should be most helpful in the final stages of the consideration of the measure.

Other measures of greater or less importance are left for consideration at the short session of Congress. Some of them should receive consideration, while others, especially those authorizing the expenditure of considerable sums from the Treasury, may well wait for a more propitious time when the new tax bill shall have demonstrated its ability to produce sufficient revenues to meet our present Budget requirements.

No account of the work of the present Congress would be complete or would do full justice to Republican control of affairs since the party came into power in 1921 that does not connect up and join in a single statement at least a brief summary of the record during the entire period of seven years.

THE SITUATION IN 1921

In some remarks made by me at the close of the Sixty-ninth Congress I referred to the conditions which confronted the Republican Party when it came into power in 1921. I can scarcely improve upon the language used at that time. I then said:

Our international affairs in 1921 were in a deplorable condition. Although hostilities had been terminated for more than two years, we were still technically at war with the Central Powers of Europe. Our relations with many other countries were strained. The principal nations of the world were engaged in a mad competition for the upbuilding of navies and naval armaments for the next world conflict, which was freely predicted.

Our national interest-bearing indebtedness had grown from less than $1,000,000,000 to the staggering sum of nearly $25,000,000,000, a considerable portion of which was shown to have been due to recklessness and extravagance in the conduct of the war. The annual interest charge had grown from less than $23,000,000 to more than $1,000,000,000. Eleven billion dollars had been loaned to foreign countries and no provision made for the funding of that enormous indebtedness.

A vast merchant fleet had been built for war use, but a great many of the ships were worthless and hundreds of them had been built after the armistice because there was no cancellation clause in the contracts for their construction. The cost of our shipping program amounted to over $3,000,000,000. In 1921 there were assets in ships estimated to be worth less than $500,000,000, with claims against the Government amounting to nearly $200,000,000 growing out of our shipbuilding venture.

The railroads of the country were thoroughly demoralized under their extravagant management and operation by the McAdoo administration, which cost the country in taxes alone the sum of $2,950,000,000. Extra burdens had been placed upon the railroads—increased wages alone amounting to $1,765,000,000—and no provision had been made to enable the roads to meet those extra burdens.

We have been hearing much recently of the farmer's hard lot. The masterly array of facts and figures presented a few days ago by the gentleman from Oregon [Mr. HAWLEY], as well as the strong, convincing speech of the gentleman from Iowa [Mr. GREEN] delivered on this floor last Thursday, demonstrate conclusively that however hard the present lot of the farmer, it was far worse in 1921. The farmers of the country were in fact then face to face with financial disaster as a result of the sudden fall in the prices of agricultural products.

The manufacturing and commercial interests of the country were suffering in 1920 and 1921 from an unparalleled depression resulting in widespread unemployment, 5,000,000 persons being out of work according to the American Federation of Labor and the Department of Labor. (See report by Ethelbert Stewart, Commissioner of Labor Statistics under Wilson administration and still holding that office, in CONGRESSIONAL RECORD of August 16, 1921, page 5037.) This condition was intensified by the threatened influx of foreign-made cheap goods, already in full swing, under the Underwood tariff law then in force.

Such was the heritage the Republican Party received from the last Democratic administration, which, having failed to prepare the country for war when war was imminent, had equally failed to prepare the country for peace after war had ceased.

THE REPUBLICAN RECORD

Summing up very briefly only a few of the many things accomplished to meet the unusual and abnormal conditions existing in 1921, the record of accomplishment of the Republican Party in control of both the executive and legislative branches of the Government during the past seven years may be briefly stated as follows:

First. Peace has been established and maintained with all the nations of the world.

Second. Most of the loans made to our allies during the World War have been adjusted on terms which are just both to ourselves and our debtors, assuring, so far as possible, the repayment of approximately $11,500,000,000, which represents considerably more than half of our present national debt.

Third. The Washington Conference for the Limitation of Armaments has been much criticized by many of our own people who claim that we yielded too much, but whether that be true or not, the fact remains that it was the greatest single step in history toward universal peace. It pointed the way and asked others to join us in it.

Fourth. A budget system has been firmly established which has already resulted in greater efficiency and more effective economy than has been known at any previous time in our history.

Fifth. Taxes have been reduced from $5,700,000,000 annually in 1920 to an estimate of approximately $3,187,000,000 for 1929, while many thousands with incomes less than $3,500 annually have been relieved from all direct Federal taxes.

Sixth. The national debt has been reduced by approximately $6,500,000,000, and the interest on the national obligation by nearly $300,000,000 a year.

Seventh. Abuses in the Immigration Service have been corrected, and the threatened flood of immigration of a character that constituted a menace to American labor has been restricted, while during the present session the immigration law was liberalized in a humane and commendable manner for the uniting of families.

Eighth. A number of laws in the interest of agriculture have been enacted, including the agricultural credits law, the emergency tariff law—which saved the farmers from ruin in 1921—the grain futures act, the act regulating meat packers, the act authorizing agricultural cooperation in interstate commerce, the act creating a cooperative bureau in the Department of Agriculture, and others.

Ninth. The tangled mass of legislation relative to World War service men has been reformed, and the pensions granted to veterans and their dependents have been increased until the Government is now expending annually more than $700,000,000 for veterans' relief. The present session of Congress has authorized an expenditure of $15,000,000 for new veterans' hospitals, amended favorably to the veterans the adjusted compensation act, and added to the compensation of certain classes of disabled officers.

Tenth. A general protective tariff measure was enacted in 1922, which on the whole has worked well and has helped very materially in restoring prosperity to the country. While protecting in most respects adequately the home market, it has operated so that 63 per cent of all imports come in free and the average rates on dutiable articles are lower than in any previous protective tariff law. In fact, experience under the law has proved in quite a number of instances that the rate is too low to give adequate protection.

Eleventh. Postal rates were revised in the Sixty-ninth Congress so as to put the Post Office Department almost on a self-supporting basis, while at the same time substantial increases were made in the salaries of postal employees. The present session of Congress has found it possible to further substantially decrease postal rates on some important types of mail matter.

Twelfth. An aviation building program has been adopted and is being carried out, which at the end of a five-year period will give the Army 1,800 and the Navy 1,000 airplanes and probably give the United States leadership in the air.

Thirteenth. The national banking system has been reformed and strengthened, and national banks have been placed more nearly on a parity with State banks.

Fourteenth. Substantial increases have been made in the pensions allowed to veterans of the Civil War and their widows, and

Spanish War veterans and their widows have been placed more nearly on a parity with the veterans of other wars.

Fifteenth. A public-building program has been authorized calling for an expenditure of $265,000,000 under which the executive branch of the Government has the power to select sites and erect suitable buildings where most needed, thus ending the old "pork-barrel" system of appropriating for public buildings.

Sixteenth. A comprehensive plan for flood control for the Mississippi River has been adopted as above indicated, at a cost estimated at $325,000,000, to prevent so far as humanly possible the recurrence of another great disaster such as that which occurred in the summer of 1927.

Seventeenth. As stated above, a plan has been approved and is now being carried out for the return to German and Austrian owners of property seized during the World War and held since that time by the Alien Property Custodian. This legislation has been coupled with the payment of American claims against Germany, thus settling a problem which has embarrassed the Government since peace was declared.

Eighteenth. As above outlined in referring to the work of the present session, legislation has been enacted to foster the development of a privately owned merchant marine. Additional funds to the amount of $125,000,000 have been made available for loans in aid of new steamship construction, and other legitimate inducements have been offered to encourage the building up of a merchant marine under the American flag.

ECONOMY POLICY UPHELD

Once again we have been able to keep appropriations substantially below the Budget estimates. The appropriations for 1929 show some little increase over those for 1927 and 1928, but the increase has not been large. President Coolidge said in 1926 that Government expenditures had then reached almost a rock-bottom figure, and from that point on they would probably show moderate increases from year to year as the country continues to grow and expand. These increases are for the most part being taken care of out of increased tax receipts at lower tax rates and are being made without disturbing the balance between income and outgo owing to the rapid decrease being made in the public debt and the resultant decrease in our interest obligations, due to the very able and farsighted policy of the present administration of our fiscal affairs.

The total number of Federal employees has been reduced approximately 100,000 in the seven years of Republican control, and this of itself is no mean accomplishment, considering the incessant demand, not easy to resist, for more and ever more employees. On December 31, 1920, two months before the Republican Party came into power, the records of the Civil Service Commission showed 358,681 civilian employees, exclusive of the Postal Service. The last public statement by the Civil Service Commission, on December 31, 1927, showed 244,014 employees, exclusive of the Postal Service, a net reduction of 114,667.

Owing to the natural growth and increased business prosperity of the country, it has been necessary during the same period to increase the number of postal employees—who are paid entirely out of postal revenues—from 281,494 to 310,161, an increase of 28,667. Despite this increase in postal employees, there has been a net decrease for all departments of 86,000.

THE FINANCIAL RECORD

An indication of the trend of Government expenditures is found in a summary of actual disbursements made, as shown in the following table:

Government expenditures, 1920–1927

(Exclusive of postal expenditures paid out of postal revenues)

Fiscal year—	
1920	$6,482,090,191.21
1921	5,538,209,189.30
1922	3,795,302,499.84
1923	3,697,478,020.26
1924	3,506,677,715.34
1925	3,529,643,446.09
1926	3,584,987,873.50
1927	3,493,584,519.40

The above table shows the reduction in annual expenditures since 1920 of approximately $3,000,000,000 a year. In making these comparisons postal expenditures and appropriations are excluded, because they are paid out of postal receipts and have necessarily increased rapidly with the growth of the postal business. Deficits in the postal expenditures and appropriations are included, however, in the figures given, so that they accurately reflect the net financial transactions of the years indicated.

The following table indicates the reductions made in the national debt and in taxation:

National debt, 1920–1928

National debt, June 30, 1920	$24,299,321,467.07
National debt, May 29, 1928	17,756,000,000.00
Reduction in 8 years	6,543,321,467.07

Taxes, 1920–1928

Receipts from taxes, including customs, income, and profits, and miscellaneous internal revenue for the fiscal year 1920	$5,722,685,804.00
Estimated receipts from same sources for fiscal year 1929 (under new law)	3,187,555,000.00
Reduction in annual taxes	2,535,130,804.00

In the time-honored language of political-party platforms we as Republicans can well afford to point with pride to the notable record of achievement that I have so imperfectly, incompletely, and in such a fragmentary manner outlined here. It would require a volume to make even a brief reference to the more important accomplishments of the last seven years. In spite of all the perplexing and harassing problems left by the war it has been a period of remarkable prosperity, growth, and development. The Republican Party, in power throughout the period, has squarely faced the problems presented, has shirked no responsibility, and is ready with full confidence to give an account of its stewardship. The session of Congress now closing has added very materially to the record of things well worth while accomplished. We submit our work to the calm, dispassionate judgment of our fellow citizens and await with confidence their just appraisement and approval.

"WE MUST PRESERVE AND STRENGTHEN OUR IMMIGRATION LAWS"

Mr. UNDERWOOD. Mr. Speaker, ladies, and gentlemen of the House, I believe that one of the most important questions confronting the American people to-day is the question of immigration. The preservation and strengthening of our immigration laws should have the careful and sober thought of all our citizens. Strong and well-organized forces are actively at work attempting to weaken, modify, or repeal the law. Since the passage of this law I have received much propaganda in the form of letters, resolutions, and requests to vote for various bills that have been introduced in Congress tending to have this effect. I voted for the immigration law because I have always been in favor of restricting immigration to the lowest possible limit. In fairness to the good people who sent me here I feel that I should state some of the reasons for my vote upon this important legislation.

We have a perfect right to say whom we shall admit or refuse admittance to our shores. There is no Member of this Congress who has a greater respect and esteem than I have for the naturalized citizens of this country. I do not care from what country he comes if he is a true and loyal American. I have an equal contempt for any citizen of this country who is not patriotic and loyal, whether he is native or foreign born. I am not unmindful or forgetful of the part that immigrants have played in the progress and development of this Republic. I do not claim to be more patriotic than others; neither do I bear malice or ill-will toward anyone. I have a charitable feeling for all. I believe that all fair-minded Americans will agree with me when I say that we have an inalienable right to say that no person should be admitted to this country, regardless of percentages, unless he shows a clean bill of health, mentally, morally, physically, socially, and politically. Upon the exercise of this right is dependent the preservation of American rights, institutions, and ideals. It is for the best interests and common welfare of our country. If we are to maintain an American standard of living, properly safeguard American rights, institutions, and interests, then we should have no hesitancy in throttling down this inflow of persons from other lands. Selective and restrictive immigration is the best protection for our country that was ever provided by any land. We want to be fair and just in our relationships with other nations and other peoples, but first we want to be fair and just to our own citizens.

Confronted by the problem of assimilating those who are already here, the time is past for introducing vast groups who are alien to our language, alien to our political institutions, to our habits of life, to everything we hold dear. If we depart from the system that we now have I fear that we will jeopardize the rich heritage that we now enjoy and endanger the welfare of our posterity.

Let us review for a few moments the history of our country. Let us ask ourselves who and what is an American and what does America stand for. From a study of our past we may be able to chart our course in the future. We boast of a land where all men are free and equal. We highly prize those immortal documents—the Declaration of Independence and the Constitution of our country. In building the foundations of our country, we owe much to the picked stock that came to this splendid land, rich in natural resources. The early colonists or settlers did not have any inseparable differences in race, culture, or traditions.

I fear we too easily forget the suffering, hardships, and dangers of our early pioneers and their descendents; those

peoples who had the heroism, courage, and spirit to colonize, develop, unify, and make possible the many privileges and benefits which we now enjoy. History tells us that almost three-fourths of those colonists who landed at Plymouth were under the sod at the end of the first year they were here. That of those brave people who settled at Jamestown, numbering 900 souls, but 150 remained after the passage of three years. It took courage, will power, and determination for these intrepid people to come and to live here. The early colonists along our seaboard spread westward clear across the continent. They blazed the trail for those who followed.

Let us consider for a moment our colony history, a history that was longer than the history of our independence. The trend of American people of the colonist period was toward American independence; toward unity. After the close of the Revolutionary War and our independence had been accomplished, the one great question was and is to-day, what sort of America will it be? It made little difference what they thought about immigration at that time because America was a vast continent and there were practically no immigrants. This was true for almost a generation after the revolution. It was not until half a century had passed that the tide of immigration began to assume larger proportions. Those who had come during this period were similar in blood, outlook, and culture to those already here.

A popular idea existed that America should be a refuge for the oppressed of all nations. For the first 100 years of our existence we welcomed immigrants from all lands, regardless of origin, blood, or condition. It was considered un-American to exclude anyone. I think it is fortunate for this country that no great tide of immigration came during our formative period.

A great tide of immigration followed our Civil War, to take advantage of this wonderful land rich in natural resources, a land that had already been prepared for them by the sturdy pioneers. The first attempt to restrict immigration was made in 1882, when an attempt was made to limit the great number of Chinese that were entering this country. Only during the past few years has America really been awakened to the need of restrictive and selective immigration laws. During the years prior to the passage of our first restrictive immigration law in 1921 immigrants were coming to this country at the rate of approximately 1,000,000 each year. This great tide was broken temporarily during the period of the late World War. After the close of the war there came another great rush of people from foreign lands endeavoring to escape from the destruction, havoc, destitution, and suffering that followed in the wake of this great world catastrophe. It was then forcibly brought to our attention that America could no longer be an asylum for the millions who desired to come to our shores. It was then that American citizens became aroused to the great danger confronting this fair Republic. As a result of the millions who had come during recent years, we found upon investigation that the melting pot was not melting, that many people with ideas wholly foreign to ours, with communistic and bolshevistic tendencies, with a contempt for our institutions, had been admitted; that many of them had come from lands where there was no semblance of a government.

That their object and desire was to destroy the Government which we all so highly prize and cherish. We found them congregating in certain sections of our country, living as they had lived in foreign lands, speaking their own languages, editing their own newspapers in that language, without any desire or incentive to become Americanized or prepare themselves as citizens of this their adopted country. With all these conditions confronting us, we were brought to a realization of the seriousness of the situation and an urgent demand for a more restrictive and selective immigration law. As a result of these conditions, and to prevent the flooding of this country by millions of undesirables, we passed what was known as the Johnson Act in 1924. This is the most restrictive immigration law that has ever been placed on our statute books. In my opinion the importance of the passage of this act to the future of this country can only be estimated with difficulty. It is a humane law, fair to all the peoples of the world. It was the first real effort we have made to select the type of people whom we want as our future citizens. It provides rigid tests to determine whether or not those who wish to enter are mentally, morally, and physically sound. It searches the record of their social and political past. Every applicant must meet this test before admission.

We should strengthen and not weaken existing immigration laws. All true and patriotic Americans desire that this be done. We must be fair and just to all, but our first consideration should be for our own country. We do not need any additional immigrants to-day. Unemployment exists in this country. Many American wage earners are unable to find employment or support their families. To let down the immigration laws would mean a flood of immigrants to this country who would come in competition with American wage earners. There is no demand upon the part of the farmer, business, laboring, or professional man for a weakening of existing immigration laws. The contrary is true. The American Federation of Labor, the American Legion, and many other organizations and patriotic societies have urged upon Congress the necessity of limiting immigration to the lowest possible point. With that attitude I am in hearty accord.

It is our duty to Americanize those we have here; to urge upon them the importance of taking immediate steps to become American citizens; to teach them that ours is the greatest and most prosperous country in the world—a country where people have freedom, equality, and liberty, with abundant opportunities to accumulate property and enjoy our great natural resources; to teach them obedience to our laws, love for our common country, and respect for our flag. If those who come to our shores find it impossible to maintain, uphold, and protect American institutions and ideals, then I would deport them and send them back to the land from whence they came. I have always considered it my duty as a Representative in the American Congress to help preserve and strengthen our immigration laws.

BALTIMORE

Mr. LINTHICUM. Mr. Speaker, we have just secured the incorporation in the rivers and harbors bill reported by the Rivers and Harbors Committee to this session of Congress an authorization for an appropriation of $507,640 to dredge an anchorage basin opposite Dundalk 35 feet deep, 1,500 feet wide, and 4,500 feet long, which will give a considerably additional anchorage to our harbor and which is very much needed. In addition to this we have received authorization for $12,000 annually for the maintenance thereof.

I consider this a very great acquisition to the port of Baltimore, because it will not only give us this additional anchorage basin but the bill also provides that the dredge material shall be used in filling in at Dundalk for the contemplated airport, which airport when completed will be second to none in our country, thus accomplishing two important projects at the same time.

Baltimore at present has a 35-foot channel from the city to the sea, which is found to be inadequate, owing to the great depth required for the modern large ships; and, backed by the city of Baltimore, the association of commerce, and other organizations, I am, with my associates of the Maryland delegation in Congress, endeavoring to procure a channel 40 feet deep and 1,000 feet wide.

A general survey is now being made by the local engineers at Baltimore, and I trust we shall be ready to make a splendid showing before the Rivers and Harbors Committee by the next session of Congress.

I mention these facts to show that the congressional Members from Maryland have not been slow in grasping every opportunity for the promotion and improvement of the harbor facilities of Baltimore and the channel to the sea. It is well that we should do this, because I believe the great prosperity, future growth, and wealth of our city will depend more upon its harbor than any other one thing, and will add to its future growth and greatness more than any improvement we could possibly make.

BALTIMORE'S STRATEGETIC POSITION

When you consider that Baltimore's geographical position is of such great advantage in the development of its commerce to both foreign ports and, through the Panama Canal, with the Pacific coast, likewise its nearness to that great central West, the bread basket of the country and a wonderful manufacturing center, we can not but realize that Baltimore plays a very large part, indeed, in the future history of our country and of the commercial world.

PROXIMITY OF BALTIMORE TO CENTRAL WEST

It will be interesting to note from the figures which I give below distances of the principal cities in the central West from Baltimore, Philadelphia, New York, and Boston:

	Baltimore	Philadelphia	New York	Boston
Buffalo	396	414	396	498
Pittsburgh	311	349	432	673
Harrisburg	84	104	196	428
Cleveland	442	497	580	681
Cincinnati	577	660	743	943
Chicago	796	817	899	1,033
Louisville	691	774	857	1,057
St. Louis	916	961	1,044	1,217
Kansas City	1,210	1,239	1,331	1,484

Baltimore as a distributing center for the Southeastern States is by far the greatest manufacturing city south of the Ohio River and east of the Mississippi, exceeding Louisville, Ky., by more than 1,300 industries, and, with the exception of St. Louis, Mo., is the largest manufacturing center not only in the territory south of the Ohio River in Pennsylvania but of any manufacturing center west of the Mississippi River—some 28 per cent greater than Los Angeles and 70 per cent greater than San Francisco.

GROWTH OF BALTIMORE

Baltimore has grown rapidly during the last 24 years—that is, since the great fire—and I may say with pardonable pride that I was a member of the general assembly, at that time chairman of the city delegation, and helped pass much of the legislation for the reconstruction and improvement of Baltimore. The prosperity and size of an individual's business depends largely upon the number of people who pass his store and who live in close proximity thereto. So it is with cities. When we, therefore, realize that the territory east of the Mississippi River, excepting New England, during 50 years prior to 1920 increased in population from 28,193,378 to 66,620,263, and in those eight States more closely surrounding Baltimore the population increased from 10,767,754 in 1870 to 25,639,986 in 1920, and that the population in Maryland itself increased in 50 years from 780,894 to 1,449,000, we can realize how Baltimore must have grown in business and in commercial importance by reason of this great influx of population in the territory upon which she depends. And so it is that the population of Baltimore increased from 1890, when we had 434,439, to 1927, when we had 820,000, and that the manufactured products from 1904 to 1925 increased from $150,000,000 to $671,000,000; in other words, the manufactured products averaged a yearly increase of $26,000,000.

TIDES AND CURRENTS

Baltimore has a wonderful advantage both in tides and tidal currents, while other cities have tremendous tides. Baltimore has a very slight tide in comparison with them. The tide varies from 1.2 feet at Fells Point to nine-tenths foot at Seven Foot Knoll, and at Fort McHenry it is 1.1, and the tidal currents vary from four-tenths of a knot at Fells Point to six-tenths of a knot at Fort McHenry. The advantage of this is that the cost of maintenance is extremely low in comparison with cities that have much greater tides and swifter currents.

MARYLAND AND BALTIMORE COOPERATE WITH NATIONAL GOVERNMENT

There has always been cooperation with the National Government by Baltimore and by the State of Maryland. The Federal Government has contributed up to 1926 $11,963,180 and the city of Baltimore and State of Maryland approximately $12,750,000 for harbor improvements. The city of Baltimore has expended in addition some $12,000,000 to improve the harbor both for dredging and erection of docks, wharves, and so forth. The General Assembly of Maryland has authorized an additional expenditure by Baltimore for harbor improvements of $50,000,000, of which a considerable part has been expended. The city of Baltimore and the local companies are continually improving our terminal situation, both for the accommodation of ocean-going vessels and other ships which visit the port. A port development commission was organized in 1920 and has charge of expenditure of the $50,000,000, so that the work is going ahead in a progressive manner, and the National Government will receive cooperation in every particular by the local authorities.

IMPORTANCE OF PORT TO CENTRAL WEST

To illustrate how important the port of Baltimore is to the Central West, I cite the fact that in 1926 the total export freight by rail was 559,047 tons, of which Illinois, Indiana, Ohio, and Pennsylvania contributed 422,956 tons, or 76 per cent. Of the States west of the Mississippi River, Wisconsin, Iowa, Minnesota, and Missouri contributed 33,235 tons, and from the Southeastern States, not including Maryland, 38,543 tons. It will be seen by this that when we ask for the improvement of the Baltimore Harbor and the channel from the city to the sea it is not solely by any means for the city of Baltimore but for the great Central West and other portions of the country which prefer Baltimore because of cheapness of transportation and excellent facilities. It might be well to mention right here the fact that Baltimore, in competition with all the large ports of the Atlantic and Gulf coasts, excels by reason of the cheaper freight rates through this port, which the shippers of export and import freight appreciate.

FREIGHT RATES

Some 50 years ago, Baltimore claimed the right by reason of her nearness to the Middle West of a cheaper freight rate, and procured it, and in order to stabilize it, the trunk lines of the East agreed definitely to establish it in favor of Baltimore and Philadelphia, so that their rates are much lower than those of New York and Boston. Traffic eastbound to Baltimore is 3 cents per 100 pounds less than the rates to New York and westbound the differential is 8 cents on the first two classes and 3 cents on the lower classes of freight than New York.

The people of this country have been led to believe that New York is the only port along the Atlantic through which to make shipments to foreign ports or for distribution. The result is too much freight has piled up at that port and the great facilities offered have been flooded and congested so that quick operation is practically impossible.

LOWER COST FOR EXPORT AND IMPORT COMMERCE

It is my desire to impress upon the people of the country, and particularly the Central West, that Baltimore offers every opportunity for import and export commerce and at very much lower expense. To summarize, when we realize that Baltimore is 200 miles closer to St. Louis than New York and 63 miles closer than Philadelphia, that it is 109 miles closer to Chicago than is New York and 118 miles closer to Indianapolis, that it is closer to Detroit and even closer to Buffalo, in the State of New York, than is the city of New York herself, we can then understand the wonderful advantage to the shipper in using the Baltimore port by reason of the differentials in freight rates.

LOW COST IN HANDLING FREIGHT

Some time ago I distributed among Members of Congress a circular comparing the difference in handling a 5,165-ton steamer with general cargo in the ports of Baltimore and New York. It showed by an itemized account that a saving of $4,177.81 would be made by shipping through Baltimore, and at the same time quickness and dispatch, without congestion. Also a circular of a shipment from Pittsburgh to Baltimore or New York, which showed a saving of 19.7 per cent through the port of Baltimore. Another comparison of a shipment from the same city to the same points via warehouse shows a saving in favor of Baltimore of 47 per cent. That the country and shippers abroad are beginning to realize the importance of Baltimore and its harbor is conclusively shown by the statements I have given of the immense increase of commerce to and from Baltimore.

DEVOTED MY TIME TO HARBOR AND CHANNEL IMPROVEMENT

I have devoted my energies to improving and enlarging the port of Baltimore, and have secured large appropriations for the widening and deepening of our channels, including the channel into Curtis Bay and Spring Gardens, which I think have cost certainly not less than $2,000,000. I do not desire, however, to limit my activities entirely to the harbor and channels of Baltimore, though I do feel that in the future growth and progress of our city it is one of the greatest acquisitions we have.

FEDERAL BUILDINGS

I have spent some years in Congress, passing through the World War, the reconstruction period up to the present time of consolidations and trusts. With my colleagues' cooperation in both Houses we have added other facilities to our city, notably the Federal branch bank, to cost when equipped $1,500,000, which will be of inestimable benefit to the banking, commercial, and industrial interests when completed. The Federal building for the housing of the post office, Federal courts, and other governmental activities, including the Third Corps Area, will add to those branches of our Government greater facilities and comfort. This building, we hope, will be not only of practical construction, but likewise architecturally beautiful, and is to cost when completed and equipped around $4,000,000.

FORT M'HENRY A PATRIOTIC SHRINE

Funds have now been appropriated under my bill to restore Fort McHenry to its condition at the time of the War of 1812. The dedication of it as a national military and patriotic reservation we hope will be during the present administration, when thousands of our fellow citizens will meet and glorify where Francis Scott Key wrote The Star-Spangled Banner on the memorable occasion of the Battle of Fort McHenry and North Point. This should add great interest to the patriotic and memorable acts which the people of Baltimore have played in all the great wars of our country.

IMMIGRATION STATION HOUSING PROHIBITION BUREAU

It is to be deplored that the immigration station, of which we were so proud and for which we all worked so hard, located as it is just alongside of the Francis Scott Key shrine, should be taken over by the prohibition officials. It is well to enforce the law, but it is not necessary to enforce it upon ground sacred to the hearts of our people by the glories of the War of 1812. The conservation of liberty by that war is certainly not in the category with restriction of liberty, the violation of the Constitution and bill of rights in the manner practiced by prohibition of-

ficials. Old bottles, stale beer, and captured automobiles are not picturesque in the shadows of Old Glory as immortalized by Francis Scott Key.

THINGS YET TO BE ACCOMPLISHED

As people outgrow their clothes, so cities outgrow their facilities. Before the Baltimore & Ohio Railroad ever reached the Ohio River the Government constructed an appraiser's warehouse in Baltimore. This warehouse still stands opposite the customs building. It is unique because of its old-fashioned architecture, but it does not represent the steel age but the concrete age; wherefore, great concrete pillars abound occupying space and destroying utility.

The city has long outgrown this building, and my colleagues and I are endeavoring to secure another building whereby better facilities may be afforded and greater efficiency procured. This we have every opportunity of securing in the near future.

As in the case of the warehouse so in the case of a new marine hospital, the old one being of frame construction, insufficient in size, and overcrowded. We are therefore endeavoring to obtain, with good prospects, a new marine hospital building to adorn the present site and to render every advantage and facility of a modern hospital.

To these matters and to the widening and deepening of our channel—also general legislation—it is my intention to devote my entire time, to the end that Baltimore may become even a greater city by virtue of its port facilities and its complete equipment in every detail.

SHALL THE AMERICAN COMMONWEALTH BECOME THE OPPRESSOR OR THE LIBERATOR OF THE AMERICAN PEOPLE?

Mr. KENT. Mr. Speaker, from the time of the foundation of this Government the present Democratic Party and its predecessors have usually remained true to the principles of those who founded it. If there is one course that was clearly and definitely charted by the founders of the Government, and especially the founders of the Democratic Party, it was that the Federal Government is one of clearly defined powers, and all powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people. My own conception is that the people desired to establish a constitutional form of government in which they reserved unto themselves as much liberty and freedom as possible consistent with the things they desired to accomplish as set forth in the preamble of the Constitution. They surrendered their rights, which ordinarily could be exercised without restriction by savages or ungoverned people, first unto the States, in order that each State would definitely protect the people within its borders. The Constitution of the United States was ratified by the legislatures of the several States. It was not ratified by the people of the United States or of the several States, and therefore we have the people conferring upon their State governments certain rights to promote the common defense and the general welfare, surrendering unto the States themselves certain rights, in order that they might procure benefits common to all citizens similarly situated. Then the State legislatures ratified the National Constitution and expressly delegated to the National Government certain clearly defined powers. The founders of this Government never had any idea that the Government would engage in any commercial enterprise. It was far beyond their thoughts or expectations that the Government they were founding would go down into any State and engage in private enterprise. The Federal Government was to do nothing more than that which is set forth in the preamble of the Constitution, within the clearly delegated powers set forth in the Constitution and its amendments. But of late years men calling themselves Republicans and Democrats have charted out a course for the Federal Government to accomplish which the most liberal person in the Constitutional Convention never conceived. The members of that convention went into its sessions representing their people, surrendering no valuable right which affected the daily lives, social customs, and commercial activities of the people back in the States.

But now party lines have dropped. Men have conceived the idea that this Government is all powerful and all embracing; that it can enter into private enterprise even though it may compete with persons engaged in private industry. To-day it does not seem to matter that men devote a lifetime to the building up of an industrial concern. They and their fathers before them for generations may have developed a business. All they have may be invested in it and yet the Government, according to the new-found theories of those so-called liberal constructionists, can go down into the State in which such industries are located, enter into business under some power imagined to be in the Constitution, and drive these industries out of business.

I am opposed to any such procedure. Big business, the special interests, organized wealth, without conscience and unrestricted, may do that which is against the law. But it does not necessarily follow that two wrongs make that which is right. The Government clearly has the power to control and restrict that which is illegal on the part of business, but it is not right to go down into any State or any number of States and obliterate any business already established by the entrance of the Government itself into business. No business concern can compete against the greatest and wealthiest Government in all history. Behind the ability of this Government to do business there rests the greatest power ever known to man, namely, the power of a Government to tax individuals and enterprises. If the Government sustains a loss in business, all the people pay it. If an individual or corporation sustain losses, they alone must pay them. If the Government competes with an individual or enterprise, then that individual or enterprise becomes the competitor of all business individuals and enterprises in the United States. The Government thus becomes the business enemy of such citizens and corporations as it may thrust into competition with itself.

That is why I am opposed and have always been opposed to Senate Joint Resolution 46 on Union Calendar 324, commonly known as the Muscle Shoals bill. Muscle Shoals is nothing more than a "hangover" after the war. Excuses are made that we desire to put to work the many millions of dollars now lying idle on the Tennessee River. It is estimated that we have spent there something over $150,000,000. But in the great World War we spent over 26,000,000,000 of dollars which we never expect to get back. We have canceled principal indebtedness and interest due on our foreign loans to our allies to the extent of over 8,000,000,000 of dollars, yet the hue and cry is now made that the comparatively small sum of $150,000,000 expended during the war on Muscle Shoals should immediately be put to use. I have been just as anxious as any other Member to utilize this plant and investment. I have always hoped that private capital would take it over by lease or purchase and that we would at the same time reserve to the Government certain rights to produce nitrates for the Government in the event of war. To that end I voted to lease the property to Henry Ford in the Sixty-eighth Congress and was much disappointed that such disposition was not made of Muscle Shoals.

But now the shades of Thomas Jefferson and Andrew Jackson, perhaps the greatest of all Democrats, and the shades of Daniel Webster and Abraham Lincoln, perhaps the greatest of all Whigs and Republicans, even the ghost of Alexander Hamilton, the greatest centralizationist of them all, would be astounded if they believed that the present Muscle Shoals bill would ever become a law. Members have fallen into some strange hallucination. The aftermath of the war seems to have swept aside the ability of Members in both branches of Congress to keep close to fundamentals, because the Muscle Shoals bill and the McNary-Haugen bill, the soc-called farm relief bill, have passed both brnches of Congress and the Boulder Dam bill is now being debated in the Senate. Even the White House is not immune from the modern tendency not only to centralize government here in Washington, not only to surrender the rights of our people back home, but to engage in private industry for the purpose of temporary expediency. Although the President vetoed the McNary-Haugen bill, and properly so, yet we hear that he himself is disappointed and has some kind of a method whereby the Federal Government can control the law of supply and demand in an endeavor to give what is commonly known as farm relief.

Members stand upon the floor and at the end of every sentence use the words "agricultural relief for the farmers" when they discuss the McNary-Haugen bill. When they talk about Muscle Shoals they end their sentences with "fertilizer for the farmers." This appeal is made principally to the farmers, but everyone who has seriously studied the situation will know that no relief can possibly be given to the farmers with either of these measures. Both are nothing more than political gestures and should be entitled "Acts to bunco the American farmer." Legislation can not control the law of supply and demand. We have waited so long after the great World War to take our place in world rehabilitation that other nations have taken upon themselves the opportunity and obligation of entering into the world's markets and to control their own domestic markets wherever possible. The balance of trade has quietly slipped away from us. For example, England in Egypt and Abyssinia has caused more acreage to be placed in wheat than ever before in the world's history. The World War shook the financial world to its foundations. Social, industrial, economic, and political conditions all over the world have been revolutionized. Labor and supply costs are changing overnight in the markets which we formerly controlled, and yet men on Capitol Hill resort to the

temporary expediency of trying to control this situation by purchase of surplus agricultural products in America in the hope of stabilizing prices when there are no markets to take up the surplus. This question can not be solved on the basis of conditions as they existed prior to the World War. New world problems are here. They are different from any other problems in the world's history and they must be solved along new and definite lines.

For that reason the McNary-Haugen bill should not become law as it now stands, with or without the equalization fee, for the reason that the Government of the United States should not go into private business. Both the Muscle Shoals bill and the McNary-Haugen bill should fail of enactment. In a more limited sense the same condition prevails in the Boulder Dam bill. It is amazing to note that so many men voted for the Cooper-Hawes bill and at the same time voted for the McNary-Haugen and Muscle Shoals bills. I have seen men stand on this floor and heard them declaim against the injustice which the Cooper-Hawes bill sought to strike down, whereby the State governments themselves, in the penitentiaries of the land, manufactured without overhead charges and practically without labor charges many articles of commerce and sent them out into our markets to compete with goods made by free labor. The argument all of us used in favor of the Cooper-Hawes bill was that free labor and free industry could not possibly compete against the labor and industry fostered by any government; and yet these same men have reversed their position and desire the Government to embark in business, first, with the McNary-Haugen bill, in the purchase and sale of agricultural products, and, second, in the Muscle Shoals bill, in the direct manufacture and sale of nitrates and fertilizers. Certainly Shakespeare did not conceive that the American Congress would so act when he stated, "Oh, consistency, thou art a jewel."

Muscle Shoals legislation is the first step in the iniquitous system which places the Government directly in the manufacture of articles of commerce and the sale of the same.

There are many objections to the bill, but the chief objection lies in the fact that the Government not only attempts to go into business but is directed to give away without cost a portion of the product. If losses occur the American people are to pay the deficit. New jobs are created as though we did not have enough governmental employees in the country to-day.

In my judgment, although I am not a chemist, electrical and mechanical development is moving along at a swift pace. Ten years have passed by since Muscle Shoals was constructed, and in that period of time my thought is that the plant has become inadequate and private chemists in private industries have developed new and more complete machines and methods for generating power than are to be had at Muscle Shoals. In time of war this Government has the right even to confiscate private property in order to sustain the Nation and preserve it. I see no reason why Muscle Shoals can not be used as a power plant to generate electricity to develop the great southeastern part of the country, for a lease of this property surely will be made at some future time. The Government always has the right to use it in the event of war. We should proceed with our experimentation in the manufacture of gases and explosives for manufacture and use during war. This can be done in the War Department and the Navy Department. Our isolation will give us plenty of time for use of the private industrial plants scattered all over the country. In my own State of Pennsylvania there are hundreds of thousands of horsepower daily going to waste in our streams. The same condition prevails all over the country. In time of war we can catch up without much difficulty and can utilize this great horsepower in the manufacture of nitrates, electrical energy, and other means of conducting war according to new and improved methods then existing.

In order to be consistent the Cooper-Hawes bill should become law, but the McNary-Haugen and Muscle Shoals bills should not. It would seem that the average Senator and Congressman would have enough to do in Washington representing his people back home, preserving their rights, views, and sentiments in the Nation's Capitol rather than surrendering all the rights or any of them that the people back home may have possessed and cherished.

The Hamiltonian theory of government now and for a few decades particularly persisted in by Republican administrations is responsible for this condition. The Jeffersonian theory under which the Democratic Party has operated since Jefferson's day has been to leave business enterprises and the people alone as much as possible to work out their destinies. The Hamiltonian or Republican theory requiring centralization of practically all governmental activities at Washington has brought this Nation into a condition where there is too much government. Government now afflicts the people. It does not afford them relief from oppressive burdens which the social, economic, and political activities of the Nation bring to pass.

A careful analysis of the cost of government in the United States shows conclusively that all the gold bullion in the civilized world, if placed together on one pile, would not pay the cost of government in the United States for a single year. From the foundation of this country until 1860 there was 1 person to every 1,000 upon governmental pay rolls, National, State, or municipal. From 1860 to 1890 the processes of centralization under the Hamiltonian theory of government went steadily forward, and at the close of the fiscal year in 1890 there was 1 person to every 100 upon a public pay roll, National, State, or municipal. From 1890 to the close of the last fiscal year this Hamiltonian or Republican theory of government has so progressed and has become so thoroughly intrenched that at the close of the last fiscal year there was 1 person to every 15 upon a public pay roll, National, State, or municipal. Before the great World War began it was said that every German citizen went to work in the morning with a soldier upon his back. This was a reflection upon the great militaristic machine developed by the German Empire then in power. By analogy of reasoning it can be truthfully said that if conditions continue in America under this Hamiltonian or Republican theory of government it will be only a decade until every American citizen will go to work with an officeholder upon his back.

The present tendency to look to Washington and to our State capitals for relief from every ill that afflicts the Nation, the State, and every local community, is a dangerous one, and if something is not done soon to check this tendency dire results will surely follow. The average citizen will not look upon his Government with pride as an agency for his protection and through which he can work out his welfare, but he will lose confidence in his Government and regard it as his oppressor rather than his liberator.

SIX MONTHS AT WASHINGTON

Mr. MOORMAN. Mr. Speaker, ladies and gentlemen of the House, under the leave given to each Member of Congress on May 21, 1928, I desire to render to the people of my district a brief report of my official service. Although elected November 2, 1926, I was not sworn in until December, 1927. I have been, therefore, only in actual service about six months. However, I did much preliminary and preparatory work.

PREPARATION

I went to Washington and spent about six weeks after I was elected, paying my own expenses, opening my office, and endeavoring to familiarize myself with my duties and learning how to efficiently serve my constituents. My office has been open since, with a Washington secretary in charge. I spent seven or eight hundred dollars getting a mailing list and doing many other such things necessary to get to the people the things intended for them. I am sure the people of my district are familiar with the efforts I have made in their behalf and the attention I have given to correspondence, to departmental work, to legislation, and their affairs generally. All letters to me are answered the same day received, unless delayed by departments in getting the desired action or information. I did not start out on a one-term basis.

HELPFUL INFORMATION SENT OUT

I sent out more than 350,000 pieces of literature and mail, exclusive of the letters answered in the general mail. I had as high as five people working in my office for weeks at a time. I wrote letters advising thousands of the valuable information available and endeavoring to cooperate with teachers, county agents, doctors, officials, and many individuals in an effort to promote the advancement of our district. I placed much valuable information in each courthouse, beginning a county library. The daily CONGRESSIONAL RECORD is sent by me to each county clerk's office and the bound volumes will be placed there as permanent records.

My idea is to bring the people into closer cooperation and contact with their Representative and their Government at Washington. Such will help me and them. I have now several hundred Yearbooks from 1920 to 1927 and will furnish them on request as long as they last. Have now to my credit and will furnish all the farm bulletins desired by anyone.

RURAL MAIL SERVICE

The farmers are rendered no more important service than by rural mail. This service was started in an experimental way in 1896. It has been extended to the most remote parts of the country, and on May 1, 1928, there were 44,370 rural mail routes. I gladly cooperate with the postmasters and rural carriers in my district, offering assistance in bettering the mail facilities of the district. I voted for the bill granting allowances for rent, fuel, light, and equipment for fourth-class postmasters. I supported other measures designed to help the mail

service and those engaged in it. I made the fight for the substitute railway clerks of Kentucky and succeeded in doing them some material good. I exposed the "spoils system" in vogue under the guise of "civil service" and will send anyone desiring it a copy of my speech made in Congress and approved by the National Civil Service Reform League. It can be found in the CONGRESSIONAL RECORD of March 22, 1928. I succeeded in having a number of rural routes extended and several new ones established. Numerous important matters were handled by me before the Post Office Department in the interest of constituents, as many of them know. The best way to get things needed is to ask for them.

SOLDIERS AND DEPENDENTS AIDED

I wrote each veteran whose name I could get—four or five thousand—advising him and his dependents of their rights and offering my interested services. I thus aided hundreds and hundreds of World War, Spanish-American War, and Civil War veterans. I voted for pension increase for Civil War widows and helped many of my Spanish-American and World War comrades in many other and different ways. I secured many increases and original pensions by special acts and aided a great number before the Pension Bureau and Veterans' Bureau. I was a member of the Pension Committee. I made a speech before the Veterans' Committee in securing the new hospital for Kentucky. I supported all veteran legislation that I thought merited it.

COLLECTED CLAIMS

A Congressman is largely the business agent of his district at the National Capital. I successfully prosecuted many claims before the departments. One boy was allowed $2,500 by a special bill for injury received during the war. Many matters were handled before the Comptroller General, Court of Claims, patent authorities, and other branches of the Government. I furnished information to hundreds on special requests.

TOPOGRAPHIC CENTER

With the assistance of Doctor Jillson, State geologist, I was able to get located in Kentucky the second topographical training center ever established in the United States. It is hoped that it will mean much to Kentucky's development. It will be located in Breckinridge County, and the men trained there will complete the topographic mapping of the fourth district and Kentucky. I also induced the United States authorities to renew the soil survey work in Kentucky. However, the legislature did not make any appropriation for this work, and we are thereby denied the benefits. We are sadly behind in this service in Kentucky; the other States are getting their part of the Federal appropriation for this purpose, and we are failing because we do not put up our 40 per cent. Our people should demand it.

LINCOLN MEMORIAL FARM

I induced those in charge of the Lincoln memorial farm, under the Secretary of War, to undertake extensive improvements of the Lincoln birthplace near Hodgensville. Surveys and preliminary plans are being made to beautify the place, build roads, and create other conditions that will be in keeping with the importance of the undertaking and will comply with the Government's contract taking it over. The estimate of costs by the department is something less than $200,000. The matter is being pushed by the Hodgensville Chamber of Commerce now, but many organizations will be enlisted later. I feel that our efforts will meet success in due time.

CENSUS COMMITTEE ACTIVITIES

Every 10 years the Census Committee is one of great importance. I happened to be on it when it reported the 1930 census bill. That census will be the most complete and most comprehensive enumeration ever made by any country in the history of the world. It is estimated to cost $40,000,000 and will employ 100,000 people in doing the work. Whether due or not, I have received credit from many colleagues for my fight made in the committee in the interest of agriculture. My speech on the subject, made just before the vote was taken, can be found in the CONGRESSIONAL RECORD of May 21, 1928. My contentions were sustained almost unanimously both in the committee and by the House. The hearings of the Census Committee are in each county clerk's office and in each tax commissioner's office. I ask that you examine these reports and the CONGRESSIONAL RECORD to see what part your Representative played in these matters. I have a few copies of the hearings. The Census Committee also had the subject of reapportionment of representation in Congress, fixing the number, to handle. Kentucky, under the proposed plan, was to lose two Congressmen.

I favor reapportionment, but as we are to have a new census in 1930 it was absurd to use 1920 as a basis or to enact the proposed anticipatory legislation. I signed the minority report of the Census Committee and helped to defeat the bill our committee reported. My speech on the subject is in the CONGRESSIONAL RECORD of May 18, 1928. In all my work I had the welfare of agriculture foremost in my mind. The census can be of great service if the information is advantageously used. I impressed this fact on those in authority, as the hearings show. I urgently request that anyone desiring information as to my committee service to communicate with Hon. JOHN E. RANKIN, ranking minority member of the Census Committee.

FARM RELIEF OR AGRICULTURAL RUIN

Farming is the basic industry of the country. There are 6,500,000 farms, upon which approximately one-third of the entire population of the Nation live. Every person in whatever business he may be engaged is dependent upon the prosperity of the farmer. Farmers, through the years following the World War, and more particularly those in the South and the Middle West, are in a depressed condition and should be favored with helpful and sympathetic legislation. They have lost $30,000,000,000 during the past five years in exchange values of their farm products and in the shrinkage of farm-land values. This was more than we spent in the World War. The purchasing power of the farmer's dollar in exchange value has declined to 60.3 cents. Mortgages have been foreclosed and farms sold for taxes in large numbers.

I come into intimate touch with the farmers, and from personal knowledge I know their problems. I was born and reared on a farm. I own land and personally operate a farm. By business connections and as one myself I am in entire sympathy with our farmers. Farming is the principal industry of my constituents. While not a member of the Committee on Agriculture, I have kept in close touch with the bills affecting agriculture while pending before that committee, and joined in every effort to secure beneficial legislation for the farmers during the present session.

I made a speech in Congress on farm relief on May 1, 1928. It can be found in the CONGRESSIONAL RECORD of that date, or I will be glad to send the speech to anybody making the request. It fully outlines my convictions on the subject. We must depend largely on ourselves to succeed as farmers, but there is beneficial legislation that can be enacted. It is largely a fight of the consumers against the producers, the cities against the rural sections. They are simply succeeding in running the country, wholly ignoring agriculture. There is often little to encourage those who stand firm for the farmer in Congress, as those back home often fail to recognize the service rendered, and too often let local road or other political issues dominate in the selection or indorsement of Representatives. Those who would buy farm products know or fear that the McNary-Haugen bill would work, as evidenced by the votes of city Congressmen. The Washington Post, in its leading editorial May 26, 1928, the morning after the Senate voted to sustain the President's veto of farm legislation, admitted that it would enable the producers to secure more for their farm products by saying:

> The farm-relief issue—the bill designed to rob the consumers of the United States for the benefit of the producers—has died the death.

Those of us interested in the vocational education bill, which undoubtedly was sound and would only have cost the Government $500,000 annually, could not even get a vote on it. This fact showed the utter disregard of agriculture by those in control. The excuse was economy, yet they canceled about $10,000,000,000 of indebtedness due from foreign countries. They can not be much worse off than our farmers. I supported the Muscle Shoals fertilizer bill. The Fertilizer Trust was stronger than the unorganized farmer again, plenty of lobbyists being in evidence, and agriculture again lost. A sound solution can and will be yet made of this great problem and this valuable property utilized for the original purposes. I supported everything that I thought could be helpful to our people not engaged in agriculture. I voted to take the tax off of automobiles, to aid the small corporations in tax reduction, and to increase the exemptions on small incomes.

PUBLIC EXPENDITURES—EXPERIENCE

Rigid economy in all public expenditures, local, State, and Federal, is one of the most important subjects before the people. A large part of our taxes are local. Comparatively few people pay any direct Federal taxes, but everyone pays a tariff tax. To reduce expenditures to a minimum and to repeal or lower the tariff on certain articles is the surest way to reduce taxes. I have favored appropriations that yield returns, such as for agriculture, rural mail service, Federal aid for good roads, and like purposes, which I regard as investments, whereas I regard the excessive appropriations for the Army and Navy, and for

like purposes, as nonproductive. They should be closely scrutinized and reduced to the minimum.

The total expenditures of the Government during the first 15 months of Washington's administration amounted to $4,269,027. The expenditures for the coming fiscal year will aggregate $4,642,293,897.57. We spend a thousand times as much now for the expenses of the Government in one year as during the administration of Washington. The appropriations for the coming fiscal year for agriculture amount to $56,638,793.88, not including, of course, the $82,500,000 appropriated as Federal aid to roads, which will aggregate $139,138,793.88. I was not really in favor of as large an appropriation as was made for the Navy and some features of the Army. Like many other legislative matters we got as near as possible what we desired.

Thousands of bills are introduced each term, billions of dollars are appropriated, and no one mind can master the details of all the work of a Congress as its record is being made. Anybody will overlook a few things and possibly make some mistakes. To some extent we must rely upon our party leadership and members of committees we trust, coupled with our own information and convictions and the representations of our constituents. It is harder for a new Member than for one with some experience. Speaker Champ Clark, in giving advice as to what a district should do, said:

It is a high honor to be a Representative in Congress, if for only one term, and with the number of terms the honor increases in geometrical rather than in arithmetical proportion. A Member's usefulness to his country should increase in the same proportion. A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor. The best rule, it seems to me, is for a district to select a man with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things.

It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has the quicker he will get up. If he possesses these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No human power can keep him down. It is only fair and rational to assume that every Representative's constituents desire to see him among the topnotchers.

FLOOD CONTROL

No question is of greater interest to the entire Nation than flood control. Congress enacted comprehensive flood-control legislation during the present session and provided not only for flood control on the lower regions of the Mississippi River but for surveys of all of the tributaries. I actively participated in these matters, especially as relating to the appropriation for relief in Kentucky. I refer anyone to Dr. A. T. McCormack or any member of the Kentucky delegation as to my interest and assistance in this legislation.

CONGRESSIONAL DIRECTORY

For the convenience of all interested, a committee is charged with the duty of placing in the Congressional Directory a short sketch concerning each Member of the Congress. Mine is as follows:

HENRY DEHAVEN MOORMAN, Democrat, of Hardinsburg; born on Planters Hall Stock Farm, near Glen Dean, Breckinridge County, Ky., June 9, 1880; son of W. R. and Betty DeHaven Moorman; lawyer, farmer, and vice president of the Bank of Hardinsburg & Trust Co.; was county judge of Breckinridge County at 25; was Commonwealth attorney, ninth judicial district, 13 years; foreign service in Spanish-American and World Wars; member national committee which wrote constitution of the American Legion; first commander Department of Kentucky; was president of Commonwealth Attorneys' Association of Kentucky; bachelor; Baptist, Mason, and Elk; elected to Seventieth Congress by a majority of 4,690 votes, defeating Hon. Pal Garner, Republican.

All official communications should be addressed to HENRY D. MOORMAN, M. C., Room 172, House Office Building, Washington, D. C. My secretary is there the year round and will promptly respond to any request. Matters requiring my personal attention should be addressed to me until December at Hardinsburg, Ky. If official business, time will be saved by writing me at Washington.

CONCLUSION

The individual record of each candidate should be studied and the right of franchise should be exercised by every eligible voter. I invite attention to and make this record of some of my activities during the present session of Congress peculiarly affecting the people of my district, as well as the Nation as a whole, for two reasons: First, because the people who commissioned me to represent them are entitled to know what their Representative has accomplished and his position on important public questions; and, second, in order to afford no opportunity for anyone to misstate my position on public questions. I have worked in entire harmony with the other Members of the Kentucky delegation in the House, regardless of politics, and have had their hearty cooperation, assistance, and active support. Ask any of them about the character of my service, interest manifested, and efforts put forth. I submit this record to the people of my district for their information and consideration, with the confident hope that it will meet with their approval and indorsement. I stayed at my post of duty until Congress adjourned. I can not see and talk to all, but I urge your loyal support in my official efforts. Let me emphasize the fact that every citizen of the Nation should carefully study the individual record of each Member of Congress in order to form a correct opinion as to his knowledge of conditions, his sympathy with the needs of the people, his business and general experience, and his ability and fitness to represent them, and should not fail or hesitate to exercise the right of franchise both in the primary and general election. When every citizen—not 51 per cent of them—goes to the polls and votes for his best interests and that of his children, and not his prejudices, his views will be reflected in Congress.

I trust that the foregoing brief summary will give to my constituents and to those interested some idea of the things that I have done. I shall stand for the same principles in the future. My record is my platform. I am deeply grateful to the people of the fourth district for their confidence and support. I have but one ambition—to serve them and the Nation to the very best of my ability.

JUSTICE FOR THE STEEL WORKERS, JUSTICE FOR THE STEEL COMPANY, AND A SQUARE DEAL FOR THOSE WHO BROUGHT IT ABOUT

Mr. KENT. Mr. Speaker, on this unanimous-consent day objection has been made to H. R. 5780, but I am very happy that the House at our urgent request has finally passed and sent to the Senate H. R. 5780, "A bill to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa."

The genesis of this legislation was a bill which was originally passed on March 4, 1925, and signed by President Coolidge one-half hour before he took his second oath of office. In the Sixty-eighth Congress I addressed the House, calling its attention to the fact that from a historical standpoint and from every view of justice and square dealing that legislation should pass. Some of us stayed up several nights while the Senate and House were in night session in order to bring about passage of this legislation. We then called attention to the fact, and my remarks in the CONGRESSIONAL RECORD of the Sixty-eighth Congress will bear this out, that during the great World War the Bethlehem steel plant, in my own home county of Pennsylvania, was performing an invaluable service for the benefit of the allied cause. Fixed-price contracts had been made with the Bethlehem Steel Co. for materials needed in the Army and Navy. The battle was raging on the western front. General Pershing foresaw the need of war materials then contracted for at Bethlehem, and urgent requests were being hurried across the cables to Washington and from Washington to Bethlehem demanding quick shipment of these materials to the western front. Living costs from every angle were growing by leaps and bounds throughout the Lehigh Valley, and thousands of employees of the Bethlehem plant were confronted by the necessity of moving from the Lehigh Valley into other sections of the country for employment at more attractive wages. As heretofore stated, contracts for these materials were fixed-price and not cost-plus contracts.

The Bethlehem Co. had established its overhead on the basis of fixed-price returns and therefore could not in justice to itself make any contractual charges for labor and materials which would disturb the contracts themselves in time of war. Dissatisfaction arose throughout the plant and the War Labor Board was called into session at Bethlehem, and after exhaustive hearings an award was made in favor of the men. On the strength of this award, and in reliance upon it, the men stayed at work and the Bethlehem Steel Co. paid electric workers advanced wages in the amount of $133,000. At the close of the war the men, with the cooperation of the Bethlehem Steel Co., endeavored to procure the increase from the Government provided for in the award, hoping that the Dent Act would cover the situation. The administration at Washington changed meanwhile, and the result was that new men in ad-

ministrative positions insisted that legislation was necessary to provide for carrying out the award of the War Labor Board.

Ever since the Sixty-seventh Congress legislation in this matter has been pending, and it has been one of the prides of my life that I was enabled to assist in the passage of the original legislation on March 4, 1925. I have never regarded this matter as a political question. It will be noted that the original legislation was passed after I was defeated in my second race for Congress; but in pursuance in the passage of that legislation the men were paid approximately 75 per cent of their money for work done under contracts with the War Department.

During an intervening term, while I was out of Congress, an attempt was made to use this matter for political advantage by persons other than myself. It became temporarily the football of politics. Men who had done nothing more than to sit in ordinary conferences to determine questions of bookkeeping and detail arrogated unto themselves the entire credit for passing this legislation. The result was that great confusion was caused by these politicians, and after my second victory for Congress, when I again took up representation at Washington for the thirtieth congressional district on March 4, 1927, it was necessary for me to clear up all the difficulties which had been created by politicians interested only in their own selfish ends.

The fact is that the groundwork for the original legislation had been well laid by former Congressman and now Federal Judge Hon. William H. Kirkpatrick and former Congressman Hon. Fred B. Gernerd, as well as by the Bethlehem Steel committee. headed by Edward Bennich and John K. Robinson, representing the Bethlehem Steel Co. David B. Williams and others representing the International Association of Machinists did splendid work also. Senator George Wharton Pepper in the Sixty-eighth Congress rendered invaluable aid. Whenever in this article praise is given to anyone, sight must not be lost of the fact that the present Congressman from Reading, Hon. ROBERT GREY BUSHONG, is entitled to the praise of everyone interested. His courtesy, ability, and level-headed judgment has carried the legislation over many a rough spot. When I took up my duties in the Seventieth Congress, one of my first and chief concerns was to bring about the passage of legislation to provide for the payment of the balance due the men for work which they did under contracts with the Navy Department, this amount being approximately 25 per cent of the total. I am pleased that the House has now passed this legislation. I thank every Member who objected for withdrawing his objection, and all those who participated here upon the floor and in the committee, and those who helped generally to bring about the passage of this meritorious measure.

In this connection, I wish now to advise the House that I have introduced another measure to provide for further carrying out the award of the War Labor Board so as to pay the Bethlehem Steel Co. approximately $133,000, which the company has already paid to the electric workers in reliance upon the provisions of the award. I firmly believe that this legislation will also pass. I have every assurance that the present measure providing for payment of the Navy's share will be passed by the Senate in the next session and that the company's advances will be fully met also by both branches of Congress in the next session.

Throughout the entire history of this legislation I have been variously charged with favoring the claims of the men and also favoring the claims of the company. Unscrupulous politicians, not having the interest of this congressional district at heart and seeking to exploit the interests of my district for personal ends only, have gone to some of the men and explained that I was interested only in the company's claim, and the same individuals have sought to carry information to the company that I was interested only in the claims of the men.

The truth of the matter is that the Bethlehem Steel Co. has taken a great interest in bringing about payment to the men. The company's representative, John K. Robinson, has always stated publicly and privately that the company wanted to see the men paid first, so that there would be no possible question about justice being done for the men. The company has always been willing to forego its claim temporarily so that no possible obstacle would be laid in the way of the men receiving their money. The company specifically requested me, through its representatives, to refrain from pressing its legislation until after definite assurance was given that the men were going to be definitely cared for. The company's bill is now before the Claims Committee and was not even introduced until after we were assured of passage of the legislation protecting the interests of the men. Since 1921 the company has cooperated, has sent the committee's and its own representatives to Washington frequently at the expense of the company, and has always, through its representatives, notified me that the interests of the men were paramount. The men have cooperated with the company. At no time have those who are familiar with this matter found any cross purposes existing between the men and the company. Politicians only have attempted to disturb the pleasant relations between the men, the company, and myself, as a Member of Congress, which have resulted so admirably in procuring legislative results.

Now, I want to sound a word of warning. Great difficulty has been experienced in the passage of this present legislation because, as a matter of governmental policy, some Members feel that their own constituents stand in the same relation toward the Government as the Bethlehem men do. They have not felt that the Bethlehem legislation should be passed while their matters have not been passed. These Members have been extraordinarily pleasant about this matter to me, as well as to Congressman BUSHONG, who has been a powerful factor in bringing about the passage of the Bethlehem legislation. If this matter is made the football of party politics hereafter, as it has been in the past, then I greatly fear disturbances will be caused which may defeat the legislation which has already been passed by the House as well as that which has been introduced for the payment of the company. Let the politicians, most of whom have only temporary and transitory connection with our congressional district, permit this matter to proceed as a nonpolitical one and let justice be done to the men, to the company, and give a square deal to those who have already brought about results.

THE OLD-TIMERS—THE PIONEER CANAL DIGGERS—THE BUILDERS OF THE PANAMA CANAL

Mr. KENT. Mr. Speaker, there is a body of men, women, and children under the jurisdiction of the Government of the United States who are deserving beyond our poor power of recognition for the services they have rendered our Government. I refer to the men who are still working at the Panama Canal, living there with their wives and children.

They are still there. They have not been able to get away yet. They were young and spry when they left their happy homes and families and friends 20 or more years ago for Panama to dig the canal. They are getting older and their ranks are getting thinner year by year. There are only about 300 left of those who went there prior to April 1, 1908.

They went there, pioneering, during the early days, facing the jungle, yellow fever, smallpox, and malaria; knee-deep mud, reptiles, red bugs, ticks, old French quarters full of rats, bats, and vermin; dobie itch, prickly heat, scorpions, tarantulas, and what not. They were told by President Roosevelt when he was there in 1906 that they were connected with the greatest feat of the kind ever performed in America—the greatest feat ever performed by any nation in the history of the world, and that they were earning the right to the gratitude of the country such as could ordinarily be earned only by soldiers who have served in the few great wars of history. They think they fought a good fight; they won the war over disease and elements of nature; they dug the canal, and when it was all over they were transferred to the army of occupation, where they have remained ever since. They rather expected some time to be mustered out—retired.

Their hope for recompense has always been in adequate retirement legislation. The first civil service retirement act took in a very few of them. The next act took them all in, by requiring them to contribute 3½ per cent of their salaries into the fund, without a maximum contribution, subject to retirement after 30 years' straight service, at the age of 62 and at an annuity of $83.33 per month. Those builders of the Panama Canal who have been down there for 20 years or more already do not feel that they should be required to remain there another 10 years or more in order to get credit for the full 30 years, nor wait until they are 62 years old, and they think that when they do retire they should receive enough in annuities to enable them to come back, pay rent, buy the necessary bread and butter, and live in reasonable decency; otherwise they might as well stay there as long as they live at some kind of salary sufficient to eke out an existence.

They knew that Panama was an unhealthy tropical country when they went, where it was said that the construction of the Panama Railroad cost a life for every tie laid, and where, while the French were trying to dig a canal, the death rate was so high that, after the ranks of laborers were almost depleted through yellow fever, and so forth, the remaining Chinese gathered together at Matachin and committed suicide one night to hasten the end to which they figured they would come to anyhow. They went there in spite of what they knew about the place. They did not intend to stay so long. They have always been in a transient mood, unsettled, always hoping to be able some day to come back to God's country. They have made efforts from year to year, as they have come up on vaca-

tions, to reestablish themselves back here, but have found it next to impossible, and have always gone back looking forward to another year, when they would make another attempt. They know that those whom they left behind have moved on with the progress of the country, and have had business and other opportunities which they had not, and now may never hope to have. They have worked and paid and spent their earnings on expensive necessary vacations from year to year, on clothes which they needed here but which they could not use there, large hotel bills, and traveling expenses. They have not been able to accumulate sufficient savings to deliberately break away, to come back and start on their own account, to buy homes and furniture, and to continue the education of their children.

They have helped each other along by passing a subscription list whenever one of their number died leaving dependents and in other needy cases; have helped financially through the Red Cross; have invested in churches, lodge halls, and other buildings and organizations; and in many other ways, always with the knowledge that what they invest there may not be of any permanent benefit to them; but what they have done has been of considerable value to the Government in relieving it of assisting the needy and in establishing permanent religious, fraternal, and relief institutions which work for the contentment of the operating and maintaining force of the Panama Canal and thereby directly reduce the cost to the Government.

These old-timers, these canal diggers, these builders of the Panama Canal think that something should be done for them to enable them to retire soon, so that they can come back to the States and establish themselves before they get too old. They know that they ought to take vacations annually, or at least every two years, in order to recuperate. The enervating climate there requires more effort for work and has a tendency to shorten life accordingly. Their families have died out at home, most of their parents are gone, and their vacations with no old homes to go to, together with the expenses eating up their savings from year to year, become more of a burden than a pleasure.

Commercial companies reward their employees who have worked for them in foreign fields by eventually bringing them home and giving them employment at the same or higher salaries, but not so with the Government. Should these canal diggers be able to effect transfers to other departments of the Government in the States they could not expect to get anywhere near the salaries they are getting there as a result of long and faithful service and gradual increases, but they would probably have to start in at the bottom at an entrance salary. Mechanics, if they are able to find work, may be able to start in at the regular union rates of pay, but a good many of these old employees who are receiving monthly salaries can not. It is the general practice of companies to move men up from the bottom, and they very rarely put men in over their older employees. In making a change from the Panama Canal to some other job in the States the experience gained there and the quality of service rendered counts for nothing here.

The present retirement act gives no consideration to the Panama Canal diggers whatever. They are simply included in the general legislation with all other employees—legislation which is not adequate for employees of the Panama Canal generally and certainly not for the old-timers, who went there in the early days and paved the way for others. When the canal was completed they remained on and helped to get it on its operating feet, and now that it is turning into the Treasury $25,000,000 per year in revenue they feel that they should have some kind of reward for their labors.

There are those whose service on the Isthmus was divided between the Isthmian Canal Commission and the Panama Railroad Co., having been transferred back and forth between these two services—all under the same administration—at the will and convenience of the administrative heads and for the good of the service. There are old employees on the rolls of the Panama Canal now whose time was thus divided almost evenly—half with the Isthmian Canal Commission and half with the Panama Railroad. They do not get credit for railroad service under the present retirement plan, and having less than 15 years' service with the Panama Canal alone do not even benefit by the disability clause in the retirement act, although they contribute their 3½ per cent monthly to the fund and have more than 15 years to go to be retired, after having been down there for 20 or maybe 22 years all together. This will result, if not corrected, in faithful old employees being separated from the service without any chance to receive any annuity whatever.

The Panama Canal is a big revenue-producing branch of the United States Government, and its operation and maintenance is a man's job at this crossroads of the world, where the eyes of all nations are upon Americans, and where they expect the very best service, better than they probably ever expect in any other port of the earth, and the personnel to operate and maintain it should range from young to middle-aged men, and proper provision should be made to retire the older men—first, those who risked their lives to go there and help to dig the canal 20 and more years ago, and then the later arrivals who also grow old in the service. Adequate retirement can be provided in a number of ways, a simple one of which is to set aside a sufficient amount of tolls to finance it if and when the contributions from the employees do not cover the amount required to pay annuities. The employees of the Canal Zone are willing to pay 5 per cent of their salaries into the retirement fund if the annuity for them is fixed at an amount which will really enable them to retire.

Let us, as Members of the Seventieth Congress, do justice to these men and their wives and children. Let us retire them with liberal provisions so that they may come back home and leave to younger hands the work of carrying on the engineering project in the construction of which the old-timers played so valiant a part.

THE SOUTH WILL REMAIN TRUE TO JEFFERSONIAN PRINCIPLES, DEMANDED BY ITS BUSINESS PROSPERITY AND THE PRESERVATION OF ITS CIVILIZATION

Mr. HARRISON. Mr. Speaker, on March 4, 1921, the Wilson administration came to a close and transferred the control of the Government in all its branches to the Republican Party. Perhaps no eight years were so filled with civic triumphs and progress as the Wilson administration. At its conclusion a long catalogue of legislation in the interest of the people of this country had been written on the statute books and a great war had been fought and brought to a triumphant close. It would be impossible in a short space to enumerate all the history-making acts of legislation which had been written on the statute books, but none stands out more significantly than the Federal reserve banking act, of which the Senator from Virginia [Mr. GLASS] was the author. When the war opened the country was utterly unprepared. The speed necessary for mobilization of our resources demanded large expenditures of money, but in 18 months an army of 4,000,000 men was organized and equipped and over 2,000,000 men had crossed the seas and fought the great battles of the war. Of course, there was waste and extravagance. In such haste this was a necessary incident to the expenditure of such vast sums of money, but in all the vast expenditure there was not established any instance of criminality in high places. No sooner, however, had the Wilson administration vacated and the Harding administration been installed than crime in the very Cabinet of the President became rampant. Daugherty, the Attorney General, was driven from office in disgrace and his administration became a byword and a scandal. Fall, the Secretary of the Interior, sold his trust, which but for subsequent litigation would have deprived the Government of millions of dollars. Forbes, the Director of the Veterans' Bureau, stole the money which a grateful people had dedicated as compensation to those who had suffered in the camp and on the battle field. The oil thieves had replenished the treasury of the Republican campaign committee which had brought the Harding-Coolidge administration into power. Not since Tilden turned the rascals out had there been such a betrayal of public trust and such revelry of dishonesty as has marked the eight years of Republican rule.

This is true not only in national administration but in the State administrations of the Republican Party in some of the Western States. As has been said in regard to one of them, one Republican governor going into the penitentiary would exchange greetings with another Republican governor as he came out. The whole administration of the Republican Party has been honeycombed with fraud and dishonesty, not because Republicans are in themselves dishonest, but because the whole theory of the Republican administration of Government is based on a wrong basis. According to the Republican ideal, government is a benefactor distributing gifts, and not according to the Democratic ideals, the servant of the people.

PRIVILEGED CLASSES

As a distributor of governmental favors, those seeking favors are more intent on securing their object than the methods pursued, nor is the claim that such policy produces national prosperity justified. Of course, the beneficiaries are exceedingly prosperous, but those who must pay tribute to the privileged class are poor indeed. The great transportation companies, under the Cummins-Esch bill, have waxed fat on the toll that they have exacted out of the agricultural interests and the mass of the people. When this bill was enacted it was promised that the Interstate Commerce Commission would stand between the people at large and the transportation companies. This commission had powers greatly increased and they had a great opportunity to serve the people, but it was not long before the

Republican administration had so dominated its composition that the Interstate Commerce Commission had become simply an instrument of the transportation companies to exact toll out of the general public and out of agriculture. The transportation companies have grown prosperous, but the farmer faces bankruptcy.

Again, during the Wilson administration, great stress was made of the theory that the tariff should be taken out of politics and administered in accordance with the business interests of the general public. It was not long, however, after the Republican administration had become thoroughly installed before the Tariff Commission had been packed in the interests of the contributors to Republican campaign funds. It has become more or less the laughing stock of the country. While the great agricultural interests were suffering demoralization and bankruptcy was prevalent in agricultural sections the President increased by 50 per cent the tariff in favor of the great steel industries. The prosperity of the Republican Party is the prosperity of the favored few who control the emoluments of power, but it has never extended to the great agricultural sections which are made to pay tribute to these favored few. And so, step by step, it would be possible to go through the achievements of the Republican Party in eight years which are now before the people for review and at every step to find an utter disregard of the general public and of subservient cringing to a predatory class.

AGRICULTURE NEGLECTED

In no respect has the Republican Party shown greater delinquency than in its care for the agricultural interests. They have been lavish in promises, but not one single measure of relief has been accorded to this stricken industry. We hear much from their spokesmen about the agricultural problem, but what a Republican Congress undertakes to do is promptly nullified with Republican applause by a Republican President. At the recent Republican convention at Kansas City the very Members of Congress foremost in their attempt to legislate farm relief were subservient to the outcome of that convention, pledged to continue to destroy all the attempts which they had made for farm relief.

Under the Fordney-McCumber tariff the agricultural dollar has dwindled and dwindled until, by the findings of the Republican Secretary of Agriculture, its purchasing power is not more than 65 cents. On the other hand, every form of farm machinery has increased in price until such prices range from two to four times as much as they were prior thereto. The enormous increase in the price of steel has been made the excuse for the increase in price not only of farm equipment but in the transportation freights, which the transportation companies have, by a subservient commission, been licensed to exact. The farmer not only finds the domestic market circumscribed by unduly high transportation charges but his foreign markets almost destroyed. Foreign countries buy farm products by exchange of their products for our products, and the tariff wall intercepts and destroys the foreign market for the national surplus.

The McNary-Haugen bill was an admission that the tariff laws of this country had unduly and wrongfully burdened the farmer and that such legislation was necessary to put agriculture on an equality with other industries. Twice the Republican Congress, in different forms, passed legislation of this character, admitting in the one breath that agriculture was discriminated against by the tariff and in the other demanding compensation in the shape which such legislation afforded. Twice the Republican President has vetoed this measure without affording any suggestions as to any legislation which would be a substitute. His veto message, analyzed, showed that every feature of this legislation, which he specifically condemned, could be said equally true of the tariff legislation which benefited the privileged classes. He complains that such legislation is class legislation. Is not this true of the tariff protection which enables the manufacturer to charge a greatly increased price to the consumer? He complains that such legislation would stimulate production. Is not this true of the tariff which enables the manufacturer to charge an enormous price for his product? He charges that such legislation is a delegation of the tax power to a board, but what of the tariff legislation which enabled him by a stroke of his pen to increase the tariff on steel 50 per cent without further congressional action? On the floor of the Senate a distinguished Republican Senator wrote into the McNary-Haugen bill the word tariff and demonstrated that with this alteration the McNary-Haugen bill became in effect the Fordney and McCumber tariff bill.

If the McNary-Haugen bill was an objectionable form of farm relief, it should certainly have been the function of the President to submit to Congress a bill which would have furnished farm relief, and which would not have been susceptible to the objections of which he complains. His only suggestion was that the farmers should go out of business. They should cease to produce a food surplus in this country. It is true that the McNary-Haugen bill may be a crude form of farm relief and that the surer method would make our tariff laws and the other oppressive laws conform to the interests of agriculture, but it is none the less true that agriculture is entitled to the same consideration as the steel, textile, or other pampered industries.

REPUBLICAN SECTIONALISM

There is nothing in the history of the Republican Party's attitude toward the South, either State or National, which should tempt any Virginia agricultural section to desert the Democratic banner. Again and again during this session of Congress have there been attempts to enact hostile legislation to the South based upon race appeal to the negro. I may say that so far as Virginia is concerned such assaults are wholly unjustified. Our suffrage laws are wholly free from race discrimination. We have now in our constitution no grandfather clauses and no understanding clauses. Every person of sufficient age and resident qualifications is submitted to the same test, whether he is white or black. A simple educational test is provided in making his application for registration and in casting his ballot. He must pay a small capitation tax, which is dedicated to the public free schools and prepares the applicant to meet the educational qualifications. This tax is $1.50, insignificant in amount, and the voter must be delinquent in the payment of it in order to deny him the right to vote. These qualifications are a great protection to the ballot box, both against unworthy white people as well as against unworthy black people. If there was no race question involved whatever, I believe that it would be almost the universal sentiment of the people of the State to maintain them. In order to free the ballot from any form of corruption in the payment of this tax, it must be paid six months in advance of the election and be personally paid by the voter. It is about the only tax the negro as a race pays, and out of the taxes of the white people he is educated and receives all the benefits of government. Certainly it is no burden on white or black to contribute this small sum to the free schools as a right to vote.

It is a curious fact that the race question seems to be invoked by the Republican leaders. It was reserved for Mr. Hoover to bring this question up in his recent order in the Department of Commerce. Under the old régime in his department it was found more acceptable to have a segregation whereby the young white women and white men should do their work apart from the young black women and black men. I have no doubt it was more agreeable to both races to work in separate apartments, and certainly no good purpose seems to have been served by Mr. Hoover requiring the white girls and the negro men and the negro girls and white men to discharge their duties side by side. It was simply a bid of social equality to secure negro suffrage.

Again it was one of the conspicuous Republican State leaders who sought to organize the lily white Republican Party of the State of Virginia. He seems to have been solicitous in excluding the negro from Republican primaries and enrolling them to vote for the Republican ticket in the election. As a matter of fact, the Republican leadership of Virginia does not desire a Republican Party in Virginia. One of these leaders was shown on the floor of the House to have profitably engaged in the sale of patronage, and another of them seems to have had a gay if not a profitable job in spending Red Cross money in the Balkans. Such leadership does not desire any material development of the Republican Party in the State. It would seriously interfere with the profitable disposition of patronage if there were more Republicans among whom the patronage would have to be distributed. Republican presidential candidates pay court to such Republican leaders in the South who can successfully corral the Republican southern delegate and deliver his vote in the convention.

PROHIBITION

It may be that some Virginians may not agree with the views of our Democratic nominee for the presidency on the subject of prohibition, but certainly there are other matters to be considered beside the view of a candidate on prohibition. The very civilization of the South may be at stake and the influence which the President can exert will be small as to prohibition in comparison with such a momentous question. He can enact no laws and I have no doubt he will faithfully enforce those that have been enacted. Certainly he could not fall far short of the total lack of enforcement that is now prevalent throughout the United States. Under the present administration, with Secretary Mellon in charge whose views on prohibition are well known, the enforcement of the law has been brought into utter contempt. It would simply mean an exchange of a Democrat whose high devotion to duty is an assurance that all

laws will be faithfully enforced for a Republican whose views on prohibition are possibly the same, but whose lack of the enforcement of the law has been notorious.

THE LOBBY

Never in the history of this country has there been such a lobby as has invaded Washington during the recent sessions of Congress. Many ex-Senators and ex-Congressmen who have the privileges of the floor are in the pay of the predatory interests. The disclosures before the Federal Trade Commission disclose a condition of things that is truly alarming. These great trusts are thoroughly organized. There is no path to the influencing of public opinion that they have not invaded. They write the school books for the children. They invade the colleges to infect the teachers. They invade the churches. They invade the editorial sanctums of all classes of newspapers and they have unlimited and untold wealth at their disposal. All this has been fully disclosed in testimony recently given before the Federal Trade Commission, and unless some stop is put to such pernicious methods, there will be no avenue to the public ear that is not poisoned by them.

There was no measure before Congress which in any degree affects their interest that is not subject to this lobby. There has not been a measure introduced in behalf of these great powerful trusts that has not received the favorable ear of the administration. Generally speaking, all measures of general import which would affect the profits of the great trusts have been coldly received or preemptorily turned down by the Republican administration.

MUSCLE SHOALS

Before the war, in 1916, in the national defense act, provision was made for investigation in regard to securing nitrate from the air for the purposes of munitions in time of war and fertilizer in time of peace. During the war this country was seriously handicapped by the fact that all nitrates had to be purchased from the Chilean trust at a very heavy toll, and now during peace the same heavy toll is exacted from the manufacturers of fertilizer. During the war the Government undertook to erect what is known as the Muscle Shoals plant and expended many millions in the costly construction of dams to secure the necessary water power. The war ended, however, before the completion of this work, and since then it has been a constant struggle on the part of the trusts to prevent the Government from continuing this work and also a struggle to secure the work already done for themselves. After much debate the Morin bill, which provided for the manufacture of fertilizer, was turned down, and in lieu thereof a simple bill was passed providing for Government ownership of this enormous undertaking and for its completion, in order to secure the nitrogen which would be available for the manufacture of fertilizer. Fertilizer companies, instead of buying at a heavy price from the Chilean trust, could buy from the Government at reasonable figures, and this reduced cost in the production of fertilizer could be passed on to the farmer. This bill was enacted into law, but met the usual fate of all laws that did not have the trust's rubber stamp and was vetoed by a pocket veto. The President did not even think it necessary to furnish his objections to this legislation.

MILITARISM

Enormous appropriations have been made for our military establishments, and in the main they have been necessary, but why the President should recommend an enormous expansion running into hundreds of millions for the upbuilding of a great Navy it is hard to understand. The administration has been intense in its advocacy of peace, and yet toward our South American neighbors has assumed a hectoring spirit which has made our South American neighbors regard this country as a bully, and instead of entertaining for us feelings of affection and attachment they regard us with intense hostility.

At the very time we were seeking to recover from the oil thieves—Sinclair, Doheny, and the like—the oil reserves which they had stolen by the corruption of a Secretary of the Interior we were threatening Mexico in the interest of these self-same thieves for undertaking to recover her oil concessions. In Nicaragua we present the sorry spectacle of making war on a faction in that little country, without, so far as an intelligent public can discern, the slightest provocation. It is said we are down there to see that there should be a fair election, but that was after we had entered into the country on some supposed mission of protecting American property and American nationals. After we became involved from our presence in the country in their innumerable revolutions it was said that we stayed there for the purpose of securing a fair election. I believe the Christian people of this country are opposed to our mixing ourselves up in the eternal and everlasting revolutions in these Spanish-American countries. If Americans go there and invest in property, as they sometimes do by the bribery of the public officials, they should be solemnly warned that they go there at their own risk. Day by day we learn of the casualties among the brave young men who compose our marine force. There is not enough American treasure in Nicaragua to justify the shedding of one drop of American blood. We had no business going into that country with our armed forces, and we should take the earliest opportunity to withdraw as soon as the door is opened for such withdrawal.

SLUSH FUNDS

Not only do the trusts invade all the departments of the Government, but the enormous expenditures of money in the Republican primaries by these trusts have become a stench in the nostrils of the decent people of this country. It is VARE who stampeded the Republican convention to Hoover and it is VARE who has been denied admission to the Senate because of the prostitution of the primary Republican elections to an unparalleled slush fund. If the expenditure of millions of dollars in our elections for Senators and Congressmen as well as for Presidents is not condemned by an emphatic vote at the polls this fall, we are taking a long stride toward the destruction of our free Government.

However viewed, the Republican administration of this country stands condemned and we should return under the Democratic banner to the principles of Wilson, Cleveland, and Jefferson. Under a Democratic administration we can hope to secure a fair enforcement of the law, equal laws for all classes, and peace and good will between this country and all our neighbors and foreign nations.

GEORGIA FROM THE SAVANNAH TO THE ST. MARYS

Mr. LANKFORD. Mr. Speaker, the eleventh congressional district in Georgia is the extreme southern part of what was the inhabited portion of the original thirteen Colonies of our Nation. Just across the beautiful St. Marys River were the Spanish possessions of Florida.

Almost from the time the first white men crossed the Atlantic the Georgia coast from the Savannah to the St. Marys has been the arena of human events of tremendous historical importance.

Inspired by the magnificent forest of stately pine and cypress, in a scene glorified by the wonderfully moss-draped oak and magnolias, and in a land endowed with a sunny winter climate and even more delightful summer time, the Indians loved the Georgia coast and the white man found it a veritable paradise in the New World. The soil fertile, the forest filled with game, and the waters teeming with fish, this section was all that could be desired by the early settler, and here he made his home.

Here he has lived all these years and wrought mightily in the affairs of men. Here Wesley preached under the moss-covered oaks of St. Simons in God's own open-air cathedral. Here Lanier, beneath a spreading oak, where the lanes of the ocean meet at the river's mouth, thrilled with the expanse of marsh and forest and water and sky, wrote the "Marshes of Glynn." Here on St. Simons Island are avenues of oaks along the roadways of great men of the past and shading the cottage and residence of the splendid citizenry of the present.

Here on St. Simons, Thomas Butler King, a former Member of Congress, lived in an antebellum home of old-time southern splendor. The flower gardens and magnificence of his old southern home blend with the growth and progress of the present. Recently as I stood amidst the time-worn splendor of the old South I took from my pocket a faded envelope and wrote, "Here, where the lanes of the ocean meet at the river's mouth, are now entwined the very best of the old and the new South."

Mr. Speaker, Brunswick, Ga., in my district, is the gem in the midst of this splendid section, and I now wish to speak more specifically of that splendid city by the sea.

Mr. Speaker, the city of Brunswick, on the coast of Georgia, long known in maritime circles as the possessor of one of the finest harbors in the country, has had a long and interesting history. When Oglethorpe came to found his Colony of Georgia and settled his oppressed debtor colonists on Yamacraw Bluff, where Savannah now stands, a great plantation on the present site of Brunswick was being operated by a Virginian, who grew fine tobacco there and later sold his crop to the quartermaster of Oglethorpe's garrison at Frederica. It seems evident that the first tobacco grown by white men in Georgia, now becoming a great tobacco State, was produced on land included within the city limits of Brunswick.

History has treated the establishment of Georgia as a visionary philanthropic enterprise, when as a matter of fact General Oglethorpe was camouflaging his erection of a barrier against the Spanish in Florida by turning the spotlight on the relief of worthy debtors in English prisons. By the time Spain

quit laughing at his efforts to make pioneers out of lily fingered unfortunates there stood at Frederica, within view of the present Brunswick, the largest British fortification in North America, and there on St. Simons Island the northward march of the Don was stopped at Bloody Marsh, and Spain was started on the downward path that led finally three centuries later to the loss of her last American colonies.

When Oglethorpe's colonists were near starvation at Savannah, it was corn and wheat grown where Brunswick now stands and on Jekyl and Blythe Islands near by that saved them. The fields that produced those crops had been cultivated by Spanish for many years. So far back as 1575 there were important plantations around Brunswick, and in that year the French trading fleet bought sassafras, wild turkeys, and the peltries of deer and beaver from the Indians of the Spanish Province of Guale, and that fleet lay in Brunswick waters.

History dealt lightly with the area until recent years. For nearly 300 years it was a part of Florida, and its history is included in the records of that State. It is now known that most references to Florida for three centuries regarding its beauty, its fruitfulness, and its remarkable flora really applied to the six great islands of the Georgia coast and to a narrow strip of the mainland. On Cumberland, Jekyl, St. Simons, Sapeloe, St. Catharines, and Ossabaw Islands were great Spanish missions with groves of oranges, olives, lemons, pomegranates, and figs. On the mainland from near Darien to St. Marys were other missions and military establishments, and this was the Florida of the travelers and writers of the time, for only St. Augustine in the present State was an important settlement then.

We know now that from the waters included in Brunswick Harbor went out North America's first exports. Beaver pelts before Canada began; wild turkeys before a Pilgrim foot touched Plymouth Rock; sassafras when it was regarded as a panacea for all human ills; and china-root, a sort of brier, from which Indians made a flour that appealed to the French and Spanish palate. There seems to be another valid claim to priority in that area. Barbed-wire entanglements were invented in the recent World War, but on St. Simons Island in 1742 Oglethorpe carpeted the ground before his fort with prickly-pear joints and the barefoot Spaniards found it impossible to make headway in their charge.

The Brunswick area between the Revolution and the Civil War developed into the finest agricultural region in the world, with cotton on the sea islands and rice in the reclaimed swamps of the rivers as staple crops. Our wonderful Reclamation Service, with all its modern knowledge and equipment, has done nothing finer in the way of irrigation and drainage than was done around Brunswick by Georgia rice planters more than a century ago—thousands of acres of fertile soil watered by tidal flow and drained by its ebb twice daily in unending succession, without pumping expense. All this went into abandonment as a result of the Civil War.

The islands of the Brunswick area have been known for 50 years as winter resorts of great charm, and no less desirable as summer beach playgrounds for southerners. Just at this time Michigan capital is developing wonderful summer and winter resorts on near-by islands and New York capital is restoring old rice plantations and making great farms for truck growing there. To study this latter development the honorable Assistant Secretary of Agriculture of the United States recently went to Brunswick. He was most favorably impressed and has let the world know what he saw.

In conclusion, Mr. Speaker, I wish to thank Mr. George D. Lowe, secretary of the Coastal Georgians, for the splendid assistance he rendered me in the preparation of these remarks. He is giving special attention in Georgia to the conservation of fish and game resources, restoration of early structures, preservation of ancient landmarks, reforestation, highway marking and beautification, and historical research.

FITNESS FOR OFFICE

Mr. LANKFORD. Mr. Speaker, this is the year of candidates and the time of campaigns, and it may not be amiss to discuss briefly the qualifications of aspirants for public office.

As a Member of Congress I have given special attention to the qualifications of Members of this important body. Of minor importance are educational or book-learned qualifications. Most candidates also have sufficient natural ability and are eloquent enough speakers. Of supreme importance is the real interest a Member has in the people whom he represents. If he has the interest of his folks at heart, he will stay on the job in their behalf.

If a Member is already in Congress and his record is true to the common people, he should be retained if he is willing to serve again. Experience and seniority double a Member's usefulness again and again as years go by, and then, again, his people have had ample opportunity to judge his loyalty to them. A record of loyal service to the common people without a single blemish of turning aside is to be preferred to thousands of promises to secure votes. But ofttimes people come to judge candidates for Congress who have never had an opportunity to make a record in Congress and wish to consider his fitness from his record in other offices and in private life. In this event it is well that inquiry be made as to the candidate's activities in behalf of the common people or in behalf of those who wish to exploit the common people and make unconscionable profits out of the labor and toil of others.

It is well ofttimes to study the line up behind a candidate. If the crowd backing him have considered public office to be a thing to be bandied about as so much nails or potash rather than as a sacred trust coming from the people and to be faithfully held and returned to the true owners when the temporary possessor tires of the blessed privilege of being a public servant, then what do they expect of those whom they are vigorously and strenuously helping? Do the promoters of the candidate consider office as a chattel of barter and sale or as a most solemn and sacred trust? Is the candidate in full accord with the views of his managers? If not, why not; and why does he keep managers unless he is in accord with them, and to be managed by them now and henceforth? In considering all the surrounding facts and circumstances the voters may give such weight and credit as they wish to the service which a man or his parents or his grandparents have rendered the people. For my part, I have the greatest respect for the record of both my grandfathers and humbly strive to carry forward the splendid service of mankind which they so nobly began. Their service and sacrifice had much to do with the shaping of the humble but most honorable lives of my parents, and my father and mother, although long since departed this life, still live through their children and shall never, never die so long as their splendid influence for good shapes the affairs and destinies of men. Hundreds who knew them and loved them shall render in their behalf a noble service to mankind. I am most happy to strive to perform well my part as their son.

My maternal grandfather, Malachi Monk, was closely related to the early settlers of a large part of my district. His mother being a Parrish, he is therefore of kin to the Parrishes, Suttons, Griffins, Mathises, Knights, and a host of others in Lowndes, Berrien, Cook, Brooks, Colquitt, Irwin, Lanier, Clinch, and adjoining counties, as well as the Tomlinsons, Weatheringtons, and many others in Clinch and other counties. My grandfather Monk was sheriff of Lowndes County about 100 years ago and lived near where Adel, Ga., is now located. He later moved to Appling, later Clinch County, where my mother was born and I was reared. My father was born in what is now Atkinson County, Ga., and grandfather William Lankford, while my father was a small boy, lived a while in Berrien County, Ga., moving later to a point on the Steinhatchee River in Florida, and then back to Clinch County, Ga., about the time of the outbreak of the Civil War. Grandmother Lankford died in Florida and grandfather Lankford, true to the South, fought through the Civil War.

During the Civil War my father, then just a little past 12 years of age, and a sister about 2 years older were left in charge of four younger children in a little rented log house on Red Bluff Creek about 6 miles south of Pearson, Ga. The good men and women of that section left at home during the war kept this little family of children alive through four long years. My father ofttimes told me of the lesson of service he learned from this hardship. My father was never wealthy, but he came to own a home and have an abundance of food and the things which go with a small farm. My father never in his life after he grew to be a man refused to let a poor person have meat or bread, regardless of whether they paid him or not. He said if they did not pay he might not let them have all they called for, but he never would send them home empty handed. He would always let them have food for their wives and children. My father has passed to the beyond, but I have never found any higher standard of service than that which he learned from Civil War hardships, and of which he told me.

The true purpose of all good legislation is the service of children and their fathers and mothers.

After the Civil War my father plowed for a while as a day laborer for Uncle "Billie" Meeks in Coffee, now Atkinson County, and then worked as a track laborer on what is now the Atlantic Coast Line Railroad. He worked all the way from Du Pont, Ga., to Doctortown, on the Altamaha River. My father was engaged to my mother for four years while working on the railroad and sent her part of his small pay each month. She saved this money for the two and they bought the old

home place the first of 1877 and married, and I was born on December 7 of the same year.

In conclusion, Mr. Speaker, I feel my record has been one of loyalty to the farmer, the laborer, and the common people; that I truly represent the folks of my district, and that my efforts have always been and are in behalf of my people and as my father and mother would desire were they living. All that I am I owe to my father and mother, to my brothers and sisters, relatives, and friends.

The campaign manager of my opponent, evidently with the approval of my opponent, claims that the eleventh district has been practically without representation since the retirement of Hon. W. G. Brantley, of Georgia. I would not discount in the least the standing in Congress of the Hon. Henry G. Turner or the Hon. William G. Brantley. Both these men were able and stayed in Congress much longer than either Congressman Walker or myself up to the present time. I am willing to pass the intimation that I am a failure as a Congressman and let the people of the district judge of my efforts.

Congressman J. R. Walker, my predecessor, also served during the time it is claimed the district has practically been without representation, and as his successor I have had the opportunity of seeing just what he did while serving six years in Congress. He served during the World War and dealt with some of the most important matters ever handled by the American Congress, writing with his own hand part of some of the important measures. He was my opponent in two political campaigns and I never criticized either publicly or privately his vote or stand on a single measure. I probably differ with him on some of his views, but I differ with all my colleagues in Congress on matters every day of the session. I simply mean to say that Mr. Walker's votes and support of measures were honest, sincere, and in behalf of his people as he saw his duty to them. Many people asked me to attack him on some votes cast by him during the war and I refused, saying, "Mr. Walker was honestly discharging a most sacred duty under the stress of a great war and I shall not attack him for doing his best under the most trying circumstances. I only pray I may not have thrust upon me so serious a responsibility."

I am sure that for 6 years Mr. Walker represented the district in an honorable and efficient manner, and during the last 10 I have done my best.

My opponent's campaign manager says that my bill to close Sunday movies, theaters, and dance halls has brought me "unpleasant notoriety." Let me suggest that the criticisms of those who would destroy our Bible, who hate our churches, and who deny the divinity of Christ and the existence of God do not worry me much. On the other hand, the praise of good men and women is not "unpleasant" to me. I like the crowd that are with me.

Again, the "manager" says I introduced "an agricultural bill that places a large part of the financial cost of the solution on the farmers." This statement was made very probably by one not familiar with the facts and therefore is erroneous. I shall gladly ask the voters of my district, who are more familiar with my record than is the "manager," to pass on my efforts in behalf of the farmer, the laborer, and the common people.

RECORD OF THE REPUBLICAN PARTY AND OF TAMMANY

Mr. BERGER. Mr. Speaker, ladies, and gentlemen, in every Congress in which I have served since the Volstead law was enacted by a Democratic Congress, with the aid of Republican votes, I have offered bills designed to make legal the manufacture and sale of light wines and beers under conditions that would prevent the return of the saloon.

My position on the subject of prohibition—like the position of the Socialist Party—has been clear and consistent from the very beginning.

PROHIBITION NEITHER POSSIBLE NOR DESIRABLE

Realizing that many of the ills which resulted from the liquor traffic were due, in no small measure, to the fact that the private profit motive was permitted to have full sway, I have advocated, and the socialists generally have advocated, the manufacture and sale of alcoholic liquors under Government supervision.

By yielding to the demand of the Anti-Saloon League that bone-dry prohibition be foisted upon the country, the two old political parties not only failed to remedy the ills of the liquor traffic; they brought about a condition which defeats true temperance.

I am more convinced than ever that bone-dry prohibition is not desirable, even if it were possible, and not possible even if it were desirable.

THE HYPOCRISY OF "WET" POLITICIANS

It is not my intention to enter at this time upon a discussion of the grounds upon which my conclusions rest. They are set forth at some length in my speeches of June 6, 1924, and February 15 of this year. Anything I would now say concerning the failure of prohibition to prohibit would of necessity be a repetition of what I said on those occasions, with the only difference that additional facts might be cited to support the position I take and have taken.

But prohibition comes to the fore as a political and campaign issue in the pending presidential election. The deceptive tactics employed by the leaders of the two old parties regarding the prospects of enforcement or modification are such as to justify consideration of that particular phase of the subject. Dishonest business and dishonest politics appear to go hand in hand, and after the orgy of corruption through which the Nation has passed—or attempted, perhaps unsuccessfully, to pass—our people are no longer amazed or shocked at the hypocrisy which surrounds the prohibition enforcement question.

I am not now referring to the hypocrisy of the law, or to the lawmakers who vote dry and drink wet, or to the prohibitionists of the Anti-Saloon League variety who profess to expect enforcement when they know that the people they are supporting neither observe the law themselves nor desire to have it enforced as to others. I refer now to the hypocrisy of the so-called "wets" to whom prohibition has become a means of riding into office.

"LAW ENFORCEMENT" COVERS MULTITUDE OF "WET" AND "DRY" SINS

But pardonable to a certain extent as that may be in the case of individuals, to whom the office may mean more than principle, the situation is different when candidates for presidential office and the national political organizations embark upon the same program of deception, knowing that they are creating hopes they can never gratify—and which they never intend to try to gratify.

The temptation to which these politicians and their machines have now yielded is to come out for modification where sentiment is wet, for observance where it is dry, and for law enforcement where sentiment is pretty evenly divided.

A glaring instance of this unmitigated hypocrisy was furnished at the Republican National Convention in Kansas City. The "drys" in the Republican Party announced their "determination" that the party should come out for "strict observance" of the prohibition laws.

NEW PROMISES FOR OLD

It did—by adopting a plank in the platform which reads:

The Republican Party pledges itself and its nominees to the observance and the vigorous enforcement of this provision of the Constitution.

Was the Republican Party ever opposed to law enforcement? If it was, it never admitted it. On the contrary, it always stoutly proclaimed its adherence to law enforcement.

Four years ago, when it drafted a platform, it included this plank:

We must have respect for law. We must have observance of law. We must have enforcement of law. The very existence of the Government depends upon this. The substitution of private will for public law is only another name for oppression, disorder, anarchy, and mob rule.

Every government depends upon the loyalty and respect of its citizens. Violations of law weaken and threaten government itself. No honest government can condone such actions on the part of its citizens. The Republican Party pledges the full strength of the Government for the maintenance of these principles by the enforcement of the Constitution and of all laws.

The Republican Party was returned to power four years ago. It had an opportunity to make good its pledge to use—

the full strength of the Government for the maintenance of these principles by the enforcement of the Constitution and of all laws.

If it did not carry out its pledge then, why promise now? And if it did carry out its pledge, then why proclaim an intention to do what they claim to have done?

Why, then, this hue and cry about law enforcement?

A GOOD TIME WAS HAD BY ALL

The fact of the matter is, of course, that there is no enforcement of the Volstead law, that the leaders of the Republicans know it can not be enforced, and they have not the slightest intention of attempting the impossible.

Not only do they not intend to enforce the law—they do not intend to observe it, although the plank reads, "The Republican Party pledges itself and its nominees to the observance" of the law.

Observance, like charity, should begin at home. Yet the delegates to the Republican National Convention—the leaders of the party throughout the nation, those who adopted this solemn declaration to "observe" the prohibition laws—were consuming

more liquor during the convention than was being consumed anywhere else in the United States.

According to press reports, just before daylight each morning the convention was in session wagons made the rounds of hotels collecting empty liquor bottles. From one of the larger hotels the average was 15 barrels of quart and pint bottles a day.

ENOUGH DRINKS AND DRY PLANKS TO SATISFY ALL

And the most joyous tippling was done, according to press reports, on that midnight hour when the resolutions committee broke up after adopting the driest prohibition plank ever written into the platform, a plank pledging the Republican Party to "observe" the law they were busy violating.

The plank will satisfy the Anti-Saloon League; it can now claim that it got what it demanded in Kansas City. It will satisfy the bootlegger, who will continue his nefarious practice, purchasing immunity for violating the law by contributing to the local campaign funds of the Republican Party. And the average citizen, who is opposed to prohibition but who can still get his hootch even though it might give him blindness, will likewise be satisfied.

REPUBLICAN PARTY—CONSISTENT IN ITS CORRUPTION

Thus the hypocritical attitude of the Republican Party is to be continued, getting votes from the "drys" because the party is dry in theory and getting votes from "wets" because the party is wet in practice.

All one can say about the rottenness it discloses is that it shows the Republican Party to be consistent—consistently crooked. A political party that could produce so many corruptionists in high office in such a short time—and many more who still blush unseen—can well claim to be consistent.

BUT WHAT OF THE DEMOCRATS?

But if it is hypocritical—disgustingly hypocritical—for the Republicans to pretend to advocate either observance or enforcement of the Volstead Act, what is to be said of the Democratic Party, whose present leader, Alfred E. Smith, is to become the Moses of the "wets," the man who will lead them—and also the "drys"—out of the cellars right to the bars and the railings?

It was the Democratic Party that was mainly responsible for the eighteenth amendment and the Volstead Act. It was the delegation of the solid South, the backbone of what is left of the party of Thomas Jefferson—which may explain why it has no backbone—that was the principal force behind the prohibition movement. United States Senator MORRIS SHEPPARD, of Texas, framed and introduced the eighteenth amendment. The South furnished the bigotry and fanaticism and the capitalists the sinews of war, which made the prohibition movement and its leaders go round.

It is this delegation from the solid South in our Congress that has not only resisted every attempt to reexamine the mistake that was made when bone-dry prohibition was attempted, but it has even been willing to cast aside without the slightest compunction every constitutional right found in our Constitution in order to enforce the unenforceable Volstead Act. Using the entire Army and Navy is but one of the minor demands of this crowd.

PRESENT DRY PLANK IS DRIER THAN EVER

And now the Democratic Party outdistances the Republicans in double dealing and hyprocisy. While nominating for President a man who professes to be a wet, it adopts a platform plank on prohibition which is even stronger than the one Bryan had inserted in the Democratic platform four years ago.

Four years ago the Democratic plank on prohibition merely promised "to respect and enforce the Constitution and all laws." This year the plank not only condemns the Republicans for not making prohibition enforcement effective but "it pledges the party and its nominees for an honest effort to enforce the eighteenth amendment."

The plank adopted this year was written, it is reported, by Senator CARTER GLASS, of Virginia, leader of the dry contingent at the Democratic convention. And Bishop James Cannon, of the Methodist Episcopal Church South—and one of the leaders of the Anti-Saloon League—said the plank suited him.

This is the crowd Gov. Al Smith will lead in this campaign.

The New York World, which insisted that "the Democratic Party should not nominate Governor Smith if it wants Volsteadism," and which maintained that to nominate Smith on anything but a wet platform "would be little short of contemptible," will now find itself helping this contemptible performance.

WHO'S WHO IN TAMMANY'S HISTORY

And now let us see—who is Al Smith?

A number of books have been written on Tammany, but the most extensive and the most readable one that has yet appeared is by M. R. Werner, entitled "Tammany Hall." The chief sources of the author are the numerous investigations that have been made of Tammany in its long criminal career, and out of the huge mass of documents he has succeeded in culling the more important phases of the organization.

A START IN LIFE—ONE MILLION STOLEN

By the time that Andrew Jackson came to the Presidency in 1828 Tammany had already assumed two phases which have been conspicuous into the modern period. These are the appearance of the grafter and the marketing of "philanthropy" by its leaders.

In the period of Jacksonian Democracy Tammany was radical and shared the grievances of the workers of the cities against the old suffrage restrictions, but before the end of the thirties this attitude became a compound of demagogy and an itch for office for the sake of the loot that was available.

One of its henchmen, Samuel Swartwout, collector of the port of New York, made a hasty trip to Europe, leaving a shortage of over a million dollars. He was accompanied by another worthy official who had stolen over $72,000.

THE DEPREDATIONS OF "PHILANTHROPIC" TAMMANY

These first raids were simultaneous with the appearance of "philanthropy" when its leaders distributed food among unemployed workers during the panic year of 1837. Unfortunately for "philanthropy" it was discovered that one of the most prominent Tammany leaders, a police justice—

gained his money by extorting it from counterfeiters, thieves, and prostitutes who were brought into his court.

By the middle forties brothels into which unfortunate girls of the working class disappeared became a rich source of funds for Tammany "philanthropy." The house of prostitution had become a permanent fixture of the Tammany system of revenue for its leaders. From the evidence one gathers there was a general schedule of rates collected from madams and inmates, while arrests for cause and without cause provided fees for various officials.

The police system had by this time been fairly well penetrated by this grafting on brothels while various offenders in jail were released and others permitted to escape for the value of their votes and services on election day.

The outlines of modern Tammany were fairly complete a decade before the Civil War. The boozing kens had already become an integral part of the system as well as the low dive and the half-savage gangs whose members might be hired to rob a till, cut a throat, or stuff ballot boxes at elections. Occasionally a Tammany leader fell out with the chieftains and annexed a gang of his own and a gang war followed, but as a general rule the insurgent made peace with the chiefs who alone could satisfy the appetites of those who wanted office and the plunder that went with it.

THE FORTY THIEVES BLAZE THE TRAIL

In the early fifties came the reign of "the forty thieves" in the board of aldermen, a body where the later notorious Tweed was getting schooling for the most extensive grafting ever known in the history of politics. The period of old graft survived and it was not to mature as a ripe contribution to municipal science till after the war, but the thieves sold ferry leases and franchises to the highest bidders.

Even Tammany "patriotism" produced dividends.

They raised the bills for fireworks in the city celebration of the Fourth of July in 1852 and dividends were even extracted from corpses. In transporting the body of Henry Clay from the city to Albany the thieves padded the bills for undertaking and included one bill of $1,400 for liquors and cigars. There was a difference of $70,000 between the real value and the price paid for a paupers' cemetery. Meantime "philanthropy" was not forgotten. It paid.

ENTER THE TWEED RING

Fernando Wood, whom another writer called the "prince of rascals," was elected mayor in 1854, and then for two successive terms. Street-cleaning graft, of which we are again hearing something in Walker's administration, had been a valuable source of profits, but in Wood's administration he and his family raked in quite a bag of cash from it. Tammany was proslavery and so was Wood, who complained that New York City investments in southern slavery would be lost if the South seceded from the Union. The mass of the Irish voters organized by Tammany and influenced by a proslavery clergy carried the city against Lincoln in 1860 by a heavy majority.

Wood and the proslavery elements paved the way for the Tweed ring—and here we come across some remarkable analogies with the Tammany Hall of 1928.

A SHIRT FRONT HELPFUL TO TAMMANY

A. Oakley Hall was mayor during the looting of the city by the Tweed gang, while the New York Herald, which had pro-

posed a war of foreign conquest to obscure the issue of slavery, became the organ of Hall. By the time the gang had become all powerful they seriously considered moving next to the Federal money vats.

The plan was to elect Gov. John T. Hoffman President in 1872, send Hall to Albany as governor and Tweed to the United States Senate, while Comptroller Sweeney was to remain in New York City to rule the city treasury.

Had the plans matured it is said that Hoffman was to send Tweed as American ambassador to London.

Change the names and observe how some of these plans fit with the program of to-day. For Hoffman read Smith and for the New York Herald read the New York World. Perhaps Walker is slated for London. Tammany was supreme in New York in 1870 and it is supreme in New York to-day. The looting and graft were rife gossip then; the sewer and street grafts are rife now. History is never repeated, but analogies occur just the same. It is certain that Smith is the shirt front to-day as Hall and Hoffman were in the previous period.

BOSS TWEED STEALS $70,000,000 OR SO

The Tweed ring added one accessory to its rule which was essential. It had not been neglected by previous gangs of looters, but Tweed and his associates operated on such an enormous scale that it was more essential than ever. He had filled the courts with his agents, the most conspicuous of whom was Judge Barnard, later impeached for his crimes, but the press was always a source of danger. The following paragraph tells the story:

Six or eight men on almost every newspaper in New York were put upon the city's pay roll at salaries of from $2,000 to $2,500 a year. They were engaged in no municipal business, but their duty consisted in writing blurbs in favor of Tweed and his associates as part of their newspaper work, for which they also received pay. Another effective method of controlling the press and public opinion was by means of corporation advertising. The ring gave legal and municipal advertising to 26 daily and 54 weekly newspapers at exorbitant rates. Writers were also hired to send letters to newspapers in other cities praising the members of the ring individually, Tammany Hall as an organization, and the administration of the city generally. These were copied by the New York papers after they appeared elsewhere, and they created the impression that the entire Nation admired the city government.

Tweed later testified that occasionally an article was brought to the ring, and the writer was paid to kill it.

They even arranged for newspaper attacks on the ring so filled with errors that they were easily answered, and the ring thus added to their prestige. As much as $5,000 was paid for this type of article. When the legislature was in session the Albany newspapers enjoyed rich incomes from the ring for a variety of services.

When the storm began to beat around the ring one of its agents, an eminent lawyer, offered the Times $5,000,000 through Comptroller Connolly, and Thomas Nast was offered $500,000 to abandon the attacks. The two men would not be bribed, and the exposures followed. The rats scattered. Tweed died in prison. The real extent of the looting probably never will be known, but the estimates run as high as $75,000,000.

REPUBLICANS GET THEIR SHARE OF THE LOOT

The evolution of Tammany had reached the stage of having trusted Republican allies, which feature has continued to the present day. Tammany is no more Democratic than Standard Oil is. It is a capitalistic business concern handling certain wares, and it needs Republicans as well as its own professionals.

The Republican State committee chairman, Cornell, discovered during the reign of Tweed that—

Seventy-five per cent of the officers of the Republican county committee and 75 per cent of the Republican district leaders were either in the pay of the Democrats or held sinecures from Tweed and Tammany Hall.

Perhaps this care of Republicans was also a phase of the "philanthropy" in which Tweed, like other Tammany leaders, indulged.

While the spotlight was focused on the Tweed ring John Kelly was enjoying a pious trip to the Holy Land. His letters home dwelt upon—

the Mount of Olives, the way of the Cross, and the Holy Sepulchre.

Kelly had already made a pile out of the office of sheriff.

PIETY AND PLUNDER GO HAND IN HAND

While abroad he commissioned an artist to execute some religious paintings which he presented to St. Patrick's Cathedral in New York and then ascended the Tammany throne as successor to Tweed. Kelly's contribution to the institution was to perfect a system of assessing candidates and Tammany officeholders upon a percentage basis according to the salary the offices paid, and the day before election became known as "dough day." This was the day for distributing the money to the district leaders for carrying elections.

Affectionate cooperation with Republican leaders continued.

There was an unwritten, unmentioned agreement between the Democrats and the Republicans to take care of each other's election district captains with jobs even when one party was not in power—

Writes Werner. Gangs were employed and election days was a drill of thieves in thievery.

Kelly's personal fortue was half a million dollars, and in 1886 he was buried from the church to which he had given the paintings upon his return from the Holy Land. This combination of piety and plunder runs through the history of many Tammany Hall leaders.

THE ERA OF HONEST GRAFT BEGINS

Richard Croker was next in line for the Tammany throne and his reign is conspicuous as the period of the rise of the great corporations, the attraction of Tammany leaders to corporation investments, and the beginning of a system of "honest graft" which George Washington Plunkitt, a Tammany illiterate, expounded with naïve candor in the first few years of the present century.

Croker himself invested in New York corporations, and it was in his reign that alliances between Tammany and large corporate enterprises had their origin.

His successor, Murphy, developed the partnership to that quiet mutual understanding which all but the simple-minded know exists to-day. This also provided another source of revenue for Tammany campaign expenses. The organization had now drifted far from the days of early Jacksonian Democracy when Tammany would purchase an occasional dwelling in the name of a dozen workers so that they could qualify for the franchise.

The understanding with Republicans reached high enough at one time to even include Platt, the Republican high potentate of New York State.

NO SOURCE OF GRAFT IS LEFT UNTOUCHED

While the "cadet" and the procurer stalked through other eras of Tammany rule they are also conspicuous in the reign of Croker. Here we also get occasional glimpses of forms of vice so foul and disgusting that they are unprintable. The most important source of graft was preying upon prostitutes and levying on brothels and saloons.

There were also side lines of graft which involved the sale of wines and beers to houses of prostitution and the supply of cigars, cigarettes, food, clothing, jewelry, furniture, and medical attendance.

They were valuable concessions as—

the profits were large and the purchases could be made compulsory by the threat of the law. There were also abortionists, midwives, and baby farmers, who worked with the police and the district leaders, or who paid them for protection from the laws.

CHARLES MURPHY, THE MAN WHO MADE SMITH, SUCCEEDS CROKER

The author declares that the complete facts regarding the financial investments of Tammany leaders in houses of prostitution are not available—

because the Tammany men always covered themselves carefully by using their friends' rather than their own names.

Croker left Tammany Hall for Ireland a millionaire, and as the author remarks—

New York experienced a period of rule by an absentee landlord, for Croker spent the next few years of his political career in England, Ireland, and on ocean steamers. Government by cable was what some of the newspapers chose to call it.

At his death his estate was estimated at $5,000,000. This was only a small portion of the total gouged out of the people of the city by the Tammany vampire.

After a short experiment with a triumvirate of three leaders, including Charles F. Murphy, the latter became leader. It was under the Murphy régime that Al Smith blossomed into a "statesman," that the "new Tammany" came into being, that "honest graft" eventually emerged as a system, and that relations with corporations became established on a basis of mutual respect.

BIG-HEARTED TIM SULLIVAN—HE LEFT ONLY $2,000,000

Murphy had been dock commissioner and had organized a contracting and trucking company which leased docks from the city and—

made 5,000 per cent on its investment.

Of the corporation opportunities and investments of the leaders of the "new Tammany" the author writes:

In the twentieth century the leaders of Tammany Hall were in the contracting business or were interested in water, gas, electricity, or railroads, rather than prostitution, liquor, gambling, or extortion; for it was Murphy's great and lasting contribution to the philosophy of Tammany Hall that he taught the organization that more money can be made by a legal contract than by petty blackmail.

Of course, the old forms of graft survive, as we know from the current milk, sewer, and street-cleaning scandals, but the larger forms of income are derived from inside connections with capitalist enterprises.

Tammany must continue to receive the support of the voters if its leaders are to fatten on the millions who live in the disease-breeding fire traps which they call homes, so the leaders continue to toss "philanthropy" to the dupes.

"Big Tim" Sullivan worked "philanthropy" on a large scale; his distribution of food, clothing, and money to the Bowery wretches of his district were estimated at $25,000 annually, but as Werner observes—

the political profits of his district were estimated between seven and eight times as much as he gave away.

Political returns were also reaped when Sullivan headed gangs of Bowery thugs from one polling place to another on election days. When he died Sullivan's estate was estimated at between two and three millions.

DISTRESS, DISEASE, AND DEATH THE PRICE OF TAMMANY "CHARITY"

The "charity" given by Tammany leaders costs them nothing. It is an investment that pays dividends in cash and votes. The poor devils who are swindled by this sob stuff pay the cost in disease and often death. Professor Merriam, of Chicago University, makes this striking and truthful comment regarding Tammany "charity."

He points out that the boss—

gives $100 to charity but accepts $1,000 for voting against any ordinance for better housing. He pays the funeral expenses of the man who dies because the boss killed the law to safeguard the machinery on which he worked. He helps the widow, whose suit for damages was blocked under a system he was paid to perpetuate.

I may add that the worker goes to his death in fire-trap buildings because fire hazards are ignored by Tammany inspectors who are close to real-estate interests. The worker's family is the prey of disease because Tammany contractors are opposed to municipal housing. One may add to these illustrations to show that Tammany "charity" is a tiny part of the profits derived from distress, disease, and death which afflict the working-class families of the city.

MURPHY PUTS SMITH THROUGH TAMMANY'S SCHOOL

Murphy passed to his reward in April, 1924, with a big funeral ceremony in St. Patrick's Cathedral. His estate was estimated at over $2,000,000.

The book ends with the passing of the sainted Murphy, but we also get a glimpse of Al Smith in the closing pages. Smith, it must be remembered, is the modern "shirt front" behind which Tammany hopes to enter Washington as the Ohio gang used Harding for the same purpose. Al Smith would have no chance if he had wallowed in the dirt as the other leaders have, so he has been groomed for the job with the knowledge that he must be "clean." He is, except for his acquiescence in election steals, for responsibility for these crimes is inevitably shared by all leaders, including Smith.

But Smith's share in the impeachment of Governor Sulzer in 1913 shows that he is just as capable of going along in a dirty political job as any other of the leaders.

SMITH OBEYS CHARLEY MURPHY

Al Smith was speaker of the assembly of the State of New York and ROBERT F. WAGNER, now United States Senator, was the Tammany leader in the State senate. Smith took orders and played Murphy's game. So did WAGNER. Sulzer was not proven guilty of any offense in office that would warrant his removal. Every count against him had reference to his actions before he was elected governor.

The removal of Sulzer was a legislative crime, and Smith shares in that crime. Moreover, Sulzer could have looted the State treasury with the consent of Murphy if he (Sulzer) had consented to obey the vulgarian Murphy. Werner declares:

Governor Sulzer was impeached because Charles F. Murphy wished to avoid exposure of Tammany graft in the State government.

FROM FOURTEENTH STREET TO WASHINGTON?

Shortly before the impeachment of Sulzer State Senator Stilwell was being tried for accepting a bribe, and Murphy told Sulzer that Stilwell would be acquitted. Murphy added:

How do you expect a senator to live on $1,500 a year? That is only chicken feed.

In other words, Murphy told the man he later threw out of office that Tammany senators were expected to accept bribes because their salary was only "chicken feed."

Stilwell was being tried by a Tammany-controlled senate, and he was acquitted of the charge by a vote of 28 to 21. Now for the sequel. Stilwell was later indicted in New York County for bribery upon substantially the same evidence which was rejected by the Tammany senators and was convicted and sentenced to two years in prison!

Certainly the sainted Al Smith and the "new Tammany" are entitled to move next to the Federal money vats, and the "liberal" New York World may be congratulated on selling Smith to the Nation as a "progressive" and "liberal."

Here is the story of the evolution of Tammany Hall by way of the boozing ken and the brothel through decades of "philanthropy" for its dupes, through debauching of elections, and enriching of vultures.

And Al Smith is its brightest flower.

HE WILL NOW BE WET—AND ADMITS IT

In order to get the nomination, Smith—or rather his friends—had to do a lot of trimming and hemming and hawing. He had to be all things to all men. His friends down South, where dry sentiment is strong, proudly pointed to the fact that he was in favor of law enforcement. His friends up North, where sentiment is wet, pointed to the fact that he had signed the bill repealing the State enforcement act.

Of course, during the campaign Smith will be wet. It was politically unwise to be wet while he was trying to get dry delegates to support him for the nomination. Having gotten the nomination, it may be politically unwise to pretend that he is a dry. There is more to be gained by being wet during the campaign than by being dry.

The reason for this is simple: The South, where the dry sentiment prevails, is Democratic anyway. It will not go Republican. And outside of the South wet sentiment is strong, and it will be for that vote that the Democratic Party will have to make its bid. Therein lies what hope the Democrats have of returning to the pie counter, from which they were separated almost eight years ago.

VICTORY OF SMITH FOLLOWERS WOULD MAKE MODIFICATION IMPOSSIBLE

But supposing the Democrats win and Al Smith gets into office, can that affect the course of the prohibition movement?

No one who knows the situation can honestly contend that it will have the minutest effect on the Volstead law.

That law can not be changed without Congress, and there will be no group in Congress more unyielding in their opposition to a change in the law than the Democrats, most of whom will be from the solid South.

They may represent less people than a Congressman from a Northern or a Western State—just as a Senator from the State of Mississippi represents only about one-sixth of the population that a Senator from New York does—but their votes count for as much in Congress, and no progress can be made with that solid vote to overcome.

THEN IT WAS "HE KEPT US OUT OF WAR"

Democratic politicians who intimate that a modification of the law will be possible with the election of Smith are deliberately misleading the voters. A victory for the Democratic Party this year may mean the destruction of all constitutional and civil liberties in a vain effort to enforce the law.

In raising this issue the Democrats are trying to repeat the trick they played on the American people in 1916, the last time they elected a Democratic President. That time the battle cry was, "He kept us out of war." They came near fooling the people of Wisconsin into supporting Wilson that year—much nearer than they have come since or ever will come.

MODIFICATION—ANOTHER FALSE SLOGAN

In 1916 the Democratic President could have kept us out of war. The battle cry of modification will have harder sledding; the people now know, first, that the Democrats can not be relied on to do what they can do; and, second, that modifying the prohibition law is one of the things a Democratic President could not do, even if he wanted to.

I believe that eventually the prohibition laws will be modified. I can think of few things that would be more helpful to the future progress of our people than a repeal of these laws. But it will not be accomplished by politicians who betray the people by misleading slogans and false campaign issues.

BOTH OLD PARTIES RESPONSIBLE FOR PROHIBITION MESS

The Socialist Party, although always opposed to prohibition—I do not know of any one of its elected officials who ever voted for it—refused to become a party to this deception. At its national convention in New York City, held in April, it declined to incorporate a plank on the subject. A majority of the dele-

gates, most of them opposed to prohibition, felt that anything it would do to help make this the dominant issue of the campaign would divert the attention of the people from the numerous economic and political problems upon which the socialists have always centered their attention.

We consider both old parties responsible for the mess prohibition has created, but will not follow the red herring the ruling class is drawing across the trail for the purpose of getting the people to forget other equally important issues. The capitalist class of this country has found in prohibition a method of preventing the consideration of other issues. To the extent that the socialists can they will try to have the people consider these other problems.

SOCIALISTS REFUSE TO MISLEAD OR BE MISLED

That is the position the Socialist Party and its candidate for President, the late Robert M. La Follette, took four years ago. Senator La Follette was besieged to have the progressive movement he headed come out for a modification of the Volstead Act in the Progressive platform. He declined, taking the position that he would not permit the urgent economic questions he considered important, and which he wanted to keep in the forefront, to be obscured by a debate on prohibition.

Wisconsin cast its electoral vote for Robert M. La Follette—it was the only State that did so—even though the State has by a referendum vote expressed a reference for modification.

NORMAN THOMAS IS THE CANDIDATE OF ALL PROGRESSIVES

Least of all will the progressives support the Democratic Party. They remember only too well the suppression and persecution which it sponsored during the war. They remember very vividly the era of patrioteering and profiteering which the Democrats made possible during the Wilson régime.

And they would not expect Al Smith, the product of Tammany Hall and the protégé of Charlie Murphy, the late Tammany boss, to be better in office than the professor who occupied the presidential chair from 1912 to 1920.

Any citizen who has learned the lesson of history and is willing to use his thinking power must reject both Al Smith and Hoover—reject both the Republican and the Democratic Parties—and vote for Norman Thomas and the Socialist ticket as the only effective protest against graft and misrule.

AN ACCOUNT OF STEWARDSHIP

Mr. HAMMER. Mr. Speaker, under leave to extend remarks in the RECORD I include a statement to be submitted to the voters of the seventh North Carolina district.

I shall endeavor to present to you, my constituents and the voters of the seventh congressional district, as complete and intelligent report of my work as your Representative in Congress as is possible in the limited time and space at my command. One of the most disturbing facts of the present is the growing apathy and indifference of the American people toward their Government, the conduct of their public officials, and the public life of the Nation. In the last general election not half the legal voters of the country went to the polls. Then why wonder that our Government at Washington should be disgraced and dishonored by such men as the Falls, the Daughertys, Dohenys, Sinclairs, and their ilk on down the line?

INDIFFERENCE SOON BEGETS CORRUPT GOVERNMENT

This country has grown so enormously great, its problems of government so complex and many sided, and the duties, the opportunities for diversion, and the burdens of the average citizens have been so greatly multiplied that unless the people can be brought into more intimate and direct touch with their Government there will come the menace of a national catastrophe. Indeed, that danger is already showing itself on the horizon, for an apathetic, indifferent people in America, where the people are their own masters, soon begets a dishonest and corrupt government. The callous reactions of the public are amazing as evidenced by its votes, to the scandals that have been unearthed in Washington within the last seven years.

It is my opinion that the interest of the public in the work of Congress since the World War has lamentably declined. Congress itself is, of course, largely to blame for this state of affairs, more especially the party in power. That party controls the dominant portion of the press and other channels for the dissemination of public information, and instead of taking the initiative in house cleaning it has shown not only a positive disinclination to act but has attributed to the opposition party selfish, partisan motives in forcing action. That view was accepted by a large majority of the people as the election in 1924 demonstrated. If the party in power can loot and plunder and dishonor the fair name of the Government and get away with it by charging false motives to their opponents, the gravity of the situation can not be exaggerated.

I trust that the great historic Democratic Party will be in a position in the approaching election to demonstrate that the heart of the American people is as sound and true as it ever was and that we as a nation have not slipped a notch in our ideals. In my judgment the only way to stop this wrongdoing at Washington and elsewhere in our Government is to punish the Republican Party by driving it from power.

The thing now most needed to improve and purify government is to establish contacts between the intelligent, conscientious public official and the people he is chosen to serve. Especially is that necessary between the Member of Congress and the people of his district, for contact strengthens both. We need teamwork. The individual voter comes to feel that he is a stockholder and a power in this greatest corporation—the United States Government—when he contacts the honest individual officeholder, who in turn is encouraged and inspired when he comes to know that his constituents are watching the political game intelligently.

I shall therefore attempt in this short report to set out some of the more important acts of legislation and bills which have been given my approval or disapproval by vote. But before doing that I think it advisable to tell you how I am placed as a worker in Congress, that is, my work in committee. As you know, Congress does its real work through committees, for no important legislation is ever enacted without having first been thrashed out by a committee. The committee serves as a fact-finding and determining body. It is not only the eyes and ears but the faculties of Congress, and it is through its committees that Congress as a legislative organism most directly contacts the public. It is most often through committees that quack and dishonest proposals of legislation are attempted, and if a bill of that character is favorably reported by a committee it is given a status for ultimate consideration and disposal in Congress. The committee having failed to detect or stop a vicious legislative proposal, it may be passed by Congress. Lamentably often has that occurred.

So on coming to Congress in my first term I resolved to make myself above all else an efficient and attentive member of all the committees on which I should be appointed. One of these committees is the District of Columbia, one of the most important of the committees, because Congress legislates for the Capital District in the sense that a legislature makes laws for its State. It has been the experience of Congress that honest, efficient legislation for the District of Columbia has been one of its most difficult tasks. The Capital City has attracted here all sorts of schemers, and many of them have found the path of least resistance to the approach to Congress through local channels, such as street-railway franchises, the police department, and other functions of this city and District.

MY WORK IN COMMITTEE ROOMS

On coming to Congress I was asked by the late Claude Kitchin, one of the greatest men the State has ever sent here, to become a member of the District of Columbia Committee. He said in substance that on that committee I would serve as a sentinel on one of the dangerous outposts to guard Congress from the resourceful enemy from without. He declared it one of the most important committee assignments and outposts in Congress. I well knew that work on this local committee would not attract great attention in the home district, but as solicitor and United States attorney I had had some experience in prosecuting wrongdoers in my own State, and it seemed to me that perhaps I could on this committee be of more service to the country than on any other committee. My experience as prosecuting attorney fitted me in the very outset for much of the work of this committee and I consented to take this post. How well I have served is for others to say, but I can say that I have often been amazed, even astounded, at the brazen effrontery of schemers to deceive the Congress and the country.

Outside of the work on this committee and the Committee on Pensions and the Committee on Patents and the Committee on Expenditures in the Executive Departments, a new committee doing the work of 16 smaller committees abolished, and taking over some of the work of the Judiciary and Appropriations Committees, I have tried to devote every atom of strength and energy at my command to the great questions before Congress and the country, such as liberalization of the House rules, taxation, and specifically the tariff, farm relief, prohibition enforcement, flood control, a practical disposition of Muscle Shoals, rivers and harbors, the question of freight rates, banking and public credit, the public debt and the war debt owed the United States by foreign countries, public buildings for post offices and Federal courts. I feel that for no vote I have cast in the House on any measure that has dealt with any one of these questions I am due the excellent people of my district apology or defense.

I am confident that they believe that every vote that I have cast is honest and intelligent in the light of all the available facts to guide me. But let me give you the votes as they stand on the more important of these measures:

LIBERALIZATION OF THE HOUSE RULES

One of the most important problems affecting the efficiency of Congress is how to make the House a workable body, responding promptly to the desires of the people. On account of our present basis of representation and the growth of the country the House has increased its membership to enormous proportions, and the dominant Republican Party in the days of Speakers Tom Reed and Joe Cannon in order to put through its programs of legislation placed the House under gag rule. The chairman of a committee that had reported a most important bill could pocket it, and sometimes did pocket it, and the steering and Rules Committees could and did often prevent it from ever coming to the floor for consideration. When the Republican Party recovered control of the House after the World War it adopted a rule that a bill could not be brought into the House over the ukase of the Rules Committee without a petition signed by 150 Members. A combination of Democrats and insurgent Republicans changed this rule to 100 signatures, but the Republicans changed it back to 150 in a subsequent session, and on January 17, 1924, an amendment was submitted to adopt the rule of 100 petitioners. I voted for the adoption of that amendment, but it was rejected by the House. You will see the importance of the amendment when I tell you that all the membership of the Southern States combined signed to a petition is not sufficient to bring a bill into the House over the decision of the Rules Committee, nor could the group of States west of the Mississippi River get action if the autocratic Rules Committee forbade.

TAXATION AND TAX REDUCTION

The guiding principle in my votes on tax reduction has ever been to reduce the taxes equably of those people in the lower brackets and to let the higher brackets stand or increase them when it is demonstrated they ought to be increased. The men of great wealth are permitted to accumulate and enjoy that wealth by the protection the Government gives them, and they should not object to paying in full proportion for that protection. In every bill for tax reduction I have voted either against reduction of surtaxes or when necessary to raise revenue for increases of taxes on large incomes and great estates.

FARM RELIEF

Since coming to Congress I have done everything within my power to place agriculture on a parity with other industries in this country. I am convinced that the safest legislative road to farm relief is the reduction of the tariff to a point where the farmer's dollar will buy as much in the market as the dollar of the manufacturer or banker. For that reason I voted against the increase of duties in the Fordney-McCumber tariff bill. I voted for the resolution rejected by the House to reduce the tariff on sugar. I think the worst feature of the Fordney-McCumber Tariff Act was the provision giving the President authority to raise or lower the tariff. In the last session of the Sixty-ninth Congress President Coolidge almost on the same day vetoed the McNary-Haugen bill and raised the tariff on pig iron. By those two acts he deprived the farmers of the one opportunity Congress had offered them for relief and increased the cost of iron they must use in their farming utensils. Was there ever a more striking illustration to deny relief to agriculture with one hand and to rob it with the other?

For the last eight years Congress has labored to find relief for agriculture. Four times a McNary-Haugen bill has been introduced. In the Sixty-ninth Congress the bill the President vetoed was for the first time passed. Again in the present Seventieth Congress what is regarded by most friends of the administration at least as a much improved McNary-Haugen bill was passed by an increased majority, but at this writing the President is expected to veto it. Thus farm relief as an issue will be thrown into the campaign. If the Democrats should capture Congress this fall, they will endeavor to go to the roots of the trouble by reducing the tariff.

MUSCLE SHOALS

The disposition of Muscle Shoals has turned out to be as difficult a problem for Congress as has farm relief. In my first term in Congress I voted to lease this property to Henry Ford, and I remain of the opinion that it was the wisest disposition that could have been made of it. The plant was projected during the World War at a cost of $150,000,000 for the purpose of supplying the Government with powder. When peace came and powder was no longer needed the Government discovered in Muscle Shoals it had a white elephant on its hands. The use that Muscle Shoals could be put to would be to make nitrates for farm fertilizer and supply electric power to neighboring States.

The Government has never engaged in that sort of business, and when the question what to do with this plant came up in Congress a struggle at once followed between the advocates of Government operation and the guardians of private business. The Fertilizer Trust and the Power Trust have, of course, backed and supported the latter forces, and after 10 years Muscle Shoals remains a problem on the hands of Congress and the Fertilizer Trust continues to exploit the farmers. I voted to put fertilizer on the free list, and had it been done the Muscle Shoals problem might not have been so difficult to solve. Unless the property can be leased to a private corporation or individual on terms that will guarantee cheap fertilizer to the farmers, I favor the Government's operation of the plant, but not on the plan laid down in the Morin bill as originally introduced. That bill simply offered a sinecure to the party in power. Under that bill it is my judgment the Government will make a complete failure of that operation of Muscle Shoals and discredit Government operation. Muscle Shoals is offered as an experiment in the production of cheap nitrates from the atmosphere, and well founded is the justification for the Government's making the experiment. (Since writing the foregoing the Morin bill has been so amended as to remove the chief objectionable features.)

RESTRICTION OF IMMIGRATION

One of the most serious problems facing this Republic is the assimilation and the Americanization of the alien peoples who have landed on our shores within the last 40 years. There are now in our Northern States and great cities 7,000,000 of these aliens who have not become naturalized citizens. This great mass of aliens, many of whom will never become American citizens, have unduly increased the representation of certain Northern States in Congress and in the Electoral College. With the greatly increased political power from these States and communities, the aliens who have become voters but not assimilated American citizens, have deteriorated and undermined our ideals as a people to such an extent that we must soon either house clean morally and politically or perish. The aliens in ideals are striving now with all their might for control of both the great political parties. It is they who have contributed most to making a farce of the enforcement of prohibition by the present administration. It is the alien-dominated States that are the wet States. In view of this grave situation, I have voted to restrict the number of aliens seeking to enter our country, but the fight is still on in Congress for the aliens and their political agents and friends in this country have not accepted the restriction.

PROHIBITION ENFORCEMENT

What is said above goes to the heart of prohibition enforcement. It has got to be met with a resolution that the party in power has not shown. It is now the great moral question of the Republic, great as the question of slavery and perhaps as dangerous, for a powerful minority of the people are openly resisting enforcement. With every opportunity I have voted to strengthen the law and to furnish every dollar necessary for enforcement, but I see before the American people a struggle of years, perhaps a generation, before the goal of satisfactory enforcement is reached. This question is closely associated with that of immigration.

BANKING AND PUBLIC CREDIT

If there is not a money trust in this country, it is not the fault of the bankers. The big national banks have made every effort to control the credit system of the country by the establishment of branch banking in every State wherever possible. In the enactment of the McFadden banking bill an effort was made on the part of national banks to put State banks out of business. This purpose was embodied in the amendments which I opposed with my vote. In my judgment, no form of monopoly is more dangerous to the welfare of the people than a monopoly that controls money, the blood of business, and dictates the rate of interest on it.

ARBITRATION IN LABOR DISPUTES

I have supported by vote every effort made in Congress since I became a Member to arbitrate and peacefully adjust differences between employer and employee. The disputes that have most completely crippled the business of the country and afflicted the life of the people are those that have arisen between the railroads and organized labor. What was known as the Howell-Barkley bill was a measure strongly supported by the labor unions for the prompt settlement, mediation, and arbitration of such disputes, but it had much cumbersome

machinery and contained some objectional features. The most important features of this bill were embodied in the present railway labor act which I supported.

PEACE AND INTERNATIONAL ARBITRATION

Although the House is not a part of the treaty-making machinery of the Government it did by an overwhelming vote indorse the proposal to have the United States join the World Court. I know in my vote for that proposal I represented 100 per cent of the people of my district, and I feel that in voting against the jingo expansion of the Navy I am in accord with the great majority of our people, who see in the so-called naval race which our country is inviting a new temptation to war.

PUBLIC BUILDINGS

There are a number of growing and prosperous towns in the district I have the honor to represent that are entitled to public buildings for their post offices and courts, but when and how these towns are ever to get these buildings can not, under the present law, be determined by Congress. Congress has practically surrendered its function of providing for a public building to the Treasury and Post Office Departments and the Budget Bureau. In this matter Congress may propose, but these departments and this bureau dispose. This is one of the most striking encroachments of the executive branch of the Government on the legislative branch.

The erection of public buildings have heretofore been a matter for Congress to plan, locate, and execute, and the Constitution so provides. Even in those days the term "pork barrel" had begun to find place in the vocabulary of the high-brow economists of the great cities, especially when some one or more Representatives from the "sticks" got to Congress to plant a post-office building at a town of 40,000 population in Dixie or in the Mountain or Prairie States of the West. The eastern economists now fling the term "pork barrel" in the face of any Congressman who demands that Congress should recover its old rights of determining the question of the erection of a public building. Consequently I have voted against the public building bills that have come up. I knew that these bills were designed to spend the money in the great centers of population and wherever it would best serve the interests of the party in power. My State would get little and my district nothing, and so far that has been the result.

HELPING THE WORKINGMAN

I have received commendation from Samuel Gompers for "sympathetic and helpful" attitude toward labor. William Green has recently given high commendation of the friendly, conservative helpfulness and the exercise of good judgment in all matters pertaining to the welfare of the people. Believing in the protection of American workingmen against underpaid foreign labor, I have voted for every immigration law now on the statute books.

EDUCATION

The National Educational Association gave highest praise for helpfulness in preparing a teachers' salary bill in the District of Columbia which will be a model for the Nation.

The teachers' association of the District of Columbia adopted strong commendatory resolutions. Other associations have done likewise. The joint conference on retirement representing more than 250,000 Government employees expresses "deep gratitude for high integrity and broad vision in meritorious legislation affecting so many people." Others have testified as to "unfailing, effective advice and excellent judgment in support of legislation for the general welfare."

KEEPING THE FAITH

As a candidate seeking reelection I welcome the opportunity of giving an accounting of my stewardship. When I accepted the Democratic nomination as your representative I stated I would go to Washington as the representative of all the people, not a part or sect or faction, but in the interest of all.

I have tried to keep your faith. My services have been given freely to all alike. It is my greatest desire to be of real service to the public and to merit the confidence and esteem of the good people to whom I am trying my best to give worth-while service. It does not take a Member of Congress long to learn that great ability or superior gifts of eloquence avail but little in making headway as a legislator. It is work and sticking to the job that count.

Attending the numerous social functions, the ball games, playing golf, the placing of pleasure above and ahead of service of the people will not make a Member of Congress useful to his constituents.

Length of service is a most valuable asset for Members. Each additional term adds much to the usefulness of a Member. Some Members are more useful than others—many times more so.

I have had printed and circulated as many speeches as I have been able to pay for. Many people think that a Member of Congress gets his speeches free. Such is not the case. Franking privilege is only a small part of the expense of printing and sending out speeches, and so forth. The franking privilege is sometimes abused and often criticized, but is one of the privileges of the common people. It helps in part to enable the Member with small means to get his views before the people. The wealthy Member and those who receive large contributions do not need the free-mail service. The congressional frank is not so much the property of the Member of Congress as it is those he represents, for it is for them that it is intended to be used.

It is my opinion that Members of Congress should make reports to those whom they serve.

I have accepted nothing whatever from anyone save my salary and wages in any office I have held, not even my traveling expenses to make speeches at schools or on other programs.

I have tried my best to represent all the people as best I could, and especially the farmer, for he is in the worst fix of any class and has been legislated against more than any other class. The Republican Party has through legislation enacted a highly prohibitive protective tariff on necessities the farmer buys. While the farmer is compelled to sell his products in competition with world products, under these conditions the farmer has grown poorer and poorer.

Should the Democrats have a majority in the House next session, I, under the seniority rule, will be chairman of either one of two important committees.

I have opposed all legislation for a big Army and Navy and have favored adequate compensation to ex-service men and their dependents.

I have favored and voted for cheaper fertilizer and aided in keeping the tariff off of potash, thereby saving millions to the farmers.

I have done what I could for cheaper fertilizer at Muscle Shoals and lower the cost of power to consumers.

I have introduced bills to repeal section 15 (a) of the Esch-Cummins Transportation Act, and have advocated the restoration of reasonable freight rates based upon scientific principles.

A FINAL WORD

The record of my votes will show that I have opposed monopoly wherever it has shown its head, that I have opposed the reactionary interests wherever I have discovered their hand in the game of legislation. One of the most notable efforts of the reactionaries was to hamstring the Federal Trade Commission by getting Congress to reduce the appropriations this commission needed to carry on its investigations of dishonest business. The effort failed. I have done what I could to render simple justice to the World War veterans by voting them a bonus over the veto of the President. I voted against the bill to settle the Italian debt owed the United States on the basis of less than 25 cents on the dollar for the reason that Congress had no right to tax the American people to make Italy a present of more than three-fourths of the $2,150,150,000 loaned to that country. I did not vote for or support in any way the settlements with other foreign countries wherein the United States surrendered and gave to other countries many millions of money loaned and justly due us.

I have kept open two offices throughout the years I have been a Member of Congress, one in Washington and one at my home in Asheboro so as to be able to respond promptly to every need and request of my constituents and in serving my district. I have expended much more than the salary paid me by the Government and the allowance for clerk hire in this service of trying to be an efficient Member of Congress. I may say in conclusion that with the growth of the country the duties of a Member of Congress have grown almost beyond measure, but these duties weigh lightly on his shoulders when there is manifested a responsive understanding and appreciation on the part of his people.

MUSCLE SHOALS—CHEAPER FERTILIZERS

Mr. LARSEN. Mr. Speaker and Members of the House, the national defense act of 1926 provided for the development of power at Muscle Shoals to be used for the cheap manufacture of fertilizer in times of peace and of nitrates for defense of the Nation in times of war. Especially since 1920 the farm situation has been such as to require aid in this respect. Upon my advent in Congress I aligned myself with that aggressive minority membership which has sought to aid oppressed agriculture. The question of cheaper fertilizer has been one of the most important subjects considered in recent years, and numerous plans and theories have been advanced for such production. Each year since the close of the World War the farmers throughout the country have asked that legislation be enacted

whereby the facilities at Muscle Shoals could be used for the manufacture of fertilizers. During most of this time prices have been high and this year they are almost prohibitive. The farmers who have suffered constantly for several years have hoped that with cheaper fertilizers they would be able to realize a greater profit—sufficient profit to insure, at least, a comfortable living. Each year the question has come before Congress and every method of disposition yet suggested has met with opposition.

Many farmers throughout the country thought that considerable benefit might be derived by leasing the Muscle Shoals plant to Henry Ford for the manufacture of fertilizer, but a sufficient number of Members protested at each session to prevent favorable action thereon. As a rule, those who protested then are still protesting. Yet they never make a suggestion as to what should be done. The Government still has the property on its hands and it is a very difficult problem to decide what disposition should be made of it in order that justice may be done to both Government and taxpayer. When the bill was before the House a few days ago many of the great fertilizer trusts were more active than ever. More propaganda was received at my office during the time this bill was up for consideration than has ever been received on any one subject before. Every Representative was deluged with telegrams, letters, and callers, asking that he oppose the bill. Most of them stated it would be detrimental to set such a precedent by having the Government enter into business. They seem to forget that the Government owns and operates a merchant marine, the Panama Canal, a railroad in the Panama Canal Zone, and one in Alaska, and that it operates our entire postal system, saving the people of this Nation billions of dollars which would be charged them if these necessary institutions were operated exclusively by private parties or great corporations.

As a rule I do not favor ownership and operation of business enterprises by the Government, but in a case where the Government owns such property as Muscle Shoals, and its operation will aid a great mass of its citizens and prevent a few corporations from taking advantage and oppressing them, I see no objection to Government operation.

The farmer as usual has not been active, but fertilizer and power corporations have been unusually busy. They have worked fast and have been, at least temporarily, successful. Provision for the manufacture of fertilizer was stricken out, but provision for the manufacture of nitrates was included therein. Why? Because the fertilizer people needed nitrates to use in the manufacture of fertilizers and they immediately saw an opportunity to reap benefit for themselves. They would get nitrates at a very low figure and make all the more profit on their fertilizers, but the poor farmer would gain nothing.

At the present time the Government is manufacturing power at Muscle Shoals, selling it to the Alabama Power Co., and that company is in turn selling it to the public for ten times more than they pay for it. Is there any reason why the Alabama Power Co. should reap all this profit? But the cry continues—the Government must not get into business. As before stated, I do not favor the Government entering all kinds of business, but, inasmuch as we have this property and it cost the Government about $68,000,000, it occurs to me that this plan for using it is a very good one, and I have been anxious to have it adopted. But it has not yet been done, and the Fertilizer Trust, with its lawyers, lobbyists, and money, has won another victory because there were not enough of us who really had the interest of the farmer at heart to save him, however much we desired to do so.

My desire to aid the farmer in securing cheaper fertilizer, particularly kindled upon my election to Congress, has grown steadily during my years of service. In 1921, when increased revenue of about $12,500,000 per annum was sought to be raised by a tariff on potash, I was the first Member of Congress to protest against it. I knew how necessary potash was to our southern farmers and how such tariff would oppress them. The opposition of myself and others was sufficient in this instance to prevent the tariff and to save the farmers many millions of dollars. We killed the tariff on potash then, and this question has not been revived since.

During the early part of the present session of Congress I received requests from constituents asking that my efforts be used to ascertain why the price of fertilizer had advanced so greatly in the past year and if such advance was justified. In accordance with requests, I introduced a resolution in the House asking that the Federal Trade Commission investigate the facts relating to alleged corporate violations of the antitrust laws in respect of operations of fertilizer and the effect of any such antitrust law violations upon demand and supply, prices and profits, and methods and practices of distribution and marketing in interstate and foreign commerce of fertilizer, and to report to the House the results of its investigation. The Federal Trade Commission is authorized to make such investigations, and the work could have been done by the regular functioning of that body. If there were any irregularities they would have shown up, and if not no harm would have been done.

I also introduced a resolution asking the Attorney General of the United States to furnish to the House of Representatives such information as he had regarding corporate violations of the antitrust law occurring within the past five years, as evidenced by penalties imposed by the department or by the courts, within knowledge of the department, in respect of operations in fertilizer heretofore investigated by the department or the courts, and the results of such investigations. The information requested from the Attorney General was voluntarily furnished the House Judiciary Committee, but the resolution asking for investigation by the Federal Trade Commission was never passed upon on account of my physical inability to gather information and press hearing before the committee.

In January, within a few days subsequent to introduction of the resolution, I was ordered to bed by physicians and remained there until April. Within three days after getting out of bed, and before my return to the House, it was necessary to go to Georgia on account of the illness and death of my wife. Since my return to Washington I have been under daily care of physicians and only permitted within the last few days to return to the House. I have participated in no debates, have voted but few times, have made no speeches, and this is my only extension of remarks. During my illness and confinement to bed one man residing in the district which I have the honor to represent has been somewhat insulting to me. He seems to speak for himself and a few others around him, all of whom appear to be associated with one of the largest fertilizer concerns in the country. He has persistently written to me, though I have told him of my physical condition and the objections of my physician to my being annoyed with business or other matters. I am now threatened with opposition which I am quite sure emanates from this group on account of my position on the fertilizer question. My physical condition at this time is such that I shall not be able to actively engage in a campaign for several weeks at least. In fact, I will not be permitted to even remain in Georgia until the latter part of the campaign. They undoubtedly know this to be true. But, regardless of what opposition may be offered me, I shall stand true to my convictions. No fertilizer corporations or their subsidiary interests will ever dictate any legislative policy to me which I deem detrimental to the interest of the masses.

"A CLEAN BALLOT, CLEAN ELECTIONS, AND HONEST GOVERNMENT ARE THE BULWARK OF OUR LIBERTIES"

Mr. KENT. Mr. Speaker, Pennsylvania has a great historic background. Within its borders the Constitution of the United States and the Declaration of Independence were signed. Valley Forge, Brandywine, Germantown, and Gettysburg lend luster to her great name. She is great industrially, economically, and financially. But her political system is a byword among the people of the earth. Her system of taxation, the outgrowth of that system, rests most heavily in proportion upon her women and the helpless poor.

To-day, she is represented in the United States Senate by only one Senator, because of a condition, the exposure of which shocked the Nation. Groups of wealthy people contributed sums, the extent of which will never be known, in order to purchase the governorship, a United States senatorship, a legislature, and a representation in Congress. Six millions of dollars have already been traced into the pockets of corrupt politicians who, in the primary and general elections of 1926, attempted to control the legislative and executive functions which I have just mentioned. Most of this information was derived when the politicians began telling on each other before the Senate investigating committee and otherwise.

In 1924, in my own congressional district, over $75,000 was spent by Republican politicians to purchase a seat in Congress. I was deprived of the right to contest the corrupt but successful attempt to purchase this seat and count me out at certain of the polls, because, first the House elected then was partisan and the majority antagonistic, and second, because the supreme court of my State, in the Bailey-Walters election contest, failed to decide in time the right of Pennsylvania courts to review the ballot count and recount the votes in an election contest. We now have forced through the legislature an act which gives some relief and under which we can open the boxes. In 1926 over $63,000 was spent in my district by the same people to purchase this seat. Only the vigilance of my friends saved me from being counted out.

Why this activity in purchasing elections? Why do the so-called Republicans purchase a branch of the Democratic Party in Philadelphia and Pittsburgh? Why must these interests control the legislature and Congress? The answer is—because they must perpetuate their iniquitous system in order to control the taxing power of the State and Nation that the burden of taxation may rest upon those helpless poor people who make up the mass of our population.

The House will provide for a committee to investigate expenditures in congressional elections. I am profoundly grateful, as it will now give us an avenue through which we can proceed to find the names of the persons who desire to place tools and puppets in Congress who, instead of representing their people fearlessly, will take orders from their masters over a telephone.

I want to sound my word of warning to those big business men who continue to contribute to political campaigns. Their money is going into corrupt channels. People have somehow concluded that money is buying elections. It is bad for such an idea to prevail. Most of the real money of the land is in the bank accounts of the common people. These same people have the votes. So, with the money and the votes, some day a generation may arise in its might and assert a dangerously assumed power not now contemplated which will bring disastrous results.

The safety of our churches, our banks, schools, business houses, and all our beloved institutions rests in the sanctity of the ballot. Destroy public confidence in the purity of the ballot box and chaos will follow. Our institutions will fall and our Nation will be destroyed.

Therefore our men of wealth should tread cautiously in this matter. Their safety and that of their wealth rests with clean elections. Let the idea and ideal be persisted in as heretofore, that the poorest boy from the poorest home, from the poorest hillside in our land has equal opportunity with the wealthy boy. Let elections be the free expressions of public opinion, the crystallization of the sentiments of the people. If the present system continues, there will be holideys and field days for the millionaires of the land.

In the next session of this Congress I will introduce certain bills which, if enacted into law, will prevent debauchery of elections and the electorate. During the coming campaign I will have had opportunity to further study corrupt methods in politics and will base the proposed legislation upon that study.

SPEECH DELIVERED BY MR. MENGES, MEMORIAL DAY, MAY 27, 1928, ON THE UNITED STATES SHIP "PORPOISE"

Mr. MENGES. Mr. Speaker, under the general leave to print I insert the following speech delivered by me at the Memorial Day exercises on the U. S. S. *Porpoise*, May 27, 1928:

Ladies and gentlemen, veterans of the Civil and Spanish-American and World Wars, I regard this high honor to be asked to address you this morning at this peculiarly fitting ceremony of decorating the bosom of the Potomac River in commemoration of the services of those who died on sea or land in defense of the country and that this country might attain a higher standard of human freedom. In the words of Lincoln, we can not dedicate, we can not consecrate, we can not hallow their deeds. It is for us, the living, rather to be dedicated to the unfinished work which they who fought on sea and land so nobly advanced that this Nation under God shall have a new birth of freedom.

The new birth of freedom to which Mr. Lincoln referred is a freedom which will not endure slavery within its domain. It required 170 years of colonial life and experience before the Colonies were willing to unite to establish a freedom in which was retained the enslavement of a part of the human race. However inconsistent this action may have appeared to many of those who at that time saw this evil and likely knew what it would eventually lead to were obliged to acquiesce in its maintenance or not have united Colonies. When, however, the fullness of time had come, by some spontaneous action the minds of all the Colonies were driving toward the goal for the establishment of this freedom, and with one accord the Englishman, the Hollanders, the German from the Rhinish Provinces, the French Huguenot, the Scotchman, the Scandinavian, the Cavalier felt the impulse which swept them all into united action at Lexington, Concord, and Bunker Hill.

No nationality had a monopoly of advancing this freedom, because all of the colonists came here for the same purpose, namely, for the establishment of civil and religious freedom, each nationality in its own way, inspired by its hereditary ideas, worked out its notions of this freedom until it culminated in the adoption of the Declaration of Independence and in the welding together of the Colonies—though somewhat loosely—by the Articles of Confederation.

During seven long years on land and on sea autocracy and democracy were in a death grip for supremacy. Democracy, at enormous sacrifices to foes from without and enemies and traitors from within, and by providential interposition and the superior generalship of Washington, that king of men and greatest character in history, who, when all things seemed to fail, was calm and undismayed, and in his own personality made up for the inefficiency of Congress, the indifference of the States, the discontent of the people, compelled autocracy to surrender to democracy at Yorktown on October 19, 1781.

I shall confine my remarks to a résumé of the activities of our Navy. At this time the continental Navy and the navies of the various States—for each State virtually established and maintained its own navy—were well-nigh completely wiped off the ocean, and had it not been that De Grasse with the French fleet was master of Chesapeake Bay and prevented a junction of the British fleet with Cornwallis, autocracy would have been victorious at Yorktown and the struggle would have had to continue.

Though well nigh wiped off the ocean and likely at best quite inefficient the Continental and State navies served an invaluable purpose in the attainment of freedom. It was through these navies that the States were able to keep up connection with Europe and thus through our representatives plead our cause with European nations and peoples for recognition of our rights. They also interrupted and captured supplies of all kinds sent from England for the support of the British Army and diverted them to the use of the colonists. But these navies Federal and State did not only enable the Congress to maintain communication with Europe and intercept supplies immensely valuable to the Americans but it developed a number of the most intrepid sea fighters that ever existed, such as John Paul Jones, Thomas Truxton, David Porter, Isaac Hull, Edward Preble, Richard Dale, Stephen Decatur, Commodore Bainbridge, Oliver Hazard Perry, Thomas Macdonough, and many others. After the signing of the treaty of peace with the burden of the war debt and the jealousies between the Colonies, the fear that some one or more of the Colonies might attain a naval prestige that others would not measure up to, it was felt that the navies were a menace to a free country and an inhibition to the permanent union of the States and therefore within two years, in 1785, the United States had no navy at all.

In such questions facts are far more impressive than theories. The States adopted the Constitution—the Congress became more efficient—the people elected Washington the President, and a Nation came into existence. The jealousies which existed between the States were now transferred to the nations of Europe and our recent ally, France, became the first offender against our newly formed Nation. England and France were fighting each other and the war vessels of each country took and plundered American merchant ships without a word of excuse. In fact French cruisers regarded American merchant ships as lawful plunder and French privateers had the impudence to make captures in American harbors. The American people were soon up in arms against this kind of treatment and in 1797 three frigates were launched. The *United States* of 44 guns, the *Constellation* of 36 guns, and the *Constitution* of 44 guns. The *Constellation* was put in command of Thomas Truxton, a bluff old sea dog and a born fighter of Revolutionary days, who started prowling the seas looking for the biggest game of the French Navy.

February 9, 1799, the lookout sighted the French frigate *Insurgente* in the vicinity of the Leeward Islands. Truxton put about a chase and soon engaged her in a stand-up fight. In an hour the battle was over, and after the surrender of the *Insurgente* Lieutenant Rodgers and Midshipman David Porter, the famous captain of the *Essex* in the War of 1812, with a squad of 11 men brought her into the harbor of St. Kitts. February 1, 1800, the ever active Truxton was again in the neighborhood of the Leeward Islands, a large sail was reported, and immediately he gave chase, but on account of the calm did not catch up with the French frigate until 8 o'clock in the evening of the following day. The French frigate without hailing or being hailed opened fire on the *Constitution*. The battle raged from 8 o'clock until 1 in the morning, when the French frigate, a thoroughly beaten ship, ceased firing and began running away as fast as she could. These two victories were the only frigate actions of the war. At this time Napoleon had become the real ruler of France, and being at war with England he did not want to be at war with America, and therefore he opened negotiations for a treaty of peace and hostilities ended. This war, short as it was, cleaned out the French privateers in the West Indies, made the commerce of the United States safe in those waters, enormously increased our export trade, made the newborn Navy popular, and disabused the minds of the people of the idea that a man-of-war was a ready tool for tyranny. We may well decorate.

From the adoption of the Constitution on September 13, 1787, the true birthday of the Republic, down to 1816, the Barbary States—Morocco, Algiers, Tunis, and Tripoli—stretching along the southern shore of the Mediterranean for a distance of approximately 1,800 miles, were capturing American merchantmen, enslaving their crews, securing ransoms and tribute amounting to millions of dollars, and when their demands were complied with they continued their nefarious operations during more than a quarter of a century.

In 1815, under Decatur, a powerful fleet was sent into the Mediterranean and appeared before Algiers. Decatur in his report to the Navy Department says at the mouth of the cannon he dictated a peace which abolished tribute in any form forever, released all Americans,

and forced compensation for and restoration of all American property seized or in the Dey's hands. The admiral then visited Tunis and Tripoli, imposed similar demands, as well as forced the instant payments of indemnities for British prizes captured by American privateers taken into the ports of these countries, and at their connivance were seized later by the British. This action stiffened the backbone of all European nations. Brenton, the English historian, says: "Think of it, that England should tolerate what America has resented and punished." The Frenchman Dupuy, in his History of our Barbary Wars, says: "The statesmen of America, breaking loose from this unworthy yielding of Europe to the Barbary States, had in hardly 30 years broken the abominable tradition which the Christian powers had shamefully respected for ages. We may well decorate."

During the time we were fighting the Barbary States and eventually subdued them our commerce was suffering many times more from the depredations of France, as we have already indicated, and of England, as we shall see. Napoleon dominated Europe by land and England by sea; there was almost universal war on the Continent, which made neutral America the great carrier. Our trade increased by leaps and bounds and made us the object of the hatred and envy of the tradesmen of all lands, but more especially of England. She needed men and she did not hesitate to impress our seamen and take them from our merchantmen to man British merchantmen, until approximately 11,000 were taken in this way before war was declared in 1812.

Thomas Jefferson was President of the United States from 1801 to 1809, during the time when our commerce was between the upper and the nether millstone of England and French oppression. To make matters worse, the President and his Congress laid an embargo on our trade to spite England and France, or, in other words, they would not allow an American ship to leave our ports. It seemed that one of the things that Congress and the President did not comprehend was that man is instinctively a trader and that trade is the real civilizer and missioner.

In the War of 1812 there are three outstanding naval victories—that of the *Constitution* over the *Guerriere*, the Battle of Lake Erie, and the Battle of Lake Champlain. Capt. Isaac Hull, to whose undaunted courage we have previously referred, on August 19, 1812, some 400 miles southeast of Halifax, with his frigate the *Constitution*, met the British frigate the *Guerriere*. The battle began a little after 6 o'clock in the evening and before 7 the English frigate was dismasted and in a sinking condition, while the *Constitution* was practically uninjured and in a few hours was ready for action. The English crew was taken off the *Guerriere*, the ship was set afire, and in a quarter of an hour she blew up. The defeat, capture, and destruction of the *Guerriere* was a second shot heard around the world, it was a second declaration of independence, it rejuvenated the dormant spirit of 1776, it delivered a death blow to threatened secession and renewed the spirit of nationality. Previous to and more particularly during the Jeffersonian period we had basely submitted to any kind of insult; we were called spaniels and curs in the British press, hence the impression was fixed in the British and French minds that as long as our merchant ships might sail the seas at all we would submit to any humiliation. Thank God for Hull's victory; we may well decorate. We were obliged to pass over the activities of the American Navy on the ocean and take up the naval actions on the Great Lakes. Oliver Hazard Perry, reared in the naval school of Edward Preble at Tripoli, reached Erie March 17, 1813, and took charge of the construction of the warships then going on at this place, and in five months he had his little fleet, composed of the brigs *Lawrence* and *Niagara*, of 20 guns each, and eight schooners, one of 3 guns, six of 2 guns each, and one of 1 gun. On September 10 he met the British commodore, Barclay, with the brigs *Detroit*, of 19 guns, the *Charlotte*, of 17 guns, the *Lady Prevost*, a schooner of 13 guns, and three small craft of 10, 3, and 1 gun each. The battle began at 11.45 in the morning, and at 3 in the afternoon the British flag was struck. How Perry fought, the story of his ship the *Lawrence*, unsupported by the *Niagara*, until the *Lawrence* was a wreck, how he boarded the *Niagara*, took personal command, and carried her to victory with the limited resources at his command, is an action of courage unsurpassed in the annals of the sea fights of the ages.

The inspiring effects throughout the country were equal to those following the victory of the *Constitution*. But the concrete results of this victory were more far-reaching than any victory hitherto won. Detroit and Michigan were evacuated by the British and occupied by the Americans and to this victory and the success of Chauncey on Lake Ontario are due the preservation of our northwestern frontier in the treaty of Ghent. We may well decorate.

One other battle on the Lakes, because of its far-reaching consequences, must be referred to—that of Lake Champlain. A map of this region will show that beginning with the Richelieu River at the north and Lake George and the Hudson River on the south there is a well-nigh continuous waterway between New York and Montreal. The British recognized this, and as during the Revolutionary War, so again in the War of 1812 they endeavored to get control of this area and attain easy access to New York from their northern possessions. On account of the sympathetic attitude of the New England States adjoining this waterway, the English with little difficulty maintained control of it down to and including Lake Champlain. Master Commander Thomas Macdonough, who was with Decatur when he burned the *Philadelphia* during the war with Tripoli was put in charge of naval affairs on Lake Champlain. While Macdonough was constructing the vessels with which to meet the British they came down the lake and attacked him. He landed his guns and made such a strong battery of them that he drove the British back and after this was able to finish his vessels unmolested. On the morning of September 11, 1814, when all was in readiness Macdonough, being as devout as he was brave, mustered the crew of the *Saratoga* for prayer.

Macdonough had anchored under Cumberland Head in a line northeast and southwest with the *Eagle*, *Saratoga*, *Ticonderoga*, and *Preble*, in line with his gunboats to the west of these ships, so close to the shore that flank movements were about impossible. The British Captain Downie, after rounding Cumberland Head with his ships, was almost head-on to Macdonough's line. The action began, and within 15 minutes Captain Downie was killed and in 2 hours and 20 minutes the *Confidence*, the flagship of Captain Downie, hauled down her colors and surrendered. Macdonough, in his report to the Secretary of the Navy, says:

"The Almighty has been pleased to grant us a signal victory on Lake Champlain with the capture of one frigate, one brig, and two sloops of war of the enemy."

The immediate effect of this victory was the retreat of Sir George Prevost, Governor General of Canada, with an army of 12,000 men without firing a shot into Canada; and the permanent establishment of the territorial domain of the United States just as it was previous to the war of 1812. We may well decorate.

Our next naval action was in the war with Mexico, declared May 12, 1846. This was almost wholly a military war, with the exception of the occupancy and blockading of the Mexican ports and an occasional encounter with the Mexicans on shore. This war secured for us California and the fact that our naval vessels were on the coast of California before the British, whatever the intention of the British may have been, our presence there made possession doubly secure.

At the beginning of this address I said that the Colonies were obliged to acquiesce in the maintenance of slavery or not have a United States. In 1861 slavery had attained such an ascendency that it demanded the disruption of the Union to maintain its existence. Free and slave labor could not exist under the same government. As long as slave labor competed with free labor, free labor was enslaved. The overthrow of secessionism and slavery gave this Nation the new birth of freedom to which Mr. Lincoln referred in his immortal address, and to obtain this freedom the Navy played an unequaled rôle. With England devoting her sympathy, her finances, her shipbuilding capacity as well as other agencies to the South it became obviously necessary to blockade every port and the Mississippi River. The magnitude of this work is evidenced by the fact that there are 186 harbors and river openings in the Confederate coast line between Alexandria, Va., and Matamoros, 40 miles up the Rio Grande River. By December, 1864, we had 559 steam vessels in the blockading service carrying 3,760 guns and 51,000 men. The blockade became one of such rigor that of the 84 steamers, largely built in England, running between Nassau and the confederate ports, 37 were captured and 24 wrecked or otherwise destroyed, and the region west of the Mississippi was entirely cut off from the South.

This naval activity, though not as dramatic as the Battles of Gettysburg and the Wilderness, deprived the Confederacy of food, clothing, arms, ammunition, and medical supplies; compelled the surrender of General Lee; made the Union one and inseparable, and forever crushed slavery to the earth, from which she will never rise.

The Spanish-American War was largely a naval war. It compelled us to construct the Panama Canal and will compel us to more securely fortify and direct the operations of that canal. It secured for us a new place among the world powers. It drew together the North and South, and such generals as Fitzhugh Lee and Joseph Wheeler, who fought in the Confederate Army, now commanded volunteers under the Stars and Stripes. Porto Rico and Guam became possessions of the United States. The Hawaiian Islands were annexed, Cuba was made a protectorate, and the Philippines were purchased. Through the activities of our Navy American democracy has made its influence felt in every land of the globe and has implanted the ideas of the new birth of freedom into the breasts of all nations.

LEGISLATION IN CONGRESS OF INTEREST TO THE FIFTH CONGRESSIONAL DISTRICT OF KENTUCKY

Mr. THATCHER. Mr. Speaker, under the leave granted to extend my remarks I take the liberty of making this general statement concerning certain legislative enactments and appropriations made at this the first session of the Seventieth Congress which affect my own, the fifth, district of Kentucky, the State of Kentucky, and the general region in which I live. I believe that such statement will be of interest not only to my own constituents but to the people generally of my section of the country. I shall also include in this statement some reference to certain other legislative matters which are of more than local import.

ZACHARY TAYLOR NATIONAL CEMETERY

At a former session I introduced and secured enactment of the measure creating the Zachary Taylor National Cemetery in Jefferson County, Ky., near Louisville, within my congressional district, and an appropriation of $10,000 for the construction of the mausoleum in which have been placed the remains of our 12th President, Zachary Taylor—"Old Rough and Ready"—and those of his beloved wife. President Taylor and Mrs. Taylor found their last resting place in the old Taylor burial grounds in Jefferson County.

The mausoleum, constructed under authority of this act, is a handsome one, and fitting and appropriate for the required purpose.

The State of Kentucky thereupon appropriated $20,000 and purchased 15 acres of contiguous and very valuable land, and donated same to the Federal Government; and this acreage, together with about 2 acres theretofore owned by the State of Kentucky, and comprising these burial grounds, was all conveyed to the United States Government for the purpose of this Zachary Taylor National Cemetery. At a former session, Congress appropriated about $16,200 for the building of a keeper's lodge, and outbuildings, on this cemeterial tract; and at a recent session Congress made an additional appropriation of $24,215 to cover the cost of constructing an adequate stone wall or iron fence around the entire 17 acres involved, and to make the other needed improvements.

In addition, the fiscal court of Jefferson County is building a handsome carriageway through this national cemetery from the Brownsboro Road, the adjacent highway, a distance of several hundred yards, to the Taylor burial grounds, where the mausoleum is located, and where, also, there is located a handsome monument erected to General Taylor by the State of Kentucky some years ago. The cost of this roadway will be $10,000 or more.

Hence the State of Kentucky, the county of Jefferson, and the United States Government have all joined together in this highly praiseworthy work in the establishment of this national cemetery and in doing honor to the popular hero of the Mexican War and one of America's sturdiest and most patriotic sons.

The land constituting this national cemetery is beautiful bluegrass land. It is located about 4 miles from the city limits of Louisville and not far from the Ohio River. It is a part of the old farm or homestead purchased by Col. Richard Taylor, the father of Zachary Taylor, from James Madison, the fourth President of the United States, and his niece, Dorothy Madison, in the early days of the Republic.

When this roadway is built and the entire tract is inclosed by suitable wall or fence, and the proper planting of trees and shrubbery shall be made, the whole will constitute not only a beauty spot, but, as well, a sacred and patriotic shrine of the greatest inspirational value.

In addition is the consideration that a substantial portion of this tract will be available for burials of our soldier dead in the years to come. The present Cave Hill National Cemetery in Louisville, where thousands of those who participated in the Civil, Spanish-American, and other conflicts of the Nation are buried, will soon be exhausted as to burial space, and it is very fortunate that in the Zachary Taylor National Cemetery provision will be made for the sacred needs of this character through many years of the future.

UNITED STATES COAST GUARD STATION

At the recent session Congress appropriated the sum of $35,000 for the construction of a new and adequate Coast Guard station in the Ohio River at Louisville, Ky.

The present Coast Guard station there is more than a generation in age and, being of timber construction, has been in use so long that it is now in such poor condition that a new station is greatly needed. The indicated appropriation is available on the 1st of July, 1928.

The new station will have steel hull and modern superstructure, with an adequate tower searchlight. The new station, like the old one, will be of the floating type, with general anchorage on the wharf between Second and Fifth Streets in Louisville. This Coast Guard station is, I believe, the only one on a river in the United States.

The falls of the Ohio River have always constituted a great danger zone and for this reason, years ago, the Louisville Coast Guard Station was established, and has since been maintained. Throughout its history it has been manned by high-class, sturdy, courageous, efficient men; and all told, they have saved numberless lives from drowning at this point, and rescued boats, barges, and floating craft of a very large aggregate value. Recently there was constructed across the Ohio River Falls at Louisville a new navigation-power dam raising the pool level above the dam over 6 feet. This new dam is a mile and a half or more in length—this unusual length being necessary for power purposes—and as a result the river hazards in this general area have been greatly increased.

The present Coast Guard crew at Louisville, headed by Capt. Walter T. Farrell, are in every way maintaining the splendid service and traditions of the Coast Guard. They are performing a greatly humanitarian work in the most effective way. The new station will enable Captain Farrell and his associates to render even greater service in the future than in the past, because the type of the new station will make for greater efficiency.

Admiral F. C. Billard, the highly efficient commandant of the Coast Guard Service, recently visited Louisville in order to make a personal investigation of the situation there as regards the Coast Guard work, and for the purpose of determining the type and location required for the new station.

PROPOSED GEORGE ROGERS CLARK MEMORIAL LIGHTHOUSE

In this general connection I may suggest that I have pending in Congress a bill authorizing the appropriation of $150,000 for the construction of a George Rogers Clark memorial lighthouse at or near the head of the Louisville and Portland Canal and the falls of the Ohio River, and this bill has gone over until next session for consideration.

The purpose of the measure is to authorize the construction of a memorial of adequate character to commemorate the great work of General Clark in his conquest of the northwest territory, and in saving to the Union Kentucky and other States to the southward, during the Revolutionary period. General Clark made his headquarters and rendezvous on Corn Island near the head of the Ohio River Falls—now within the Louisville area. From this location and from the blockhouse or fort he built there, he sallied forth to enter upon his illustrious expeditions into the wild regions to the northward, with the result that he destroyed the British and Indian power in that region and won the whole of it for his country, and as well saved for the Nation the entire Kentucky region.

No other place is entitled to higher consideration as a spot for the memorialization of the great deeds of this "Washington of the West."

Should this bill become a law, it is expected that a tower of masonry will be constructed on the indicated site to be surmounted by a heroic figure of General Clark, with hand or sword uplifted and pointing toward the Northwest Territory which he conquered; such sword or outstretched arm or hand to bear at nighttime a flashing light which will be of real service to navigation at this point of danger. The Ohio River here is more than a mile wide, and throughout the year—especially at the flood and ice stages—the navigation dangers are very grave. The currents are hidden and treacherous, and small boats are constantly being rescued, together with their occupants, by the Coast Guard crew from destruction.

The suggested memorial would serve the splendid purpose of commemorating the life and deeds of a great hero and at the same time, with enhancement of the artistic value of the memorial, a practical need as well.

The fact that Congress at the recent session made an appropriation for construction of a George Rogers Clark memorial at Vincennes, Ind., should not militate against the lighthouse memorial. There is no reason why both spots should not be memorialized.

The site of Clark's military headquarters at Louisville has equaled if not exceeded for commemoration any other place rendered historic by exploits of General Clark. Aside from the question of memorial, the light referred to is greatly needed at Louisville, and this will be doubly true when next year the completion of the all-year, 9-foot navigable channel of the Ohio River from Pittsburgh to Cairo will heavily increase navigation on the Ohio River, which traverses the greatest industrial region in the world.

AMERICAN PRINTING HOUSE FOR THE BLIND

During the second session of the Sixty-ninth Congress I introduced and secured the passage of an act authorizing an increase of the annual appropriation for the American Printing House for the Blind, located at Louisville, Ky., from $50,000 to $75,000; and during the recent session I aided in securing the appropriation of $25,000 additional to the $50,000 appropriated for the fiscal year ended June 30, 1928, and also appropriation for the full $75,000 for the fiscal year beginning July 1, 1928.

This institution operates under the corporate charter granted by the State of Kentucky. It prints the books and makes the apparatus for the blind schools of all the States, the District of Columbia, and the Territories. Kentucky was the pioneer in the work of printing for the blind, and in this way the institution was originally organized by the State of Kentucky for the State's benefit. Its work attracted the notice of

all the other States, with the result that some years after it was established—nearly two generations ago—Congress authorized a small annual appropriation to be used in the printing of books and making of apparatus for the blind for distribution to the various schools for the blind throughout the States and Territories upon the blind-pupil basis.

The State of Kentucky has donated a very valuable site and buildings for the work of this institution, but does not receive one penny's worth of advantage over any other of the States or Territories by reason of such donation. Kentucky shares in the publications and productions of the American Printing House of the Blind exactly on the same basis as do all the other States and Territories. This institution has come to be the best and most important printing house for the blind in the entire world; and chiefly through the books published here the blind children of the country at large have had opened up for them the paths and highways of knowledge which theretofore were absolutely sealed.

The work involved is a great one, and no appropriation made by Congress is devoted to a more beneficent service.

APPROPRIATIONS FOR FLOOD RELIEF

During the recent session I cooperated with other Kentucky Members of the House and Senate in the work of securing appropriation of nearly $2,000,000 for the benefit of the sections of Kentucky—eastern and western—which were so cruelly ravaged by the floods of May, 1927. In these floods 99 lives were lost, a greater number than were destroyed in all the Mississippi Valley flood of 1927. In addition, nearly $60,000,000 worth of property was destroyed in these floods. My own district will receive no share of this appropriation because it did not suffer the flood ravages suffered by the other sections of the State which will receive these funds for the rebuilding of roads and bridges destroyed by these floods.

VETERANS' BUREAU HOSPITAL FOR KENTUCKY

Referring to the item of $1,000,000 carried in the recently enacted Veterans' Bureau hospital construction bill, for the construction of a neuropsychiatric hospital in Kentucky for World War veterans, I have been very glad, at the instance of the American Legion, to lead the effort for this highly meritorious project. The Director of the Veterans' Bureau will now make a survey of the neuropsychiatric needs in the Kentucky region for the purpose of determining the location of this new hospital, and a site will be chosen upon his recommendation, with the President's approval. The initial appropriation, made at this session, of $7,000,000, under the recently enacted $15,000,000 authorization bill for this and other new hospitals and hospital facilities in the country at large will be sufficient to cover the expenditures for the full first year's program under the bill.

NEW BRIDGE AT LOUISVILLE

Another piece of legislation of interest to the people of my section enacted at this session was the measure which I had the honor to introduce and sponsor authorizing the construction—at an estimated cost of $5,000,000—and operation by the city of Louisville of a new highway bridge across the Ohio River between Louisville and Jeffersonville, Ind. The tolls to arise from the operation of the bridge have been pledged as security, and the funds for the bridge's construction have been borrowed by the city of Louisville, and the contracts for the various features of construction are now being let. This bridge will greatly augment the progress and prosperity of Louisville and her sister cities at the Ohio River Falls and will prove of the highest value as an adequate link in highway travel north and south through this region of the country. Ultimately, when paid for, the bridge will become toll free except to the extent that tolls may be required for maintenance and operation purposes. I have heretofore made a more detailed explanation of this project and same is to be found in the CONGRESSIONAL RECORD of an earlier date.

NEW FEDERAL BUILDING

A matter in which the people of my district have been particularly interested—especially those residing in the city of Louisville—has been the securing of authorization and appropriations for the purchase of a new site and the construction of a new Federal building at Louisville.

The present Federal building site is at the northeast corner of Fourth and Chestnut Street, Louisville, and is a very valuable piece of real estate, being in the very heart of the retail district of the city. It is built along old-fashioned lines; it contains a great deal of waste space; and has come to be altogether inadequate to house all of the Federal activities at Louisville.

Because of the great value of the present site it can be sold at a high figure, and the proceeds of sale should equal, or nearly equal, the cost of a new building and site, since a new site can be purchased at a much lower figure than the value of the present site. Moreover, the construction of a new Federal building will permit the inclusion therein of space and quarters sufficient to house all of the Federal activities in Louisville, including the Federal courts, the post office, and offices of internal revenue collector for Kentucky.

At a former session of Congress I introduced a separate bill authorizing the sale of the present building and site, and the purchase of a new site and the construction thereon of a new and adequate Federal building. At the same session, and after this bill was introduced, the Public Buildings and Grounds Committee of the House formulated and introduced a bill providing for a general building program throughout the country. This measure did not relate to any particular projects, but proposed a departure and a new system upon the subject of public buildings. I supported the bill because I believed it would permit a public-building program which had been lying dead for many years, to be revived. The enactment of that measure rendered unnecessary the enactment of the separate bill as regards the new Federal building for Louisville, and it prescribes the procedure which I have since followed in working for the Louisville project.

At the last session of the Sixty-ninth Congress I secured the inclusion, in the public buildings appropriation bill prepared under the authority of the general public building bill just referred to, of an authorization for the sale of the present Federal building and site at Louisville and the purchase of a new site and the construction thereon of a new Federal building, and this appropriation bill passed the House with the Louisville item included, but failed to pass in the Senate because of the filibuster in that body on other matters occurring at the close of that session.

This made it necessary to take up the matter anew at the recent session—that is to say, at the first session of the Seventieth Congress. This I was very glad to do; and in the regular Treasury-Post Office appropriation bill passed at the recent session there was included therein a new authorization for the sale of the old building and site and the purchase of a new site, and the construction of a new building, at an estimated cost of $2,800,000. The language in this appropriation bill authorized the sale of the present building and site at a price of not less than $2,500,000, but the purchase of a new site and the construction of a new building are not dependent upon the sale of the old building and site. In this appropriation act there was appropriated the sum of $700,000 to cover the cost of purchase of a new site, with something remaining for starting the new construction. This appropriation measure passed both Houses and was signed by the President and became a law. The $700,000 appropriated thereunder for the Louisville project immediately became available.

The Treasury and Post Office officials authorized by law to handle such matters immediately made surveys of the Louisville situation for the purpose of selecting a new site, and they are engaged in the making of such surveys. I have urged—and these officials have given every assurance—that every effort shall be made to expedite the selection and acquisition of a site and the construction of the new Federal building.

The United States Government is spending at Louisville large sums of money for rentals because the present Federal building is altogether inadequate to house some of the more important of the Federal activities in this city. These rentals, in net cost to the Government, are amounting to $50,000 a year or more, and they will be saved if and when an adequate new Federal building is provided.

It will require between two or three years to construct the new building and to render it fit for occupancy after the site is acquired.

The new Federal building for Louisville of the indicated character is costing, together with site, nearly three millions of dollars, and will constitute another milestone in Louisville's march of progress; and I have been very glad to do what I could to aid in securing the legislation and appropriation necessary therefor. In this work I am pleased to acknowledge with appreciation the cooperation rendered by Senator SACKETT, and the Treasury and Post Office officials whose duty it has been to deal with the subject in an administrative way. These officials upon the showing of fact which it has been my pleasure to assist in providing for their consideration, made the necessary recommendations upon which the required legislation was based.

GORGAS MEMORIAL LABORATORY

I shall now mention a matter of both national and international interest.

I was very glad, indeed, to introduce and secure the enactment of a bill authorizing an annual permanent appropriation of

$50,000 as a contribution of the United States toward the operation and maintenance of the project—the Gorgas Memorial Laboratory on the Isthmus of Panama. The measure received unanimous votes in the House and Senate, and the approval of the President; and thereupon, Congress, in the second deficiency appropriation bill, included an item making the first appropriation of $50,000 for the fiscal year beginning July 1, 1928. As was pointed out in the hearings on the bill and in my presentation of the measure in the House at the time of its passage by the House, the far-reaching and beneficial results to our own country, as well as to the world at large, which will result through the operation of this great laboratory in intensive research study touching the causes and prevention of tropical and other diseases, will be beyond estimation.

CONCLUSION

The legislation and appropriations which I have mentioned have been worthy in every sense, and I am grateful for the fact that I was able to be of service in regard to them. Each matter has stood upon its merits, and has been approved by Congress after full and careful consideration in the committees and in the two Houses; and thereupon each received Executive approval.

MY FIRST REPORT TO THE CITIZENS OF THE THIRD CONGRESSIONAL DISTRICT OF OKLAHOMA

Mr. CARTWRIGHT. Mr. Speaker, the first session of the Seventieth Congress has ended. This, my first report because of the multiplicity of important legislative matters that come up for consideration, must be very brief.

The Seventieth Congress convened December 5, 1927, the Members of which were elected in November of 1926. As you doubtless know, each Congress has two sessions—a long session and a short session. The one just closed was what is known as the long session and continued from December 5 to May 29.

It might be of interest to note that during the session of Congress just ended there were 4,577 bills introduced in the Senate and 14,143 bills introduced in the House. In addition to these bills a large number of resolutions were introduced.

It is difficult to realize the vast amount of work that comes to the attention of the average Congressman every day. I mean by this statement not only the legislation which has to be considered in the committees and in the House of Representatives but also the many personal-service requests which arrive in every mail—requests for assistance in pension cases, compensation claims, civil-service examinations, immigration and passport matters, appointments to West Point and Annapolis, pardon cases, recommendations for transfer, furnishing of publications, especially Indian matters from my district, and innumerable minor matters, all of which enable the Congressman to be of service to his constituents.

This report is submitted with the hope that it will stimulate thought and a deeper responsibility relative to the work of Congress, and enable you to some extent determine to what degree I have represented you.

During the session I have not been absent from any of the important roll calls. An inspection of the official voting records will show my record of attendance to have been very high. I cast my vote on every question according to conviction and having in mind the best interests of the people. I appreciate the splendid cooperation that has been given me by individuals and groups in the district. Although Congress has adjourned until next December, my office at Washington will remain open to serve the people of our district.

I regard it a very great honor to be the Representative of our district in the greatest and most powerful legislative body in the world. I am therefore profoundly grateful to all for the confidence reposed in me, and I shall be in a position to render more effective service during a second term.

COTTON INVESTIGATION

Mr. RANKIN. Mr. Speaker, early in the session I called the attention of the House to the manner in which the cotton market had been manipulated by certain powerful interests, aided and abetted by the unwarranted and disastrous misconduct of the Bureau of Economics of the Department of Agriculture in giving out its price-decline prediction on September 15, 1927.

Shortly after I brought this subject to the attention of the House a resolution was passed by the Senate providing for an investigation of this proposition, and the Members of the Senate appointed under that resolution kindly invited me to sit with them and assist in the examination of the witnesses. For nearly 90 days we conducted this investigation. We had witnesses representing every phase of the cotton industry and their testimony substantiated every charge that I made on the floor of the House, and revealed a condition in our present cotton-marketing system that is proving ruinous to the cotton farmers as well as to those legitimately engaged in the cotton trade.

We found that certain large interests have successfully manipulated the cotton market for their own financial gains over a long period of years, and especially during the last three years.

I charged in my opening statements that a large stock of cotton had been concentrated at New York, a large percentage of which was inferior in grade, character, and quality, and was being used to depress the cotton market. That statement was denied by persons interested in those stocks of cotton, so we ordered a reclassification of it, with the result that 172,002 bales were reclassed and 6,761 bales were found to be untenderable under the standard used, which standard, or "yardstick," was furnished by the representatives of the Bureau of Agricultural Economics as the standard used by them. Practically every representative of the spot exchanges selected to reclassify this cotton testified that this standard was shy of seven-eighths. Mr. W. J. Kenney, jr., stated over his own signature that—

in my opinion it is nothing but three-fourths cotton.

In the final report of the committee we find the following colloquy:

Senator SMITH. What was the average of those [meaning standards] that they [the representatives of the Bureau of Agricultural Economics] put on the table?

(Many cries of "Shy.")

Mr. SHEPHERD. I would say they were shy.

Senator SMITH. What do you say, Mr. Skaggs?

Mr. SKAGGS. They varied.

Senator SMITH. Next.

Mr. MORROW. I would say they were shy.

Senator SMITH. Next.

Mr. JONES. Shy.

Mr. CAVANAUGH. Shy.

Mr. BLACK. Shy.

Mr. SMITTON. Shy.

Mr. LOGAN. I would say they varied.

Mr. NOBLE. Shy.

Mr. WITHERSPOON. My opinion is it is the Government standard of seven-eighths the same as we have in Houston. It may be shy of what the trade demands.

Thus it will be seen that practically all of the distinterested cotton classers agree that the standard by which this cotton was classed was shy of seven-eighths, and Mr. Kenney testified that in his opinion it was not more than three-fourths of an inch.

Mr. T. Ralph Jones, of Norfolk, Va., who was in charge of the work of reclassifying this cotton, in his supplementary report, said:

Different ones of the classers sent from the six spot exchanges estimated the day before the work was finished that had the cotton been classed against a true seven-eighths inch standard, or even the new standard that goes into effect in 1929, that all the way up to 40 per cent of the remaining stock would have been thrown out. I would say that the average estimate was approximately 25 per cent, and I believe this is nearly correct. Or, in numbers, about an additional 40,000 to 41,000 bales would have been thrown out.

In other words, if a real seven-eighths standard had been used for reclassifying this cotton, more than 40,000 bales of it would have been rejected. Yet these 40,000 bales were tendered and retendered on the New York Exchange with the result that it hammered the market down from about 25 cents a pound to between 16 and 17 cents a pound, or at least contributed largely to that result, which cost the cotton farmers and the small cotton merchants over the country hundreds of millions of dollars.

Not only that, but on September 15, 1927, like a clap of thunder from a clear sky, came the unwarranted and unprecedented price decline prediction from the Bureau of Agricultural Economics of the Department of Agriculture in which they padded the carry-over of American cotton in foreign countries by about 800,000 bales.

After admitting that the ravages of the boll weevil were increasing to the extent that they would possibly destroy the top crop, they then reached into thin air and added to the stocks of American cotton in foreign countries 800,000 bales that never existed and predicted a decline in the price of cotton, precipitating a break in the market which, together with the manipulations above referred to and other influences to which I shall refer, drove the cotton market down about 8 cents a pound, with the most demoralizing consequences to the people of the cotton-growing States. In addition to this, the organization of spinners, which was represented before the committee by Hon. Walker D. Hines, joined in the "bear" raid and announced that they were going to curtail production, and some of

them even rushed into the market and offered cotton for sale. They did this in the face of the fact that everyone knew that the crop would be at least 5,000,000 bales short of what it was the year before. How any sane man can escape the conclusion that there was a conspiracy among these elements to depress the price of cotton I am unable to understand.

Lloyd S. Tenny, Chief of the Bureau of Agricultural Economics, came before the committee and, without any explanation that really explained, brazenly attempted to justify the conduct of his board in giving out this price-decline prediction, which was evidently inspired by outside influences. I told him at the time that if he did not resign his position we were going to demand it. He has since resigned and taken a position, so I understand, with the fruit growers of California. N. A. Olsen, who was mysteriously unable to explain his conduct in formulating this price-decline report, has been elevated to Tenny's place. Olsen's testimony before the committee showed that he was either reckless of the interests of the cotton farmers, grossly ignorant of the consequences of his own misconduct, or else actuated by outside influences in helping to formulate and promulgate this unwarranted price-decline prediction, which broke the cotton farmers and wrecked the cotton trade.

This unmitigated and brazen effrontery on the part of the Department of Agriculture in elevating this man, Olsen, to the position of Chief of the Bureau of Agricultural Economics is sufficient to arouse the indignation of every farmer and every honest Representative of the agricultural States in the House and Senate. If the Bureau of Agricultural Economics will thus conspire to wreck the cotton farmers, they will do the same thing for the wheat farmers, the corn farmers, the dairy farmers, and all other farmers whenever the same provocation presents itself. If the Bureau of Agricultural Economics is going to persist in violating the law, giving out false and unwarranted statements, issuing reports and predictions, if not for the purpose of, certainly calculated to, injure the farmers of this country, the sooner it is abolished the better it will be for those who have to wring their living from the soil.

We formulated legislation, which, in my opinion, would have corrected the present evils in our cotton marketing system, but it was blocked by those who camouflaged their insidious opposition behind a smoke screen of southern deliveries in order that their operations might not be interfered with. But we are not entirely without a remedy. Our committee has the right to convene at any time these manipulators and their cohorts renew their misconduct, summon them before it, and proceed to investigate their operations to the fullest extent.

I expect to renew this fight at the next session of Congress and to continue it as long as I am in public life or until we have freed the cotton market of these baneful influences, and given to the cotton growers and the cotton trade an untrammeled market free from squeezes, hedges, manipulations, and inspired bureau propaganda. I hope that every Member of the House and Senate, especially from the cotton-growing States, will join me in this fight, the success of which will mean more to the farmers of the South than anything Congress has accomplished within recent years.

SEVENTY YEARS OF NATIONAL PROGRESS

Mr. WOOD. Mr. Speaker, another presidential campaign is at hand. The hour of national conventions with their keynote speeches and their platforms is about to strike. It is pretty well understood what the Republican Party will do. Since it first won the Presidency and attained control of the Government 68 years ago it has held to a consistent course. It has never wavered in its support of fundamental economic policies. It has never seized upon a fake issue in an attempt, out of desperation, to win a campaign. It has always been the party of sound money and safe financial management of public affairs. It has always been a party of protective tariff designed to maintain the American standards of living by protecting American industry and American agriculture, which insures the welfare of the industrial wage earner and the man on the farm. Contrary to 50 years of Democratic misrepresentation that it is controlled by predatory wealth and animated by sinister motives, a review of national legislation for two generations shows that the Republican Party has placed upon our statute books practically every law which has for its purpose the improvement of the rank and file of American citizens.

The Republican Party has never followed strange gods. It has never indulged in political hallucinations. It has never sought to win a Presidency or carry a Congress by compromising with destructive influences and uneconomic forces. Sooner or later intelligent and patriotic Democrats have had to support the Republican Party in State and national elections in order to preserve American institutions and insure American progress. For that reason there is no doubt as to the general outline of the platform which the Republican Party will adopt at Kansas City, no doubt that it will nominate a candidate who will stand upon the platform and will go before the people as the representative in spirit and in fact of those principles and policies which have animated the Republican Party since the days of Abraham Lincoln.

DEMOCRACY'S RECORD OF NULLIFICATION OF FEDERAL CONSTITUTION

On the other hand what may we expect from the Democratic Convention at Houston? It is strangely fitting in view of that party's record that it should hold its convention in the State of Texas and have for its host Texas democracy which no later than 1923 enacted a law (sec. 1, ch. 32, of the acts of the Thirty-eighth Texas Legislature) which disfranchised all Negro citizens from participating in any Democratic Party primary held in that State. The text of that section reads as follows:

> All qualified voters under the laws and constitution of the State of Texas, who are bona fide members of the Democratic Party shall be eligible to participate in Democratic Party primary elections, providing such voter complies with all the laws and rules governing party primary elections; however, in no event shall a negro be eligible to participate in a Democratic Party primary election held in the State of Texas and should a negro vote in a Democratic primary election, such ballot shall be void, and election officials are herein directed to throw out such ballot and not count the same.

It is significant in view of the likelihood, according to all political prophets, of the nomination at the Democratic Convention of a candidate for President who is on record in favor of the nullification of certain parts of the United States Constitution which do not please him and certain of his constituents, that the convention which nominates him should be held in a State in which a solid Democratic legislature enacts a law nullifying the fourteenth and fifteenth amendments of the United States Constitution. There is no doubt that Texas Democratic law did nullify the Federal Constitution. A decision of the United States Supreme Court delivered March 7, 1927, by Justice Holmes declared the law unconstitutional. Toward the close of the opinion Justice Holmes in delivering the unanimous opinion of the court said:

> The important question is whether the statute can be sustained. But although we state it as a question the answer does not seem to us open to a doubt. We find it unnecessary to consider the fifteenth amendment, because it seems to us hard to imagine a more direct and obvious infringement of the fourteenth. That amendment, while it applies to all, was passed, as we know, with a special intent to protect the blacks from discrimination against them.

ANDREW JACKSON WOULD BE RUN OUT OF PRESENT-DAY DEMOCRACY

No doubt at the coming Democratic National Convention there will be a great deal said about Andrew Jackson, but there will be nothing in the remarks of either of the keynoters at that convention or in any of the nominating speeches emphasizing the historical fact that the thing which made Andrew Jackson a heroic figure, the outstanding spectacular act of his public career, was his threat to hang a number of gentlemen in South Carolina if they attempted to set aside and nullify Federal laws. No reference will be made to this fact because, as it now appears, the presidential nominee of the Houston convention will base his fight largely upon the fact that he does not believe in some of our Federal laws enacted to enforce the Federal Constitution, and as chief executive of his own State he has aided and abetted legislation to prevent that State from assisting in the enforcement of Federal laws.

If any Democrat at Houston attempts to take the stand that Andrew Jackson took against nullification of the Federal Constitution he will probably be mobbed by the overheated partisans of the convention's favorite candidate.

There will be another subject which will be taboo at the Houston convention. That is the attitude of Andrew Jackson upon the subject of a Federal bank. Andrew Jackson did not believe in a Federal bank. With the one exception already noted, his outstanding policy was violent opposition to the establishment of a national banking system. In that position he was sustained by the Democratic Party not only of his own time and under his own leadership, but for many years subsequent. In 1856 the platform of the Democratic National Convention contained this plank:

> Congress has no power to charter a national bank; we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power above the laws and the will of the people.

No doubt one of the delegates to the Houston convention will be Senator CARTER GLASS, of Virginia, and another will be

Senator Hitchcock, of Nebraska, who is mentioned as one of the favorite-son dark horses, while one of the leaders of the Texas Democrats is Colonel House, the silent adviser of the late President Wilson. Yet to-day these Democratic leaders are engaged in a public quarrel as to which of them contributed the most to the creation of the present Federal banking system.

Andrew Jackson was a protectionist. He was a high-tariff protectionist. When he was in the United States Senate he gave support by his voice, his influence, and his vote to high protective measures. There will be no mention of this fact at the Houston convention.

DEMOCRATIC PARTY NEVER HAS ANY ABIDING PRINCIPLES

How typical of Democracy! Those things which it supports to-day with the solemn declaration that they are sacred and fundamental it repudiates to-morrow. Those things which it denounces to-day as tyrannical and inimical to the liberties of the American people it advocates within a few years—after the Republican Party has demonstrated beyond the shadow of a doubt the wisdom of such policies. The Democratic Party has twice embraced the destructive fallacies of cheap money and twice has abandoned its position because it was overwhelmingly repudiated by the American people. It nominated and, with a frenzy that was almost fanatical, it supported a candidate who was the evangel of cheap money and who denounced Wall Street and all who were on speaking terms with Wall Street as the arch enemies of American institutions and popular government. Yet the very next nominee the Democratic Party selected was from the heart of Wall Street, who believed everything that its former candidate denounced and denounced everything its former candidate had espoused.

In one campaign the Democratic Party was positive free silver was the paramount issue and would remain the paramount issue until it was settled by having free coinage. In the next campaign it had decided the money question was no issue at all but that the question of "imperialism" was the paramount issue. Imperialism, according to the definition of its candidate that year, was the denying to the black and brown men of far-away islands the right of self-government and the privileges of citizenship; yet at the very time he was preaching this doctrine in an effort to talk his way into the White House the Democratic Party organization in every State south of the Potomac and Ohio Rivers was denying the rights of citizenship to the black men in this country, although those rights were guaranteed them by the Federal Constitution.

The next paramount issue the Democratic Party paraded before the American people was Government ownership. It went the way of all Democratic paramount issues. The Democratic Party fought one campaign and won the election upon the false slogan, "He kept us out of war," with the promise that if reelected the same President would continue to keep us out of war, while every Democratic executive connected with the Federal Government knew at the very time the campaign was being waged on that deceptive basis that the Federal administration was straining every nerve and mobilizing every resource in preparation to enter the war, well knowing at that time that such entrance was inevitable. And within 30 days from the time the President elected on that slogan was inaugurated the United States did enter war.

In the last campaign, after a 10-day fight in the Madison Square "Bear" Garden, during which time the various factions and leaders of Democracy said more disgraceful things about their party associates than all the Republicans have said in 50 years, the party compromised by nominating a hard-shelled Wall Street conservative lawyer, every inch a gentleman, without the trace of demagoguery about him, and then to prove to the other element of its party that it did not have any faith in its presidential nominee it selected the most radical demagogue west of the Mississippi River as his running mate.

If it runs true to its record and its career the Democratic Party at Houston this year will perform something of the same feat. It will probably nominate a "wet" as President, one who believes in the nullification of those portions of the Constitution his wet constituency does not approve. He will probably be the product of the sidewalks of New York. He will probably be the product and one of the leaders of Tammany Hall. He will have no knowledge, either real or theoretical, of the agricultural section of the United States, because he has never in his public career expressed an opinion ever so trivial upon any subject related to agriculture.

In making this prediction regarding the probable nominee of the Democratic Party at Houston I am not flattering myself that I am a prophet, for all political signs and all political opinion points inevitably to his nomination. If he is the nominee, the Democratic Party will just as certainly repeat the same tactics it repeated four years ago in selecting as his running mate a man exactly his opposite, in the fond illusion that such a mismated ticket can by working both sides of the street succeed in catching enough votes to win.

DEMOCRATIC PARTY'S CONTRIBUTION TO CORRUPTION IN PUBLIC OFFICE

I have no doubt, furthermore, in view of what has already been said upon the floor of the Congress, upon the public platform at Democratic gatherings, and in the editorial columns of Democratic newspapers, that the convention at Houston will have a great deal to say about corruption. But there are a great many things upon the subject of corruption which it will not say.

It will not say that corruption and graft in the great Democratic State of Texas has been notoriously continuous for the last five or six years, occupying first-page positions in the newspapers, splitting the Democratic Party in that State wide open, keeping a large percentage of the Democratic State officials standing trial on criminal and civil charges in the State courts, resulting in the disfranchisement by court decision of one of its governors.

In making its observations upon corruption the Democratic convention at Houston will make no mention of the fact that in the solid Democratic State of Oklahoma for nearly a generation, beginning with Theodore Roosevelt's exposé of the Democratic Governor Haskell and continuing until a few weeks ago, when the Democratic legislature called itself into session in order to impeach the Democratic governor for alleged corrupt practices, only to be run out of town by the State militia upon his command, corruption has been the issue in every Democratic primary.

It will not have anything to say of the fact that less than two months ago the Democratic attorney general of the State of Alabama after sincere efforts to convict criminals of that State holding high positions in the Democratic Party publicly announced his intention to nolle prosequi all indictments on the ground he was unable to secure convictions on account of the influences of high Democratic State officials who were interested in protecting the criminals and suppressing the evidence.

The Democratic Convention at Houston will have nothing to say regarding the fact that Democratic State officials of Nevada have been found guilty of stealing something between $500,000 and $1,000,000 of the State funds.

The Democratic Convention at Houston will have nothing to say regarding the fact that the government of the State of Arkansas two or three years ago under Democratic control became so corrupt in the handling of public highway funds that the Federal Government had to refuse to continue to extend Federal highway aid in the State until a reform was brought about.

TAMMANY-CONTROLLED NEW YORK CENTER OF OFFICIAL GRAFT AND CORRUPTION

Above all, none of the keynote speakers at the Houston convention, none of those who make nominating speeches, and certainly not the platform that shall be adopted, will have anything to say regarding the wholesale organized graft and corruption, widespread and far-reaching, which exists in New York City with its center in Tammany Hall, one of whose four leaders is Governor Smith, who will undoubtedly be the nominee of the Houston convention. There will be nothing written in the Houston platform upon the subject of corruption having the least reference to the fact that corruption and graft to the extent of tens of millions of dollars have already been unearthed in Tammany-controlled New York City, involving practically every municipal activity—schools, milk, water, school houses, paving, push-cart licenses, bus franchises, city pay rolls, real estate assessment, and that portion of the judiciary which is reached by municipal magistrates.

Already it has been disclosed in court that the milk supply of New York City has been polluted by Tammany Hall grafters, Democratic politicians, ballyhooers for the Democratic nominee for President, who have put in their pockets not less than $34,000,000, a liberal portion of which was passed on to Tammany Hall for the privilege of being permitted to continue such graft at the expense of the lives and health of New York's children.

Already it has been disclosed in open court that the pay-roll graft so far exposed—with new disclosures daily—of the street-cleaning department operated by Tammany Hall amounts to $26,000,000 and the graft in school construction already unearthed—and the investigation has scarcely commenced—totals over $150,000,000. It has been disclosed in open court that the city pay roll in only one section—the East Side, where the Democratic favorite is most popular—was padded to the extent of $27,000 in three months!

All these grafters are Democratic politicians. The chief beneficiary is Tammany Hall. The graft is going on under the

administration of Mayor Walker, a Tammany Hall politician selected for the job by Gov. A. E. Smith, one of the "Big Four" of the Tammany inner circle.

There will be a great deal said in the Houston platform regarding corruption, but as the campaign goes on there will be a great deal said about corruption that will not be mentioned in the Houston platform.

There will be considerable said in the Houston platform and from the speakers' rostum regarding campaign contributions but in all probability there will be no mention of the fact that, under oath before the Senate Investigating Committee, it was disclosed that with the campaign in behalf of New York's favorite son just beginning, with an expenditure of $103,000 in behalf of that candidate, $70,000 of it was contributed by the head of one of the largest contracting concerns in the State of New York. Think of the possibilities in event Tammany Hall gets in control of Federal affairs, and Tammany methods now in vogue in connection with New York City contracts are applied nationally.

No doubt in this campaign, as in previous campaigns, the Democratic Party will endeavor to make an appeal by a campaign of misrepresentations of the facts both as they affect the Republican Party and as they affect the Democratic Party. It will upon the part of the Democrats be a campaign of evasion, of denunciation, of wild accusations, of unsubstantiated charges, a campaign devoted to dodging the real issues and emphasizing fake ones.

On the other hand the Republican Party will go before the people upon the record made by seven years of Republican administration. It is a record which has no equal in the history of constructive statesmanship in this country or any other country.

REPUBLICAN PARTY ALONE HAS STOOD FOR SOUND FINANCIAL POLICIES

Take the field of public finance. The Republican Party has been that party which, consistently and alone, has stood for the past 70 years in support of sound and sane financial policies in connection with the administration of our Federal affairs. During that period it has resisted strong temptation and terrific pressure upon several occasions to depart from the paths of financial wisdom, and has witnessed its opponent, the Democratic Party, following every financial will-o'-the-wisp and advocating every political vagary in order to play up to the unthinking, the unsuccessful, and the "lunatic fringe" which is always found advocating some wild-eyed fiscal theory.

The first responsibility which the Republican Party had in the realm of public finances was to provide revenue to conduct the Civil War and preserve the Union. It did this despite the fact that nearly half the Nation was in open arms against the Federal Government, despite the fact that those in open rebellion had a horde of influential sympathizers in the North who persistently back-fired the Republican administration under the leadership of Lincoln, and despite the fact that the largest financial nations abroad were sympathetic with the aspirations of the Southern Confederacy. The Republican Party financed the Civil War and by financing it preserved the United States of America to its present glorious position in the family of nations.

Following the Civil War came the period of reconstruction and the liquidation of the liabilities incurred by the prosecution of the war. So terrific was the drain upon our Federal resources and so antagonistic to our Federal Government were the financial powers of the world that at one time our paper currency, which was issued during and subsequent to the Civil War, was worth less than 40 cents on the dollar.

DEMOCRATS DECLARED FOR BOLSHEVIST CURRENCY

The Democratic Party at this crisis in our national history went on record in favor of continuing the régime of cheap paper money, setting the precedent by its position for exactly the same kind of finance with which the people of this day are familiar in the experiences of Germany and Russia, both of which have since the World War sought to find a way to easy payment of war obligations by a flood of paper money limited only by the capacity of the printing press. The Democratic Party in its platform of 1868 expressly protested against the payment of any public obligations in coin unless it was so stipulated in the contract. On the other hand, the Republican Party in its platform of 1868 stated:

> We denounce all forms of repudiation as a national crime, and the national honor requires the payment of the public indebtedness in the utmost good faith to all creditors at home and abroad, not only according to the letter but the spirit of the laws under which it was contracted. The national debt, contracted as it has been for the preservation of the Union, should be extended over a fair period for redemption; and it is the duty of Congress to reduce the rate of interest thereon whenever it can be honestly done. The best policy to diminish our burden of debt is to so improve our credit that capitalists will seek to loan us money at lower rates of interest than we now pay, and must continue to pay so long as repudiation, partial or total, open or covert, is threatened or suspected.

For the next 12 years the Democratic Party consistently stood in favor of repudiation of debts honestly made by paying them off with cheap paper money not worth its face value, and they sought, furthermore, to prevent the return to specie payment. On the other hand, the Republican Party steadfastly stood for sound money, the payment of all debts in coin worth 100 cents on the dollar as the only means of restoring both public credit and private confidence. The Republican Party was successful. How successful is best set forth in its platform of 1880, in which it made a review of its fiscal accomplishments during the reconstruction period following the Civil War:

> It has raised the value of our paper currency from 38 per cent to the par of gold; it has restored, upon a solid basis, payment in coin of all national obligations, and has given us a currency absolutely good and equal in every part of our extended country; it has lifted the credit of the Nation from the point of where 6 per cent bonds sold at 86 to that where 4 per cent bonds are eagerly sought at a premium.
>
> Under its administration railways have increased from 31,000 miles in 1860 to more than 82,000 miles in 1879.
>
> Our foreign trade increased from $700,000,000 to $1,150,000,000 in the same time, and our exports, which were $20,000,000 less than our imports in 1860, were $265,000,000 more than our imports in 1879.
>
> Without resorting to loans it has, since the war closed, defrayed the ordinary expenses of government besides the accruing interest on the public debt, and has disbursed annually more than $30,000,000 for soldiers' and sailors' pensions. It has paid $880,000,000 of the public debt and, by refunding the balance at lower rates, has reduced the annual interest charge from nearly $150,000,000 to less than $89,000,000.
>
> All the industries of the country have revived, labor is in demand, wages have increased, and throughout the entire country there is evidence of a coming prosperity greater than we have ever enjoyed.

It is not necessary to review at this time the next great financial battle in which the two parties engaged, the Republican Party on the side of sound money and a national credit based upon public integrity, with the Democratic Party aligned in behalf of that greatest of all financial heresies, the free and unlimited coinage of silver at the ratio of 16 to 1. The Republican Party maintained its position in the face of the honest and mistaken views of a large section of its membership, who left its national convention thinking that it had made a mistake in refusing to yield to the demand of those who favored the policy of free silver. The position of the Republican Party in that campaign was vindicated at the polls. It is now recognized, even by Democratic Party leaders, that had they been successful in that campaign national disaster would have followed. Indeed, the Democratic Party so speedily recognized that its stand in 1896 for cheap money was so ill advised, so unsound, so full of menace to the Nation and to every industry and business that it abandoned its position four years later for a new issue, that of "imperialism." This would not have been necessary, nor would it have been done, had the position of the Democratic Party in 1896 been founded upon principle and justified by logic or political economy.

PRESENT REPUBLICAN ADMINISTRATION CARRIED NATION THROUGH LAST CRISIS

The next great finanical crisis in our history was that following the World War, a crisis which has been handled by the present administration. When it came into power our Government bonds were selling as low as 85. The interest on our public debt was greater than the entire cost of operating the Government prior to the World War. Although the war had been over for more than two years, the Democratic executives were demanding appropriations for their respective departments and bureaus equal to that which they asked during the time the war was actually being prosecuted.

The Republican Party came into power March 4, 1921. In the little more than seven years which have elapsed it has reduced the interest-bearing public debt $7,000,000,000, reduced the annual charges approximately $275,000,000, and the annual routine expenditures of the Government approximately $2,300,000,000. It has in the past seven years enacted four tax-rate reduction measures. It has enacted a tariff law which provides annual revenues in excess of $500,000,000. It has so improved the credit of the Nation that not only are our bonds all quoted at above par but the Secretary of the Treasury has been able during the period from March, 1921, to the present time to refund that portion of the public debt which was subject to refunding at a lower rate of interest, the exact reduction in the average interest rate on our public debt during that period of seven years being from 4.29 per cent to 3.88 per cent. During

that period over $11,000,000,000 of securities have been retired or refunded into other securities bearing lower rates of interest. In addition over $11,000,000,000 of our foreign loans, which foreign nations made during the prosecution of the World War, have been refunded. Claims growing out of the war have been adjudicated and settled, the last notable example of that being the enactment in this session of Congress of the law providing for the return of property to aliens of the countries with which we were formerly at war.

FOUR TAX REDUCTION LAWS DURING LAST SEVEN YEARS

The most important financial achievement of the present administration has been its four tax reductions. We have come a long way from the state of war-time taxation, which was in full force and effect March 4, when this administration assumed control. Literally every individual and every enterprise were staggering under the terrifically high rates of the law then in effect, a law which was enacted in 1918.

One of the first acts of the Republican administration was the tax reduction act of 1921, reducing taxes by approximately $663,000,000 as compared with what would have been collected under the old rates.

Then came the second tax reduction law of 1924 which effected a saving to the taxpayers of about $519,000,000 annually as compared with what would have been collected under the rates of the revenue act of 1921.

Then the tax reduction act of 1926 which made a cut of $422,000,000 as compared with what would have been collected under the rates of the 1924 act.

Then the tax reduction act of 1928, which became a law this month, making a cut of $222,500,000 as compared with what would have been collected under the rates of the 1926 act.

SUMMARY OF PROVISIONS OF FOUR TAX-REDUCTION MEASURES

To recapitulate the outstanding features of these four tax reduction laws which have been enacted by the Republican Party since 1921:

The tax-reduction measure of 1921:

An increase in the exemption on income taxes for heads of families having a salary or wage of less than $5,000 a year. This benefited more than 4,000,000 heads of families, nearly 90 per cent of the Federal taxpayers of the country! The exemption for heads of families was increased $500 a year, with an additional increase of $200 a year for each child or other dependent.

A repeal of all taxes on freight, express, and parcel post; also of all taxes on passenger tickets.

A repeal of all excess-profits taxes.

A repeal of all the so-called luxury or commodity taxes on wearing apparel, cosmetics, proprietary medicines, musical instruments, sporting goods, soft drinks, and like articles.

A repeal of all taxes on insurance premiums and dues to fraternal orders.

A repeal of many of the "nuisance" taxes.

A reduction of the minimum surtax rate from 65 per cent to 50 per cent.

The exemption from taxation of the first $300 of income derived from building and loan associations. Estimated upon the basis of the average dividends paid by building and loan associations, this exemption would enable an individual to invest between $5,000 and $6,000 in building and loan stock with the income free from Federal taxation. This affected nearly 5,000,000 members in 9,000 building and loan associations.

The enactment of this tax reduction law, together with the enactment of other remedial legislation such as the emergency tariff, farm relief legislation, etc., by the Republican Congress, resulted in a decided improvement in business, industrial, and agricultural conditions. The increase in prosperity made it very evident that the country could stand another reduction in Federal tax rates. President Coolidge in his first message to the Congress on December 6, 1923, made recommendations along this line. That Congress enacted another tax reduction law which became operative June 2, 1924. The principal reductions in the 1924 tax law were:

First. A reduction of 50 per cent in normal income tax rates.

Second. An additional reduction of 25 per cent of the tax on "earned income" (meaning wages, salaries, and so forth, as distinguished from returns on investments) of calendar year of 1924 and thereafter up to $10,000 with the proviso that all incomes of $5,000 or under would be considered "earned" and therefore subject to the 25 per cent discount.

Third. Surtax rates payable only on incomes of $10,000 or more, where formerly they were payable on $6,000 or more; in addition the maximum surtax rate was 40 per cent applicable to incomes over $500,000, where formerly the maximum was 50 per cent and applicable to incomes in excess of $200,000.

Fourth. Repealed the tax on telephone and telegraph messages, nonalcoholic drinks, and on admission tickets where the cost of admission was 50 cents or less. The repeal of these three taxes saved the taxpayers $77,000,000 annually.

Fifth. Special tax on automobile accessories was reduced from 5 per cent to 2½ per cent, saving nearly $20,000,000 to the taxpayers.

Sixth. Repeal of the 3 per cent tax on candy, involving an annual saving of $13,000,000.

Seventh. A repeal of the special tax on certain merchandise and jewelry, involving a saving of $13,000,000 annually.

Eighth. Repeal of certain stamp taxes on drafts, promissory notes, bills of sale, etc., involving an annual saving of $7,000,000.

In addition, the bill provided for a blanket reduction of 25 per cent on all income tax payable during the calendar year of 1924, regardless of whether it was "earned" income or not.

By the time the Republican Congress which was elected in the fall of 1924 convened, there was practically an unanimity of opinion that a third tax-reduction measure should be put upon the books.

Prior to the convening of the regular session of Congress in 1924 the Ways and Means Committee assembled and framed a revenue bill embodying these reforms, which was reported to the House December 7, 1925. No revenue measure considered by the Congress in times of peace ever commanded the unanimity that this bill commanded. That representatives of all parties laid aside their partisanship and supported the bill is striking evidence of its economic wisdom and popular appeal.

The principal provisions of the law, which became effective February 26, 1926, are—

First. Maximum surtax rates were reduced from 40 per cent to 20 per cent, and surtaxes were to begin at $14,000 instead of $10,000.

Second. The maximum estate-tax rate was reduced from 40 per cent to 20 per cent and were to begin at $100,000 instead of $50,000.

Third. The capital-stock tax was repealed.

Fourth. The 25 per cent reduction on income tax provided for in the law of 1924 for earned incomes up to $10,000 was extended to incomes up to $20,000.

Fifth. Income-tax exemptions were increased from $1,000 to $1,500 for single persons and from $2,500 to $3,000 for heads of families.

Sixth. The normal rates applying to incomes were decreased as follows: On the first $4,000, from 2 per cent to 1½ per cent; next $4,000, from 4 per cent to 3 per cent; on remainder, from 6 per cent to 5 per cent.

Seventh. Practically all of the remaining "nuisance" taxes were repealed.

The principal provisions of tax reduction in the 1928 act as compared with previous laws were—

First. Corporation income tax reduced from 13½ per cent to 12 per cent, causing a net loss in revenue of $123,450,000.

Second. An increase of credit allowances on net incomes of $25,000 or less, causing a loss in revenue of $12,000,000.

Third. An allowance of 25 per cent credit on earned income on net incomes of $30,000. The previous act made such allowance only on net incomes up to $20,000. This change causes a revenue loss of $4,500,000.

Fourth. Repeal or reduction of taxes on admissions and club dues, aggregating a revenue loss of $18,000,000.

Fifth. Repeal of automobile sales taxes, causing a revenue loss of $66,000,000.

AVERAGE CITIZEN OF SMALL INCOME CHIEF BENEFICIARY OF TAX LAWS

Thus within a period of six years the Federal tax per capita has been cut in half, having been reduced from $45.23 in 1921 to approximately $25 in 1928. Moreover, all these tax-reduction measures have had as their object the benefit of the ordinary American citizen—the man with a small income. This is conclusively proved by the records of the income-tax unit of the Internal Revenue Bureau.

The records of the Treasury Department show that more than 2,300,000 individuals of moderate means, who had been paying income tax under previous laws, will not pay any income tax under this law. It also shows that the tax of the number who still pay on smaller incomes is trivial as compared with the amount they paid under the previous laws.

The following table gives the amount of taxes payable by a married man without dependents under the last four laws for incomes from $3,000 to $10,000, inclusive. A married man did not have to pay income tax unless he had an income of over $2,500, because he was entitled to a $2,500 exemption even under the old laws. The taxes of the acts of 1926 and 1924 are figured on the basis of an earned income, which entitles the taxpayer to a 25 per cent reduction of his tax after its computation.

Income	Act of 1918	Act of 1921	Act of 1924	Act of 1926
$3,000	$60	$20	$7.50	----------
$4,000	120	60	22.50	$5.63
$5,000	180	100	37.50	16.88
$6,000	250	160	52.50	28.13
$7,000	390	250	75.00	39.38
$8,000	530	340	105.00	56.25
$9,000	680	430	135.00	78.75
$10,000	830	520	165.00	101.25

Not only the tax-reduction measure of 1926 but the entire tax-reduction and tax-revision policy and program as put into effect by the Republican Party since 1921 has operated constantly and with cumulative benefits in favor of the individual of average income—the laborer, the clerk, the farmer, and the business man of modest means.

DEMOCRATS "THINK UP" FANTASTIC THEORY OF PUBLIC ECONOMY

In a vain endeavor to deprive the Republican Party of the credit of the unprecedented tax reduction and debt reduction which have taken place during the last seven years Democratic spokesmen and Democratic newspapers have recently "thought up" an explanation of these accomplishments in economy which they hope will befuddle the American public to the extent that the Democratic Party may get some credit for the savings which the American people are enjoying as a result of the Republican policies of the last seven years. This explanation is that a large portion of the income the Republican administration applied to the public debt was obtained from liquidation of assets bequeathed to the Republican administration by the Democratic Party. This is a most fantastic theory. These so-called war assets were obtained under the Democratic administration at almost incredibly inflated figures. War-time prices, which were many times those of peace time, prevailed, and the Democratic administration made the situation all the more aggravated by abrogating by Executive order the rules requiring competitive bidding in the sales of all material to the Government. It was this lavish expenditure of money at unheard-of prices which made America's short participation in the World War cost in excess of $40,000,000,000, more per capita than any other government which engaged in the war. The Democratic administration, in order to keep places for Democratic appointees, who were jammed into Federal offices by the tens of thousands during the war, refused to demobilize following the armistice and kept the Nation on a war-time basis in so far as expenses were concerned. By the time the Republican Party came into power a tremendous amount of the war property had so deteriorated in value—and still another very appreciable amount of it had become of practically no value whatever—that these so-called assets which the Democratic leaders claim their administration left the Republican Party, were sold at about 15 cents on the dollar. It certainly is a new theory in business management and public economy to claim any credit for an auctioneer sale at auctioneer prices of material bought with a prodigal hand at fictitious prices. What the Democratic Party really bequeathed to the Republican Party as a result of the war was a tremendous public debt and an unheard-of schedule of taxes, all of which were levied by the Democratic administration during the war to provide money for the unprecedented expenditures.

Quite recently Democratic leaders have been making much of the fact that the interest-bearing public debt was reduced $2,300,000,000 between August, 1919, and March 4, 1921, and they cite this as evidence of economy upon the part of the Democratic administration, which is entitled to quite as much commendation as the economy practiced by the Republican Party since March, 1921. However, the Democratic administration is not entitled to any credit in the reduction of the public debt prior to March 4, 1921, because what reductions they did make were made out of the money which the Democratic administration was forced to save at the hands of a Republican Congress. The plain legislative history of the Sixty-fifth and Sixty-sixth Congresses furnish ample and conclusive proof of this statement.

REPUBLICAN CONGRESS FORCED ECONOMY UPON DEMOCRATIC ADMINISTRATION

The campaign in behalf of public economy was launched by the Republican minority in the Sixty-fifth Congress during the last session of that Congress, which expired March 4, 1919. When that Congress expired by constitutional limitation it was found that six of the regular appropriation bills, one general deficiency appropriation bill, and one deficiency bill carrying appropriations for the Government's operation of railroads had failed of final passage. All of these bills had passed the House; in some instances they had been reported to the Senate from the appropriating committees of the Senate, and in one or two instances they had passed both House and Senate with items in disagreement and had died in conference. The fact that they had failed of passage in a Congress, Democratic in both branches, was due to the determined opposition of the Republican minority to the enormous amounts asked for in these appropriation bills.

At that time there was no Budget law, due to the antagonistic attitude of the Democratic administrative and legislative branches of the Government toward any budget system. Appropriation requests came to the Congress directly from the various executive departments, having first been submitted by the heads of those departments to the President for his approval. The total amounts requested by Democratic executives in the eight appropriation bills which failed aggregated $4,514,151,326. The amounts allowed in the bills as they had passed the Democratic House or Senate, or both, to die in conference, were $3,767,975,974.

The failure to pass those measures compelled President Wilson to call the Sixty-sixth Congress, elected in November, 1918, in special session May 19, 1919, in order that appropriations might be made for the next fiscal year, beginning July 1, 1919.

The Sixty-sixth Congress was Republican in both branches, and organized with Republicans in control of the committees having charge of appropriations. The appropriation bills which had failed in the previous Congress were reintroduced. But as they were finally passed by the Republican Congress they carried total appropriations of only $2,828,283,432. This was $1,685,867,893 or 37 per cent less than the requests made by Democratic executives whose departments were affected by the appropriations, and $939,692,541 or 25 per cent less than the amounts which were followed by one or both branches of the Democratic Congress. That saving was due solely to the opposition of the Republican minority in the closing days of the Sixty-fifth Congress.

The second session of the Sixty-sixth Congress handled the routine regular appropriation bills for the fiscal year July 1, 1920, to June 30, 1921. The estimates for those bills were submitted by Democratic executives in December, 1919. The total estimates of the Democratic executives amounted to $5,685,812,929. The Republican Congress cut these estimates in the amount of $1,312,417,650. There were also deficiency estimates submitted by the Democratic executives aggregating $680,500,000. The Republican Congress refused to grant many of these requests and reduced many more, making a total reduction of $162,000,000 in them.

The grand total of regular and deficiency appropriations requested by Democratic executives at that session of the Congress was $6,334,312,929 which they claim was absolutely necessary in order to run the Government. They not only submitted those demands in the routine procedure, but it is a matter of record that when they met with opposition by the Republican majority in the Congress they resorted to the most determined and persistant campaign on the floor and in the lobbies of the Congress and through outside propaganda to compel compliance with their requests that has ever been directed at the Congress by the administrative and executive departments of the Government. The Republican Congress determined to reduce the outrageous expenditures of the Democratic administration, refused to be coerced by this pressure and made a total reduction of $1,474,422,602, or 25 per cent, in the amounts requested by the Democratic executives.

Adding this to the savings made in the special session of that Congress in appropriation bills which had failed of passage in the last days of the Sixty-fifth Congress, there is a difference of $3,160,290,495 between the amounts demanded by the Democratic executive officials and the amounts appropriated by the Republicans in Congress during the period between the armistice and the close of the Democratic administration in March, 1921.

To phrase it another way, had the Republicans in the Congress granted the requests for money made by the Democratic officials who were in control of the Government's executive agencies until March 4, 1921, the Government would have spent $3,000,000,000 more than it did spend and there would have been no surplus to apply to the public debt. The record shows that such reduction in the interest-bearing public debt as was made by the Democratic administration between August, 1913, and March 4, 1921, was made with the savings forced upon the Democratic executives by the Republicans in the Congress. For this the Democratic administration is entitled to no credit.

DEMOCRATIC PARTY PERSISTENTLY OPPOSED ESTABLISHMENT OF BUDGET SYSTEM

The Democratic administration prior to March, 1921, and the Democrats in the Congress not only opposed a reduction in Fed-

eral expenditures, but they opposed the establishment of a Budget system of handling public finances. The record upon this is plain and incontrovertible.

The first concrete official proposal for the establishment of a budgetary method of handling Federal finances was made by a Federal commission authorized by the Congress appointed by President Taft in 1910. This commission made a most exhaustive survey of the Budget system and recommended to Congress in 1912 that it be adopted as the method of handling our Federal appropriations and expenditures. In conformity with that recommendation, President Taft on July 10, 1912, addressed a letter to the heads of the various executive agencies directing them to prepare two sets of estimates to be submitted to the Congress, one in accordance with existing practices and one in accordance with the forms and recommendations contained in the report of the commission. (Those forms were like those which are now used by the Budget Bureau.) This order of President Taft aroused bitter criticism by the Democratic leaders in the House of Representatives. The Democratic chairman of the House Committee on Appropriations made a speech denouncing it.

Democratic opposition to the budget system increased and finally became crystallized in the form of a provision which the Democratic House inserted in appropriation bills as follows:

That until otherwise provided by law the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to the Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law and in no other form and at no other time.

The Democratic Congress thus went on record against the establishment of a Federal budget system. The following year the Democrats secured control of the executive branch of the Government and for six successive years they retained complete control of both branches of the Government. Notwithstanding the fact that during those years there was the most urgent need ever experienced in the Nation's history for a budget system in Federal finances, neither the Democratic President nor the Democratic Congress made any effort to establish such a system. It was not until the Republican Congress, elected in 1918, came into power that a budget bill was passed, only to be vetoed by the Democratic President. Notwithstanding his veto was based entirely on technical grounds, it was sustained by the Democratic House. Out of the total number of votes sustaining the veto, all but three were Democrats. Practically every Democratic leader either voted to sustain the veto or did not vote at all.

The Republican Party has long been on record in favor of the establishment of a Federal budget system. In 1916, astounded at the extravagance of the Democratic administration, which had taken complete control of the Federal Government in 1913, the Republican National Convention declared in its platform:

The increasing cost of the National Government and the need for the greatest economy of its resources in order to meet the growing demands of the people for Government service call for the severest condemnation of the wasteful appropriations of this Democratic administration, of its shameless raids on the Treasury, and of its opposition to and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple businesslike budget system, to which we pledge our support and which we hold to be necessary to effect any real reform in the administration of national finances.

The Republican National Convention in 1920 renewed this pledge in its platform in the following words:

We congratulate the Republican Congress on the enactment of a law providing for the establishment of an executive budget as a necessary instrument for a sound and businesslike administration of the national finances; and we condemn the veto of the President which defeated this great financial reform.

The Republican Party proceeded to redeem these pledges immediately upon assuming control of the Government in March, 1921. The Republican Congress, elected with Harding and Coolidge in 1920, was convened in special session by President Harding April 12, 1921. The Budget bill, which had been vetoed by the Democratic President, was immediately reintroduced, passed both Houses of the Congress, and became law June 10, 1921, in time for the Budget Bureau to be set up by the beginning of the fiscal year July 1, 1921.

Try as they may to befog the public mind by distortion of the record, the critics of the Republican program of public economy will not be able to change the historical fact that the fiscal achievements of the past seven years of the Republican administration forms the most brilliant chapter in national financing that has ever been written in the history of either this or any other nation. The benefits of this program have directly accrued to the plain people of this country and to its business and commercial interests, but they have also accrued indirectly to the whole world, because, due to the Republican policy of economy and sound financing, this country has been placed on a permanent peace-time basis and has, by reason of its financial strength and example, been able to stabilize conditions throughout the world.

REPUBLICAN RECORD OF 60 YEARS IN BEHALF OF NATION'S DEFENDERS

Just a word as to what the Republican Party has done for those who have from time to time enlisted under the American flag to do service in behalf of their Nation. Sixty years ago the Republican national convention, which nominated Grant for President and Schuyler Colfax, of Indiana, for Vice President declared—

Of all who were faithful in the trials of the late war there were none entitled to more special honor than the brave soldiers and seamen who endured the hardships of campaign and cruise and imperiled their lives in the service of the country. The bounties and pensions provided by law for these brave defenders of the Nation are obligations never to be forgotten. The widows and orphans of the gallant dead are the wards of the people—a sacred legacy bequeathed to the Nation's protecting care.

Since that time the Federal Government has expended $12,000,000,000 for the relief of the defenders of this Nation and their dependents. Of that sum $6,950,000,000 has been spent for Civil War pensions, $240,000,000 for pensions for veterans of the Spanish-American War, and the remainder in behalf of World War veterans. We are expending annually approximately $700,000,000 in pensions for those veterans of other wars than the World War and for the care of ex-service men of the World War and their dependents. Of this latter class over 600,000 have received hospital treatment, over 25,000 are in hospitals at the present moment, and approximately 21,000 so-called out-patient treatments are being furnished per month; over 128,000 have received and completed vocational educational training, and the records show that the majority of them are receiving in their present vocations an average wage higher than that which they received in their vocations prior to their entering the World War and receiving disabilities; nearly 600,000 ex-service men are carrying insurance at an aggregate of approximately $3,000,000,000; over $1,000,000,000 has been expended for disability compensation, and the present rate of expenditure for that service is $12,800,000 per month; while under the adjusted compensation or soldiers' bonus act over 3,385,000 claims, aggregating $3,300,000,000, have been adjudicated.

TWO OLD PARTIES DIFFER RADICALLY ON SUBJECT OF TARIFF

One of the fundamental differences between the Republican Party and the Democratic Party is their antagonistic positions in respect to the tariff. The Republican Party stands and has always stood for a protective tariff. The Democratic Party stands for what its party literature characterizes as "a tariff for revenue only," which means a tariff written without regard to the welfare of American industries and American industrial workers. Perhaps the most concise and the most lucid explanation as to the difference between a Republican protective tariff and a Democratic "tariff for revenue only" is that furnished by William McKinley during his service as chairman of the Ways and Means Committee prior to his election as President. His definition follows:

It is necessary that we rightly understand what constitutes a revenue tariff and exactly what is meant by a protective tariff. A revenue tariff, as the very term implies, is a tariff for revenue only, a tariff which has no purpose, no object, no end in view except putting money into the Treasury for public purposes. It is a tariff that dismisses and discards every consideration save the single one of putting money into the Federal Treasury.

A protective tariff not only looks to the question of revenue, not only has that in view, but while raising revenue it has consideration for the occupation of our own people. It has concern for our agricultural and mechanical development. In a word, it looks to the imposition of duties upon those foreign productions that will fall most lightly upon our own people and least retard the progress of the country. The one has the single purpose of raising revenue, the other has the double purpose of revenue and protection, support of our Government, and defense of our own interests against the competing industries of other countries.

A revenue tariff accomplishes but a single purpose—that of raising revenue; it has no other mission; while a protective tariff accomplishes this and more—it brings revenue to the American Treasury and discriminates in favor of the American citizen.

A revenue tariff invites the product of foreign labor and foreign capital to occupy our markets, free and unrestrained, in competition

with the product of our own labor and capital. A protective tariff invites the product of foreign labor and foreign capital which are necessary to the wants of our people (which we can not produce in the United States) to occupy our markets and go untaxed to the people, but it insists that every foreign product, the like of which is produced at home, or can be successfully, in quantities capable of supplying the domestic consumption, shall, whenever necessary to maintain suitable rewards to our labor, bear a duty which shall not be so high as to prohibit importation, but at such a rate as will produce the necessary revenues and at the same time not destroy but encourage American production.

It says to the world of producers, "If you want to share with the citizens of the United States their home market you must pay for the privilege of doing it. Your products shall not enter into free and unrestrained competition with the products of our own people, but shall be discriminated against to such an extent as to fully protect and defend our own."

If we were just beginning anew as a government and never had a tariff law, would not that be the correct principle? The things we can not make for ourselves or produce for ourselves we must buy elsewhere. Therefore we want no tax upon them; but it is economy for our people to buy from each other the things we can produce among ourselves and for ourselves, and if the foreign producer wants to enjoy any part of this market he must be subject to the terms we shall fix in the interest of our own countrymen. That is the principle of protection. That is the principle of our country first and our countrymen first. That is the principle of home and family. That is the doctrine of true Americanism.

Were it not for the continuous propaganda going on against the protective tariff, a propaganda which, I venture to say, is inspired, if not indeed financed, in a large measure by foreign interests desirous of gaining entrance into the American markets, it would be needless to enter into a defense of the theory and the practice of a protective tariff. The history of the development of the United States, both industrially and agriculturally, since the Civil War has been a history of the protective-tariff system. The two or three exceptions during this period of 60 years, and they were very brief, when the United States was not under a protective tariff were marked by industrial depression, commercial paralysis, agricultural distress, poverty among industrial wage earners, and bankruptcy among agricultural producers.

DEMOCRATIC TARIFF ALWAYS BRINGS NATIONAL DISASTER

A low tariff always brings disaster because it is based upon the false assumption that the interests of the producer and those of the consumer are antagonistic, and prosperity for one means exploitation of the other. There is no such division. There can be none. Every producer is, in fact, a consumer, and every consumer is a producer. Any proposition that seeks to divide the American people into two distinct classes and then seeks to prosper one class at the expense of another class is dishonest, is dangerous, and, if adopted, means ruin to everyone. That is exactly why hard times have resulted from every Democratic tariff law which has been put on the Federal books.

So, too, all proposals to repeal or lower the existing protective-tariff rates are dangerous, because in the last analysis they are dishonest. They are dishonest because they are a proposal that part of the American people can add to their prosperity by subtracting from the prosperity of the rest of the people. The farmer is told he can increase his prosperity if the protective tariff on manufactured goods is lowered or altogether repealed, because this would enable him to buy manufactured goods from abroad for less money than he can buy it from American industries.

The industrial wage earner is told he should repeal the protective tariff rates on food products which would enable him to buy beef from the Argentine, lamb from New Zealand and Canada, dairy products from Canada, New Zealand, and Northern Europe, eggs from China, fruit from southern Europe and Central America for much less than he now buys them from American agricultural producers. Such a policy if put into effect would ruin both the industrial wage earner and the agricultural producer.

FREE TRADE MEANS CHEAP PRICES, ALSO CHEAP WAGES AND CHEAP MEN

Such a policy is consistent, however, with the theory of free trade which sets up "cheapness" as an economic ideal. Whenever the Democratic Party has succeeded in gaining enough power to enact and put on the statute books a tariff law of its own liking, it has inaugurated immediately an era of cheapness. Labor immediately becomes cheap because there is no employment; farm products become cheap because they have no market. Imported goods are cheap until by their cheapness they drive American goods out of the market and then they advance in price. But the cheapness attained during periods of Democratic tariff are brought about by destroying the purchasing power of American consumers and once their purchasing power is destroyed it little matters to either the wage earner or the farmer how many bargains of cheap foreign goods are available for they have no money with which to take advantage of such bargains. Under such a régime the only beneficiaries are the rich who have a source of income unaffected by the closing down of factories and the loss of markets to the agricultural producers.

This experience has been repeated every time a low tariff has been enacted. The history of the United States, from the earliest days up to and including that period during which the Underwood tariff was in effect, shows that without exception every time a low tariff has been enacted we have had idle factories, an increasing army of unemployed, tremendous increases in business failures because the people have no money with which to buy, bankrupt agriculture because the unemployed in the cities must of necessity cut down on their food bill. These combined have resulted in terrific decline in transportation of goods both from the farm to the city and from the factory to the farm, which has in turn compelled the dismissal of tens of thousands of railroad employees and very frequently has thrown entire railroad systems into the hands of receivers. The general diminution of activity all along the line results in dismissal of employees in all lines of business, even those not remotely connected with production either on the farm or in the factory.

PROTECTIVE TARIFF STIMULATES AND STABILIZES INDUSTRY AND AGRICULTURE

On the other hand, there never has been a protective tariff enacted that did not bring good times to industry and business, to all sections of the United States, and to all classes of citizens. There has never been a protective tariff that did not build up American industries and improve and prosper American wage earners. A protective tariff stimulates and stabilizes industrial production. It thereby benefits directly the wage earner by giving him steady and profitable employment. It benefits every enterprise selling raw material or supplies to industrial concerns. It benefits every transportation company which hauls the products of industrial concerns. It benefits every business concern which sells goods consumed by industrial wage earners. It benefits every agricultural producer, for 90 per cent of the output of the American farmer is consumed in the United States, and a survey conducted by the United States Department of Labor shows that 40 cents of every wage earner's dollar is expended for food products which come from the farm, either directly or indirectly.

These are not partisan statements. They are the mere recital of facts, abundant substantiation for which is found in the official records of the United States Government.

A protective tariff stimulates industrial production. That is natural, for under a protective tariff American manufacturers, being assured of profitable production, increase their output and become active in seeking markets both at home and abroad for this increased output. The direct evidence that a protective tariff stimulates production is found in the figures issued by the United States Census Bureau for all manufacturing industries. This shows that in 1921, while the Underwood tariff was still in force and effect, there were employed in manufacturing industries 6,937,000, receiving a wage of $8,192,952,000, and the value of the products of those industrial establishments was $43,427,224,000. The Fordney-McCumber tariff became effective in September, 1922. By the close of 1925 it had been in operation three years. The industrial census of the United States for 1925—its being the rule of the Census Department to take such a census every odd-numbered year—showed there had been a net increase of 20.8 per cent in the number of wage earners, 31.7 per cent in the amount of wages paid, and 44.4 per cent in the value of products turned out.

Advocates of the protective tariff system have always maintained that because of the stimulus it gives industrial production it inevitably intensifies competition which, in turn, results in manufacturers making lower prices in order promptly to market their increased and increasing output. The history of all protective tariffs in this country substantiates that position. The present protective tariff is no exception to the rule.

For a number of years the United States Department of Labor has been publishing the wholesale prices of over 400 standard commodities, embracing all lines of production. Wholesale prices are the accurate index of prices charged by the manufacturer, for the manufacturer sells directly and almost exclusively to the wholesaler. If the manufacturer "jacks up" his prices, that fact is immediately and inevitably evidenced by an increase in wholesale prices.

PRICES OF MANUFACTURED GOODS HAVE DECLINED UNDER PROTECTIVE TARIFF

According to the figures issued by the United States Bureau of Labor Statistics, the wholesale prices of practically every class of manufactured goods in general use and entering into the household expenses of the average family have steadily declined since the present protective tariff became effective. Cotton goods have decreased over 30 per cent in wholesale, or factory, price; woolen goods have decreased over 10 per cent; silks have decreased 29 per cent. The only item of clothing which has not shown a decrease in factory prices under the present tariff is that of boots and shoes, yet boots and shoes and raw leather from which they are made and all hides from which leather is made are on the free list. Democratic free-trade orators, both on the floor of Congress and on the public platform, and Democratic newspapers remain significantly silent regarding the fact that while cotton goods, highly protected, have decreased in wholesale price over 30 per cent, and woolen goods, highly protected, as is also the raw wool from which they are made, have decreased in factory price over 10 per cent, leather goods, which are on the free list all the way from the raw hides to the finished product, have increased.

Wholesale (or mill) prices of iron and steel, which includes bar iron, wire, nails, steel bars, tin plate, barbed wire, fencing wire, and all raw steel and iron products which enter into the manufacture of farm implements, have decreased 19 per cent. Household furniture has decreased 11 per cent, table cutlery 13 per cent, table glassware 20 per cent. On the other hand, the price of labor, as represented in wages, has increased under the Fordney-McCumber Act, and the price of all staple farm products has increased.

This condition which is an apparent contradiction of all economic laws has attracted world-wide attention. In order that they might study it at close range and ascertain for the information of their government and their industries, commissions were sent from England, Germany, Australia, and Canada. Each of these commissions spent several weeks in this country in intensive investigation and made a report to their respective governments. These reports are too lengthy to quote in their entirety, but the following excerpt from the report made by the British commission to their government in March, 1921, affords very telling evidence in support of the policy of a protective tariff and the Fordney-McCumber law in particular.

> The value of exports of manufactured goods is small in relation to the total value of production, and the success of manufacturing enterprise depends largely upon the consuming power of a great domestic market. * * * Manufacturers are assisted in the development of this market by complete freedom from tariff restrictions within the Union of 48 States and by protection against competition from outside by a strong tariff machine which is capable of easy and rapid adjustment to meet changing circumstances.

In its analysis of the underlying causes of the great industrial prosperity of the United States, carrying with it unprecedented prosperity for the industrial wage earners, the British commission placed as first in importance the "mass production" of American industries. At several places in its report it stresses the fact that the United States has reached its present industrial supremacy in the world and prosperity at home by reason primarily of "mass production" which has enabled American industries to reduce costs and selling prices at home and at the same time increase wages, while it also enables them to compete successfully in the markets of the world. This is the same testimony which has been offered by others who have made a survey of the industrial conditions in this country.

The relation of industrial mass production to a protective tariff is intimate and direct. Mass production is made possible only by mass consumption, plus the certainty of its continuance on a profitable basis. Mass consumption is guaranteed only by a protected market. Throw open the American market to European competitors and you would immediately destroy for the American manufacturer the certainty and stability of his market.

The immediate and necessary consequence would be his cessation of mass production. With his curtailment of production, due to the decline in his market, would come curtailment of employment and cut in pay rolls. This starts the toppling of the entire industrial structure, the destruction of prosperity for the employer and the wage earner, as well as those agricultural producers and business men who sell their products or their services to the industrial wage earner.

SOME COMPARISONS OF WAGES IN AMERICA AND EUROPE

There is no wonder, then, that the commissions from England and other countries marveled at the prosperity of the industrial wage earners in the United States when one studies the wages paid in other countries. The British Ministry of Labor made a most extensive study of the industrial wage earner in the United Kingdom for the year 1924 and the result of this survey was published in the Ministry of Labor Gazette July, 1927. It showed that the average weekly earnings of 5,000,000 British industrial workers was $11.60. This average was appreciably raised by the inclusion of government workers and public utility workers, the two highest paid groups in the United Kingdom. The following table taken from the report gives an idea of the average weekly wage paid in the various industrial groups in the United Kingdom:

Industry group	Number of work people covered	Average of the weekly earnings
Pottery, brick, glass, chemical, etc	276,014	$11.70
Metal	1,355,328	12.53
Textile	1,017,381	9.17
Clothing	486,659	8.65
Food, drink, tobacco	390,041	11.22
Woodworking	174,383	12.27
Paper, printing, etc	233,483	13.02
Building and allied industries	279,452	14.11
Other industries	304,117	11.86
Public utilities services	473,860	14.29
Government industrial establishments	100,027	14.42
Total	5,090,745	11.60

Now, compare this wage of skilled workers in the skilled industries of the United States for unskilled common labor. According to the data issued by the United States Bureau of Labor Statistics the lowest average weekly earning of such labor in this country is among track workers on railroads who receive an average weekly wage of $17. The average hourly wage of common, unskilled, unorganized labor in 13 leading industries in this country was 43 cents. In plain language, common, unskilled, unorganized labor in the United States is paid higher to-day than the skilled, organized workmen in the leading industries of the United Kingdom, and of still greater significance is the fact that England pays higher wages than any other country in Europe. According to the latest available figures issued by the Government of France, the average hourly wage of all skilled workers in the city of Paris was 15 cents for a 10-hour day. According to the latest figures available, the average weekly wage of all workers in industries in Germany is $11.05; in Poland, less than $1 a day, the highest paid being metal workers, who receive from 73 cents to 97 cents per day. The average wage in 13 of the principal cities of Japan is less than $1 a day for all industries.

Taking wages by industries rather than by nations, we find the same result. A report prepared for use of the International Economic Conference held at Geneva, Switzerland, May, 1927, showed the average weekly wage of cotton textile industrial workers in the various European countries to be as follows: Austria, $4.45; Belgium, $4.90; France, $5.63; Italy, $4.83; Poland, $3.54; Japan, $2.91. Data prepared for the same conference by the economic section of the League of Nations furnishes comparative wages paid in a large number of industries, including those manufacturing office equipment and appliances, sewing machines, knitting machines, and other machines for domestic use, locomotives, traction engines, agricultural implements, steam fittings, weighing machines, machine parts, as follows, per week:

Austria	$5.74
Belgium	7.43
Italy	6.81
France	8.51
Czechoslovakia	8.11
Germany	11.01
Great Britain	14.33
United States	30.78

The same source of information gives comparative weekly wages for the metal trades in centers of metal industry as follows:

Belgium	$5.28
Czechoslovakia	7.23
Poland	4.08
England	15.10
France	8.71
Italy	7.41
Holland	12.88
United States	38.40

Comparisons could be given further, but these serve to show the general wage levels paid in other countries and furnish a compelling reason why if our wage earners are to be protected in their present living standards the existing protective tariff rates must not be lowered.

Students of economics have repeatedly pointed out that the high purchasing power which characterizes the American people is due to their high wages, but it should be kept in mind that high wages are the result of industrial prosperity, not the cause of it. We have high wages and correspondingly high purchasing power because our working people are steadily employed; they are steadily employed because our industries are prosperous; our industries are properous because they feel sure, under a protective tariff, of a stable market at a profitable margin. Backed by this security they can and do adopt mass-production methods, which they could not do if they were in a state of uncertainty as to the stability and the futurity of their markets.

DANGER TO AMERICA'S PROTECTIVE TARIFF MORE IMMINENT THAN EVER

The danger to our protective tariff system, and to the present tariff law in particular, is more imminent now than it has ever been. Attracted by America's market—the largest and the richest in the world—European producers are pooling their forces and resources in concerted attack on our protective tariff. They are doing this in many ways. By the organization of international combines or cartels for the avowed purpose of (1) parceling among their constituent members the markets of Europe in order to avoid destructive competition among themselves at home and (2) invading the markets of other countries, principally this country, by the device of combined destructive underselling. They are doing this also by offering government subsidies to home industries and of home industries offering rebates to purchasers of home-made products. They are also making this concerted attack by the use of the discriminatory tariffs and by export bounties.

In this connection it may be stated that the British Empire for 30 years has had operative a system of preferential tariffs between the United Kingdom and the British colonies, India, Australia, New Zealand, Canada, South Africa, and smaller British possessions, like the British West Indies, have for over one-quarter of a century discriminated against manufactured products from the United States in favor of those from their mother country. This discrimination has been as much as 25 to 40 per cent. In return, the United Kingdom has discriminated against agricultural products of the United States in favor of agricultural products from her colonies. This is not set down as a matter of criticism, for such tariff policy is clearly within the rights of England and her colonies. It is set down to show that when it comes to a matter of tariff retaliation and tariff discriminations those countries which are quickest and most prolific in their criticism of the tariff policies of this country are the ones which have the least right to offer such criticism.

The same observation applies to other countries which complain of the American tariff. A study of the American tariff system and the tariff systems of continental Europe discloses one fundamental difference. The American tariff is purely defensive and absolutely equitable. The European tariffs are generally punitive and grossly discriminatory. The American tariff is written solely for the purpose of protecting home industries. It is not written for the purpose of waging warfare on the industries of other countries or to be used as a weapon in an effort to coerce other nations into making us trade concessions. The American tariff is absolutely equitable. Its rates apply alike to all imports, regardless of the source of origin. A rate on steel remains constant, no matter whether the steel comes from Great Britain or Germany or France or Japan. A rate on butter remains constant, whether the butter comes from Denmark or Canada or New Zealand, and so on throughout the hundreds of schedules. Furthermore, these schedules can not be manhandled or manipulated in order to hurt one country and benefit another.

On the other hand, European tariffs are punitive and are purposely capable of manipulation. Most of them are written to be used for trading purposes. In the majority of cases European tariff rates are largely fixed by an administrative order instead of by parliamentary bodies. Many European nations have what is known as the coefficient system of tariffs, which enables officials to change rates overnight and as frequently as they desire.

AMERICA DISCRIMINATED AGAINST BY EUROPEAN TARIFFS

It is by means of this system of handling tariff rates, which prevails throughout Europe, that gross discrimination and equally gross favoritism in international trade is practiced, and of which the United States has been made the victim. There never has been any objection upon the part of our Government to any increase in any tariff rates of any nation, provided such increases were uniform against imports from all countries and not merely against imports from the United States. Increases in tariff rates are regarded as a domestic policy of the nation making them, but where a nation fixes tariffs upon American imports at four to eight times the rates fixed on like imports from other countries, it is so obvious and so flagrant a discrimination against the United States that it can not be overlooked or excused.

The United States asks nothing more than it gives in the matter of tariffs. It claims and exercises the right to make a tariff absolutely prohibitive, if such is needed, in its judgment, to protect American products. It grants, without argument or protest, the same right to every other nation; but where another nation, by manipulation of its tariffs, practically excludes American imports of a certain classification and at the same time invites increased importation of like imports from other countries, obviously its action is not for the purpose of defending or protecting its home industries.

In their assault on the American protective tariff foreign interests have the very valuable assistance of two classes in the United States—those who have a misguided and narrow devotion to the theory of free trade and those who have selfish, mercenary interests that would be forwarded by turning our domestic markets over to foreign producers.

The standard argument of these American associates of foreign interests is the assertion that the present protective tariff operates to the restriction of our foreign commerce; that, due to it, other countries are denied free access to our markets, which in turn results in the United States selling less goods abroad than it would otherwise. There is no foundation in fact for any such assertion, and there is no justification for its being made by anyone who poses as being possessed of sufficient information upon the subject of the tariff to justify his making any public statement, oral or written, regarding it.

AMERICA'S FOREIGN TRADE HAS INCREASED UNDER PRESENT TARIFF

The accompanying table furnished by the Department of Commerce shows the absurdity of such claims. This table in detail shows that our exports have increased 32 per cent since the enactment of the Fordney-McCumber tariff and that our imports have increased 63 per cent since the enactment of that tariff, which proves conclusively that our tariff does not handicap those nations of Europe which are engaged in the important work of reconstruction and rehabilitation. European countries are to-day selling us 53 per cent more goods than they did prior to the enactment of this tariff:

[Statistics furnished by United States Department of Commerce]

Growth of foreign trade of the United States

(Millions of dollars)

	Years ended June 30—					Per cent increase 1927 over—	
	1910–1914 average	1922	1925	1926	1927	1910–1914	1922
EXPORTS							
Total (domestic and foreign)	2,166	3,771	4,865	4,753	4,968	129	32
To—							
Europe	1,350	2,068	2,660	2,334	2,397	77	16
All other, total	816	1,704	2,205	2,420	2,572	215	51
Canada and Newfoundland	320	551	658	708	797	149	45
Latin America	302	536	845	879	869	187	62
Asia	121	480	458	537	584	382	22
Oceania	48	84	167	201	216	353	158
Africa	25	52	77	94	106	330	105
Total exports of domestic merchandise	2,130	3,700	4,778	4,653	4,868	128	32
Foodstuffs	421	1,144	1,061	780	877	108	−23
Raw materials	713	933	1,401	1,301	1,321	85	42
Semimanufactures	342	412	646	635	694	103	68
Finished manufactures	654	1,211	1,670	1,937	1,976	202	63
IMPORTS							
Total	1,689	2,608	3,824	4,465	4,253	152	63
From—							
Europe	836	831	1,171	1,275	1,268	52	53
All other, total	853	1,778	2,654	3,190	2,985	250	68
Canada and Newfoundland	119	310	411	476	486	310	57
Latin America	435	679	1,044	1,052	1,050	141	55
Asia	259	705	1,048	1,492	1,305	405	85
Oceania	17	31	65	71	59	242	89
Africa	23	52	84	99	86	282	65
Foodstuffs	398	635	903	930	969	144	53
Raw materials	595	927	1,452	1,905	1,651	177	78
Semimanufactures	307	407	701	796	759	147	87
Finished products	389	639	767	834	874	125	37

The growth of our foreign trade under the Fordney-McCumber Act runs true to the history and experience of all protective tariffs. The official records of our foreign commerce show that during the periods the United States has been under a protective tariff its foreign trade has always increased. The record also shows the equally striking and significant fact that during the periods the United States has been under a Democratic tariff its foreign trade has decreased. There is a reason. Trade follows prosperity. A prosperous neighbor buys more than an impoverished one. Under a protective tariff America has always been prosperous. A protective tariff has always stimulated business and increased industrial production. Increased industrial production calls for the increase of imports of raw materials and semimanufactured articles to be used in manufacturing industries. Increased industrial production means steady and profitable employment to millions of wage earners. It means a sure and stable market for the products of the farm. It means vastly increased business for the agencies of transportation and for the agencies of distribution of merchandise. It means that everybody has more money. All of this increases consumption of every conceivable commodity, foreign as well as domestic, which naturally stimulates the demand for imported goods.

Under free trade or a low tariff factories close and their employees walk the streets with empty pockets; farm produce rots in the fields for want of a market; railroads lay off employees and empty freight cars congest the sidetracks; wholesalers and jobbers discharge their traveling salesmen and retailers dismiss their clerks. Under such conditions we buy less at home and we buy less from abroad. When our industrial plants do not produce we have less for barter in international trade. Nothing is more logical or inevitable than the increase of foreign trade under the stimulus of a protective tariff. It has always been so. It always will be so, and the present period is no exception to the rule.

AGRICULTURE PROVIDED FOR IN EXISTING REPUBLICAN TARIFF

The two outstanding features of the Fordney-McCumber tariff from the standpoint of agriculture are (1) no previous American tariff ever approximated this one either in the number and variety of agricultural products given protection or in the degree of protection afforded them; and (2) no previous American tariff ever excelled this one in the number and variety of commodities peculiarly essential to the pursuit of agriculture which are on the free list.

I herewith append a list of the principal agricultural products which are afforded protection by the Fordney-McCumber tariff, the amount of protection afforded in each case, and, for purposes of comparison, the rate or lack of rate given the same products by the Underwood Democratic tariff of 1913, which was operative until the Republican Congress in its special session in the summer of 1921 enacted the farmers' emergency tariff. I also append the "farmers' free list"—those commodities in general use in agriculture the imports of which are admitted free under the provisions of the existing tariff law.

The matter referred to is as follows:

Comparative tariff rates on agricultural products under the present protective tariff act of 1922 and the Underwood Democratic tariff of 1913

Commodity	Rate of duty—present tariff	Rate of duty—Underwood tariff
GRAIN AND GRAIN PRODUCTS		
Wheat	42 cents per bushel of 60 pounds.	Free.
Barley	20 cents per bushel of 48 pounds.	15 cents per bushel of 48 pounds.
Oats	15 cents per bushel of 32 pounds.	6 cents per bushel of 32 pounds.
Rye	15 cents per bushel of 56 pounds.	Free.
Buckwheat	10 cents per 100 pounds.	Do.
Corn	15 cents per bushel of 56 pounds.	Do.
Rice, paddy or rough	1 cent per pound	⅗ cent per pound.
LIVESTOCK AND POULTRY		
Cattle:		
Less than 1,050 pounds each	1½ cents per pound	Free.
1,050 pounds each or more	2 cents per pound	Do.
Sheep	$2 per head	Do.
Goats	do	Do.
Swine	½ cent per pound	Do.
Horses and mules:		
Valued at $150 or under	$30 per head	10 per cent ad valorem.
Valued at $150 or more	20 per cent ad valorem.	Do.
Poultry, live	3 cents per pound	1 cent per pound.

Comparative tariff rates on agricultural products, etc.—Continued

Commodity	Rate of duty—present tariff	Rate of duty—Underwood tariff
MEATS AND MEAT PRODUCTS		
Beef, fresh	3 cents per pound	Free.
Veal, fresh	do	Do.
Mutton, fresh	2½ cents per pound	Do.
Lamb, fresh	4 cents per pound	Do.
Pork, fresh	¾ cent per pound	Do.
Bacon	2 cents per pound	Do.
Hams	do	Do.
Shoulders	do	Do.
Lard	1 cent per pound	Do.
Poultry, dressed or undressed	6 cents per pound	2 cents per pound.
DAIRY AND POULTRY PRODUCTS		
Milk, fresh	2½ cents per gallon	Free.
Cream	20 cents per gallon	Do.
Butter	12 cents per pound	2½ cents per pound.
Cheese	5 cents per pound, but not less than 25 per cent ad valorem.	20 per cent ad valorem.
Eggs in the shell	8 cents per dozen	Free.
Frozen eggs	6 cents per pound	2 cents per pound.
Dried eggs	18 cents per pound	10 cents per pound.
VEGETABLES		
Potatoes	50 cents per 100 pounds	Free.
Onions	1 cent per pound	20 cents per bushel of 57 pounds.
Tomatoes	½ cent per pound	15 per cent ad valorem.
Beans:		
Green or unripe	do	25 cents per bushel of 60 pounds.
Dried	1¼ cents per pound	Do.
Peas:		
Green or dried	1 cent per pound	10 cents per bushel of 60 pounds.
Split	1¼ cents per pound	20 cents per bushel of 60 pounds.
Turnips	12 cents per 100 pounds	15 per cent ad valorem.
Lentils	½ cent per pound	25 cents per bushel of 60 pounds.
FRUITS		
Apples:		
Green or ripe	25 cents per bushel of 50 pounds.	10 cents per bushel of 50 pounds.
Dried	2 cents per pound	1 cent per pound.
Apricots:		
Dried	½ cent per pound	Free.
Green, ripe, or in brine	do	Do.
Cherries:		
In their natural state, sulphured, or in brine.	2 cents per pound	10 cents per bushel of 50 pounds.
Maraschino cherries and cherries prepared or preserved in any manner.	40 per cent ad valorem	20 per cent ad valorem.
Figs:		
Fresh, dried, or in brine	2 cents per pound	1 cent per pound.
Prepared or preserved in any manner.	35 per cent ad valorem	20 per cent ad valorem.
Dates:		
Fresh or dried	1 cent per pound	1 cent per pound.
Prepared or preserved in any manner.	35 per cent ad valorem	20 per cent ad valorem.
Grapes	25 cents per cubic foot	25 cents per cubic foot.
Raisins	2 cents per pound	2 cents per pound.
Other dried grapes	2½ cents per pound	Do.
Currants, Zante or other	2 cents per pound	1½ cents per pound.
Lemons	do	½ cent per pound.
Limes	1 cent per pound	Do.
Oranges	do	Do.
Grapefruit	do	Do.
Olives:		
In brine, green	20 cents per gallon	15 cents per gallon.
Ripe	do	Do.
Pitted or stuffed	30 cents per gallon	Do.
Peaches:		
Green, ripe, or in brine	½ cent per pound	10 cents per bushel of 50 pounds.
Dried	2 cents per pound	1 cent per pound.
Pears:		
Green, ripe, or in brine	½ cent per pound	10 cents per bushel of 50 pounds.
Dried	2 cents per pound	1 cent per pound.
Pineapples: Crates of 1.96 cubic feet	22½ cents per crate	6 cents per cubic foot.
Plums	½ cent per pound	10 cents per bushel of 50 pounds.
Prunes	do	Do.
Citrons and citron peel:		
Crude, dried, or in brine	2 cents per pound	Free.
Candied or otherwise prepared or preserved.	4½ cents per pound	2 cents per pound.
NUTS		
Almonds:		
Not shelled	4¾ cents per pound	3 cents per pound.
Shelled	14 cents per pound	4 cents per pound.
Filberts:		
Not shelled	2½ cents per pound	2 cents per pound.
Shelled	5 cents per pound	4 cents per pound.
Pistache	1 cent per pound	1 cent per pound.
Peanuts:		
Not shelled	3 cents per pound	⅗ cent per pound.
Shelled	4 cents per pound	¾ cent per pound.

Comparative tariff rates on agricultural products, etc.—Continued

Commodity	Rate of duty—present tariff	Rate of duty—Under wood tariff
NUTS		
Walnuts of all kinds:		
Not shelled	do	2 cents per pound.
Shelled	12 cents per pound	4 cents per pound.
Pecans:		
Not shelled	3 cents per pound	1 cent per pound.
Shelled	6 cents per pound	Do.
SEEDS		
Grass seeds:		
Alfalfa	4 cents per pound	Free.
Alsike clover	do	Do.
Crimson clover	1 cent per pound	Do.
Red clover	4 cents per pound	Do.
White clover	3 cents per pound	Do.
Clover, n. s. p. f.	2 cents per pound	Do.
Millet	1 cent per pound	Do.
Timothy	2 cents per pound	Do.
Hairy vetch	2 cents per pound	Do.
Spring vetch	1 cent per pound	Do.
All other, n. s. p. f.	2 cents per pound	Do.
Other garden and field seeds:		
Beet (except sugar beet)	4 cents per pound	3 cents per pound.
Cabbage	10 cents per pound	6 cents per pound.
Carrot	4 cents per pound	3 cents per pound.
Cauliflower	25 cents per pound	Free.
Celery	2 cents per pound	Do.
Onion	15 cents per pound	5 cents per pound.
Parsnip	4 cents per pound	3 cents per pound.
Radish	do	Do.
Turnip	do	Do.
Rutabaga	do	Do.
BULBS AND NURSERY STOCK		
Tulip, lily, and lily of the valley pips	$2 per 1,000	$1 per 1,000.
Hyacinth bulbs	$4 per 1,000	$2.50 per 1,000.
Crocus bulbs	$1 per 1,000	50c per 1,000.
All other bulbs and roots, root stocks, clumps, corms, tubers, and herbaceous perennials imported for horticultural purposes.	30% ad valorem	Do.
Seedlings, and cuttings of manetti, multiflora, brier, rugosa, and other rose stock, all the foregoing not more than three years old.	$2 per 1,000	$1 per 1,000.
Cuttings, seedlings, and grafted or budded plants of other deciduous or evergreen ornamental trees, shrubs, or vines, and all nursery stock, n. s. p. f.	25% ad valorem	15% ad valorem.
Seedlings, layers, and cuttings of apple, cherry, pear, plum, quince, and other fruit stocks.	$2 per 1,000	$1 per 1,000.
Grafted or budded fruit trees, cuttings and seedlings of grapes, currants, gooseberries, or other fruit vines, plants, or bushes.	25 per cent ad valorem	15 per cent ad valorem.
OIL SEEDS		
Castor beans	½ cent per pound	15 cents per bushel of 50 pounds.
Flaxseed	40 cents per bushel of 56 pounds.	20 cents per bushel of 56 pounds.
Poppy seed	32 cents per 100 pounds	15 cents per bushel of 47 pounds.
Sunflower seed	2 cents per pound	Free.
Soy beans	½ cent per pound	Do.
Cottonseed	⅛ cent per pound	Do.
MISCELLANEOUS		
Honey	3 cents per pound	10 cents per gallon.
Hay	$4 per ton	$2 per ton.
Straw	$1 per ton	50 cents per ton.
Hops	24 cents per pound	16 cents per pound.
Sugar beets	80 cents per ton	5 per cent ad valorem.

ARTICLES USED BY THE FARMER WHICH ARE ON THE FREE LIST UNDER THE PRESENT PROTECTIVE TARIFF ACT OF 1922

Farm implements and machinery: Cream separators (valued at not more than $50 each); plows; cultivators; threshing machines; harrows, tooth and disk; farm drills; planters; hay rakes; headers; mowers (except lawn mowers); harvesters; binders; farm wagons and carts; cotton gins; sugar machinery; reapers.

Building materials: Building brick; lime (hydraulic); cement (hydraulic); plaster rock or gypsum (crude); lumber; logs (this does not extend to logs of fir, spruce, cedar, or western hemlock); timber (round, unmanufactured, hewn, sided, or squared otherwise than by sawing); boards (sawed); planks (sawed); deals (sawed); other lumber, but not further manufactured than sawed, planed, tongued and grooved (this does not extend to Spanish cedar, mahogany, Japanese white oak, Japanese maple and certain other wood in the log, or in the form of sawed boards, planks, deals); clapboards; laths, siding; shingles; telephone poles, of cedar or other woods; pickets and palings; hardwood lumber (maple, hickory and walnut).

Fuels and lubricating oil: Coal, anthracite and bituminous; coke; petroleum, crude; gasoline; kerosene oil; lubricating oil; composition fuels (in which coal is chief component material; firewood.

Chemicals and allied products: Sheep dip; sulphur; antitoxins, serums, vaccines, and viruses; turpentine; rosin; borax, crude; rock salt; tar and pitch; wax.

Fertilizers and fertilizer materials: Sodium nitrate (nitrate of soda); phosphate, crude and apatite; potassium chloride or muriate of potash, potassium sulphate, kainite, wood ashes and beet-root ashes, and all crude potash salts not specially provided for; potassium nitrate or saltpeter, crude; guano, basic slag, ground or unground, manures, and all other substances used chiefly for fertilizer, not specially provided for: *Provided*, That no article specified by name and Title I shall be free of duty under this paragraph; calcium cyanamide or lime nitrogen; tankage.

Oil and oil cake and meal: Soyabean cake and meal; cottonseed cake and meal; linseed cake and meal; peanut cake and meal; other oil cake and meal; cod liver oil.

Harness and saddlery: Harness (sets valued at less than $70 per set; single harness valued at $40 or less); saddles (valued at $40 or less); harness and saddlery parts, except metal, for foregoing; sole leather; pads for horses.

Seeds: Chickpeas or gabanzos; cowpeas; sugar-beet seed.

Miscellaneous: Animals for breeding purposes; barbed wire, whether plain or galvanized; binder twine; gunpowder; needles, hand-sewing and darning needles; rope made of rawhide; boots and shoes made chiefly of leather; gloves, leather, made chiefly from hides of cattle; bananas; coffee; tea; tapioca and tapioca flour; newspapers and periodicals; books and pamphlets in foreign languages; tar and oil-spreading machines used in road construction and maintenance; hones and whetstones; sea herring, smelts, and tuna fish, fresh, frozen, or packed in ice.

These outstanding factors of the present tariff enacted six years ago and in point of fact embodied in the farmers' emergency tariff which was enacted in the summer of 1921 and embodied even before that in the farmers' emergency tariff the Republican Congress passed in the winter of 1920 only to have it vetoed by a Democratic President were the result of careful and exhaustive study by the Republican Party of the needs of American agriculture. This fact should be emphasized because it has been only recently that the Democratic Party leaders in some cases have commenced to talk about the necessity of affording some protection to the American farmer. They are doing this only because they feel the necessity of attempting to win the farmers' vote and not because of any sincere conversion to the principles of protective tariff system.

DEMOCRATIC PARTY OPPOSED TO PROTECTION FOR FARMER

Whenever a Democrat gets in the company of Democrats, whenever a Democratic speaker addresses a Democratic gathering of political leaders or editors, whenever a Democratic keynoter addresses a Democratic convention, they invariably denounce protective tariff both as a theory and the present protective tariff law in particular. There is no sincerity in the public profession of the Democratic Party that it desires to give the American farmer high protective schedules. The Unlerwood law did not do so. The last Democratic President, whom all Democrats now pronounce to have been the greatest President the country has even seen, vetoed a farmers' emergency tariff bill passed by the Republican Congress no later than February, 1921. American agriculture can expect no continuation of existing protective rates in event the Democratic Party secures control of the American Congress and has in the White House a Democratic President to sign the tariff law which that Congress would pass.

On the other hand the Republican Party's policy of protection for agricultural interests is not a vote-getting scheme or a political makeshift, but a well-considered economic policy of permanence based on the knowledge of world-wide agricultural competitive conditions and based upon the traditional policy of the Republican Party that all American producers whether they be industrial or agricultural must have protection in the form of a high tariff if they are to keep their own home markets and survive.

It was for these reasons that high protective rates for all agricultural products were included in the tariff bill which is now a law. These rates reflected the deliberate judgment of the Republican Party and were in fulfillment of a specific pledge in the Republican platform of 1920, which read as follows:

The Republican Party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market, for American labor, agriculture, and industry.

This pledge was made because the Republican Party at that time realized that agriculture was entering upon a new era. It was no longer an industry dependent for success upon physical strength and climatic accidents. The introduction of labor-saving machinery, the growing complexities of the marketing

phase of agriculture, and the introduction of science in the preparation of soil, selection of seeds, and processes of cultivation, had all combined to make agriculture truly an industry—an industry dependent, quite as much as manufacturing, for success and profit upon the application of business methods and economic laws.

Moreover, our frontier had disappeared and with it the era of cheap land. Simultaneously "new country," with virgin soil, cheap land, and cheap labor was being opened in other parts of the world. American agriculture was meeting with severe competition from products of these newly developing countries. Indeed, at that particular time, the year 1920, under the Democratic Underwood tariff, a larger quantity of agricultural imports of all kinds passed through our customhouses than ever before in the history of this country. These imports included grain, livestock, and meat products from the Argentine and Canada; lamb and mutton from Australia, New Zealand, and England; potatoes, eggs, and dairy products from Denmark, Canada, and New Zealand, and other agricultural products from various quarters of the globe. All of these imports were admitted free of duty under the provisions of the Underwood tariff.

REPUBLICANS PASS FARMERS' TARIFF, BUT WILSON VETOED IT

The Republican Party did not wait until the inauguration of the Republican administration elected in 1920 to attempt to carry out its platform pledge. It controlled both branches of the Sixty-sixth Congress, elected in 1918. As soon as the third session of that Congress convened in December, 1920, an emergency farmers' tariff bill was introduced in the House of Representatives. This bill provided for substantial protection to agricultural products in striking contrast to the lack of any protection under the Underwood tariff, then in effect. That protective tariff measure, especially designed to assist the farmer, was opposed on the floor of the House by the Democratic leaders and by practically all of the Democratic minority. It passed the House December 22, 1920. In the Senate it met with the solid opposition of the Democratic minority, but the Republican majority passed it on February 16, 1921. It suffered the fate of all protective tariff measures at the hands of a Democratic administration—President Wilson vetoed it.

On April 11, 1921, the newly elected Republican Congress was convened in special session by President Harding. Almost immediately the farmers' emergency tariff was reintroduced, and it was speedily passed, becoming a law May 27, 1921. That tariff law applied solely to agricultural products. It remained in effect until the passage of the Fordney-McCumber tariff bill in September, 1922, and its agricultural schedules were embodied in the Fordney-McCumber law with comparatively few changes. The changes made were mostly increases in rates.

During the 16 months between the enactment of the farmers' emergency tariff and that of the Fordney-McCumber tariff the operations and effect of the farmers' emergency tariff were closely watched. During the consideration of the Fordney-McCumber bill the United States Senate called upon the United States Tariff Commission for a report as to the specific effect the farmers' emergency tariff had had upon farm prices, agricultural imports, and its general effect upon agricultural interests. The report of the tariff commission was voluminous, exhaustive, and conclusive, absolutely free from theory, presenting merely the facts. Briefly, it showed the farmers' emergency tariff had—

First. Appreciably diminished agricultural imports.

Second. Checked the precipitous decline of agricultural prices.

Third. Operated to maintain a higher level of prices in the United States for all kinds of agricultural products than prevailed in any other country.

It showed in detail that while prices of grain products, livestock, and meat products steadily declined throughout the world during the calendar year 1921, the decline in the prices of those products was far less in this country than in other countries; that where prior to the enactment of the tariff prices of farm products had been lower in this country than in other countries, following the enactment of that tariff they became the highest in the world for that year. The report further showed that the farmers' emergency tariff directly and positively operated to save the cattle, sheep, and wool industries from absolute ruin.

All the facts in connection with the operation of the emergency farmers' tariff argued in favor of its schedules being incorporated in the Fordney-McCumber tariff. Other facts contributed to the same conclusion. Agricultural and livestock interests were suffering from deflation of prices of farm products, precipitated in 1920 under the Democratic administration, and they needed all possible legitimate economic assistance. Competition from other agricultural producing countries gave every evidence of becoming more formidable. European peoples who had been largely dependent upon our agricultural products for their food supply during the World War and the years immediately following were not only resuming their pre-war agricultural activities, but in a desire to decrease their imports and balance their trade as far as possible, they were resorting to all possible stimulation of production of food at home. This meant an inevitable and very large decrease in our exports of agricultural products. All facts justified the schedules of the farmers' emergency tariff being incorporated in the Fordney-McCumber Act, and all agricultural interests joined in the active desire to have them included. It is well within the truth to state that the agricultural organizations of the country, representing bona-fide producers, dictated the agricultural schedules of the Fordney-McCumber Act. They were consulted in every instance, and their desires in every case were embodied in the bill.

EXISTING TARIFF RATES HAVE UNDOUBTEDLY SAVED AGRICULTURE FROM RUIN

There was every reason to believe that the protective schedules of the farmers' emergency tariff, which saved American agriculture from absolute ruin, would have a continued beneficial effect if embodied in a permanent tariff act. The operation of the Fordney-McCumber tariff has justified that belief. Under that tariff, and because of it, all our agricultural and livestock interests have been immeasurably benefited. No amount of deliberate or ignorant misrepresentation can change that fact. The proof is plain, easy of access, and indisputable.

There is no room for honest doubt that the existing tariff has profited American wheat growers in the sum of hundreds of millions of dollars; it has kept American wheat prices above the level of world prices and has saved the farmer his home market from a flood of foreign wheat that would have meant ruin and disaster to him.

According to the United States market reports compiled from official records the Winnipeg price of wheat for the three years of 1914, 1915, and 1916 averaged 8 cents higher per bushel than the price of like wheat on the Minneapolis market. During all of that period the Underwood Democratic tariff, which provided no protection whatever to American wheat, was in effect.

But beginning with the harvest of 1920 and continuing until the new crop of 1921 came in, the Underwood tariff still being in effect, the differential between prices of wheat in American markets and Canadian markets was only 4 cents a bushel. This statement is based upon the findings of the United States Tariff Commission. Points of comparison were: Sweetgrass, Mont., with Coutts, Alberta; Whitetail, Mont., with Bengough, Saskatchewan; Souris, N. Dak., with Waskada, Manitoba, and Pembina, N. Dak., with Emerson, Manitoba. However, with the imposition of a protective tariff of 30 cents a bushel upon wheat, the differential between these market points immediately jumped to from 25 to 31 cents a bushel in favor of the American markets.

BECAUSE OF TARIFF WHEAT HAS SOLD FAR ABOVE WORLD-MARKET PRICES

Furthermore, the records of the Department of Agriculture show during the period of 222 weeks from July 1, 1923, to October 1, 1927, during all of which time the protective tariff has been in effect, the average price of wheat at Minneapolis was 19 cents above like wheat at Winnipeg, and for 59 weeks of that period, or one-fourth of the entire time, the average price of wheat at Minneapolis was 30 cents or more above the price of like wheat in Winnipeg. During those four crops years the production of American wheat amounted to over 3,000,000,000 bushels, for which the American farmer received $602,000,000 more than he would have received had he sold at Winnipeg prices.

No other explanation can be offered for this differential except the protective tariff placed on wheat by the Republican Party. No other market conditions, no other economic factor entered the equation to cause this switch of a differential in the price of wheat from Winnipeg's favor to the favor of the American market except the enactment of a tariff law which took wheat off of the free list and gave it protection. In view of this, to make the charge, as is repeatedly made, that the American wheat grower does not benefit from the tariff and that he sells in an unprotected market is to utter an absurdity, to phrase it mildly.

This benefit is given further emphasis by the fact that since the American protective tariff on wheat went into effect Canada has become the second largest producer and largest exporter of wheat in the world. Canada exports more than 300,000,000 bushels of wheat every year. Moreover, according to the findings of the United States Tariff Commission the cost of producing wheat in Canada is 33 cents per bushel less than in the

United States. Taking Duluth as the market for American wheat and Fort William or Port Arthur as the market for Canadian wheat, the Tariff Commission finds that the cost of marketing wheat, including country elevator charges, rail transportation, terminal market charges, and so forth, in Canada is 8.84 cents per bushel less than in the United States. This makes a total of 42 cents a bushel in favor of the Canadian wheat grower. In other words, the Canadian wheat grower can lay wheat down at the head of the Lakes for 42 cents a bushel less than the American wheat grower. It certainly is no theoretical protection which has enabled the American wheat grower to obtain 19 cents a bushel more for his wheat than the Canadian wheat grower, in spite of Canada's annual export surplus of 300,000,000 bushels, which can be delivered at our very boundary line for 42 cents a bushel less than American wheat can be produced and delivered at the same point.

To phrase it another way, Canada is the greatest wheat-exporting country in the world. By reason of lower land values, lower labor costs, lower taxes, and lower transportation costs, Canadian wheat is raised and marketed at Great Lake ports 42 cents a bushel less than American wheat can be raised and marketed at Great Lake ports.

The United States is the greatest wheat-consuming country in the world. The only barrier between the world's greatest wheat-consuming people and the world's greatest wheat-exporting people is a tariff of 42 cents a bushel. No one who is sane will contend that that barrier affords the American grower no protection, or that its removal would not be followed by gigantic inundation of American markets by Canadian wheat. Were the tariff removed, Canadian wheat, enjoying a differential of 42 cents a bushel because of lower production and lower transportation costs, would undersell American wheat at every lake port from Duluth to Buffalo and still show a good profit.

At this point permit me to suggest to my Democratic friends that their eleventh-hour conversion to the support of the McNary-Haugen bill places them in a very embarrassing position. Either their very recent support of the McNary-Haugen bill is hyprocritical in the hopes of obtaining votes for their candidate from the sidewalks of New York, whose knowledge of agriculture is confined to raising spring vegetables in a window box, or it indicates upon their part an abandonment of their objection to a protective tariff and their admission that a protective tariff on agricultural products does bring the price of American farm products in America much above the world level of prices. The entire theory of the McNary-Haugen bill is based upon the fact that a protective tariff on farm products does work and does make the level of farm prices in the United States higher than the level of farm prices abroad. If this were not true, then there would be no need of an equalization fee to make up the difference between what farm products are sold for at the American price and what they are sold for abroad.

WHAT TARIFF HAS DONE FOR AMERICAN DAIRY INDUSTRY

Take another example of how the Fordney-McCumber tariff protects farm products! Due to this tariff the dairy industry of the United States has been able to obtain prices for butter that are above the world level of butter prices and are 15 per cent higher than the average in this country in 1921 under the Democratic tariff. This increase in butter prices and the stabilization of butter prices has taken place in face of a 100 per cent increase in butter production in this country and an increase of 400,000,000 pounds annually in the exports of butter from competing dairy producing countries, which are able to produce butter from 13 cents to 28 cents less per pound than it can be produced in this country.

The following are the salient facts in connection with the production of butter and its protection by the existing tariff. In 1917 creamery-butter production in this country was 759,000,000 pounds; in 1927 it was 1,467,000,000 pounds, or an increase of 100 per cent. In the same period exports of butter from Argentine, Australia, and New Zealand increased from an average of 124,000,000 pounds a year to 320,000,000 pounds. Exports from Scandanavian and northern European countries have increased in the same period 188,000,000 pounds. Quite obviously such a tremendous increase in the production of butter in the last 10 years had a depressing effect on butter prices in this country, which is the largest consumer of dairy products in the world. The Fordney-McCumber tariff placed a tariff of 8 cents a pound upon butter, which at that time seemed sufficient. However, as foreign competitive conditions became more severe and the production of butter increased in this country it became apparent that the rate was not high enough. The Tariff Commission made an investigation which disclosed the fact that butter is being produced in Denmark for 13 cents a pound less than it can be produced in this country and is being produced in New Zealand at from 24 cents to 28 cents per pound less than it can be produced in this country. As a result of this investigation, the Tariff Commission made recommendations to President Coolidge, and the tariff on butter was increased by his order March 6, 1926, from 8 cents to 12 cents per pound. In the meantime, despite the tremendous increase of butter production, prices of butter in the United States as paid on the farm are 15 per cent higher now than they were in 1921 prior to the enactment of the present protective tariff.

No one who has studied the dairy conditions in the last six years, as previously set forth above, and knows that in spite of them the price of butter in this country has gradually increased until it is above the world level, can doubt that this has been due solely to the protection afforded our dairy interests by the schedules of the existing tariff law.

I might go on in greater detail and show how the present law has benefitted practically every product of the farm; how it has prevented the importation of millions of pounds of Argentine beef, which, according to data collected by the United States Government, can be produced on the ranches of Argentine at 75 cents per hundred pounds, while the best showing that can be made in the United States on a ranch of 6,000 acres with production costs at a minimum is $3.65 per hundred pounds. The protective tariff prevents Argentine meat, which is being exported at the rate of 2,000,000,000 pounds a year, from coming into this country in any appreciable quantity, and is directly responsible for the fact that beef cattle on the Chicago market, ever since the enactment of the Fordney-McCumber tariff, have brought approximately twice as much as like cattle in the market at Buenos Aires.

It is claimed, and with a great deal of justice, that our agricultural imports are yet too great due to the fact that our protective rates on some products are still too low. In all probability the present schedules are not high enough in some instances to afford proper protection of certain agricultural products. That is because foreign competitive conditions have developed in intensity far beyond expectations at the time the present tariff law was enacted. The dairy industry affords an illustration of such unforseen competitive conditions. There are many others not only in agriculture but in manufacturing industries. Competition in and for the world markets has become increasingly severe in the last six years until at present it is keener and more intense than ever before in the history of civilization. Much of this competition is aimed directly at the American market, American industry, and American agriculture.

IF AMERICAN AGRICULTURE NEEDS MORE PROTECTION, REMEDY IS NOT FREE TRADE

But the history of the Republican Party for 60 years justifies the confidence that as fast as international competition menaces the American producer, whether he be on the farm or in the factory, just that fast will the Republican Party readjust tariff schedules in order to afford needed protection. For certainly the way to meet this increasing foreign drive to obtain control of American markets at the expense of American producers is not by lowering or abolishing tariff rates and inviting foreign producers to help themselves, which is the proposal offered by the Democratic Party which promises that in the event that it obtains control of the legislative and executive branches of our Government it will repeal the present tariff laws which it claims are robbing the consumer and not affording any benefit to the producer.

The Republican Party stands for the policy of writing tariff rates high enough to preserve the American market to American producers, and are revising these rates upward as often as necessary to maintain this protection. Evidence of this is afforded in the fact that since the present Fordney-McCumber law was enacted tariff schedules have been increased under the flexible provisions of that act on wheat and wheat products, butter, Swiss cheese, and cherries as follows:

Wheat and wheat products: The rate of duty on wheat was raised from 30 cents to 42 cents per bushel; on wheat flour, semolina, and so forth, from 78 cents to $1.04 per hundred pounds; and was reduced on by-product feeds, such as bran, from 15 per cent ad valorem to 7½ per cent advalorem. This change was effective March 7, 1924.

Butter: The rate of duty on butter was raised from 8 cents per pound to 12 cents per pound, effective March 6, 1926.

Swiss cheese: The rate of duty on Swiss cheese was raised from 5 cents per pound, but in no case not less than 25 per cent ad valorem, to 7½ cents per pound, but in no case less than 37½ per cent ad valorem, effective June 8, 1927.

Cherries: The rate of duty on cherries was increased from 2 cents per pound to 3 cents per pound, effective December 3, 1927.

All these increases were made by Executive order of President Coolidge, following investigation and report of the United States Tariff Commission. Investigations are now under way by the United States Tariff Commission looking to a revision of the rates on eggs and egg products, corn, peanuts, cottonseed, flaxseed, soy beans, onions, fresh tomatoes, canned tomatoes, and tomato paste. To carry on these investigations the United States Tariff Commission has sent its representatives into 40 States of the United States and into Canada, Mexico, China, and Italy.

The complaint is made that the Tariff Commission is slow. That is a natural complaint from those whose business is suffering from inadequate protection and who desire the utmost haste in applying the remedy of higher rates. All of the investigations of the Tariff Commission of rates on the above commodities are under section 315 of the Fordney-McCumber Act, which authorizes the President, after investigation and report by the Tariff Commission, to proclaim such changes in rates of duty, within a limit of 50 per cent either way, as may be necessary to equalize the ascertained differences in costs of production of like or similar articles in the United States and in the principal competing foreign country.

In attempting to carry out the provisions of this section, calling for ascertainment of production costs in foreign countries, the United States Tariff Commission has met with the most determined opposition upon the part of foreign producers and foreign governments. In no field of its endeavors has this opposition been more pronounced and unyielding than in those countries where it sought to investigate the costs of agricultural products. Some nations, notably Argentina, made the matter the subject of diplomatic protest, with the result that the United States Government instructed the United States Tariff Commission to recall its investigators from those countries.

Where the proposed investigations were of manufactured articles and might involve the disclosure of trade secrets or of exclusive processes and formulas, the objection might reasonably be raised to the United States Tariff Commission, making such investigation. This was the basis upon which several European countries registered their diplomatic protest against research work by the commission. But where the proposed investigation was one of costs of agricultural products, such as flaxseed, corn, butter, or cattle, involving the disclosure of no secret manufacturing processes, the conclusion is inescapable that the diplomatic objections were raised to prevent the collection of facts that would have undoubtedly justified an increase in our tariff rates on imports of those products.

PRICES OF FARM PRODUCTS HAVE INCREASED UNDER PRESENT TARIFF

Those who claim that the present tariff does not benefit the American farmer are referred to the monthly reports of the Department of Agriculture on farm prices, which show that since the tariff went into effect the price of wheat has increased 20 per cent, rye 20 per cent, corn 70 per cent, oats 50 per cent, barley 60 per cent, flaxseed 27 per cent, beef cattle 70 per cent, calves 48 per cent, butter 15 per cent, hogs 35 per cent, sheep 93 per cent, lambs 86 per cent, wool 100 per cent.

Yet in the face of these nonpartisan Government statistics there persists free-trade propaganda that the existing tariff has not enhanced the value of farm products and does not give the American farmer the benefit of a protected home market in which to sell his products. Such argument is childish, for nothing could be clearer than the fact that the American farmer does sell in a protected market, protected directly from the cheaply produced agricultural products of other countries. The tariff prevents 300,000,000 bushels of Canadian wheat, produced at 42 cents less on the bushel that he can produce it, from invading his market and taking it away from him. The tariff prevents the Argentine cattle interests, able to produce cattle at 70 cents per hundred pounds, from invading his market and utterly wiping out the livestock industry. The tariff prevents the dairy products from northern Europe, New Zealand, and Australia, produced at much less than they can be produced in this country, from invading his market and destroying the dairy industry.

One of the arguments advanced in an attempt to prove the protective tariff is of no benefit to the farmer, cites as alleged proof the decline of farm-land prices since the enactment of the Fordney-McCumber Act. This argument can not stand analysis. There is no tariff upon land as a commodity. Land is neither imported nor exported. The tariff, then, affects the value of land only in so far as it affects the value of farm products which, after all, must be the final basis of the valuation of land. The price of farm products just given indisputably prove farm land has a higher earning capacity now than it has had since the World War, and that this increased earning capacity is attributable to the existing tariff. Does anyone seriously believe our agricultural and livestock interests are no better off now with these price increases than they would be without them? Does anyone seriously advance the argument, no matter how much land values in some sections have declined since 1920, that those values would not be much lower to-day if farmers were getting 1921 prices for wheat, corn, hogs, cattle, and wool?

The plain, unvarnished truth which no amount of free-trade sophistry or political humbuggery can change is that the existing tariff has been of particular benefit to the American farmer. Under it farm prices have steadily increased and the price of nonagricultural commodities have steadily decreased.

Farm prices have increased under the existing tariff because (1) importation of cheaply produced agricultural products from other countries has been curtailed so that the American agricultural producer can sell in a protected home market at higher prices; and (2) because the operations of the tariff have increased the pay rolls of American industry and commerce by over $3,000,000,000 a year, which increased pay roll means increased market for food produced on American farms.

Prices of manufactured commodities have steadily declined since the tariff became operative. Under a protective tariff prices of manufactured articles always decline. This is because a protective tariff stimulates industry and increases industrial production, which, in turn, intensifies competition because of the necessity of manufacturers marketing their increased and increasing output.

Moreover, as already set forth, the severity of foreign competition has so increased during the last six years that rates of the present tariff, which were deemed adequate when the law was enacted, are proving inadequate in the face of incredibly low labor costs in European industries, plus the destructive competitive methods of foreign combines, or cartels, making especial efforts to establish themselves in the United States market.

TARIFF HAS NOT GIVEN AMERICAN MANUFACTURERS MONOPOLY OF MARKETS

The enemies of protective tariff as a policy, and the existing tariff in particular, have been busy spreading the impression that the present tariff law gives the American manufacturing interests a monopoly of the American markets, enabling them to exploit the American consumer. The most charitable thing that can be said about such propaganda is that it is peddled by those who are ignorant. The official figures of our imports show there has been an increase of 16.5 per cent in textile imports since the Fordney-McCumber law became operative; an increase of 50.2 per cent in imports of glass products; and of 68 per cent in pottery, china, and porcelain; of 63 per cent in nonmetallic minerals, such as fluorspar and magnesite; 67.9 per cent in metals and metal products, such as aluminum, steel, iron, etc.; 66.7 per cent in machinery and vehicles; and 35 per cent in chemicals.

The plain fact is the existing tariff has operated against the importation of agricultural products more effectively than it has against any other class of imports.

Democratic tariff critics orate and write about the descending level of farm prices, when farm prices, in point of fact, are ascending. They grow vehement over the alleged profiteering of protected industries when, in point of fact, factory prices have steadily declined for four years. There is no end, apparently, to the number or variety of such misrepresentations.

To cite an example: Speaking before a farm congress at Madison, Wis., last October, the Democratic Governor of South Dakota said:

> We no longer trade loaves of bread for a pair of shoes. The farmer trades his wheat for the dollar and then trades his dollar for shoes. This would be a fair and equitable way of arriving at an exchange if the same conditions existed and the same rules applied to both trades. The trouble is, when the farmer attempts to trade wheat for his dollar the value of his wheat is fixed by a world market. When he goes to trade with it for shoes the value of shoes is artificially fixed by tariff legislation. * * * If you want to put the wheat grower and the shoemaker upon an equal trade basis, tear down the tariff wall and give to both the equal benefit of a world market.

In the first place, the wheat grower of South Dakota does not sell his wheat at a price fixed by the world market. For the last four years he has been getting an average of 19 cents per bushel more for his wheat than the same grade of wheat sold by the Canadian farmer at Winnipeg or at points in Canada just across the boundary line from North Dakota. Sometimes this differential in favor of the South Dakota wheat grower was as great as 30 cents a bushel. On the other hand, the value of shoes is not artificially fixed by tariff legislation, for the very simple reason that all shoes, as well as all other products made of leather, are on the free list. So are hides, from which leather is made. The tariff has not the slightest thing to do with the price of shoes.

SOME FACTS ABOUT "GOOD OLD DAYS" OF FREE-TRADE FARM PROSPERITY

Another favorite argument of the Democratic low-tariff advocate is a comparison of farm-machinery prices to-day with those of the "good old pre-war days" under Democratic tariff, showing there has been a very great increase of farm-machinery prices during that period. But they neglect to show how much more the farmer is getting for his products to-day than he did then, and they also neglect to strike a balance to see whether the farmer's condition is better or worse now than it was then.

A Democratic Congressman resorted to this shopworn argument in Minnesota a few months ago and drew the following editorial reply from the Long Prairie (Minn.) Leader:

A couple of weeks ago Congressman KINCHELOE, of Kentucky, addressed a gathering of Minnesota Democrats and among other things he told them what the Democratic Party had done for the farmers.

The low price of farm machinery years ago and the high price now was referred to as his proof of how Republican policies, particularly the tariff, operate against the farmers. The farmer's dollar, he said, has a purchasing power under the present Republican conditions of only 65 cents, while way back under the Democratic times it had a purchasing power of $1.04.

* * * * * * *

We examined a file of the Leader, going through the papers for an entire year, to learn what the prices of farm products were in those days of wrong farm methods and low Democratic tariff. We found that averaging the prices throughout the year hogs brought 4 cents per pound; wheat, 60 cents per bushel; potatoes, 15 cents a bushel; butter, 12½ cents per pound.

Taking up prices paid for farm implements in those days, we found that the best 14-inch walking plow could be bought for $14, the best lumber wagon for $52.50, and the best grain binder for $125.

When we look back to the good old days it is true that we could buy farm implements pretty cheap, but what we had to buy them with was also pretty cheap. It is well not to forget that.

To-day the price of all kinds of farm implements are much higher. But while it took 3,120 pounds of hogs to buy a binder in the good old days, a better binder can be bought anywhere in Todd County to-day for 1,750 pounds of hogs.

If a farmer wanted to buy a wagon in the good old days that we like to turn back to when talking about the "purchasing power of the farmer's dollar," he would have to bring in 87 bushels of wheat. To-day, notwithstanding the wagon costs more than twice as much in dollars, any Long Prairie machine dealer will be glad to trade the best wagon on his floor for only 63 bushels of wheat.

If a farmer wanted to buy a walking plow back in the days that his "friends" yearn to have return, and he had nothing but potatoes with which to buy the plow, he would have had to haul in 93 bushels. To-day if he were trading potatoes for the same size but a much better plow he could easily bring in the spuds in one load, for it would require only 33 bushels.

If he traded butter for what he wanted in the good old days, he would have had to bring in 1,000 pounds of butter to get a binder. To-day 402 pounds of butter buys a binder that is so much better he would never give the other binder a second look.

A wagon costs more than twice as much as it did 25 or 30 years ago; but, speaking in terms of butter, it required 438 pounds of butter in the old days to buy a wagon. To-day the wagon can be bought for 160 pounds of butter.

In the good old days when everything was cheap and farmers wanted to trade butter for a walking plow, he would have had to hitch up the team to bring the load to town, for the butter would have weighed 110 pounds. To-day, although the same plow costs twice as much in dollars, he could walk into town with the butter, if he wanted the exercise, because the package would weigh only 43 pounds.

In the good old days if he wanted a suit of clothes and figured he could afford a $25 suit, the storekeeper would have demanded 625 pounds of hogs for the suit, or 402 bushels of wheat, or 166 bushels of potatoes, or 208 pounds of butter. To-day, however, the merchant would be tickled to death to trade the same value suit for 179 pounds of hogs, or 20 bushels of wheat, or 50 bushels of potatoes, or 43 pounds of butter.

We do not know how Congressman KINCHELOE gets his figures about the 65 cents purchasing power of the farmer's dollar, but if he will consider the purchasing power of the farmer's products, particularly those which are the results of diversification, he will reconstruct his figures.

The real road to farm prosperity is the road which the farmers of Todd County are traveling and which this newspaper has had a modest share in helping to advance. It is a road which the farmers themselves have built, and they have built it through the use of better methods of production and better business in marketing, aided during the process very materially by our Republican tariff laws, which directly and substantially protect the products raised on their farms. * * *

FARM ORGANIZATIONS REPRESENTING BONA FIDE PRODUCERS SUPPORT PRESENT TARIFF

Opponents of protective tariff on the floor of Congress, on the public platform, and in the editorial and news columns of the press, while making the general assertion that the farmers of the country are against a protective tariff, have failed to cite a single statement by any bona fide agricultural producing organization advocating either the repeal of the present tariff or a reduction of its schedules. Moreover, it is a matter of record that in the lengthy congressional hearings before the House Committee on Agriculture upon the subject of farm relief not a single agricultural producer, not a single representative of any bona fide agricultural organization, not a single representative of any farm bureau federation, not a single actual "dirt farmer" asked that the present tariff rates be reduced or that the present tariff act be repealed. Is it not strange that if, as free-trade critics allege, the farmer is in distress because of the present tariff, that none of the witnesses at those hearings so testified, or even intimated? The records of the United States Tariff Commission are filled with petitions from agricultural producers of all kinds asking for increase in tariff rates, and there is scarcely an agricultural organization but what has, at some time within the last two years, passed resolutions in support of the principle of a protective tariff and requesting an increase in present rates rather than a decrease.

An example of this was the action of the convention of the National Cooperative Milk Producers Federation held in Milwaukee, Wis., in November, 1927, an organization representing 290,000 dairy farmers. One of the resolutions it unanimously adopted was as follows:

It has long been the policy of the Federal Government to protect American industry by means of import tariff duties. We believe that the industry of agriculture should have an equivalent protection. We therefore urge the Congress to levy an excise tax on all vegetable oils and raw materials from which such oils are produced that are imported into this country from the Philippine Islands.

During the same month the American Farm Congress, at its annual convention in Kansas City, adopted resolutions which read as follows:

American agricultural and livestock industries have entered an era in which they must have protection in the home markets from unrestricted competition of products of countries where land is cheap, standards of living are low, or labor meanly paid if they are not to sink to the approximate level of such countries.

It is not in the interest of the farmers and stockmen alone that this protection should be maintained. For America to permit its own agriculture to fall into decadence, and to depend upon importations of foodstuffs from other countries, would be most unwise. Reliance can not safely be placed in any other land to feed our people.

Many similar resolutions adopted by various agricultural and livestock organizations could be quoted. Nor is this attitude confined to the agricultural interests of the North. Declaring that "the protective tariff principle is a recognized and extensively adopted program of our National Government," the Florida State Chamber of Commerce has memorialized Congress for higher duties upon such products as citrus fruits and vegetables. Similar requests were made by the Florida East Coast Growers' Association, which not only went on record in favor of a protective tariff on all such products, but sent a delegation to Washington and filed a formal petition with the United States Tariff Commission.

At the annual convention of the Sheep Raisers' Association of Texas, held in August of last year, a resolution was adopted reading:

We hereby agree that we will support in 1928 only those candidates for Congress and the United States Senate who will publicly declare in favor of a national policy of a just and equitable tariff protection.

Associations representing peanut growers of the States of North Carolina, Florida, Georgia, Louisiana, and Virginia have filed formal petitions with the United States Tariff Commission asking for increased tariff rates upon peanuts and peanut oil. Another petition filed with the United States Tariff Commission by Mr. L. B. Jackson, manager of the Georgia State Bureau of Markets, is signed by nine southern Democratic governors, protesting against reduction in the duty on vegetable oils.

The nine Democratic governors of the Southern States who so affixed their signatures to this petition were: Clifford Walker, Georgia; Henry L. Fuqua, Louisiana; John W. Martin, Florida; M. E. Trapp, Oklahoma; Thomas G. McLeod, South Carolina;

Austin M. Peay, Tennessee; Tom J. Terral, Arkansas; W. W. Brandon, Alabama; Henry L. Whitfield, Mississippi.

These are but a few of the indications of a revolutionary change in the economic and political thought of the Democratic South. For half a century that section of the country has been the stronghold of free trade, notwithstanding such Democrats as Andrew Jackson were protectionists.

PROTECTIVE TARIFF GIVES EMPLOYMENT TO FARMERS' BEST CUSTOMERS

Not only does the tariff now in effect protect agricultural interests by erecting a barrier against the cheap agricultural products of other countries, but it protects them in another way quite as vital to their welfare. Our domestic market during periods of good times consumes 95 per cent of the food products of our farms. This domestic consumption is the measure of our agricultural prosperity. When domestic consumption declines, prices of farm products decline. Domestic consumption declines whenever there is industrial depression. These facts are so fundamental there can be no disputing them.

The United States Department of Labor has made a survey of the expenditures of the American industrial wage earner, based on first-hand investigations of over 12,000 typical homes of industrial employees in 92 cities scattered through 47 States. This survey ascertained that 40 cents of every wage earner's dollar is expended for food. If the wage earner is idle, this expenditure is of necessity reduced to the minimum. If his wages are reduced this expenditure is naturally curtailed. Whatever increases employment and wages increases demand for farm products. A protective tariff always does this. The existing tariff has done it.

In 1921 it is a matter of record that over 5,000,000 wage earners ordinarily employed were in enforced idleness. The records further show that the per capita consumption of food in the United States during that year was the lowest of any year in the history of this generation. Less meat products per capita, less bread, less sugar, less grain goods of all kind were consumed, because the American workingman was out of a job and had no money wherewith to buy anything except the bare necessities.

Since 1921 the per capita consumption of beef and veal in the United States has increased 4½ pounds or 495,000,000 pounds in the aggregate. The per capita consumption of flour in this country year by year since 1921 (at which time it was lower than for any previous year of record) has steadily increased. So has the consumption of practically every food product which originates on the American farm.

Why the difference? Because the millions of idle industrial wage earners of 1921 have been put to work at steady employment and for a higher wage than ever before paid in the history of industry, either in this or any other country. The amount of wages paid by our industries has increased 32 per cent since 1921. Increased industrial activity naturally meant increased demand for raw material from mines, a tremendous increase in the amount of freight carried by railroads, which in turn meant an increase in the number of railroad employees. It meant an increase in the personnel of the commercial enterprises which handle the output of American industries—the wholesale and retail concerns with their vast army of clerks, traveling men, and office force. This meant a proportionate increase in the consumption of farm products.

The pay rolls of American industries to-day carry about 13,000,000 individuals; the mining industry employs an additional 1,000,000; the various transportation activities have a pay roll of over 3,000,000, and the business world, which includes the wholesale, retail, and banking interests and their related activities, employ over 7,000,000. Here is a total of 24,000,000 exclusive of those employed in agricultural pursuits and the professions whose income depends upon the degree of prosperity this country is enjoying, upon the amount of goods our mills and factories can produce and sell. Curtail home production by lowering our tariff and permitting a veritable flood of foreign-made goods to inundate our domestic market, and this vast army of employed would rapidly become a vast army of unemployed.

Estimates based upon the volume of factory and agricultural production, upon the volume of exports and imports, upon car loadings, wholesale sales, department store and chain store sales, and other data, made by conservative business representatives for the purpose of ascertaining the total value of retail business in this country, places the amount of money annually spent by the American people at retail stores at about $40,000,000,000. The analysis shows that of this amount $16,500,000,000 is expended for food products.

This market for the American farmer is created by the buying power of the American wage earner, which in turn has been created by the protective tariff. This market for the American farmer is to-day being maintained by reason of the protective tariff. It could not exist without a protective tariff. Every period of our country's history under a protective tariff has been marked by greatly increased production, accompanied by steady employment at good wages, resulting in increased consumption of farm products at higher prices.

AMERICAN FARMER DOES NOT SELL IN "OPEN" MARKET UNDER PROTECTIVE TARIFF

What, then, becomes of the argument that the farmer, in the words of the Democratic free-trade advocate, "buys in a protective market and sells in an open market"? It goes the way of the old Democratic argument of Bryan's first candidacy that "the price of wheat and the price of silver go hand in hand."

The American farmer under the present tariff does not sell in an open market. He sells in a protected market, in a market made possible by the protective tariff, in a market of consumers whose buying power, aggregating $16,500,000,000 of food products every year, is dependent almost wholly upon the maintenance of a protective tariff. Under the present tariff the farmer, instead of selling in an open market, sells in a market which for him is doubly protected. First, his consumers are protected in their wages—the highest ever paid in any country in the history of the world—40 per cent of which is spent for farm products. Second, the protective tariff sees to it that the food products bought by the industrial consumers are largely produced in the United States on American farms instead of being the imported products of other agricultural countries.

The American wage earner also buys in a protected market. By reason of this exchange of commodities between the protected farmer and the protected wage earner, the living standards in the city and on the farm are maintained at a level better than ever experienced in this country and infinitely better than anything dreamed of in Europe.

RECORD OF REPUBLICAN PARTY FOR CONSTRUCTION, PROGRESS, AND PROSPERITY

It is the policy of the Republican Party to maintain the present standards of living for the American people by continuing in force the economic policies which have made these standards possible. It is the policy and the promise of the Democratic Party to enact such legislation in event it secures control of the Government as will repeal or nullify the wise, salutary, and progressive laws which the Republican Party has placed upon the statute books. There is nothing new in this attitude of the Democratic Party. On the other hand, a destructive policy is characteristic of that party. Twice it has sought to destroy our financial system and our national credit. Three times it has destroyed our protective tariff system and brought ruin, poverty, and distress to all classes of people and all sections of the country as a result. Twice the Republican Party has carried the Nation through periods of reconstruction, with practically every constructive measure it proposed meeting with the opposition of the Democratic Party. The Democratic Party even went so far as to seek to destroy the sovereignty of the United States of America in order to join a European political league.

For 68 years the Republican Party has been a party of construction, upholding American traditions, defending American institutions. For 68 years it has been a party laboring to benefit all of the people, discriminating against no section of America or any class of Americans. In all that period it has never had to abandon any policy because it was unsound, uneconomic, or un-American. Within that period all of its constructive policies have been vindicated by the judgment of the American people and the verdict of time. The history of the development of this Nation in territory, in prosperity, in the promotion of the welfare of its people to a point where they now live better, have greater opportunities for themselves, and finer prospects for their children has been the history of the Republican Party.

SHALL THE SMALL BUSINESS UNIT SURVIVE?

Mr. KENT. Mr. Speaker, the small business man and the small business unit are gradually passing out of existence in the United States. Great consolidations of wealth and business are moving forward in violation of the Sherman antitrust law, and are gradually exterminating what was once the strength in this country, the small business man and the small business unit. The grocer, the farmer, and all men who do business upon a small scale were once separate and independent business units; but consolidated manufacturing plants, business houses, distribution systems, chain stores, and other great consolidations have come down into the large cities, the small towns, and the country cross roads, and are gradually driving these small but independent business men out of existence.

The Sherman antitrust law was designed to prevent such a condition, especially where a monopoly in a particular article or system of distribution was made effective.

In my own congressional district there is one of the finest articles of commerce in the world. I refer to slate. It makes the best roof, the best blackboard, and the best structural slate known to commerce. Yet there have been combinations of substitute roofing and blackboard manufacturers, who have millions at their disposal, who have consolidated their interests and their plants and their distribution systems. They have put on high-powered salesmanship and have gone down into the markets which once consumed hundreds of thousands of squares of slate and millions of feet of blackboards and have almost driven the slate business out of existence.

The Federal Trade Commission, raised up by the administration of Woodrow Wilson to prevent a condition of this kind, is a dead letter. It has been so ill treated by the present administration that it will not lay its hands upon the special interests who are gradually eliminating the small business man. Millions of dollars' worth of property has been rendered valueless in the slate fields of Northampton and Lehigh Counties in Pennsylvania, as well as in the slate fields of New York and Vermont. My own county of Northampton, in Pennsylvania, has particularly suffered.

The Attorney General's department is inactive. It has permitted the consolidation of the concerns which produce steel, coal, oil, furniture, newspapers, building materials, and has even permitted the consolidation of concerns dealing in bread, one of the greatest necessities of life.

The Government of the United States should not thus permit its people to be oppressed. My own people have been driven out of employment, have been compelled to leave their homes and go to far-distant places to work. Many of the slate industries have gone into bankruptcy or receiverships, and it is all because the Federal Trade Commission and the Attorney General's department have continued the policy of this administration of permitting great combinations of those who engage in mechanical production of articles of commerce to engage in activities in restraint of trade.

I protest against this iniquitous policy and demand a return to the days when the Attorney General's department will amount to something and when the Federal Trade Commission will function and protect the business men of the country against unfair trade practices.

The tax plan of this administration provided for an increase in the taxation on small corporations, and in the Sixty-ninth Congress that plan went into effect. I believe that those who are able to pay Federal taxes should pay them in proportion to their ability to pay. I am opposed to the present policy of this administration of imposing the great burden of taxation upon the small business man, the small business unit, and upon the professional man who earns a comparatively small income.

If we permit business to be diffused among the people generally; if the small business man and the small business unit may continue so that a man and his family may acquire moderate wealth in a lifetime of endeavor, we have accomplished real results; but the present policy of this administration will soon develop a condition where there will be only two classes of people in our country—the extremely wealthy class ruling our country through the purchase of elections, and the laboring class of people, who will be too poor to offer effective resistance against governmental oppression.

The safety of our country rests in the great middle class of our people. The small business man and woman, the professional man and woman, and the working man and woman who are interested in raising their families, building a home, and providing for some security in savings against old age, are the people upon whom we must rely in emergencies.

PANICS SINCE THE CIVIL WAR

Mr. HAMMER. Mr. Speaker, under leave to extend remarks in the RECORD, I include the following brief statement, giving the history of panics in the United States since the Civil War.

The Republican Party again comes with its ridiculously absurd position in attempting to win popular favor on the plea that it is a "prosperity party."

The claims made by Republican politicians and spellbinders are not in accord with the facts.

Heretofore I made a speech in the House on the achievements of the Democratic Party in which I dwelt at some length in disproving this allegation of the Republicans, who were claiming then as now that their party was the "prosperity party."

When a falsehood is repeated again and again in campaign after campaign, even the first inventor of the story sometimes accepts it as a fact. Briefly, I will give the facts as to panics. Those who are familiar with the history of legislation and have taken interest in public affairs will recognize the truth of these statements.

BLACK FRIDAY

The first financial crash after the Civil War was in 1869. It was caused by Jay Gould and Jim Fisk trying to corner the gold of the country. They succeeded in buying up a good share of it and put the price up to $1.60 in currency. On "Black Friday" the crash came and brought ruin to thousands of people, closed banks and industries of every kind, and for a year or more resulted in hard times and misery all over the country. Yet the Republican Party controlled every department of the Government. The very name of "Black Friday" still brings a shudder to every man who was old enough to feel its disastrous effects. This was the beginning of a series of panics which took place every few years while that party was in power.

PANIC OF 1873

In 1872 the campaign was conducted largely on the prosperity issue. An army of Republican speakers declared everywhere that if prosperity was to continue the Republican Party must be continued in power. The result was an overwhelming victory for the Republicans. Within a few months after the reinauguration of President Grant in 1873 a panic swept over the country that laid our industries prostrate and closed a large share of the banks throughout the United States. A panic is a sudden fright. Every branch of the Government—Congress, President, and the Supreme Court—were then entirely controlled by Republicans. Instead of the voters being rewarded with prosperity as they had been promised, they were given five long years of the hardest times ever known in this country. Business of every description was paralyzed, soup houses were established in all the large cities, and dire distress was on every hand. Older persons will remember with a feeling of horror the awful conditions which surrounded them. This continued until 1878.

The campaign of 1876 was fought on the hard-times issue, the Democrats claiming the Republicans were responsible for all the misery it had caused, while the Republicans claimed that the cause was beyond the control of any party to bring on that panic. The Democratic candidate had a plurality of 260,000 in that election. No change had been made in the tariff rates, which were as high as during the Civil War, yet the panic was one of the worst ever known.

PANIC OF 1883

In 1883 another panic came in full force, extending throughout the United States. There was terror in Wall Street and consternation in every city between the two great oceans. Thousands of banks and industrial institutions were closed, and in many sections of the country this panic was more disastrous than any of the others. It is generally referred to as a severe depression, but starvation among the working people was very great. Hard times was one of the issues on which Grover Cleveland was elected the following year—1884. Throughout this period the Republican Party was continuously in power in all departments of the Government at Washington.

PANIC OF 1893

In 1892 there was a panic all over the world. It was first felt in Australia and Argentine Republic. Some English banking houses were heavily interested in securities in those countries. This brought about many failures, among them being the banking house of Barring Bros., of London. This caused a collapse in all the countries of Europe, and as Europeans held some five billion dollars of American securities they at once unloaded a great quantity of them for whatever these securities would bring. A vast amount of gold left the United States for Europe. The stringency was felt in America severely in the fall of 1892 and many predictions of a panic were made before the election. During January and February, 1893, while Benjamin Harrison was still President and a Republican Congress was in session, banks and business houses of all kinds commenced to fail, and before the new President and his Congress had time to change a single word in any law the panic spread throughout the United States. If it is possible to prevent a panic by legislation it is necessary to have control of the law-making power before it commences. This the Democratic Party did not have. Is there any honest man anywhere who will say, in all candor and honesty, that the party which had just come into power, while every law on the statute books had been either enacted or approved by the Republican Party, could be responsible for the panic that was so widespread over the entire country? Beyond all question, if either party could be held responsible, the one under whose laws the country was governed would be the responsible party. Furthermore, it should be remembered that the Secretary of the Treasury had prepared plates for the large bond issue which was inevitable.

These plates, prepared in February, before Harrison's administration, expired March 4, are still in existence.

This panic was still on and in full force in May and June, 1893, while the tariff law was not changed in any way until September, 1894. The first effects of this panic were felt nearly two years before the tariff law was changed by the Democrats, while its worst stage was reached 16 months before the new tariff law was enacted. Long afterwards, when the people were supposed to have forgotten all about the dates of the beginning of the panic and the enactment of the new tariff law, the Republican newspapers and orators spread the report that a flood of imports caused by the low tariff that brought on this panic, which actually was in full force at the close of the Republican administration, but why there should have been a flood of imports a year and a half before the rates on imports were lowered has not been explained.

It is not true that there was a flood of imports after the passage of the Democratic tariff law. The Government reports show that during the entire time the Wilson tariff law, enacted during the Cleveland administration, was in force the average imports were $40,000,000 a year less than during the duration of the McKinley law, which it succeeded. In other words, there was a great decrease in imports instead of an increase, although the Republican press has often proclaimed that there was a great increase of imports. This fraud has been exposed many times in the last 20 years, yet there are editors and speakers so ignorant or so untruthful they continue to make the same false and inaccurate statements, perhaps with the hope that a falsehood well stuck to is as good as the truth.

"Telling a falsehood is just like hiding in a fog" some one has aptly said. As soon as the sun or wind scatters the fog there is no longer anything to hide behind; and in this case, whenever anyone who knows the facts tells them, there is no longer any way to hide, and usually the men who have made these false statements deny they have ever made them. They rely solely on the supposed ignorance of their hearers, which is worse than hiding in a fog. When this false position is shown up they say, "Well, while the tariff law did not go into effect until long after the panic started, it was fear of tariff that caused it."

If that were the case, the question comes up, Who spread the alarm? Who made the scare? It was members of the Republican Party. Its newspapers came out day after day with great scare-head lines announcing the coming of a panic and telling the people not to buy any more than the bare necessities of life. The people became alarmed and stopped buying everything except something to eat, and this closed the mills and factories all over the land.

Which party was responsible for that, the calamity howlers or the administration, which has not had time to make a single move? Your own judgment will answer that. If the law which was enacted a year and a half after the panic started was the best law ever put upon the statute books, it could not have affected in the least degree the things that had happened. You see how unfair that was. That can be illustrated by the story of a peaceful, harmless dog that quietly trots down the street and a half dozen men run ahead of him screaming, "Mad dog! Mad dog!" And there is a panic in the crowd, resulting in injuries or death. Who is to blame, the harmless dog or the loud-mouthed calamity howlers? Of course, it was the howlers, both orators and newspapers, and they were members of the Republican Party.

PANIC OF 1907

Now let us pass to the next severe panic, where there likewise can be no doubt who was responsible. In 1907, with the Republican Party in power for the 10 preceding years and controlling every branch of the Government, with crops the largest ever known and no panic abroad, a severe financial crash came to the country, which the Republican Comptroller of the Currency, Mr. Ridgely, said was the most severe panic in a century. Millions of persons were thrown out of work and a large share of them were out for two or three years.

This was only 20 years ago and most of us can remember it. Soup houses were established in all our large cities, and the working people suffered untold misery. If the Democratic Party had been in power, what a great howl would have gone up. Instead the large newspapers refused to publish even the facts in the case and boasted afterwards that they had prevented a far worse panic by suppressing the facts. If they had pursued this course in 1893, business would have run along almost in its natural course. This shows how they placed partisanship above patriotism. Some of these newspapers have made little improvement. Some are worse; but it is to be hoped that upon the whole they are better, certainly not so bitterly partisan.

RETIREMENT OF EMERGENCY OFFICERS

Mr. CARTWRIGHT. Mr. Speaker, it was argued that the Tyson-Fitzgerald bill was discriminatory of the commissioned officer as against the enlisted man. There was much discussion pro and con.

I investigated the matter and found the disabled emergency Army officer was the only one out of nine officer classes to have been left out. The members of the other eight classes had all been cared for by the Government. The Tyson-Fitzgerald bill aimed to right an injustice. The enlisted men could not be helped by the defeat of the bill; it could mean only injury to the emergency officers. There is no discrimination against the enlisted man by giving the officer what is due his rank. I therefore supported the bill, and am just as willing to do everything reasonably possible for the enlisted man.

I have actively supported all legislation in the interests of all our veterans and their dependents. Hardly a day has passed since I have been a Member of Congress that I have not had opportunity to render some aid to ex-service men or their dependents in connection with pensions or increase of pensions, insurance settlements, compensation, hospitalization, and so forth. I believe the people who have actually made sacrifices for their country are entitled to every consideration.

ADDRESS DELIVERED BEFORE UNITED STATES TARIFF COMMISSION

Mr. FISH. Mr. Speaker, under leave to extend my remarks in the RECORD I insert the following address which I delivered before the United States Tariff Commission on February 24, 1928:

Mr. Chairman and members of the United States Tariff Commission, I represent the twenty-sixth congressional district of New York, one of the largest fluid-milk districts in the United States, the output of which goes mostly to New York City.

The dairy industry, which stands second to none in the United States in size and importance, comes here to-day to request increased duties or adequate duties to afford protection against the quantities of cream and milk shipped into the United States, and particularly into New York State, from Canada, a part of which is used to make butter within the United States and thereby escape payment of the existing duty of 12 cents a pound on imported butter. Certainly if any amount of fluid milk is being shipped from Canada to be made into butter in the United States it is only fair and just that the duty on milk and cream should be raised to a level comparable to the present duty on butter. I am strongly of the opinion that the dairymen of New York State and elsewhere are entitled to increased protection as against the fluid milk and cream supply from Canada, regardless of its being used in part for butter.

The dairy industry in the United States produces more wealth than the steel industry, and should secure reasonable protection and encouragement from the Federal Government, as it reaches into every household. The dairymen of New York have to undergo large expenditures to comply with the drastic State and city supervision and health regulations. The Lenroot-Taber bill has partially extended these regulations to the Canadian supply, but they are difficult to enforce in a foreign country.

The typhoid epidemic in Montreal last summer, I understand, resulted from impure milk, although it was hushed up by the authorities. Such a condition could not exist in the New York milk shed, and I for one would like to see increased duties for our dairymen who comply with the expensive health regulations and added protection for the health and lives of our children.

If the protective principle is right, it should be extended to give adequate protection to agricultural and dairy products just as much as to manufactured articles and other protected industries.

The prosperity of our country has been built up on the protective principle, which has made possible the American standard of wages and of living. Our wage earners are the best paid, best housed, best clothed, and most contented in the world. Revise the tariff downward and permit competition from the underpaid labor of Europe or the Far East and the economic supremacy of the United States will crumble and the disastrous days of 1914 will be revived, with its soup kitchens and millions of unemployed.

Instead of revising the tariff downward I believe that the time has come when agricultural products should be given the same amount of protection as other industries. The farmers of both the East and West have to buy in a protected market and sell in competition with the rest of the world. The remedy is not in a downward revision of the tariff but in affording adequate protection on what farmers produce; they are entitled to the same consideration as other protected industries, no more or no less. Believing that the principle of equality or parity is sound and that industries should be treated alike, without favoritism, I have introduced a bill to increase the duties on various farm products which are suffering from foreign competition, such as dairy products, eggs, vegetables, hay, and poultry. It seems to me to be fair and just that the rates on agricultural products should be on a level comparable to the rates that are effective in other industries. I believe it would

be practical to pass a special emergency tariff bill limited to providing adequate protection on agricultural products. If the Government affords proper and reasonable protection to the farmer, it will not only increase his buying power but also help other American industries.

EXPENDITURES OF ST. ELIZABETHS HOSPITAL

Mr. HAMMER. Mr. Speaker, under leave to extend remarks in the RECORD I include statements submitted to the Subcommittee of the District of Columbia in its investigation of St. Elizabeths Hospital and comments thereon.

COAL CONSUMPTION

In Document No. 1538 (Report of the District of Columbia Investigation Before the House District Committee, 1926), on pages 1273–1274, appears a report of expenditures for coal at St. Elizabeths Hospital covering a 10-year period.

This report shows the amount expended to have been more than $200,000 in some years. The expenditures for the year 1920 were $222,489.35; for 1923, $200,327.40. And a total average for 10 years shows an expenditure sufficient to purchase more than—

SEVEN TONS OF COAL PER ANNUM PER CAPITA POPULATION

These expenditures have decreased during the last two or three years to about $150,000 per annum, due to the lower price of coal. It is safe to say that not less than $100,000 per annum of this amount is sheer waste.

WHO IS RESPONSIBLE?

The hospital claims it has nothing to do with the purchase of this coal; that it is purchased through requisitions made on the Bureau of Mines. This bureau is under the Department of Commerce, of which Herbert Hoover is the head.

St. Elizabeths Hospital, where this unexplained waste occurs, is controlled by Doctor Work, Secretary of the Interior, who therefore makes the requisition for the coal, the contracts of which are placed by Herbert Hoover, Secretary of Commerce.

Doctor Work issues the requisitions and contends that this large amount of coal is necessary and is used by the hospital.

MR. HERBERT HOOVER PLACES THE CONTRACTS—WHO GETS THEM?

On June 27 I mailed three letters, copies of which I give below. At this date—afternoon, July 2—I have received replies from none of them.

JUNE 27, 1928.

Mr. J. R. MCCARL,
Comptroller General, Washington, D. C.

MY DEAR MR. MCCARL: I would be glad if you would send me a copy of your report of the unnecessary waste of coal and boilers purchased at St. Elizabeths Hospital, Washington, D. C.

The Gibson Committee requested that a supplementary report be made, but this supplementary report has not been received. I would be glad if you would advise me why this supplementary report has not been made. Mr. Homer A. A. Smith looked after this matter.

I shall appreciate a prompt reply.

Very truly yours, WM. C. HAMMER.

JUNE 27, 1928.

Dr. W. A. WHITE,
Superintendent St. Elizabeths Hospital, Washington, D. C.

MY DEAR MR. WHITE: Please advise me of persons with whom contracts for fuel and boilers have been made for the last few years and the amount of each contract.

Very truly yours, WM. C. HAMMER.

JUNE 27, 1928.

Mr. E. C. FINNEY,
Acting Secretary, Interior Department, Washington, D. C.

MY DEAR MR. FINNEY: I would be glad to have the names and addresses and the amount of each contract awarded for fuel and boilers of St. Elizabeths Hospital for the last six years, if this is not troubling you too much.

I shall appreciate a prompt reply.

Very truly yours, WM. C. HAMMER.

The Government has been paying from $150,000 to $200,000 annually for coal for this asylum, which is many times more than should be used in this institution.

These conditions have continued under Dr. William A. White, superintendent, who has been retained in office by Doctor Work, and the same waste appears in the purchase of

BOILERS IN THE POWER PLANT

The boiler capacity:

In 1916 was 3,300 horsepower to a population of 3,193.

In 1919 was 3,600 horsepower to a population of 3,586.

In 1926 the population was slightly over 4,000, and at that time Superintendent White called on Congress for an appropriation of $750,000, a part of which was needed for additional boilers. (See 1926 report of hospital, page 11, second paragraph.)

It is evident that the hospital considers it necessary to have a boiler capacity equal to one horsepower per capita population.

In 1925 the boiler capacity at St. Elizabeths was 3,600, which Superintendent White said was not enough. He wanted more boilers. In the same year the entire District of Columbia and suburbs, with over 500,000 population, were served from Benning Road station of the Potomac Power Company with a capacity of 26,000 horsepower, a ratio of 1 horsepower for 19 population,

WHILE ST. ELIZABETHS REQUIRES 1 HORSEPOWER FOR 1 POPULATION

St. Elizabeths, supplying only 3,600 people, has a boiler plant one-seventh as large as is required for the whole District of Columbia and suburbs with over 500,000 people, and they clamored for still more boilers in the official reports.

Mr. John A. Savage, director of the American Equity Association, who compiled facts for the hearings and presented them to the District Subcommittee, states that he has the proof that no longer ago than last month two good boilers were condemned, wrecked, and removed by the St. Elizabeths authorities "on orders from higher up" to make room for the installation of unneeded new boilers.

These extravagances in the coal consumption and boiler installation in the power plant of this institution coming under the administration of Doctor Work, Secretary of the Interior Department, falls to the lot of Doctor Work, a man well versed in asylum management since he started his career running his asylum at Pueblo, Colo., and is therefore well equipped to understand the correct management of asylum affairs. It is difficult to understand why there should be such waste and lack of economy in the fuel supply and boiler equipment at St. Elizabeths.

It is a notable fact that in denying the claims of the Miami Indians, of Indiana, on H. R. 12101, of Mr. EDGAR HOWARD, of Nebraska, the Interior Department pleaded that the Bureau of the Budget recommended following out the President's "program of economy."

REPEATED INVESTIGATIONS HAVE BEEN MADE BY CONGRESS

Exposures of conditions at St. Elizabeths Hospital made to the Gibson committee resulted in the House of Representatives instructing Comptroller General McCarl to investigate this institution.

Mr. McCarl investigated, spending thousands of dollars for experts, and reported to Congress, but never mentioned the coal, which had been particularly pointed out, and was one of the main reasons for having the investigation. The report returned on the boiler plant was inaccurate and misleading, as shown by official records. This was pointed out to the chairman, Mr. GIBSON, who confronted Homer A. A. Smith, McCarl's chief investigator, with the yearly reports of the hospital, which contradicted his statements.

Mr. Smith, on being called before the subcommittee and questioned on the neglect of the coal bills and the incorrect report on the boiler plant, promised to submit a supplemental report. This supplemental report has never been submitted, and Smith resigned from the comptroller's office shortly after the request was made for the supplemental report.

Mr. Savage further states to members of the committee that the subject of these expenses was taken up with the Assistant Secretary of the Interior, Mr. E. C. Finney, and an offer made to remedy the waste in coal consumption in the power plant. Mr. Finney refused to avail the department of this offer to be shown how these expenses can be cut down.

It is a notable fact that while Congress was laboring with its investigations of St. Elizabeths Hospital the Secretary of the Interior imported into the District of Columbia a group of alienists who were associates of his and of Superintendent White—they are members of the psychiatric organizations—to make their own investigation instead of a congressional investigation. When their report was finished Doctor Work sent it in to Congress, but Congress refused to accept it as correct, and it was not permitted to be printed as a public record.

Mr. Savage says that he had a definite appointment with Doctor Work's committee, at which he presented the information about the extravagant coal consumption and the boiler plant, but that Doctor Work's committee refused to accept or consider these facts.

Doctor Work mailed out under Government frank a number of these reports to Members of Congress, but later, after this franking privilege was challenged, the amount of postage due for this was returned to the United States Treasury. The expenses of Doctor Work's committee were refused to be allowed to be paid out of Government funds.

Mrs. Myrtle de Montis, secretary of the American Equity Association, calls attention to the fact that the two "mental hygiene" bills introduced to amend the laws of the District of Columbia, which were prepared in the office of Doctor Work and sent to Mr. ZIHLMAN for presentation to the House, would empower a Cabinet member to confine a citizen from a Government department, or anyone arrested by the police authorities in the District of Columbia, in St. Elizabeths Hospital on "certification," without any court trial whatever unless a trial was requested.

These matters seem to be of serious moment, and should be brought to the attention of the public and this extravagance discontinued.

ADDRESS AT THE ANNUAL BANQUET OF THE WOMAN'S INTERNATIONAL LEAGUE

Mr. FISH. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert the following address, which I delivered at the annual banquet of the Woman's International League at the New Willard Hotel on Friday evening, May 4, 1928:

NICARAGUA

The partisan attacks and the sneers of the foreign press have combined to try to make the United States out as a great imperialistic nation seeking to exploit Central American countries. Nothing is further from the truth. Free and independent Cuba is the proof of the sincerity of our policy toward Latin America. We responded to the Macedonian cry of crushed and bleeding Cuba and sent our Army to drive out the cruel and autocratic power of Spain from the Western Hemisphere. We defeated the Spaniards; we restored order; we stamped out yellow fever; and we helped to establish a stable government. That is the true American policy. When we promised to free Cuba, the old, imperialistic governments of Europe laughed, as none believed such a thing possible, and sneered just as they now sneer when we state that our marines will be taken out of Nicaragua after the election in November.

We have no selfish aims of aggression; we do not want a square foot of Nicaragua; we do not seek to exploit their natural resources. There is nothing to exploit, and more particularly there is no sign of it.

Our marines first went to Nicaragua under President Taft, stayed there for eight years under President Wilson, and were withdrawn by Secretary of State Hughes of 1925. They were sent back in 1927 as the disorders became widespread owing to the war between the Conservatives and Liberals, which menaced the lives and property of foreigners. Great Britain even sent a cruiser to Nicaragua to look after the interests of her nationals. However, our State Department assumed the responsibility under the Monroe doctrine and assured the British Government we would extend our protection to their citizens.

Instead of exploiting the Nicaraguans our armed forces have saved the lives of both the Conservatives and Liberals who were fighting each other to the death. We saved the lives of hundreds of wounded; we fed and cared for them, whereas left in the jungles without medical help they were doomed to be devoured by the vultures.

Instead of exploiting a small weak nation we have brought about an armistice between two warring parties and saved that war-stricken country from death and desolation. Both factions together turned over to us about 14,000 rifles. We have consented at the request of both the Conservatives and the Liberals to supervise the elections in November and thereby help establish a sound and stable government based on the approval of the people. We have entered into a compact at the request of both sides to supervise the elections and to withdraw the marines before then would be a gross breach of good faith.

When the election law was proclaimed last week giving the American officials the legal right to supervise the elections, the Liberals, who are the opposition party, held celebrations throughout the country and in Managua, the capital of Nicaragua.

The guerrilla warfare being conducted by Sandino is the one discordant note. He may be a bandit or a patriot, but whatever he is practically all the leaders of both factions and people of the country want us to remain there until after the election is held.

I am in accord with the policy of the administration to protect American property and lives, to uphold the Monroe doctrine, and to help establish a sound and stable government in Nicaragua. I do believe, however, that our State Department makes a mistake in not requesting the cooperation of the Central American nations or of Argentina and Brazil in supervising the election. They may refuse, but it would show the world that we had no ulterior, selfish, or imperialistic aims.

The European nations, which for a century have been grabbing up all available land in Africa and Asia, and have recently seized Syria and Mesopotamia, continue to condemn us as a great imperialistic nation, whereas if Cuba, Mexico, or Nicaragua had been within their spheres of influence they would have been gobbled up long ago.

REPUBLICAN PARTY AND FARM RELIEF

Mr. FORT. Mr. Speaker, under leave granted by the House, I hereby extend my remarks by inserting therein a speech on the subject of farm relief delivered by me on June 14, 1928, before the Republican National Convention at Kansas City. The speech followed addresses by five or six supporters of the McNary-Haugen bill, who urged the adoption of a plank favoring farm legislation of that type, all of whom had, however, discussed the politics and not the economics of their proposal. This speech was in direct support of the majority plank in the platform which was overwhelmingly adopted upon roll call by the convention, and is a statement of the position both of the administration of President Coolidge and of the present attitude of the party upon this great question. The speech is as follows:

Mr. Chairman, ladies, and gentlemen, for four years, as has been said by Mr. Murphy, the American farmers, through their organized representatives, have appeared before the doors of Congress asking for legislation. For four years, twice by the act of the Congress, twice by the veto of the President, they have been denied the specific proposal for which they have continuously contended. That makes, as Mr. Murphy has said, a situation where this convention of the Republican Party should accord to the question the consideration that any great group of American citizens is entitled to at the hands of their fellow citizens.

The sincerity of these men who have appeared before you on this platform to-day in their advocacy of their proposal I do not question. I believe that many of them have reached the point of almost fanatical belief in their nostrum.

I resent, however, as the Representative of a purely industrial eastern district, the implication that there is any conflict between the opinion of the industrial East and the West on the fundamental question that every American citizen is entitled to equality before the law. [Applause.] Repeatedly in my own district, which contains not a farmer, have I urged the adoption of some constructive farm-relief program, even though its effect might be some increase in the cost of living, and to this day not one protest has reached my ears. The people of the East have no objection—indeed, will gladly favor any program of farm relief which, in their judgment, the situation demands and which they believe will be effective for its purposes.

Nor, friends in the East, can we afford nor should we deny the existence of an agricultural problem. It is not exactly such a problem, in my opinion, as it has been here defined upon the floor. But that certain of the staple crops of agriculture and those men producing them are to-day suffering from a large combination of economic causes can not be denied. Thus far we agree in full with the minority here to-day. We believe in their sincerity, we are sympathetic with their purpose, we concede the existence of a genuine problem.

But, my friends, you have just heard six speakers who have addressed you in behalf of the minority plank, and has one of those speakers fixed his argument upon the plan they propose? Or have they all confined themselves to discussing the politics and not the economics of the proposal?

I have yet to hear on the floor of Congress any man who was willing to appear and argue in detail and attempt to prove and demonstrate the economic soundness of the McNary-Haugen bill. [Applause.] Year after year they have changed its form. But still, to this great midwestern country, the title McNary-Haugen is the charter of agricultural equality. And yet there is not one man, in my opinion, on the farms of America who can explain what "McNary-Haugen" really is. [Applause.] And when I say that I say it because there has not been a man in Congress that could. [Laughter and applause.] And you have to-day heard the ablest exponents of McNary-Haugenism—the men who lead the farm movement in the United States—on this platform for an hour and a half, and not one of them has mentioned it except by name.

Now, friends, the Republican convention is not going to be stampeded on an economic question by political considerations. [Applause.] If we were considering only politics in the disposition of this question in Congress or in the convention, of course the Republican Party would accept that thing which a great organized minority demands. But the Republican Party has never in its political history made politics the chief criterion of its position. [Applause.]

What is the McNary-Haugen bill and its proposal? It starts upon the premise that the protective tariff guarantees to every American producer the amount of the world price plus the tariff. Well, I take it that if the General Motors Corporation chooses to make three times the number of automobiles that the American people choose to buy the General Motors Corporation will sell those cars for less than the European price plus the tariff. The same thing is true as to any commodity manufactured or grown. The tariff is fully effective on butter. The tariff is fully effective on wool. The tariff is fully effective on cream and milk from Canada. It is effective as to every commodity of agriculture that the American farmer grows if he does not grow a surplus beyond the domestic requirements of the American consumer. When he grows a surplus the tariff is not effective, nor is it effective for the manufacturer who likewise makes a surplus.

Starting from that premise they propose to make the tariff effective as to the crops of which we produce a surplus. That includes

cotton, where we have no tariff and where two-thirds of the crop is always exported. That includes wheat and corn—wheat, of which we always grow a surplus; corn, for which we have no export demand.

Now, to do this trick they want to set up a Government-controlled corporation or a Government-controlled agency, and they want the Government to contract with that agency. Under the terms of the contract they ask that the Government shall direct and finance that agency to purchase all of the commodity grown in the United States which the American consumer will not buy and force up the domestic price to the tariff level. Then they want to turn around and sell that over in Europe for whatever they can get for it, and they want to charge that loss, as they say, against the producer over here by means of an equalization fee or a charge against the commodity itself. In other words, they are trying to do the impossible thing of making profits out of taking losses in the world's markets. [Applause.]

The amount of the loss they have got to take has got to be paid by the fee, and the amount of that loss will be the difference between what they pay for it here and what they sell it for abroad.

They have persuaded the American farmer that the proposal means that he will pay the bill for his own operations. Waiving the question as to whether he pays it or the consumer, the fact remains that the plan of the equalization fee is either a tax upon consumption or a tax upon production, and, whichever it is, I have yet to be persuaded that either of those types of tax is economically wise or socially desirable. And no matter how the bill is to be paid, I have yet to be persuaded that the Government in peace times should enter directly into the purchase and sale or the fixing of the price of the products of the farm.

The real meat of the proposal, gentlemen, is, however, something different. I do not believe that initially the proponents of this matter realized the path upon which their logical reasoning must carry them eventually. But, to-day, they have reached it, and two of their speakers here have proclaimed it.

There is a form of organization of American agriculture, voluntary in its nature, which to-day has been highly successful in many groups and in many sections, known as cooperative marketing associations, organizations of farmers to meet what is perhaps the real crux of their situation, namely, that to-day they are 6,000,000 individuals competing in an organized world with highly organized buyers. Those cooperatives have been successful, except that they say, "We can not wholly solve this matter because we can not make all the farmers come in; and, if we can not make them all come in, then the ones in are doing a service for the ones who stay out, and the ones who are in are paying the bill." And, therefore, they want this plan to induce and enforce cooperation.

Now, my friends, enforced cooperation, whether it be of capital, of labor, or of agriculture, is not in consonance with the genius of American institutions. [Applause.] When we reach the stage in this country where we are going to say to any man what he must do with the profits of his industry or of his labor we have departed from those traditions of the Republic under which it has grown to its present grandeur.

Against it, what does the majority plank offer to the American farmer; what has the administration for four years offered to the American farmer, only to have from his lips, through his representatives, as you have heard here to-day, not economic argument, but the political demand for the McNary-Haugen bill or nothing? [Applause.] We have offered proposal after proposal of constructive relief. We renew that offer in the platform here to-day. We offer the assistance—not the power—of the Government to produce organization. We offer every aid in the whole structure of our Nation to induce the farmers to join together, to induce them to unify their efforts in the disposition of their commodity, to induce them to join the cooperative associations voluntarily—not to have the dues of the association checked off at the door of the Treasury.

We offer them a Federal farm board devoted to the interests of agriculture. We offer them any reasonable financial assistance out of the Treasury of the United States in the early days of their organization—before they have tried and tested it—before they have reached that point of capital ability on their own account which will enable them to finance it themselves—we have offered them any reasonable assistance from the Treasury for the purpose of furnishing the finances—to do what? To stabilize the prices of their commodities. To limit the speculation in commodities. To furnish the mediums of distribution and marketing of their commodities. To enable them, on their own hook and under their own management, to operate and control their own business.

My friends, the proposals differ in detail, it is true, but more—they differ in that one great fundamental principle. The proposal of the minority report eventually can mean only that the Government of the United States shall place its hand upon agriculture and hereafter run agriculture. The consumers to-day constitute 70 per cent of the people and the producers are but 30 per cent. And yet the McNary-Haugen bill to meet an emergency would hand over the absolute control of agriculture to a government which in the long run must be dominated by the 70 per cent who are consumers.

The majority report says, "We will help the farmer of the United States to build up his own control, his own management, his own organization in order that he may from now henceforth be as he has been from time immemorial, the great independent backbone of America, the American farmer whom no man controls." [Applause.]

MEMORIAL DAY ADDRESS

Mr. YATES. Mr. Speaker, the first session of the Seventieth Congress has ended, and under the leave granted to Members of Congress to print in the RECORD their statements on any subject I request insertion of certain remarks which I made at the Memorial Day exercises at the Battle Ground National Cemetery, Brightwood, D. C. In other words, the cemetery in which was buried the remains of American soldiers who fell in the fighting around Fort Stevens, in the District of Columbia, during the Civil War.

The matter referred to is as follows:

Ladies and gentlemen, I feel deeply the honor which has been tendered to me on appearing here to-day on the same platform with John M. Kline, Department of the Potomac, Grand Army of the Republic, chairman, and John Clagett Proctor, vice chairman, and Maj. John Eavy, and Rev. Daniel L. Snyder, who furnished the invocation, and Mr. Arthur Bradley White, who recited the Star-Spangled Banner, and Mr. Theodore Hardy, who recited Lincoln's Gettysburg Address, and Mr. L. F. Randolph, who presented the tenor solo, Battle Hymn of the Republic, and Rev. William L. Mayo, who pronounced the benediction, and also Mrs. Mullenberg, who sang the Recessional, and the Thirteenth Engineer Band, George A. Horton, band leader, and the Battle Ground Quartette, and the guests of honor: Maj. Gen. Lansing H. Beach, Col. William B. Ladue, Hon. Eugene Black, Hon. John C. Box, Maj. Gen. John L. Clem, Hon. Ben. G. Davis, Maj. Gen. Robert C. Davis, Hon. Proctor L. Dougherty, Hon. Lynn J. Frazier, Col. U. S. Grant, 3d, Prof. R. L. Haycock, Hon. Ira G. Hersey, Maj. Gen. I. W. Ireland, Hon. Blair Lee, Maj. E. Brooke Lee, Col. E. M. Markham, Mr. Theodore W. Noyes, Mr. Harley V. Speelman, Hon. Sidney F. Taliaferro, Hon. Frederick N. Zihlman.

I have come here to-day to say a few words upon this sweetly solemn occasion and in this imposing presence. It is my duty to endeavor, to the best of my feeble ability, to give suitable expression to the sentiments which have brought you here and to the teachings of the hour. I feel sure that you have come here to-day prepared to sneer at no words of eulogy and ready to decry no utterance of commendation bestowed upon heroic deed and heroic dead.

NOT ONE WAR ONLY

There are millions with us standing in salute to-day to the armies of the dead, while they, with their deeds and scenes of sacrifice, are passing in review. The graves over which the Nation so tenderly bends to-day are not the work of one war only. I am persuaded, fellow citizens, the chief glory of the world and its civilization to-day is the freedom enjoyed by Americans. Many of us believe that this citizenship was divinely ordained. It has always been and is destined always to be full of all civil and religious liberty. It is a citizenship cherishing justice, embellishing freedom, and adorning manhood. All along our wending way it has been deemed worth fighting for and worth dying for. Every war fought by America, every degree of progress it ever attained, every onward step it ever took to establish that citizenship is to be honored and remembered by the citizens of to-day. And I am sure that on this occasion we would accord full measure of praise and attention to every sacrifice, whether of time or treasure, of limb or life, made in this stupendous campaign for pure and potent manhood.

THE CIVIL WAR

But, fellow citizens, the Revolution brought no Decoration Day, the War of 1812 established no permanent memorial custom, and the struggle with Mexico and Spain seems to have rendered no such occasion a necessity. It was reserved for another controversy to develop so much havoc of life, to tear such gaps in the ranks of manhood, to harrow so many homes with heartbreak, and to create so much of courage and of patriotism and of zeal as to contribute the main interest to this day and occasion. For this hour the thoughtful elders of this Nation live again in the tumultuous times of 1861.

RUSHING EVENTS

Visions of fast-rushing events rise to-day in the mind of the middle-aged man. He remembers the preliminary excitement. The country convulsed from day to day by ominous occurrences. Each State trembling beneath the mighty blows struck by renowned champions of public opinion. Every community stirred to its foundations in the mighty crisis.

At last the crash comes, and the fire is opened upon and against that devoted place, Fort Sumter. The patience of the Union's friends can endure no more. The forbearance of even the Chief Magistrate is exhausted. Sorrowfully he turns from the despairing presence of the angel of peace and reluctantly beckons to the majestic spirit of war. The peaceful people respond as though called to participate in a summer

spectacle. Every county tenders its company; every city its regiment; every State its batteries. "With malice toward none and charity for all" call after call comes from the Capital for troops. The call is not in vain. Massachusetts sends her noblest; New York puts forth her product; Ohio furnishes her bravest; California dispatches her boldest; Illinois forwards her best—hundreds whose names we know; thousands more whose names are to us unknown; the whole grand heroic host.

LIKE A BENEDICTION

The fragrance of their memory hovers over us to-day like a benediction from the past.

"Rest on, embalmed and sainted dead,
Dear as the blood ye gave,
No impious footstep here shall tread,
The herbage of your grave.
Nor shall your glory be forgot,
While Fame her record keeps,
Or Honor points the hallowed spot,
Where Valor proudly sleeps.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn round,
The bivouac of the dead."

After the passing of 63 years probably twenty hundred thousand of the soldiers of the Union are to-day in their graves. We would remember and honor them all; garlands for the humblest as well as for the proudest; blossoms for the nameless as well as for the famous; the latter will not fail of praise, the former we must not forget.

ABRAHAM LINCOLN

The new President, leaving his Illinois home for the National Capital, is so surrounded by menacing difficulties that he owns his strong mind, courageous heart, and mighty soul to be unequal to the unprecedented task. To his neighbors assembled to bid him farewell he says: "There has fallen upon me a task such as did not rest even upon the Father of his Country, and so feeling I can not but turn and look for that support, without which it will be impossible to perform that great task. I turn, then, and look to the great American people and to that God who has never forsaken them."

Grand and sublime figure, how he towers aloft in his pure nobility; how he guided this struggling and suffering country with patient, merciful hand; how he stood like a shield and a bulwark strong and firm between the Union and all the perils that assailed it. Fling open the baskets! Pour forth the flowers! Cause his tomb to blush and to quiver and to glow with all the beauty and the loveliness and grace that nature can bestow, and still the spirit of the grand, majectic Lincoln will break from beneath the fragrance, and, rising Godlike over us, reflect the light of a matchless integrity and prudence over all that is or will be fair and good in Americanism.

THE GRANDEST VICTORY

Ladies and gentlemen, you and I know that Abraham Lincoln received the help that he prayed for—received it from 20,000,000 loyal hearts and from the Infinite Power on high. Abraham Lincoln put one hand into the outstretched palm of the American people. With the other he laid a strong hold on the almighty arm of the Almighty God. And standing there, supported by humanity and supported by Divinity, he fought the grandest fight and won the grandest victory the human race has ever seen.

MAN'S HAND CAN HELP

In the mighty days of 1861 to 1865 referred to by your chairman in introducing me, it is true that my father was Governor of Illinois—war governor. I, myself, have some precious memories of that time, although I was very small, and indeed little more than a baby boy. But a boy 4 years old, who hears nothing but one thing, and that the flag, the flag, the flag, morning, noon, and night, "the flag and the Union," at breakfast, dinner, and supper for four long years will remember; and every mother of a child here knows it is possible.

The most precious recollection that I have of my father is of how he used to get up and walk the floor at night, forward and back, forward and back, hour after hour, hour after hour, all night long; with wringing hands and streaming eyes and breaking heart, agonizing for some one far away; before he died, and he died when I was 12 years old, I asked him if that midnight march really occurred; in other words, whether it was a creation of my own brain. His reply was that it was by no means imagination, that those were "the telegram nights" when telegrams would come in, reading "Great battle to-day, 10,000 killed, wounded, and missing, over half the regiments from Illinois engaged"; that he could not sleep because those suffering ones were his boys, appealed to by him to enlist.

WHY HE WALKED

He said, "All over Illinois I begged them to go into the Army, appealing to them for the honor and glory of Illinois and the Stars and Stripes; and they went; and I can see their white faces yet as I appealed to them and they listened, standing about the platforms in the light cast by the glare of flaring torches; their white faces I can see them yet; and so when the telegram nights came I could not sleep; that is why I walked the floor many and many a night.

He told me of how he went to his first battle field; he gave his note for a hundred thousand dollars, and with the money thus borrowed from patriotic bankers (patriotic then as patriotic now) he took a steamboat all filled with nurses and surgeons, with cots and with bandages, with surgical supplies and delicacies for the sick to that battle field; upon his arrival, my father, desiring to be the first man to land, started down the gangplank the moment it struck the river bank, but two soldiers started up and they said, "Here, take this boy," and they threw into my father's outstretched arms a wounded soldier boy, chest all lacerated by a fragment of a shell, right arm hanging only by the shreds of the skin, and my father received the precious burden and turned and staggered up the gangplank with it, and just as he reached the deck of the steamboat proper the boy opened his eyes.

And my father said that there was in that boy's look both agony and ecstacy; the agony of the approaching dissolution, the ecstacy of knowing he was giving his young life that liberty might live; and he struggled and said, "Oh, who are you?" "Oh, my boy, I am the Governor of Illinois," and that boy said two things—one was, "My governor," and the other, "Tell mother"; and then he died right there in those arms, in which many others died later.

O sacrifice, sacrifice, the memory of which is like a blessed benediction as long as liberty lives! Who shall say how much that governor's soul was strengthened by that contact? Who shall say how much comfort came to that boy's soul from it?

What was it all for? It was to establish—yea, to establish and to maintain. Some things just don't merely happen. Washington crossed the Delaware just in time. Lafayette came over just in time. France aided us just in time. Just so the *Oregon* came around the end of the world to Santiago just in time, and our boys arrived in France just in time. God does move in the affairs of men.

OUR DUTY

The bare fact remains—and we must face it—that you and I are not to have this experience. We must devote ourselves to other things, to things not dramatic, not sensational, not connected with the glamor and the pageantry of battle. It is for us to make sacred the service of the country by showing deference to all its symbols and to those who go forth to make the bodily sacrifice constantly faced by the soldier boy. We must send him away in all wars with a smile. We must convince him in all wars that all the way from his station on the firing line, all the way back to his home, there is a direct and unsevered chain of sympathy and support.

We must give, of course, out of our resources, even as we have given to the first Liberty loan, the second and the third and fourth and fifth, even as we have given to the American Red Cross its first war fund and its other war funds, even as we have given to the Y. M. C. A. or the Knights of Columbus, even as we have given to the war recreation fund and every other holy cause.

But there are other ways than mere giving of money. The 10,000,000 American women who were 10 years ago doing war service at this hour are giving a gracious gift, more precious than silver or gold.

The mothers, wives, and sweethearts who in such days crush their loved ones in their embraces and say nothing—who can measure the help coming from their hearts? Fathers and brothers and comrades of the 5,000,000 who did go, how their cool and quiet backing will bridge the ocean and the land. We must not forget, either, the effect upon our allies and the world as we prove to all mankind day by day that we are really a Nation, one and indivisible, melted and welded together, and fighting as one man.

THINGS NOT TO DO

There are some things which we should not do, of course. Of course, we must not teach hate.

NO APOLOGY FOR TRAITORS

It is possible that for saying these few words I may be criticized by some insane men. No sane man will criticize me. I am making no apology for any spy or traitor. I am making no apology for any man who is only partly loyal. We are all together if at war and not partly. We must be altogether loyal and not partly. There is no such thing as a 50-50 patriot, or a 75 per cent patriot, or a 95 per cent patriot; there is no room in this country for any man who is anything less than a 100 per cent patriot. No word I have uttered can justify any man of foreign birth or descent in fighting, resisting, betraying, or belittling Uncle Sam.

If any man in this country wishes anybody in this world or any country in this world to win over and against our Uncle Sam, then I am in favor, just as soon as we get ships enough (and we will ultimately get ships enough) I am in favor of gently but firmly taking that gentleman and giving him a leave of absence from America forever and shipping him and all his treason over to the country he prefers to America, there to remain forever under his beloved tyranny, with frightfulness sufficient to satisfy the all-highest expert in frightfulness.

CLOSING WORDS

I close with regret. This is not the first occasion upon which I have had the honor and the pleasure of addressing the great, powerful, progressive, patriotic people of this part of our great, powerful, progressive, and patriotic Commonwealth. From every former occasion I have carried away with me recollections so pleasant of the courtesy, the cordiality, the hospitality which you of this community and vicinity extend to men coming among you, like myself, from afar, that I assure you it will require the intervening of a great many years to make all this hospitality a mere memory; and to-day, here again, I am the recipient with my dear wife of that same hospitality. It makes me glad I came and sorry to go.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolutions of the following titles:

H. J. Res. 238. Joint resolution providing for the granting of veterans' preference in civil-service examinations;

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century;

H. J. Res. 307. Joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River;

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3241. An act for the relief of Seymour Buckley;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 8628. An act for the relief of Amos Dahuff;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes";

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10166. An act to amend the Foreign Service buildings act, 1926;

H. R. 10244. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

H. R. 10435. An act providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 12064. An act to discontinue certain reports now required by law to be made annually by Congress;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson;

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 13039. An act to amend the World War veterans' act, 1924;

H. R. 13048. An act for the relief of James Aloysius Manley;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;*

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.;

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.;

H. R. 13512. An act to amend the act entitled "An act to create the Inland Waterways Corporation, for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution;

H. R. 13622. An act to amend and supplement the Code of Laws of the United States of America;

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union; and

H. R. 13996. An act granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that to-day, May 29, 1928, the President approved and signed the following acts and joint resolutions:

H. R. 13143. An act to adjust the compensation of certain employees in the Customs Service.

APPROVED BY THE PRESIDENT AT THE CAPITOL

H. J. Res. 243. Joint resolution to provide for the striking of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century;

H. J. Res. 307. Joint resolution to preserve for development the potential water power and park facilities of the gorge and Great Falls of the Potomac River;

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 3221. An act for the relief of Ross F. Collins;

H. R. 3241. An act for the relief of Seymour Buckley;

H. R. 3539. An act for the relief of Frank Murray;

H. R. 4380. An act for the relief of Martha Andrew Virginia Johnson;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 7354. An act to allow the Postmaster General to promote mechanics' helpers to the first grade of special mechanics;

H. R. 7492. An act for the relief of Capt. Louis C. Brinton;

H. R. 8628. An act for the relief of Amos Dahuff;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes";

H. R. 10073. An act to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue;

H. R. 10166. An act to amend the Foreign Service buildings act, 1926;

H. R. 10244. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

H. R. 11463. An act to fix the salaries of certain judges of the Territories and insular possessions of the United States;

H. R. 11758. An act authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery;

H. R. 11951. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926;

H. R. 11981. An act to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes;

H. R. 12064. An act to discontinue certain reports now required by law to be made annually to Congress;

H. R. 12280. An act for the relief of Lula Lewis;

H. R. 12311. An act to provide for the payment of compensation to William J. Tilson;

H. R. 12352. An act to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes;

H. R. 12605. An act to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery;

H. R. 12938. An act for the relief of the State of Ohio;

H. R. 12952. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;

H. R. 13039. An act to amend the World War veterans' act, 1924;

H. R. 13048. An act for the relief of James Aloysius Manley;

H. R. 13108. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport;

H. R. 13182. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of Alabama the silver service presented to the United States for the battleship *Alabama;*

H. R. 13248. An act to authorize an increase in the limit of cost of one fleet submarine;

H. R. 13318. An act authorizing the Val Verde County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Langtry, Tex.;

H. R. 13399. An act authorizing the Baltimore Gas Engineering Corporation, a Maryland corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Dunbar, W. Va.

H. R. 13447. An act authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the South at or near Lewisburg, Tenn.;

H. R. 13512. An act to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924;

H. R. 13621. An act to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments, printing of bills to codify the laws relating to the District of Columbia, and of such code and of supplements thereto, and for distribution;

H. R. 13622. An act to amend and supplement the Code of the Laws of the United States of America;

H. R. 13644. An act authorizing the Secretary of Commerce to sell at private sale a portion of the Pointe Aux Herbes Lighthouse Reservation, La.;

H. R. 13651. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Choctawhatchee River in Dale County on the highway now under construction from Dothan to Enterprise;

H. R. 13777. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near Burr Ferry, La.;

H. R. 13930. An act to authorize an appropriation for the American group of the Interparliamentary Union; and

H. R. 13996. An act granting the consent of Congress to the board of supervisors of Leake County, Miss., to construct, maintain, and operate a free highway bridge across the Pearl River at or near Edinburg, Leake County, Miss.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT

Mr. TILSON. Mr. Speaker, your committee, appointed to join with a like committee on the part of the Senate to wait upon the President of the United States and inform him that Congress is about to adjourn and inquire if he has any further communication to make to the Congress, has performed that duty and reports that the President has no further communication to make at this time, except to congratulate Congress upon the work accomplished at this session. [Applause.]

I ask unanimous consent to proceed for four minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut to proceed for four minutes?

There was no objection.

The SPEAKER. The gentleman from Connecticut is recognized for four minutes.

WORK OF THE FIRST SESSION

Mr. TILSON. Mr. Speaker, we have about reached the end of our work for the present session. We are soon to go out from this Chamber and return to the several constituencies we here represent. We have tried each to do his duty as he saw it day by day. It is well if we have so acted as to receive the approval of at least a majority of the people who sent us. All fair-minded people will agree, however, that it is of far greater importance that we shall have acted in accordance with our own best judgment and deal honestly with ourselves. We may easily make a mistake as to what our constituents would have us do in a particular case, but there can be no unworthy mistake if in each instance we followed the best light afforded us and acted accordingly. [Applause.]

The first session of the Seventieth Congress will long be remembered as a memorable one for what has been accomplished, but it can never be forgotten, the circumstances and conditions under which this session of Congress has done its work. I have sometimes thought that our worthy forefathers might have worked out some way by which the session of Congress immediately preceding the presidential election might be omitted. Such a provision might have saved the country from some unfortunate legislation in the past. When the wisdom of some of the acts of the present session shall be tested by time and experience it may turn out to be true that even we have not been infallible. Perhaps never in our history has there been a fiercer preconvention struggle in both the major political parties than that which the country has been witnessing during the months of this session of Congress, and we have not been able to escape entirely the effects of it. In spite of all this, however, Congress has considered, and with notable success in most instances, an unusual number of questions of very great importance. Problems of far-reaching consequences have been grappled with and either solved or put on their way toward solution. Had it not been for the disturbing effects of the political struggle to which I have referred, I feel quite confident that other helpful legislation might have been enacted.

Another—and one of the most important duties of Congress—should also be mentioned in this connection, and that is the refusal to pass legislation that unnecessarily depletes the Treasury, for which there is always a demand, but in the year of a presidential election even greater pressure for its enactment. After the political struggle is over and people have had time to settle down again to a normal state will be a better time to consider calmly and with more judicial mind some of the propositions we now leave pending in Congress.

At another place in the RECORD I refer somewhat more at length to the work of the present session. I now wish to take advantage of the present opportunity, ere we part for the summer, to thank the Members of the House individually and collectively for the uniform courtesy and generous kindness

extended to me in my work as floor leader. It is not an easy task, as you all know. It would be well nigh impossible if I did not have a friendly spirit of cooperation from both sides of this Chamber. My Republican colleagues have shown a most gratifying willingness to bear each his share of the burden, which is far too heavy for any one person to carry alone, while my Democratic friends, except where party loyalty or expediency seemed to indicate otherwise, have most helpfully cooperated in carrying on the work of the House. You have all been very good to me and I shall never be able to thank you enough for it. I wish you all health, happiness, and the best of everything until we meet again. [Applause.]

ADDRESS OF THE SPEAKER

The SPEAKER. Before exercising the duty imposed upon me by the adjournment resolution, I desire to thank all of you and each one of you for the cordial and cheerful support you have invariably given me at this session of Congress in the exercise of my important and sometimes arduous duties.

We are about to separate for several months, and I wish for you all every sort of health, happiness, and prosperity until we meet again. Aloha! [Applause.]

And now I declare the first session of the Seventieth Congress adjourned without day.

ADJOURNMENT SINE DIE

Accordingly, at 5.30 o'clock p. m. the House adjourned sine die.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. H. R. 13542. A bill to authorize the payment of the sum of $2,500 to the dependents of the officers and men who lost their lives on the submarine *S-4;* without amendment (Rept. No. 1920). Referred to the Committee of the Whole House.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 12339. A bill authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock; without amendment (Rept. No. 1921). Referred to the Committee of the Whole House.

Mr. MACGREGOR: Committee on Accounts. H. Res. 142. A resolution to pay Fred R. Miller for extra and expert services to the Committee on Pensions (Rept. No. 1924). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 151. A resolution to pay to Walter C. Neilson $1,000 for extra and expert services to the Committee on Pensions by detail from the Bureau of Pensions (Rept. No. 1925). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 129. A resolution that the sum of $200 be paid to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions (Rept. No. 1926). Ordered printed.

Mr. GLYNN: Committee on Military Affairs. H. R. 11844. A bill for the relief of Joseph Marko; with amendment (Rept. No. 1927). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN of Missouri: A bill (H. R. 14117) to provide that certain officers and employees of the United States shall file bonds for the purpose of satisfying judgments obtained by persons injured by the unlawful or careless use of firearms by such officers or employees, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIL: A bill (H. R. 14118) giving additional clerk hire to Members representing districts having a population of 500,000 or more persons; to the Committee on Accounts.

Also, a bill (H. R. 14119) giving additional copies of the CONGRESSIONAL RECORD to Members representing districts having a population of 500,000 or more persons; to the Committee on Printing.

By Mr. FISH: A bill (H. R. 14120) to authorize the construction of a memorial statue in the District of Columbia, and for other purposes; to the Committee on the Library.

By Mr. JOHNSON of Washington: A bill (H. R. 14121) to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14122) to provide for the establishment of a Government hospital for the insane on McNeil Island, in the State of Washington; to the Committee on Public Buildings and Grounds.

By Mr. McMILLAN: A bill (H. R. 14123) to provide a preferential rate with respect to certain mail matter for delivery to members of the military and naval forces; to the Committee on the Post Office and Post Roads.

By Mr. CRAIL: A bill (H. R. 14124) to establish an aviation flag of the United States of America; to the Committee on the Judiciary.

By Mr. COLLINS: A bill (H. R. 14125) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station for the Gulf States at or near Forest, Miss.; to the Committee on Agriculture.

By Mr. SIMMONS: A bill (H. R. 14126) to prohibit the burial of persons guilty of felony and other heinous crimes in national cemeteries and to prohibit the use of public funds in connection therewith; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 14127) to provide for the purchase of the Harriman Geographic Code system; to the Committee on Appropriations.

By Mr. WHITE of Maine: A bill (H. R. 14128) to amend section 4581 of the Revised Statutes of the United States to provide more adequately for the discharge, maintenance, and repatriation of seamen in foreign ports; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 14129) to amend section 4580 of the Revised Statutes of the United States respecting the liability of vessels for the care of seamen guilty of certain offenses; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 14130) to define more clearly the authority of consular officers of the United States in certain respects; to the Committee on the Merchant Marine and Fisheries.

By Mr. TIMBERLAKE: A bill (H. R. 14131) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Mines and Mining.

By Mr. SUMMERS of Washington: A bill (H. R. 14132) authorizing the construction of a memorial, and for other purposes; to the Committee on the Library.

By Mr. SMITH: A bill (H. R. 14133) concerning leave of absence and sick leave of civil employees of the United States Government and the government of the District of Columbia; to the Committee on the Civil Service.

By Mr. WARE: A bill (H. R. 14134) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906 (U. S. C., title 33, ch. 11); to the Committee on Interstate and Foreign Commerce.

By Mr. HADLEY: Joint resolution (H. J. Res. 322) to permit the Cascade Tunnel Association to enter upon lands belonging to the United States for the purpose of surveying and locating a site for the construction of a tunnel under the Cascade Range in the State of Washington, and to provide for the withdrawal of such lands as may be necessary for the construction and operation of such tunnel; to the Committee on the Public Lands.

By Mr. RATHBONE: Joint resolution (H. J. Res. 323) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BELL: Joint resolution (H. J. Res. 324) authorizing an appropriation to be administered by the United States Forest Service for experimental purposes; to the Committee on Appropriations.

By Mr. BROWNE: Joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States, abolishing the Electoral College; to the Committee on the Judiciary.

By Mr. MEAD: A joint resolution (H. J. Res. 326) for the appointment of a joint committee of the Senate and the House of Representatives to inquire into the general subject of unemployment in the United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 14135) for the relief of the Farmers State Bank, Georgetown, Tex.; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 14136) granting a pension to Martin J. Weber; to the Committee on Pensions.

By Mr. FULMER: A bill (H. R. 14137) for the relief of Patrick P. Riley; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 14138) granting an increase of pension to Jane Hooker; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 14139) for the relief of William H. Chambliss; to the Committee on Claims.

By Mr. McFADDEN: A bill (H. R. 14140) granting an increase of pension to Alice Wilson; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 14141) granting a pension to August W. Nohe; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14142) granting a pension to Fred Koeckritz; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 14143) granting a pension to Charles Henry Heller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7816. By Mr. BACON: Petition of sundry citizens of the United States, urging support of House Joint Resolution 27, providing for the celebration of the one hundred and fiftieth anniversary of the death of Gen. Casimir Pulaski and for the establishment of a Pulaski sesquicentennial commission; to the Committee on the Library.

7817. By Mr. CRAIL: Petition of Grand Army of the Republic, Department of California and Nevada, protesting against the desecration of the Lee Mansion grounds and flag in Arlington, Va.; to the Committee on the Library.

7818. By Mr. GRIEST: Petition of Mrs. J. H. Buch and other residents of Elizabethtown, Lancaster County, Pa., urging enactment of the so-called Jones-Stalker bill (H. R. 9588) providing maximum penalties for violations of the prohibition enforcement act; to the Committee on the Judiciary.

7819. Also, petition of residents of East Petersburg, Quarryville, Terre Hill, and other localities in Lancaster County, Pa., urging enactment of the so-called Jones-Stalker bill (H. R. 9588) providing maximum penalties for violations of the national prohibition law; to the Committee on the Judiciary.

7820. By Mr. KVALE: Petition of F. Scott McBride, general superintendent, and Edward B. Dunford, attorney, for the Anti-Saloon League of America; Edwin C. Dinwiddie, legislative representative of the International Order of Good Templars, Flying Squadron Foundation, Committee on Promotion of Temperance Legislation in Congress, and Association in Support of National Prohibition; Ella A. Boole, president for National Woman's Christian Temperance Union; James Cannon, jr., chairman of Board of Temperance and Social Service of the Methodist Episcopal Church, South; and William Sheafe Chase, general superintendent for International Reform Legislation, urging a vote and favorable action at this session of Congress upon the House bill 9588, the Stalker bill, so called; to the Committee on the Judiciary.

7821. Also, petition of Woman's Christian Temperance Union of the seventh congressional district, Montevideo, Minn., urging passage of the Stalker bill; to the Committee on the Judiciary.

7822. Also, petition of Alexandria Post, No. 87, American Legion, Alexandria, Minn., urging passage of the universal draft bill; to the Committee on Military Affairs.

7823. By Mr. MOORE of Virginia: Petition of B. F. A. Myers, H. F. Myers, and others, requesting the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7824. By Mr. PARKER: Petition of citizens of the State of New York, favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.